

[AS REPORTED FROM THE LANDS AND AGRICULTURE
COMMITTEE]

House of Representatives, 13 November 1980.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 27 November 1980.

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Hon. V. S. Young

NATIONAL PARKS

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A BILL INTITULED

An Act to consolidate and amend the law relating to national parks

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows: 5

1. Short Title and commencement—(1) This Act may be cited as the National Parks Act 1980.

(2) This Act shall come into force on the 1st day of (February) April 1981. 10

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

- “Aircraft” has the same meaning as in the Civil Aviation Act 1964:
- 5 “Animal” means any mammal, bird, reptile, amphibian, fish (including shellfish) or related organism, insect, crustacean, or organism of every kind; but does not include a human being:
- 10 “Boat” means every description of vessel (including barges, rafts, lighters, and like vessels) however propelled; and includes a hovercraft:
- “Chief Surveyor”, means the Chief Surveyor for each land district in which the park or any part of the park is situated:
- 15 “Commissioner”, in relation to any national park, means the Commissioner of Crown Lands for the land district in which the park is situated; or (if the park is situated in more than one land district) a Commissioner for a land district in which a part of the park is situated, which Commissioner shall be designated for the purposes of this Act by the Director-General; and, in either case, includes any Assistant Commissioner of Crown Lands for that land district:
- 20 “Department” means the Department of Lands and Survey:
- 25 “Director-General” means the Director-General of Lands appointed under the Land Act 1948; and includes his deputy:
- 30 “Firearm” means any gun, rifle, or airgun; and includes any kind of weapon or device from which any shot, bullet, arrow, spear, stone, other missile, or noxious or poisonous substance can be discharged in the air or water; and also includes any part of a firearm and any firearm that is dismantled or otherwise inoperative:
- 35 “Foreshore” has the same meaning as in the Harbours Act 1950:
- “Land district” means a land district constituted under section 22 of the Land Act 1948:
- 40 “Local authority” has the same meaning as in the Local Government Act 1974; and includes a hospital board:

New

“Management plan”, in relation to any park, means a management plan prepared and approved for that park in accordance with sections 43 to 46 of this Act:

- “Minister” means the Minister of Lands: 5
- “Motor vehicle” has the same meaning as in the Transport Act 1962; and includes any motor vehicle from which the wheels have been removed:
- “National park” or “park” means a national park constituted under this Act: 10
- “National Parks and Reserves Authority” or “Authority” means the National Parks and Reserves Authority established under this Act:
- “National Parks and Reserves Board” or “Board” means a National Parks and Reserves Board established 15 under this Act:
- “Plant” means any angiosperm, gymnosperm, fern or fern ally; and includes any moss, liverwort, alga, fungus, or related organism:
- “Private land” means any land that is for the time 20 being held in fee simple by any person other than Her Majesty; and includes any Maori land within the meaning of the Maori Affairs Act 1953:
- “Protected wildlife” means any wildlife that is for the time being protected under the Wildlife Act 1953: 25
- “Ranger” means any ranger referred to in section 38 of this Act:
- “Reserve” has the same meaning as in the Reserves Act 1977:
- “(Special) Specially protected area” means any part of 30 a national park set apart as a (*special*) specially protected area under section 12 of this Act:
- “Vehicle” has the same meaning as in the Transport Act 1962; and includes any vehicle from which the wheels have been removed: 35
- “Wilderness area” means any part of a national park set apart as a wilderness area under section 14 of this Act.

Cf. 1952, No. 54, s. 2; 1974, No. 69, s. 2

3. Act to bind the Crown—This Act shall bind the Crown. 40

PART I

NATIONAL PARKS

Principles to be Applied in National Parks

4. Parks to be maintained in natural state, and public to
5 have right of entry—(1) It is hereby declared that the provisions of this Act shall have effect for the purpose of preserving in perpetuity as national parks, for **(the benefit)** their intrinsic worth and for the benefit, use, and enjoyment of the public, areas of New Zealand that contain scenery of such
10 distinctive quality, ecological systems, or natural features so beautiful, **(or)** unique, or scientifically important that their preservation is in the national interest.

(2) It is hereby further declared that, having regard to the general purposes specified in subsection (1) of this
15 section, national parks shall be so administered and maintained under the provisions of this Act that—

- (a) They shall be preserved as far as possible in their natural state:
- 20 (b) Except where **(the Minister after consultation with)** the Authority otherwise determines, the native plants and animals of the parks shall as far as possible be preserved and the introduced plants and animals shall as far as possible be exterminated:
- 25 (c) Sites and objects of archaeological and historical interest shall as far as possible be preserved:
- (d) Their value as soil, water, and forest conservation areas shall be maintained:
- 30 (e) Subject to the provisions of this Act and to the imposition of such conditions and restrictions as may be necessary for the preservation of the native plants and animals or for the welfare in general of the parks, the public shall have freedom of entry and access to the parks, so that they may receive in full measure the inspiration, enjoyment, recreation,
35 and other benefits that may be derived from mountains, forests, sounds, **(lakes, and rivers)** seacoasts, lakes, rivers, and other natural features.

Cf. 1952, No. 54, s. 3; 1972, No. 87, s. 2

5. Indigenous plants and animals to be preserved—(1) No person shall, without the prior written consent of the Minister, cut, destroy, or take, or purport to authorise any person to cut, destroy, or take, any plant or part of a plant that is indigenous to New Zealand and growing in a national park. 5

(2) No person shall, without the prior written consent of the Minister, disturb, trap, take, hunt, or kill, or purport to authorise any person to disturb, trap, take, hunt, or kill any animal that is indigenous to New Zealand and found within a national park. 10

New

(3) The Minister shall not give his consent under subsection (1) or subsection (2) of this section unless the act consented to is consistent with the management plan for the park.

Cf. 1952, No. 54, s. 29 15

Establishment, Exclusion of Land From, and Definition of Parks

6. Existing national parks—(1) The following national parks as they exist at the commencement of this Act are hereby declared to be national parks under and subject to the provisions of this Act: 20

- (a) The Tongariro National Park:
- (b) The Egmont National Park:
- (c) The Arthur's Pass National Park:
- (d) The Abel Tasman National Park: 25
- (e) The Fiordland National Park:
- (f) The Mount Cook National Park:
- (g) The Urewera National Park:
- (h) The Nelson Lakes National Park:
- (i) The Westland National Park: 30
- (j) The Mount Aspiring National Park.

(2) The Arthur's Pass National Park named in subsection (1) (c) of this section is the same national park as the Arthur Pass National Park existing immediately before the commencement of this Act. 35

Cf. 1952, No. 54, s. 9; 1974, No. 69, s. 4

7. Constitution of other national parks and addition of land to national parks—(1) Subject to subsections (2) to (6) of this section, the Governor-General may from time to time, by Order in Council made on the recommendation of the Minister,— 40

- (a) Declare that any land of the Crown described in the order, being—
- (i) Any Crown land subject to the Land Act 1948; or
 - 5 (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 the Tourist Hotel Corporation Act 1974; or
 - 10 (iv) Any reserve vested in Her Majesty subject to the Reserves Act 1977; or
 - (v) Any land acquired by the Crown for national park purposes,—
- shall be a national park subject to this Act:
- 15 (b) Add any such land to any park:
 - (c) Declare that any foreshore described in the order shall be a national park or be added to any park.

New

- 20 (d) Assign a name to any new national park or change the name of any existing national park.

(2) The Minister shall not make any recommendation under subsection (1) of this section except on the recommendation of the Authority made after consultation with the appropriate Board (if any).

- 25 (3) No State forest land shall be declared to be a park or to be added to any park, except on the joint recommendation of the Minister and the Minister of Forests.

- 30 (4) No land subject to the Tourist and Health Resorts Control Act 1908 or the Tourist Hotel Corporation Act 1974 shall be declared to be a park or to be added to any park, except on the joint recommendation of the Minister and the Minister of Tourism.

- 35 (5) No land that has been declared to be a geothermal energy area under section 4 of the Geothermal Energy Act 1953 shall be declared to be a park or to be added to any park except on the joint recommendation of the Minister and the Minister of Energy.

- 40 (6) No foreshore shall be declared to be a park or to be added to any park, except on the joint recommendation of the Minister and the Minister of Transport, and, where the foreshore or the control of the foreshore is vested in or granted to any public body within the meaning of section 165 of the Harbours Act 1950, except with the consent of that public body.

- 45 Cf. 1952, No. 54, s. 10 (1); 1974, No. 69, s. 5 (1)

8. Investigation of proposals to add to parks or establish new parks—(1) The Authority may, *(with the approval of the Minister)* after having advised the Minister of its intention to do so, request the Director-General to investigate and report to it on any proposal that land should be declared to be a park or part of a park, or acquired for national park purposes. 5

(2) Unless the Authority otherwise agrees, the Director-General shall, on receiving any such request—

(a) Give notice of the proposal under investigation by advertisement published in daily newspapers circulating in the cities of Auckland, Hamilton, Wellington, Christchurch, and Dunedin *(of the proposal under investigation)* and in the area affected; and 10 15

(b) In that notice invite persons and organisations interested to send to the Director-General written suggestions on the proposal under investigation.

(3) The Director-General shall, on receiving any such request, give notice to the Minister of Energy of the proposal under investigation. 20

9. Acquisition of land for national parks—(1) Where the Minister, on the recommendation of the Authority made after consultation with the appropriate Board (if any), considers that any private land, or any easement over private land, or the interest of any lessee or licensee in any land, should be acquired by the Crown for national park purposes,— 25

(a) The Minister may, in the name and on behalf of Her Majesty, contract for the purchase or lease of the land, easement, or interest, or accept the land, easement, or interest as a gift; or 30

(b) The land, easement, or interest may be taken or otherwise acquired under the Public Works Act 1928 as for a public work under that Act.

(2) All land, easements, or interests in land acquired under subsection (1) of this section shall vest in Her Majesty for national park purposes, and all lands acquired by the Minister by way of lease under this section shall, during the term of the lease, be subject to this Act. 35

Cf. 1952, No. 54, s. 13 (1), (2)

10. Park land administered under certain other Acts—

(1) Any land that, at the commencement of this Act, is part of a national park and is being administered under the Tourist and Health Resorts Control Act 1908 or the Tourist Hotel Corporation Act 1974 shall continue to be administered under that Act, but otherwise shall remain part of the park.

(2) Notwithstanding anything in the Tourist and Health Resorts Control Act 1908 or the Tourist Hotel Corporation Act 1974, the Governor-General may from time to time, by Order in Council made on the recommendation of the Minister after consultation with the Minister of Tourism and the Authority, declare that any land described in the order, being part of a national park, shall be administered under either of those Acts, and as from the date of the Order in Council or from such later date as may be specified in the order, the land shall be so administered, but otherwise shall remain part of the park.

(3) Where any land that is part of a national park is being administered under the Tourist and Health Resorts Control Act 1908 or the Tourist Hotel Corporation Act 1974, the Governor-General may, by Order in Council made on the recommendation of the Minister and the Minister of Tourism, declare that the land shall cease to be administered under that Act.

(4) The Minister shall consult with the Minister of Tourism before—

- (a) Making any decision or taking any action under this Act that affects the administration of the Tourist and Health Resorts Control Act 1908 or the Tourist Hotel Corporation Act 1974; or
- (b) Making any bylaw under section 54 of this Act that affects the administration of the Tourist and Health Resorts Control Act 1908 or the Tourist Hotel Corporation Act 1974.

Cf. 1952, No. 54, s. 10 (4)–(7); 1955, No. 75, s. 3 (b)

11. Exclusion of land from national park—(1) No area of land or foreshore included in any park shall be excluded from that park, except by Act of Parliament.

(2) The exclusion of any land or foreshore from a park shall, without more, have the effect of cancelling any reservation relating to the holding of that land or foreshore for any particular or general purpose or subject to any condition, and the land or foreshore shall thereupon be deemed to be Crown land subject to the Land Act 1948.

Cf. 1952, No. 54, s. 10 (2), (3); 1974, No. 69, s. 5 (1)

12. Special areas in national parks—(1) The Governor-General may from time to time, by Order in Council made on the recommendation of the Minister after consultation with the Authority and the appropriate Board, set apart any part of a park as a *(special) specially protected area* for the purposes of this Act, and may, in like manner, cancel any such setting apart or alter the boundaries of any *(special) specially protected area* by including or excluding any area of the park that, in his opinion, should be so included or excluded. 5

(2) Where, at the commencement of this Act, any part of a national park is set apart as a special area this section shall apply as if that area had been set apart as a *(special) specially protected area* under subsection (1) of this section. 10

Cf. 1952, No. 54, s. 12

13. Permits for access to special areas—(1) No person shall enter or remain in any *(special) specially protected area*, except under the authority of and in accordance with a permit issued by the Minister under this section. 15

(2) The Minister may from time to time issue a permit under this section to one or more persons granting access to any *(special) specially protected area* and may amend or revoke any such permit at any time. 20

(3) Every such permit shall contain such conditions as the Minister determines.

New

(3A) No permit issued under this section shall be inconsistent with the management plan for the park. 25

(4) Every person commits an offence against this Act who,—

(a) Enters or remains in any *(special) specially protected area*, except under the authority of a permit issued under this section; or 30

(b) Fails to comply with any condition contained in any such permit.

14. Wilderness areas—(1) The Minister may, *(in accordance with any management plan for the time being in force in respect of a park)* on the recommendation of the Authority made in accordance with the management plan, by notice in 35

the *Gazette*, set apart any area of (*the park*) a park as a wilderness area, and may in like manner revoke any such setting apart.

(2) While any area is set apart as a wilderness area,—

5 (a) It shall be kept and maintained in a state of nature:

(b) No buildings of any description, ski-lifts, or other apparatus shall be erected or constructed in the area:

10 Provided that (, *with the prior consent of the Minister given on such conditions as he thinks fit, the Department may erect or*) the Minister may, on such conditions as he thinks fit, authorise the erection of huts essential for the destruction or eradication of introduced plants and animals in the park

15 or for the purposes of scientific study:

(c) No animals or vehicles of any description shall be allowed to be taken into or used or kept in the area:

20 (d) No roads, tracks, or trails shall be constructed in the area, except such tracks for the use of persons entering the area on foot as (*the Minister considers necessary or desirable*) are contemplated by the management plan.

New

25 14A. Amenities areas—(1) The Minister may, on the recommendation of the Authority made in accordance with the management plan, by notice in the *Gazette*, set apart any area of a park as an amenities area, and may in like manner revoke any such setting apart.

30 (2) While any such area is set apart, the development and operation of recreational and public amenities and related services appropriate for the public use and enjoyment of the park may be authorised in accordance with this Act and the management plan.

35 (3) The principles applicable to national parks shall, notwithstanding section 4 of this Act, apply only so far as they are compatible with the development and operation of such amenities and services.

Cf. 1952, No. 54, s. 34; 1964, No. 102, s. 3

15. Plans of national parks—(1) The Chief Surveyor shall ensure that a current plan of each national park that is wholly or partly within his land district and every (*special area and wilderness area*) special protected area, wilderness area, and amenities area within that park is— 5

- (a) Available at his office for public inspection without fee during ordinary office hours; and
- (b) Deposited in the office of the Director-General and the office of the Chief Surveyor of every land district in which any part of the park is situated. 10

(2) Where any land is added to or excluded from any national park, (*special area, or wilderness area*) special protected area, wilderness area, or amenities area, the appropriate Chief Surveyor shall ensure that the plans required by subsection (1) of this section are altered, replaced, or removed 15 as the case may require.

(3) Every plan and every alteration to any plan shall be certified by the appropriate Chief Surveyor.

(4) The Chief Surveyor shall supply to any person applying for it a copy of any plan required by subsection (1) of this section to be available in his office for public inspection. 20

(5) Every plan of a national park or (*special area or wilderness area*) special protected area, wilderness area, or amenities area certified by a Chief Surveyor, and every certified copy of any such plan shall, in the absence of proof to the contrary, be sufficient evidence of the boundaries and area comprising that national park, (*special area, or wilderness area*) special protected area, wilderness area, or amenities area. 25

PART II

30

NATIONAL PARKS AND RESERVES AUTHORITY

16. National Parks and Reserves Authority—(1) There is hereby established an authority, to be called the National Parks and Reserves Authority.

(2) The members of the Authority shall be— 35

- (a) One person appointed by the Minister (*after consultation with*) on the recommendation of the Royal Society of New Zealand;
- (b) One person appointed by the Minister (*after consultation with*) on the recommendation of the Royal Forest and Bird Protection Society of New Zealand Incorporated: 40

- (c) One person appointed by the Minister (*after consultation with*) on the recommendation of the Federated Mountain Clubs of New Zealand (Incorporated) :
- 5 (d) Three persons appointed by the Minister after consultation with the Minister of Tourism and the Minister of Local Government:
- (e) Four persons, having special knowledge of or interest in matters connected with the policy for and management of national parks and reserves or having special knowledge of or interest in matters connected with wildlife, to be appointed by the Minister following public notice given in accordance with subsection (3) of this section.
- 10
- 15 (3) Every notice required by subsection (2) (e) of this section shall—
- (a) State the number of appointments intended to be made to the Authority:
- 20 (b) Call for nominations for membership of the Authority to be sent to the Minister:
- (c) State a date, being not less than 28 days after the date of the first publication of the notice, after which the Minister may decline to accept such nominations:
- 25 (d) Be published at least twice in a daily newspaper circulating in each of the cities of Auckland, Hamilton, Wellington, Christchurch, and Dunedin, and in such other newspapers and publications as the Minister may direct.
- 30 (4) The appointment of any person by the Minister to be a member of the Authority shall be made by notice published in the *Gazette*, and shall take effect from the date of such notice or such later date as may be specified in the notice.
- 35 Cf. 1952, No. 54, s. 4 (1); 1968, No. 136, s. 2; 1974, No. 69, s. 3 (1)

17. Functions of Authority—In addition to the functions specified elsewhere in this Act or in any other Act, the functions of the Authority shall be—

- 40 (a) To prepare and approve statements of general policy for national parks in accordance with section 42 of this Act:

- (b) To approve management plans and changes to and reviews of management plans for national parks in accordance with section 46 of this Act:

New

- (ba) To advise the Minister or the Director-General on the priorities for the expenditure of any money appropriated by Parliament for the purposes of this Act: 5

- (c) To review and report to the Minister or the Director-General on the effectiveness of the administration of the general policies for national parks: 10

- (d) To consider and make proposals for the addition of lands to national parks and the establishment of new national parks:

- (e) To exercise such powers and functions relating to such reserves or groups of reserves as may be notified by the Minister from time to time under section 9 of the Reserves Act 1977: 15

Struck Out

- (f) At the request of the Minister or the Director-General to give advice on any other matter relating to any national park. 20

New

- (f) To give advice to the Minister or the Director-General on any other matter relating to any national park. 25

Cf. 1952, No. 54, s. 6

18. Authority to implement policy of the Government—

- (1) In the exercise of its powers and functions, the Authority shall (*give effect*) have regard to the policy of the Government in relation to those powers and functions as communicated to it from time to time in writing by the Minister. 30

Struck Out

- (2) A copy of every such communication shall be laid before Parliament as soon as practicable after it has been made by the Minister. 35

- (3) Any such communication may be released for public information by the Authority in such manner as it thinks fit.

Cf. 1952, No. 54, s. 7

19. **Authority may release recommendations, reports, or advice to public**—The Authority may release for public information, in such manner as it thinks fit, any recommendation, report, or advice that it has made or given to the Minister
5 or the Director-General.

New

(2) Notwithstanding subsection (1) of this section the Authority shall not release its annual report for public information until it has been laid before Parliament.

10 19A. **Annual report**—(1) The Authority shall in each year make a report to the Minister on the exercise of its powers and functions.

(2) A copy of the annual report shall be laid before Parliament as soon as practicable after it has been received
15 by the Minister.

20. **Term of office of members of Authority**—(1) Subject to subsections (2) to (5) of this section, every member of the Authority shall hold office for such term, not exceeding 3 years, as the Minister shall specify in the notice of appointment, and may from time to time be reappointed.

(2) Any member of the Authority may at any time be removed from office by the Minister for bankruptcy, disability, neglect of duty, or misconduct.

(3) Any member of the Authority may at any time resign
25 his office by writing addressed to the Minister.

(4) If any member of the Authority dies, resigns, or is removed from office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made, and the person so appointed shall be
30 appointed for the residue of the term for which the vacating member was appointed.

(5) Unless he sooner dies, resigns, or is removed from office, every member of the Authority shall continue in office until his successor comes into office, notwithstanding that
35 the term for which he was appointed may have expired.

Cf. 1952, No. 54, s. 4 (2)–(4)

21. **Chairman of Authority**—(1) The Minister shall, by the notice appointing the members of the Authority or by a subsequent notice published in the *Gazette*, appoint one of
40 the members to be Chairman of the Authority for the term of his appointment or for such lesser period as the Minister thinks fit.

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

(3) If the Chairman is absent from any meeting of the Authority, the members present shall appoint one of their number to be the Chairman of that meeting. 5

Cf. 1952, No. 54, s. 5 (7), (8)

22. Meetings of Authority—(1) Meetings of the Authority shall be held at such times and places as the Authority or the Chairman from time to time appoints.

(2) A special meeting shall be called by the Chairman 10 whenever 3 or more members so request in writing.

(3) At any meeting of the Authority, a majority of the members in office shall form a quorum, and no business shall be transacted at any meeting unless such a quorum is present.

(4) Every question before any meeting of the Authority 15 shall be determined by a majority of the members present and voting on the question.

(5) At any meeting of the Authority, the Chairman of that meeting shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote. 20

(6) The powers of the Authority shall not be affected by any vacancy in its membership, nor shall the proceedings of the Authority be invalidated merely because of the subsequent discovery that some defect existed in the appointment of any member. 25

(7) Except as provided in this Act, the Authority may regulate its procedure in such manner as it thinks fit.

Cf. 1952, No. 54, s. 5 (1)–(3); 1974, No. 69, s. 3 (2)

(a)

23. Director-General entitled to attend meetings of Authority—Notice in writing of every meeting of the Authority and of the business proposed to be transacted at that meeting shall be given to the Director-General who shall be entitled to attend and speak at any such meeting, but shall not be entitled to vote on any question. 30 35

24. Servicing of Authority—The Authority shall be serviced by the Department in such manner as the Minister may from time to time direct.

25. Fees and travelling expenses of members of Authority—
 (1) The Authority is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

5 (2) There shall be paid to members of the Authority, out of money appropriated by Parliament, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply
 10 accordingly.

26. Public Bodies Meetings Act 1962 to apply to Authority—Part II of the Schedule to the Public Bodies Meetings Act 1962 is hereby amended by inserting, after the item relating to the Masterton Trust Lands Trustees, the following
 15 item:

“National Parks and Reserves Authority	1980 No. <u>00</u> —The National Parks Act 1980.”
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PART III

20 NATIONAL PARKS AND RESERVES BOARDS

27. National parks and reserves boards—(1) The Minister shall establish not less than 10 national parks and reserves boards.

(2) The Minister shall, by notice in the *Gazette*, give each
 25 Board a distinctive name corresponding to the general area in respect of which it is to have jurisdiction.

(3) The area under the jurisdiction of each Board shall be as determined from time to time by the Minister.

Cf. 1950, No. 54, s. 15

30 **28. Functions of Boards—**In addition to the functions specified elsewhere in this Act or in any other Act, the functions of each Board shall be—

Struck Out

35 (a) To participate, in accordance with <u>sections 43 to 45</u> of this Act, in the preparation, review, and amendment of management plans for parks within the jurisdiction of the Board:

New

(a) To prepare, review, and amend management plans for parks within the jurisdiction of the Board in accordance with sections 43 to 45 of this Act:

(aa) To consider and determine priorities for the implementation of management plans for national parks: 5

(ab) To make recommendations to the Minister for the appointment of honorary rangers under section 38 of this Act: 10

(b) To review and report to the Commissioner or the Authority, as appropriate, on the effectiveness of the administration of the general policies for national parks within the jurisdiction of the Board:

(c) To exercise such powers and functions relating to such reserves or groups of reserves as may be notified by the Minister from time to time under section 9 of the Reserves Act 1977: 15

Struck Out

(d) At the request of the Commissioner or the Authority, to give advice on any matter relating to any national park or any proposal for the addition of land to a national park or the establishment of a new national park within the jurisdiction of the Board. 20

New

(d) To give advice to the Commissioner or the Authority—

(i) On the interpretation of any management plan for a park; and

(ii) On any proposal for the addition of land to any national park or the establishment of a new national park; and 30

(iii) On any other matter relating to any national park,—
within the jurisdiction of the Board. 35

Cf. 1952, No. 54, s. 26; 1974, No. 69, s. 8

29. Board may release recommendations, reports, or advice to public—The Board may release for public information, in such manner as it thinks fit, any recommendation, report, or advice that it has made or given to the Authority or the Commissioner. 40

30. Membership of Boards—(1) Every Board shall have 10 members.

(2) Except as provided in subsections (4) and (5) of this section, the Minister may, after giving public notice in accordance with subsection (3) of this section and after consultation with the Authority, appoint any person whom he considers to have special knowledge of or interest in matters connected with the **(administration)** policy for and management of national parks and reserves, regional or community affairs, tourism, recreation, or conservation, to be a member of the Board.

(3) Every notice required by subsection (2) of this section shall—

(a) State the number of appointments intended to be made to the Board:

(b) Call for nominations for membership of the Board to be sent to the Minister:

(c) State a date, being not less than 28 days after the date of the first publication of the notice, after which the Minister may decline to accept such nominations:

(d) Be published at least twice in a daily newspaper circulating in the area in which the Board has or will have jurisdiction, and in such other newspapers and publications as the Minister may direct.

(4) In the case of the Board whose area of jurisdiction includes the Tongariro National Park, the membership of that Board shall consist of—

(a) Nine persons appointed under subsection (2) of this section; and

(b) The paramount chief for the time being of the Ngati-tuwharetoa Tribe of the Maori race, if that chief is a lineal descendant of Te Heuheu Tukino, the donor on behalf of his associated Chiefs of the Tribe of certain Maori land included in the area of the park, or, if the paramount chief for the time being of that tribe is not a lineal descendant of Te Heuheu Tukino, a lineal descendant of Te Heuheu Tukino appointed by the Minister.

(5) In the case of the Board whose area of jurisdiction includes the Egmont National Park, the membership of that Board shall consist of—

(a) Nine persons appointed under subsection (2) of this section; and

(b) One person to be appointed by the Minister on the recommendation of the Taranaki Maori Trust Board.

(6) The appointment of any person by the Minister to be a member of a Board shall be made by notice published in the *Gazette*, and shall take effect from the date of such notice or such later date as may be specified in the notice. 5

Cf. 1952, No. 54, ss. 15 to 18A; 1956, No. 89, s. 2; 1974, No. 69, ss. 6, 7; 1977, No. 82, s. 2 (1)

31. Term of office of members of Board—(1) Subject to subsections (2) to (5) of this section, every appointed member of a Board shall hold office for such term, not exceeding 3 years, as the Minister shall specify in the notice of appointment, and may from time to time be reappointed. 10

(2) Any member of a Board may at any time be removed from office by the Minister for bankruptcy, disability, neglect of duty, or misconduct. 15

(3) Any member of a Board may at any time resign his office by writing addressed to the Minister.

(4) If any member of a Board dies, resigns, or is removed from office, the vacancy so created shall be filled in the manner in which the appointment to the vacant office was originally made, and the person so appointed shall be appointed for the residue of the term for which the vacating member was appointed. 20 25

(5) Unless he sooner dies, resigns, or is removed from office, every member of a Board shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

Cf. 1952, No. 54, s. 19; 1977, No. 82, s. 2 (2) (b), (3) 30

32. Chairman of Board—(1) Every Board shall, at its first meeting and thereafter as necessary, appoint one of its members to be Chairman of the Board for the term of his appointment as a member, or for such lesser period as the Board thinks fit. 35

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

(3) If the Chairman is absent from any meeting, the members present shall appoint one of their number to be the Chairman of that meeting. 40

Cf. 1952, No. 54, s. 21

33. Meetings of Board—(1) The first meeting of each Board shall be held at a time and place to be appointed by the Minister, and subsequent meetings shall be held at such times and places as the Board or the Chairman from time
5 to time appoints.

(2) A special meeting shall be called by the Chairman whenever 3 or more members so request in writing.

(3) At any meeting of a Board, a majority of the members in office shall form a quorum and no business shall be
10 transacted at any meeting unless such a quorum is present.

(4) Every question before any meeting of a Board shall be determined by a majority of the members present and voting on the question.

(5) At any meeting of a Board, the Chairman of that meet-
15 ing shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(6) The powers of a Board shall not be affected by any vacancy in its membership, nor shall the proceedings of a Board be invalidated merely because of the subsequent dis-
20 covery that some defect existed in the appointment of any member.

(7) Except as provided in this Act, each Board may regulate its procedure in such manner as it thinks fit.

Cf. 1952, No. 54, s. 22

34. Commissioner entitled to attend meetings of Board—
25 Notice in writing of every meeting of a Board and of the business proposed to be transacted at that meeting shall be given to the Commissioner, who shall be entitled to attend and speak at any such meeting, but shall not be entitled to
30 vote on any question.

35. Servicing of Boards—The Boards shall be serviced by the Department in such manner as the Minister may from time to time direct.

36. Fees and travelling expenses of members of Board—
35 (1) Every 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 to members of every Board, out of money appropriated by Parliament, remuneration by way
40 of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

37. **Public Bodies Meetings Act 1962 to apply to Board—**
 Part **(II) I** of the Schedule to the Public Bodies Meetings
 Act 1962 is hereby amended by omitting the item relating to
 National Park Boards (as inserted by section 10 of the
 National Parks Amendment Act 1977), and substituting the 5
 following item:

“National Parks and Reserves Boards | 1980, No. 00—The National Parks
 Act 1980.”

PART IV

ADMINISTRATION

10

38. **Rangers—**(1) There may from time to time be ap-
 pointed under the State Services Act 1962 suitable persons
 to be rangers for the purposes of this Act.

(2) The Minister may from time to time appoint a suitable
 person to be a ranger in an honorary capacity for the 15
 purposes of this Act.

(3) Any ranger may be appointed for a particular park or
 parks or to exercise his powers generally throughout New
 Zealand.

(4) The Director-General shall supply to every ranger a 20
 written warrant signed by or on behalf of the Director-
 General evidencing the appointment, and the production of
 that warrant shall, in the absence of proof to the contrary,
 be sufficient proof of the appointment.

(5) Every ranger shall, on the expiration of the term of his 25
 appointment, or on the sooner vacation of his office, sur-
 render to the Director-General his warrant of appointment
 and any badge of office that may have been issued to him.

(6) Every honorary ranger shall be appointed to hold
 office during the pleasure of the Minister or for such specified 30
 term as the Minister thinks fit.

(7) No person appointed to be an honorary ranger shall,
 by virtue of that appointment, be deemed to be employed in
 the service of Her Majesty for the purposes of the State
 Services Act 1962 or of the Government Superannuation 35
 Fund Act 1956.

(8) Every constable, and every ranger appointed under the
Wildlife Act 1953, shall, by virtue of his office, have all
 the powers of a ranger under this Act.

Cf. 1952, No. 54, ss. 27A, 27B; 1968, No. 136, ss. 5 (1), 6 40

39. Delegation of Minister's powers and functions—

- (1) Subject to subsection (2) of this section, the Minister may from time to time delegate any of his powers and functions under this Act (except this power of delegation) to the
5 Director-General, or to any other officer or officers of the Department specified by the Minister, either in respect of matters within his jurisdiction generally, or in any particular case or matter, or any particular class of cases or matters, or in respect of any national park or parks.
- 10 (2) The Minister shall not delegate—
- (a) His powers and functions under sections (4,) 7, ((8,)) 10, and 12 of this Act; or
 - (b) His power to consent to any action of the Director-General taken under this Act where that consent is
15 required by this Act; or
 - (c) His power to make bylaws under section 54 of this Act.
- (3) The officer or officers referred to in subsection (1) of this section may be an officer or officers referred to by name
20 or the officer or officers who for the time being and from time to time hold specified positions in the Department.
- (4) Subject to any general or special directions given or conditions attached by the Minister, any officer to whom any power or function has been so delegated may exercise that
25 power or perform that function in the same manner and with the same effect as if it had been directly conferred on that officer by this Act and not by delegation.
- (5) Every officer purporting to act under any delegation under this section shall, in the absence of proof to the con-
30 trary, be presumed to be acting within the terms of that delegation.
- (6) Any such delegation may at any time be revoked by the Minister in whole or in any part, but that revocation shall not affect in any way anything done under the delegated
35 authority before the revocation.
- (7) No such delegation shall prevent the exercise by the Minister himself of any of the powers and functions conferred on him by this Act.

- 40. Delegation of Director-General's powers and functions—**(1) Subject to subsection (2) of this section, the
40 Director-General may from time to time delegate any of his powers and functions under this Act (except this power of delegation) to any officer or officers of the Department specified by him, either in respect of matters within his jurisdiction

generally, or in any particular case or matter, or any particular class of cases or matters, or in respect of any national park or parks.

(2) The Director-General shall not delegate any powers delegated to him by the Minister without the written consent of the Minister. 5

(3) The officer or officers referred to in subsection (1) of this section may be an officer or officers referred to by name or the officer or officers who for the time being and from time to time hold specified positions in the Department. 10

(4) Subject to any general or special directions given or conditions attached by the Director-General, any officer to whom any power or function has been so delegated may exercise that power or perform that function in the same manner and with the same effect as if they had been conferred on him directly by this section and not by delegation. 15

(5) Every officer purporting to act under any delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of that delegation. 20

(6) Any such delegation may at any time be revoked by the Director-General in whole or in any part, but that revocation shall not affect in any way anything done under the delegated authority before the revocation.

(7) No such delegation shall prevent the exercise by the Director-General himself of any of the powers and functions conferred on him by this Act. 25

PART V

CONTROL AND MANAGEMENT OF NATIONAL PARKS

Administration of Parks 30

Struck Out

41. Parks to be administered by Department—(1) The Department shall, in accordance with any direction of the Minister, and subject to the provisions of this Act, administer, manage, and control all national parks in such a manner as to secure to the public the fullest proper use and enjoyment of the parks consistent with the preservation of their natural and historic features and the protection and well-being of its native plants and animals, and in accordance with— 35

(a) Any statements of general policy issued under section 42 of this Act; and 40

Struck Out

(b) Any management plan for the time being in force in respect of a park.

(2) Without limiting the powers and functions of the Department or its officers, the Department may, with the consent of the Minister, become a member of or affiliate to any international body or organisation concerned with the administration or promotion of national parks or the conservation of nature and natural resources.

10

New

41. Parks to be administered by Department—The Department shall, subject to this Act, and in accordance with—

(a) Any statements of general policy adopted under section 42 of this Act; and

15 (b) Any management plan for the time being in force in respect of a park—

administer and manage all national parks in such a manner as to secure to the public the fullest proper use and enjoyment of the parks consistent with the preservation of their natural and historic features and the protection and well-being of their native plants and animals.

20

Cf. 1952, No. 54, ss. 15, 26; 1974, No. 69, s. 8

General Policy Statements

25 **42. General policy for parks**—(1) The Authority may, in accordance with subsections (2) to (7) of this section, (*issue*) adopt statements of general policy for national parks and amend such statements so that they are adapted to changing circumstances or in accordance with increased knowledge.

30 (2) Every statement of general policy shall be prepared initially in draft form by the Director-General in consultation with the Authority.

(3) Unless the Authority acting under subsection (7) of this section otherwise resolves, the Director-General shall, on the direction of the Authority,—

35 (a) Give notice by advertisement published in daily newspapers circulating in the cities of Auckland, Hamilton, Wellington, Christchurch, and Dunedin of the availability of the draft statement of general policy for public inspection; and

(b) In that notice invite persons and organisations interested to lodge with the Director-General written comments on the draft statements of general policy before a date specified in the notice being not less than 2 months after the date of publication of the notice; and 5

(c) Make the draft statement of general policy available for public inspection, free of charge, during ordinary office hours at the office of the Director-General at Wellington and at the office of every Commissioner of Crown Lands. 10

(4) The Director-General shall convey any comments received by him, together with any comments of his own, to the Authority which shall review the draft statement of general policy. 15

(5) Before *(issuing)* adopting any statement of general policy, the Authority shall submit the draft statement to the Minister for his comments.

(6) In *(issuing)* adopting any statement of general policy the Authority shall, without limiting section 18 of this Act, have regard to the views of the Minister. 20

(7) The provisions of this section relating to the *(issuing)* adoption of statements of general policy shall apply to every amendment of any such statement, except that the Authority may, if it thinks fit, resolve that the procedure specified in subsection (3) need not be followed. 25

(8) Every current statement of general policy *(issued)* adopted by the Authority shall be available for public inspection free of charge during ordinary office hours at the office of the Director-General at Wellington and the office of every Commissioner of Crown Lands. 30

Management Plans

Struck Out

43. Preparation of management plans—(1) Subject to subsection (3) of this section, in respect of each park the Commissioner shall, within 2 years after the commencement of this Act in the case of a park referred to in section 6 of this Act or within 2 years after the constitution of the park in any other case, prepare a management plan for the park in consultation with the Board having jurisdiction over that park. 35
40

Struck Out

(2) The management plan shall provide for the management of a park in accordance with this Act.

5 (3) If, before the commencement of this Act, there is an approved management plan for a park, this section and sections 44 to 46 of this Act apply to that plan as if it had been approved under this Act on the date on which it was approved.

New

10 **43. Preparation of management plans**—(1) A management plan shall be prepared for each park in accordance with this section and sections 44 to 46 of this Act.

(2) The management plan shall provide for the management of the park in accordance with this Act.

15 (3) If, at the commencement of this Act, there is an approved management plan for a park, this section and sections 44 to 46 of this Act apply to that plan as if it had been approved under this Act on the date on which it was approved.

20 (4) If, at the commencement of this Act, there is no approved management plan for a park referred to in section 6 of this Act, a management plan shall be prepared in respect of that park within 2 years after the commencement of this Act.

25 (5) Where a park is constituted after the commencement of this Act, a management plan shall be prepared in respect of that park within 2 years after constitution of that park.

30 **44. Alteration and review of management plans**—(1) The *(Commissioner and the)* Board shall keep the management plan under continuous review, so that the plan is altered in accordance with increased knowledge or changing circumstances.

(2) Where *(the Commissioner and the Board consider)* the Board considers that any alteration proposed under subsection
35 (1) of this section does not require a review of the management plan, *(they)* the Board may, with the consent of the Authority, make such alteration without following the procedures specified in section 45 of this Act.

40 (3) The management plan shall be reviewed at intervals of not more than 10 years in accordance with the procedures specified in section 45 of this Act.

45. Procedure for preparing and reviewing management plans—(1) Before preparing or reviewing a management plan for any park, the Commissioner shall consult the Board having jurisdiction over that park and shall, on the direction of that Board,—

5

(a) Give notice by advertisement published in a newspaper circulating in the area in which the park is situated and in daily newspapers circulating in the cities of Auckland, Hamilton, Wellington, Christchurch, and Dunedin of the intention to do so; 10
and

(b) In that notice, invite persons and organisations interested to send to the Commissioner written suggestions for the proposed plan within a time specified in the notice. 15

(2) Every management plan shall be prepared initially in draft form by the Commissioner in consultation with the Board, and the Commissioner shall, on the direction of the Board,—

(a) Give notice by advertisement published in a newspaper circulating in the area in which the park is situated and in daily newspapers circulating in the cities of Auckland, Hamilton, Wellington, Christchurch, and Dunedin that the draft plan is available for inspection at a place and at times specified 20
in the notice, and calling upon persons or organisations interested to lodge with the Commissioner written comments on the draft plan before a date specified in the notice, being not less than 2 months after the date of publication of the notice; and 25

(b) Give notice in writing, so far as is practicable, to all persons and organisations who or which made written suggestions under subsection (1) of this section stating that the draft plan has been prepared and is available for inspection at the place and 30
during the times specified in the notice, and requiring any such person or organisation who or which desires to comment on the draft plan to make those comments in writing to the Commissioner before a specified date, being not less than 35
2 months after the date of the giving of the notice; and 40

(c) Make the draft management plan available for public inspection, free of charge, during ordinary office hours at the office of the Commissioner and at the office of the Director-General at Wellington.

- 5 (3) The ~~Commissioner and the~~ Board shall give every person or organisation who or which, in making any comments under subsection (2) of this section, asked to be heard in support of his or its comments a reasonable opportunity of appearing before ~~the Commissioner and~~ a meeting
 10 of the Board in support of his or its comments.

Struck Out

- ~~(4) The Commissioner and the Board shall, after considering all comments received under subsections (1) to (3) of this section, make such changes to the plan as they think fit and submit the plan to the Authority, together with,—~~

New

- ~~(4) The Board shall, after considering all comments received under subsections (1) to (3) of this section, make such changes to the plan as it thinks fit and recommend the~~
 20 plan to the Authority for approval, together with,—

(a) A summary of the comments received and a statement of the extent to which they have or have not been accepted; and

25 (b) Statements of any matters relating to the management plan on which the Commissioner and the Board have been unable to reach agreement.

(5) Except as provided in section 44 (2) of this Act, no management plan shall be altered otherwise than in accordance with this section.

30 **46. Approval of management plans—**(1) The Authority shall consider the plan and the matters referred to it under section 45 (4) of this Act and, after modifying the plan in such manner as it thinks fit, shall refer the plan to the Minister.

35 (2) Before approving any management plan, the Authority shall, without limiting section 18 of this Act, have regard to the views of the Minister.

(3) Every management plan shall have effect on the date on which it is approved by the Authority, or such
 40 later date as may be specified by the Authority.

(4) Every approved management plan shall be available for public inspection during ordinary office hours, free of charge, at the office of the Commissioner and at the office of the Director-General at Wellington.

Powers of Minister

5

47. Particular powers of Minister—The Minister may, from time to time, (*and in accordance with any management plan for the time being in force in respect of*) in accordance with the management plan for a park, and on such terms and conditions as to design, materials, situation, custody, use, 10 rental, inspection, maintenance, and public access, or otherwise as he determines,—

- (a) Permit the use of any part of the park for any specified purpose of public recreation:
- (b) Permit the use of any part of the park, by any person 15 or Department of State, as a station for the transmission, emission, or reception of any form of radio-electric or electronic communication:
- (c) Erect or authorise any body or person (whether incorporated or not) to erect in the park ski-lifts or 20 other apparatus or carry out works designed to facilitate tourist traffic or the enjoyment of skiing or other sports:
- (d) Appropriate any part of the park for camping sites or for parking places for vehicles for the convenience 25 of persons using or visiting the park:
- (e) Grant licences permitting the carrying on of any trade, business, or occupation within the park:
- (f) Do any other thing that may be appropriate for the proper and beneficial management, administration, 30 and control of the park.

Cf. 1952, No. 54, s. 28 (1) (a), (aa), (b), (g), (i), (j); 1968, No. 136, s. 7

48. Accommodation within parks—(1) The Minister may, from time to time, in accordance with (*any management plan* 35 *for the time being in force in respect of*) the management plan for a park, and on such terms and conditions as to design, materials, situation, custody, use, rental, inspection, maintenance, public access, or otherwise as he determines,—

- 5 (a) Establish, or authorise, or assist in the establishment by any body or person (whether incorporated or not), of camping grounds, huts, hostels, accommodation houses, and other buildings, or facilities in any park:
- (b) Grant leases or licences of any such buildings or facilities to any body or person (whether incorporated or not):
- 10 (c) Erect or authorise the erection of accommodation for the use of rangers or officers of any Department of State or other persons engaged in the administration, control, or management of the park or the protection of forests in or adjacent to the park:
- 15 (d) Grant leases or licences of land within the park as sites for dwellings for persons or bodies (whether incorporated or not) carrying on any trade, business, or occupation within the park, or as sites for dwellings for any person employed by such persons or bodies.
- 20 (2) In the exercise of the powers conferred by subsection (1) of this section, the Minister may permit the use of stone, gravel, or similar substances found in the park in the erection of, and the provision of access to, any building constructed under the authority of that subsection.
- 25 Cf. 1952, No. 54, ss. 28 (1) (c), (e), (f), (ii), (2), 30; 1964, No. 102, s. 2 (1); 1968, No. 136, s. 5 (2) (a), (b)

49. Farming and grazing activities within parks—(1) This section applies to—

- 30 (a) Farming land that, in the public interest, should continue to be farmed; or
- (b) Native grassland that can be used for grazing purposes without detriment to that land or the remainder of the park.
- 35 (2) The Minister may, in accordance with (*any management plan for the time being in force in respect of*) the management plan for the park, grant leases and licences of any part of the park that is land to which this section applies on such terms and conditions as he thinks fit.

Cf. 1952, No. 54, s. 31

- 40 **50. Land Act 1948 to apply to leases and licences—**The provisions of Part V of the Land Act 1948 relating to the form, execution, issue, and registration of leases and licences of Crown land and the payment of fees in relation to those

leases and licences shall, with the necessary modifications, apply to leases and licences granted under sections 47 to 49 of this Act.

Cf. 1952, No. 54, s. 31 (3)

51. Powers of Minister where services provided by the Crown—Where any community service, benefit, or facility has been provided by the Crown, whether within or outside the park, for the benefit of lessees or licensees occupying any part of the park under any lease or licence granted by the Minister—

- (a) The Minister may, in accordance with this section and the relevant lease or licence, assess the amount of the contribution to be paid to the Crown by the lessees and licensees towards the cost of providing and maintaining that service, benefit, or facility:
- (b) The contribution assessed under paragraph (a) of this section in respect of the capital cost of providing any such service, benefit, or facility shall be apportioned by the Minister, in such manner as he thinks fit, among those lessees and licensees, and shall be paid in one amount or over a period of years, as the Minister may determine, and the Minister may in like manner apportion among those lessees and licensees an annual contribution to be paid by them to the Crown to meet the cost of maintaining any such service, benefit, or facility:
- (c) The amount apportioned by the Minister to be paid by any lessee or licensee shall be due and payable to and recoverable by the Crown on the expiration of 3 months after the service of a demand by the Commissioner on the lessee or licensee:
- (d) If the amount so 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:
- (e) Where any amount so apportioned is not paid by the due date the lessee or licensee shall be deemed to have committed a breach of his licence:
- (f) The Minister may exempt any lessee or licensee from payment of the whole or any part of any amount apportioned by the Minister under the preceding provisions of this section, or may grant such relief to any lessee or licensee as he considers appropriate in the circumstances.

Cf. 1952, No. 54, s. 28 (2A) ; 1974, No. 69, s. 9 (1)

52. Minister may grant easements—(1) If the easements referred to in this section can be granted without materially altering or permanently damaging the park, or permanently affecting the rights of the public in respect of the park, the

5 Minister may grant easements over any part of the park for any of the following purposes:

(a) Any public purpose:

(b) The provision of access to any area included in any lease or licence granted under this Act:

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Struck Out

(c) The utilisation of water power for the generation and transmission of electric current for heating, lighting, or other purposes within the park:

New

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(c) The utilisation of water power for the generation of electric current for heating, lighting, or other purposes within the park and the transmission of that current for those purposes within the park:

20

(d) The provision of water supply systems for land within or outside the park:

(e) The development or use of the park as a tourist or public resort:

(f) The provision or facilitation of access or the supply of water to land not forming part of the park.

25

(2) The provisions of section 60 and Part V of the Land Act 1948 relating to the form, execution, issue, and registration of instruments granting easements over Crown land shall, with the necessary modifications, apply with respect to instruments granting easements under this section.

30

Cf. 1952, No. 54, s. 32

53. Roads within park—(1) This Act shall not confer on the Minister or the Department any jurisdiction or authority with respect to any public road that is within the boundaries of the park.

35

(2) Except with the consent of the Minister given in accordance with *(any management plan for the time being in force in respect of)* the management plan for a park, no roads may be made over or through the park, and no gravel, shingle, stone, or other material in the park may be removed for road

40

construction purposes, whether within or outside the park.

Cf. 1952, No. 54, s. 33

54. Bylaws—(1) The Minister may from time to time, by notice in the *Gazette*, make bylaws that are not inconsistent with the management plan for any park for all or any of the following purposes:

(a) The management, safety, and preservation of any park, and the safety and preservation of the native plants and animals in the park: 5

(b) The safety and protection of the public using any parks:

(c) *The keeping of order in any park:*

(d) Excluding the public from any specified part or parts of any park: 10

(e) Prescribing the conditions on which persons shall have access to or be excluded from any park or any part of any park, and fixing charges for the admission of persons to any part of any park set apart for any specified purpose of public recreation: 15

(f) Prescribing conditions for the use of camping sites, or picnic places in any park, and fixing charges for the use of any such camping sites, or picnic places: 20

Struck Out

(g) Prohibiting the parking of vehicles in any part of a park:

Struck Out

New

(g) Prohibiting or regulating the use of vehicles or boats or both in any park: 25

New

(g) Prohibiting or regulating the use or parking of vehicles or the use or mooring of boats in any park:

(h) Setting apart and prescribing conditions and fixing charges for the use of parking areas within any park, and providing for the removal from any such area of any motor vehicle parked there in breach of any such condition: 30

New

(ha) Prohibiting or regulating the use of any internal combustion engine in any park, whether or not that engine is the means of propulsion of any vehicle, boat, machinery, or appliance. 35

(i) Prescribing conditions on which persons may be permitted to enter or remain in any wilderness area within any park: 40

- (j) Prescribing the safety devices to be fitted to any machinery or device operated in any park under the authority of any agreement, lease, or licence made or granted by the Minister, and regulating the operation and maintenance of such machinery or devices:
- (k) Prohibiting the hovering over or landing of any aircraft on any part of a park
- (l) Prescribing conditions upon which operators and pilots in command of aircraft may land and take off or set down, pick up, or recover within any park any person, livestock, carcass, or article of any description:
- (m) Prescribing fines, not exceeding \$500 in any one case, for the breach of any bylaw made under paragraphs (a) to (j) of this subsection:
- (n) Prescribing fines, not exceeding \$5,000 in any one case, for the breach of any bylaw made under paragraph (k) or paragraph (l) of this subsection.
- (2) Bylaws may be made under subsection (1) of this section in respect of parks generally, or in respect of any one or more of those parks.
- (3) The publication in the *Gazette* of any bylaws purporting to have been made under this section shall be conclusive evidence that the bylaws have been made under this section.
- Cf. 1952, No. 54, ss. 38-40; 1970, No. 92, s. 2; 1973, No. 80, s. 3; 1977, No. 82, s. 6 (1)

PART VI

FINANCIAL PROVISIONS

- 55. Application of revenue from national parks**—(1) All money received by way of rent, penalties, fee, fines, royalties, donations, subsidies, or otherwise under this Act shall be paid into the Public Account to the credit of the Trust Account constituted under section 42 of the Public Finance Act 1977 and applied, as directed by the Minister, in purchasing, taking on lease, managing, administering, maintaining, protecting, improving, or developing national parks, conducting research into matters related to national parks, or for educational purposes associated with national parks, or otherwise in carrying out the objects of this Act.

New

(2) Notwithstanding subsection (1) of this section, where any money has been received under this Act by way of gift or bequest and the person who gave or bequeathed the money has directed that the money shall be used for any particular purpose or purposes or in any particular park or parks, that money shall be applied only in accordance with those directions. 5

56. Application of proceeds where land excluded from national park—(1) Where any land is excluded from any park and the land is subsequently alienated by the Crown the proceeds of the alienation shall be paid into the Public Account to the credit of the Trust Account, and the following provisions shall apply: 10

(a) Except in a case to which paragraph (b) of this subsection applies, an amount equal to the proceeds of the sale may, if the Minister so directs, be paid from the Public Account and debited to the Trust Account, and applied in accordance with section 55 of this Act: 15 20

(b) Where the land is sold on deferred-payment licence or is granted on Crown lease, there may, if the Minister so directs, be paid from the Public Account and debited to the Trust Account, and applied in accordance with section 55 of this Act— 25

(i) An amount equal to the purchase price payable under the deferred-payment licence, or, as the case may be, the rental value of the lease; or

(ii) An amount equal to the instalments (including interest) paid under the deferred-payment licence, or, as the case may be, the rent paid under the lease. 30

(2) Where, before the commencement of this Act, any land was excluded from a national park, then, notwithstanding anything in any other Act, subsection (1) of this section shall apply with respect to the proceeds of any alienation of the land received after the commencement of this Act as if the land had been excluded from the national park under section 11 of this Act. 35

Cf. 1977, No. 66, s. 82 40

57. Local authorities may make contributions for national park purposes—Any local authority may from time to time make contributions out of its general fund or account towards the cost of acquisition by the Crown of any land or interest in land for national park purposes or for the management, 45

improvement, and maintenance of any national park, or of any part of a national park, notwithstanding that the national park may be situated outside the district of that local authority.

5 Cf. 1952, No. 54, s. 51

PART VII

OFFENCES

58. **Offences in parks**—(1) Every person commits an offence against this Act who, without being authorised by the
 10 Minister (the proof of which shall be on the person charged) or by any bylaw made under this Act,—
- (a) Causes or allows any animal owned by him or under his control to trespass on any park; or
 - 15 (b) Takes any animal into or liberates any animal in any park; or
 - (c) Plants any plant, or sows or scatters the seed of any plant, or introduces any substance that he knows or ought to have known is injurious to plant or animal life, in any park; or
 - 20 (d) Removes or wilfully damages any, or any part of, any plant, stone, mineral, gravel, kauri gum, antiquity, or relic in any park; or
 - (e) Wilfully digs, cuts, excavates, or damages the turf in any park; or
 - 25 (f) Occupies or uses any land in a park for cultivation or any other purpose; or
 - (g) Wilfully damages or defaces any fence, building, or apparatus in any park; or
 - 30 (h) Takes or destroys or wilfully injures or in any manner disturbs or interferes with any native animal or the nest or eggs of any native animal in any park; or
 - (i) Erects any building, sign, hoarding, or apparatus in any park; or
 - 35 (j) Conducts any trade or commercial activity in any park; or
 - (k) In any way interferes with or damages the natural or historic features of any park.
- (2) Every person commits an offence against this Act
 40 who—
- (a) When required by notice from the Minister or the Commissioner to remove from a park any animal owned by him or under his control, fails to do so within the period specified in the notice; or

- (b) Being the driver of any vehicle or the pilot of any aircraft or the person in charge of any boat that is illegally in a park or part of a park, fails or refuses to remove it from the park or part of a park when required to do so by any ranger; or 5
- (c) Without a lease, licence, or other right or authority, does or causes to be done any act, matter, or thing for which a lease, licence, or other right or authority is required by this Act; or
- (d) Unlawfully alters, obliterates, defaces, pulls up, 10
removes, interferes with, or destroys any boundary marks, or any stamp, mark, sign, poster, intentions book, licence, lease, permit, or other right or authority issued by the Minister or the Department.
- (3) Every person commits an offence against this Act who 15
uses, receives, sells, or otherwise disposes of any item specified in paragraph (d) or paragraph (h) of subsection (1) of this section knowing it to have been removed unlawfully from any park.
- (4) Every person commits an offence against this Act who, 20
without being authorised by the Minister (the proof of which shall be on the person charged),—
- (a) Is in possession of any chainsaw or any firearm, trap, net, or other like object in a park; or
- (b) Discharges any firearm in a park; or 25
- (c) From outside a park, shoots at any animal or any other object or thing inside the park with any firearm.
- (5) Where any person is found discharging a firearm in contravention of subsection (4) of this section, section 59 30
(6) of this Act shall apply in respect of that firearm in all respects as if it were illegally in the possession of that person in the park.
- (6) Any person convicted of an offence under this section shall, in addition to any penalty for which he may be liable 35
for the offence, be liable to pay the cost of repairing or restoring (*the damage*) any damage done to the park, or to any plant or property growing or being in the park in the course of committing such an offence.
- (7) Any person convicted of an offence under this section shall, in addition to any penalty for which he may be liable 40
for the offence and in addition to any costs for which he may be liable under subsection (6) of this section, be liable to pay twice the full market value of any animal or substance removed from the park if the District Court Judge is satisfied 45
that the animal or substance was so removed in the course of committing such an offence for commercial or other gain,

(8) For the purposes of subsections (6) and (7) of this section, the cost or value shall be assessed by a District Court Judge, and shall be recoverable summarily in like manner as a fine.

5 Cf. 1952, No. 54, s. 54; 1955, No. 75, s. 2; 1968, No. 136, s. 5 (2) (d); 1974, No. 69, s. 10; 1977, No. 82, ss. 7 (1), (3), 8 (1), 9

59. Seizure and forfeiture of property—(1) Any ranger may seize any item found in the possession of any person in a park, if he has reasonable cause to believe that that person, in obtaining possession of the item, committed an offence against this Act.

(2) Any such item shall be retained by the Director-General pending the trial of that person for the offence in respect of which it was seized.

(3) 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 item 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 under the Wildlife Act 1953:

(b) In any case where the item seized is an antiquity, it shall be dealt with as follows:

(i) Where, under the Antiquities Act 1975, it is the property of the Crown, it shall be delivered to the Secretary for Internal Affairs or, with his consent, kept in the custody of the Director-General:

(ii) In any other case, it shall be delivered to the person who is entitled to its custody under the Antiquities Act 1975:

(c) In any other case, the item seized shall be returned to the person from whom it was seized.

(4) 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 of the offence in respect of which the property was seized, 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 forfeited to the Crown and shall be dealt with under the Wildlife Act 1953:

(b) In any case where the item seized is an antiquity, it shall be dealt with as follows:

(i) Where, under the Antiquities Act 1975, it is the property of the Crown, it shall be delivered to the Secretary for Internal Affairs or, with his consent, kept in the custody of the Director-General: 5

(ii) In any other case, it shall be delivered to the person who is entitled to its custody under the Antiquities Act 1975:

(c) In the case of any other item, it shall be forfeited to the Crown. 10

(5) All buildings, signs, hoardings, fences, or apparatus erected in any park without the written consent of the Minister shall be forfeited to the Crown.

(6) Any chainsaw, firearm, trap, net, or other like item found in the unlawful possession of any person in any park, and any item found in the possession of any person in any park and used in committing an offence in the park, may be seized by any ranger, and shall be retained by the Director-General and dealt with under subsection (7) or subsection (8) of this section. 15 20

(7) Where proceedings are not taken against the person from whom the item was seized within 6 months of the seizure of the item, it shall be returned to him at the expiration of that period. 25

(8) Where proceedings are taken against the person from whom the item was seized within 6 months of the seizure of the item, it shall, when the proceedings are completed, be returned to that person, unless the Court, if it enters a conviction, directs that the item shall be forfeited to the Crown. 30

(9) Every item that is forfeited to the Crown under this section shall be returned to the park or sold or otherwise disposed of in such manner as the Minister directs.

(10) The proceeds of the sale or disposal of anything sold or otherwise disposed of under this section shall be dealt with under section 55 of this Act as if it were money received under this Act. 35

Cf. 1952, No. 54, s. 54 (8)

60. Trespassing animals—(1) Any animal that is found trespassing on a national park may be seized by any ranger or person called upon by him for assistance. 40

(2) Where any such animal is unbranded or unregistered and has no reputed owner, it shall be forfeited to the Crown, and the Minister may cause it to be destroyed, sold, or otherwise disposed of as he thinks fit.

5 (3) Where any such animal is branded or registered or has a reputed owner, the Minister may,—

(a) Give written notice to the reputed owner, or his agent, or any person who ought to have charge of the animal; or

10 (b) Issue, once a week for 2 consecutive weeks in some newspaper circulating in the locality, a notice,— calling on the owner or reputed owner to remove the animal from the park or from any other place to which it may have been transferred, and giving warning that, if the animal is
15 not removed within 14 days after the date of the first notice, it may be destroyed, sold, or otherwise disposed of.

(4) If any animal referred to in subsection (3) of this section is not so removed within the period mentioned in the notice, the Minister may cause it to be destroyed, sold, or
20 otherwise disposed of.

(5) Any person convicted of an offence against section 58 (1) (a) of this Act shall, in addition to any penalty for which he may be liable in respect of the offence, be liable to pay—

25 (a) Any costs incurred by the Minister in giving or issuing any notice under subsection (3) of this section; and

(b) The expenses of mustering, keeping, destroying, selling, or otherwise disposing of the animal in accordance with this section; and
30

(c) The cost of repairing or restoring any damage done to the park by the animal.

(6) The costs and expenses referred to in subsection (5) of this section shall be assessed by a District Court Judge and
35 shall be recoverable summarily in like manner as a fine.

(7) All money received by the Minister under this section shall be paid into the Public Account to the credit of the Trust Account and dealt with in accordance with section 55 of this Act.

40 Cf. 1952, No. 54, s. 54 (5)–(7); 1977, No. 82, s. 9 (2) (d)

61. Offences in respect of rangers—Every person commits an offence against this Act who—

- (a) Wilfully obstructs a ranger while acting in the execution of any of the functions, powers, or duties conferred or imposed on him by this Act: 5
- (b) After being found offending against this Act or any bylaw made under this Act and being required to disclose his true name and address by a ranger refuses to disclose his true name and address:
- (c) Not being a ranger, represents himself to be a ranger. 10

62. Powers of rangers—(1) Any ranger may summarily interfere to prevent any offence against this Act or any bylaw made under this Act, and may require any person found offending to desist from the offence.

(2) If any person when required to desist from an offence 15 against this Act continues the offence, he commits a further offence against this Act.

Cf. 1952, No. 54, s. 52 (1); 1965, No. 98, s. 2

63. Ranger may stop and search boats, vehicles, premises, and possessions in park—Any ranger may, in the exercise of 20 his functions, powers, and duties within any park,—

- (a) Search, and for that purpose, stop and detain, any vehicle, or any riding or pack animal, or any boat, or any aircraft while on the ground or on the water, and search any tent, caravan, hut, or bach, if he 25 has reasonable cause to believe—
 - (i) That any offence against this Act or any bylaw made under this Act has been committed by the owner or person in possession or occupation thereof or by any other person; and 30
 - (ii) That evidence relating to the offence will be found in the course of that search; and
- (b) In the presence of the owner or other person in possession, open and search any parcel, package, case, bag, luggage, or other container in or on that 35 vehicle, riding or pack animal, boat, aircraft, tent, caravan, hut, or bach.

Cf. 1952, No. 54, s. 52A (d); 1977, No. 82, s. 7 (1)

64. Stopping and searching boats outside parks—(1) Any authorised officer who has good cause to suspect that an offence against this Act or any bylaws made under this Act has been committed on or from or in respect of any boat or
 5 by any person on any boat, he may, while that boat is within the territorial sea of New Zealand, and if he has reasonable cause to believe that evidence relating to the offence is on that boat,—

- (a) Stop, board, and search the boat; and
- 10 (b) Inspect, seize, and detain any specimens of plants or animals, rock, mineral, soil, or antiquities on board that he has good cause to believe have been taken from a park; and
- 15 (c) Arrest without warrant any person whom he has good cause to suspect of having committed such an offence.

(2) Any authorised officer may exercise the powers conferred on him by subsection (1) of this section with the aid of such assistants as he considers to be necessary for the
 20 purpose.

(3) The production by any authorised officer of his warrant, instrument of appointment, or other evidence of identification shall be sufficient evidence of the authority of that officer to exercise the powers conferred by subsection (1)
 25 of this section.

(4) Every person commits an offence against this Act who in any way prevents or attempts to prevent any authorised officer or any assistant of any authorised officer from exercising any power conferred by this section.

30 (5) Section 59 of this Act shall apply with respect to anything seized under subsection (1) (b) of this section as if it had been seized under that section.

(6) In this section the term “authorised officer” means—

- 35 (a) The officer in command of any vessel of the New Zealand Naval Forces; and includes any person under his command and authorised by him to act in any particular case:
- (b) Any ranger:
- (c) Any officer of the Department specifically authorised
 40 in writing by the Minister to act under this section:
- (d) Any constable:
- (e) The master of any New Zealand Government ship within the meaning of section 2 (1) of the Shipping and Seamen Act 1952.

45 Cf. 1977, No. 66, s. 100

65. Proceedings in respect of offences—(1) All offences against this Act or any bylaws under this Act shall be punishable on summary conviction on the information of the Director-General, or some person appointed by him or by the Minister. 5

(2) Any appointment under subsection (1) of this section may be for the purpose of laying an information in respect of a particular offence, or may be a general appointment to lay informations in respect of offences.

(3) Any officer of the Department, although not the informant, may appear and conduct the prosecution in any proceedings for offences against this Act or any bylaws made under this Act. 10

Cf. 1952, No. 54, s. 56

66. Time within which information may be laid—Notwithstanding anything in the Summary Proceedings Act 1957, any information in respect of any offence against this Act may be laid at any time within 12 months after the date of the discovery of the offence. 15

Cf. 1952, No. 54, s. 55; 1965, No. 98, s. 3 20

67. Presumptions relating to offences—(1) If, in the vicinity of a park, any person is found in possession of any plant, stone, mineral, egg, nest, animal, artifact, or relic, or any part of any such thing, and, upon being required by any ranger *(or by any ranger appointed under the Wildlife Act 1953,)* fails or refuses to give a satisfactory account of the manner in which he became possessed of the same, it shall be evidence that he has removed *(them)* it from the park. 25

(2) In any proceedings for an offence under this Act or any bylaws made under this Act, it shall be presumed in the absence of proof to the contrary, that all maps, plans, and copies of maps or plans appearing to be certified as true under the hand of a Chief Surveyor are so certified without production of the original records and without the personal attendance of those officers or proof of their signatures. 30 35

Cf. 1952, No. 54, s. 57; 1968, No. 136, s. 5 (2) (e)

68. Penalty for offences—Every person who commits an offence against this Act for which no penalty is prescribed elsewhere in this Act is liable on summary conviction,—

- 5 (a) Where the offence was committed by an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$2,500, and where the offence is a continuing one, to a further fine not exceeding \$250 for every day on which the offence has continued:
- 10 (b) Where the offence was committed by a corporation, to a fine not exceeding \$25,000, and, where the offence is a continuing one to a further fine not exceeding \$2,500 for every day on which the offence has continued.

15 Cf. 1952, No. 54, s. 54 (3); 1977, No. 82, s. 8 (1)

69. Removal and disposal of abandoned boats and vehicles, and vehicles parked in prohibited places—(1) Any officer or employee of the Department who has reasonable cause to believe that any boat or vehicle has been abandoned in a park may remove it or cause it to be removed to any place authorised by the Minister for that purpose.

20

(2) Where the Minister has appropriated any part of a park for parking of vehicles, any officer or employee of the Department 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.

25

(3) Where any vehicle is so removed, the owner or other person in charge of the vehicle shall be liable to the Crown for the cost of removing the vehicle and for the charges that, under bylaws made under this Act, 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.

30

(4) Unless, within 2 months after the date on which a vehicle is removed under subsection (1) or subsection (2) of this section, the owner or some other person removes the vehicle from the park or other place where it is stored and pays to the Minister on behalf of the Crown the cost of removing and storing it under subsection (1) of this section or, as the case may be, the cost of removing it under subsection (2) of this section and the parking charges payable under that subsection, then,—

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(a) If the vehicle—

- (i) Is not a motor vehicle; or
(ii) Is a motor vehicle and no licence to use the vehicle for the current licensing year is affixed to it,—
the Minister may give not less than 14 days' notice by advertisement in 2 issues of a newspaper circulating in the district in which the park is situated, of his intention to sell or destroy the vehicle: 5
- (b) If—
(i) The vehicle is a motor vehicle; and 10
(ii) A licence to use the vehicle for the current licensing year is affixed to it,—
the Minister may give not less than 14 days' notice to the last registered owner of the vehicle of his intention to sell or destroy the vehicle. 15
- (5) Any notice under subsection (4) (b) of this section may be given by personal delivery to the last registered owner, or by posting it to him by registered letter addressed to him at his last known place of residence or business in New Zealand. 20
- (6) Unless, before the expiry of the notice given under subsection (4) of this section, the owner of the vehicle—
(a) Pays to the Minister on behalf of the Crown the cost of removing and storing the vehicle under subsection (1) of this section, or, as the case may be, the cost of removing it under subsection (2) of this section and the parking charges payable under that subsection, and, in either case, the cost of any advertisements published under this section; and 25
(b) Removes the vehicle from the park or other place to which it was removed,— 30
the Minister 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 Minister may cause the vehicle to be destroyed. 35
- (7) The proceeds of the sale of any vehicle sold in accordance with this section shall be the property of the Crown and shall be paid into the Public Account to the credit of the Trust Account and applied under section 55 of this Act as if it were money received under this Act. 40
- (8) For the purposes of this section, and without limiting the meaning of the term "abandoned", a boat or 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 Minister.

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

Cf. 1952, No. 54, s. 57A; 1974, No. 69, s. 11

PART VIII

MISCELLANEOUS PROVISIONS

10 **70. Former Authority and Boards to cease to exist—**

(1) The National Parks Authority established under section 4 of the National Parks Act 1952 and every National Park Board established under sections 16 to 18 of that Act and existing immediately before the commencement of this Act,

15 shall cease to exist on the commencement of this Act.

(2) The members of the National Parks Authority appointed by or under section 4 of the National Parks Act 1952 and the members of every National Park Board appointed by or under sections 16 to 18A of that Act, holding

20 office immediately before the commencement of this Act, shall go out of office on the commencement of this Act.

(3) Every reference in any enactment passed before the commencement of this Act, other than an enactment specified in the First Schedule to this Act, to the National Parks

25 Authority or any National Park Board shall be read as a reference to the Minister of Lands.

Struck Out

71. Vesting of property in Crown—(1) All real and personal property that, immediately before the date of the commencement of this Act, was vested in—

- 30 (a) The National Parks Authority established under section 4 of the National Parks Act 1952; or
 (b) Any National Park Board established under sections 16 to 18 of the National Parks Act 1952,—

35 shall, on that date, without transfer or assignment, vest in the Crown, subject to all charges and trusts affecting that property.

(2) All money vested in the Crown by subsection (1) of this section shall be paid into the Public Account and credited

40 to the Trust Account.

(3) All the contracts, engagements, and liabilities of the

Struck Out

Authority and Boards referred to in subsection (1) of this section immediately before the date of the commencement of this Act shall, on that date, become the contracts, engagements, and liabilities of the Crown. 5

(4) A District Land Registrar shall, on the written application of the Director-General, register in the name of Her Majesty any land that is registered in his land registration district under the Land Transfer Act 1952 and is vested in the Crown by subsection (1) of this section. 10

(5) Where a register or other record relates to property affected by subsection (1) of this section, the person whose duty it is to keep that register or record shall, on written application of the Director-General, make such entries in the register or record and generally do all such things as may be necessary to give full effect to subsection (1) of this section. 15

New

71. Assets, liabilities, and rights of former Authority and Boards transferred to Crown—(1) On the commencement of this Act,— 20

(a) All real and personal property belonging to the Authority established under section 4 of the National Parks Act 1952, or any Board established under sections 16 to 18 of that Act (in this section referred to as “the former Authority” and “any former Board”) shall vest in the Crown subject to all charges and trusts affecting that property: 25

(b) All money payable to the former Authority or any former Board shall become payable to the Crown:

(c) All contracts, engagements, and liabilities, and all rights and authorities of any nature whatever of the former Authority or any former Board shall become contracts, engagements, liabilities, rights, and authorities of the Crown: 30

(d) All proceedings pending by or against the former Authority or any former Board may be carried on, completed, and enforced by or against the Crown. 35

(2) All money vested in the Crown by subsection (1) of this section shall be paid into the Public Account to the credit of the Trust Account and shall be applied in accordance with section 55 of this Act as money received under this Act. 40

New

(3) Subject to subsection (5) of this section, the District Land Registrar, on receiving a written request from the Director-General incorporating a reference to this section, shall, without fee, make such entries in his registers and on any outstanding documents of title and generally do all such things as may be necessary to give effect to the provisions of subsection (1) of this section in respect of land and interests in land specified in the request.

(4) All references to the former Authority or any former Board in any security or other document whatever (not being an enactment) that is subsisting immediately before the date of commencement of this Act, or in any notice or other communication served, given, or sent before, on, or after that date in relation to any such security or other document shall, unless the context otherwise requires, be read as references to the Crown.

(5) No Registrar of Deeds or District Land Registrar or any other person charged with the keeping of any books or registers shall be obliged, solely by the provisions of this section, to change any reference to the former Authority or any former Board to a reference to the Crown in his books or registers or in any document in his charge; but the presentation to any such Registrar or other person of any instrument—

- (a) Executed or purporting to be executed on behalf of the Crown; and
- (b) Relating to any property held immediately before the commencement of this section by the former Authority or any former Board; and
- (c) Containing a recital that the property has become vested in the Crown by virtue of the provisions of this section—

shall, in the absence of proof to the contrary, be sufficient evidence that the property is vested in the Crown.

(6) Except as provided in subsections (3) and (5) of this section, nothing in this section shall derogate from the provisions of the Land Transfer Act 1952.

72. Director-General may execute documents on behalf of the Crown—All documents that require to be executed for the purpose of this Act by or on behalf of Her Majesty or by or on behalf of the Minister may, unless otherwise provided

by this Act, be executed by the Director-General, and if so executed shall be as valid and effectual as if executed by or on behalf of Her Majesty or by or on behalf of the Minister, as the case may be.

Cf. 1977, No. 66, s. 117

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73. Director-General may act in proceedings on behalf of the Crown—All actions and proceedings by or on behalf of the Crown in connection with any breach of contract or any trespass or any damage accruing by reason of trespass or for the recovery of any rent, purchase money, or other money in respect of any national park or in respect of any damages or wrongs suffered by the Crown in respect of any national park may be commenced, prosecuted, and carried on by the Director-General on behalf of the Crown, and the Director-General may be plaintiff or defendant, as the case may require, in any such action or proceeding.

Cf. 1977, No. 66, s. 118

74. Certificates of title in respect of national parks—
 (1) The District Land Registrar for the Land Registration District in which is situated any land forming part of any national park shall, on completion of such surveys (if any) as may be necessary, and on being requested in writing to do so by the Commissioner, issue a certificate or certificates of title under the Land Transfer Act 1952 in the name of Her Majesty in respect of any such land.

(2) Subsection (1) of this section shall not oblige any person to register any lease or licence granted under this Act.

Cf. 1952, No. 54, s. 60

75. Approval under this Act not to authorise actions in contravention of other Acts—Nothing in any authorisation by the Minister to do any act that would otherwise be unlawful under this Act shall be deemed to authorise any person to do any act in contravention of the Native Plants Protection Act 1934, the Wildlife Act 1953, the Historic Places Act 1954, the Antiquities Act 1975, the Wild Animal Control Act 1977, or any other Act, or any regulation, Proclamation, Warrant, bylaw, or notification made or issued under any Act.

76. Mining operations in national parks—This Act shall not affect the Mining Act 1971 or the Coal Mines Act 1979 with respect to land included in any national park.

Cf. 1952, No. 54, s. 59; 1979, No. 21, s. 267

5 **77. Certain other Acts unaffected**—Nothing in this Act shall affect the Manapouri - Te Anau Development Act 1963 or the Mount Egmont Vesting Act 1978.

78. Amendments, repeals, and revocations—(1) The enactments specified in the First Schedule to this Act are
10 hereby amended in the manner indicated in that Schedule.

(2) The enactments specified in the Second Schedule to this Act are hereby repealed.

(3) All bylaws made under section 38 of the National Parks Act 1952, including those specified in the Third
15 Schedule to this Act, are hereby revoked.

SCHEDULES

FIRST SCHEDULE

Section 78 (1)

ENACTMENTS AMENDED

Enactment	Amendment
<i>New</i>	
1937, No. 27—The Petroleum Act 1937 (re-printed, 1976, Vol. 5, p. 4249)	By omitting from section 26 (6) (a) the words “National Parks Authority”, and substituting the words “National Parks and Reserves Authority”.
1948, No. 64—The Land Act 1948. (Re-printed, 1972, Vol. 2, p. 1557)	By omitting from section 67 (3) (as added by section 2 of the Land Amendment Act 1959) the words “to the National Park Board having the control and management of that park for the maintenance, development, and improvement of the park”, and substituting the words “to the Public Account to the credit of the Trust Account and applied under section 55 of the National Parks Act 1980 as if it were money received under that Act”.
1950, No. 34—The Harbours Act 1950. (R.S. Vol. 2, p. 551)	<p>By repealing subparagraph (iv) of section 8A (12) (a) (as substituted by section 5 (2) of the Harbours Amendment Act 1977), and substituting the following subparagraph: “(iv) The Minister of Lands:”.</p> <p>By omitting from section 165 (1A) (c) (i) (as substituted by section 33 (1) of the Harbours Amendment Act 1977), the words “National Park Board”.</p> <p>By inserting in section 165 (1A) (c) (ii) (as substituted by section 33 (1) of the Harbours Amendment Act 1977), before the words “a public reserve” the words “a national park or is”.</p> <p>By omitting from section 165 (10) (as substituted by section 33 (9) of the Harbours Amendment Act 1977) the words “the National Parks Authority, a National Park Board.”.</p> <p>By inserting in section 165 (10) (as so substituted), after paragraph (a), the following paragraph: “(aa) In relation to any national park, the Director-General of Lands; or”.</p>

FIRST SCHEDULE—*continued*

Enactment	Amendment
1962, No. 24—The Nature Conservation Council Act 1962	By omitting from section 10 the words “National Parks Authority appointed under the National Parks Act 1952”, and substituting the words “Director-General of Lands appointed under the Land Act 1948”.
1967, No. 135—The Water and Soil Conservation Act 1967 (Reprinted 1973, Vol. 2, p. 1703)	By omitting from section 4 (4) (f) the words “The National Parks Authority”. By omitting from the proviso to section 21 (3) the words “National Parks Authority”, and substituting the words “Minister of Lands”. By omitting from section 22 (2) the words “(including the National Parks Authority)”.
1968, No. 147—The Local Authorities (Members’ Interests) Act 1968 (Reprinted 1974, Vol. 3, p. 2399)	By repealing so much of Part I of the First Schedule as relates to National Park Boards and National Park local and other committees.
1971, No. 15—The Marine Reserves Act 1971	By omitting from section 5 (1) (a) the words “National Parks Authority”, and substituting the words “Director-General of Lands”.
1971, No. 25—The Mining Act 1971	By omitting from section 26 (8) (a) the words “National Parks Authority”, and substituting the words “National Parks and Reserves Authority”. By omitting from section 224 (1) (c) the words “to the appropriate National Parks Board”, and substituting the words “to the Public Account to the credit of the Trust Account”.
1971, No. 29—The Marine Farming Act 1971	By omitting from section 6 (3) (b) the words “or the Board controlling the park, as the case may be”. By omitting from section 13 (5) (d) the words “or the Board controlling the park, as the case may be”.
1975, No. 9—The Ombudsmen Act 1975	By omitting from Part II of the First Schedule the item “National Parks Authority”, and substituting the item “National Parks and Reserves Authority”. By omitting from Part III of the First Schedule the item “National Park Boards”, and substituting the item “National Parks and Reserves Boards”.

FIRST SCHEDULE—*continued*

Enactment	Amendment
1977, No. 52—The Forest and Rural Fires Act 1977	<p>By omitting from paragraph (b) of the definition of the term “open air” in section 2 (1) the words “National or” where they first occur.</p> <p>By inserting in paragraph (b) of the definition of “open air”, after the words “written approval of”, the words “Director-General of Lands in the case of a National Park or”.</p> <p>By inserting in section 23 (1) (a) (i), after the words “authority of”, the words “Director-General of Lands or, in the case of a Maritime Park,”.</p> <p>By inserting in section 23 (1) (b) (i), after the words “authority of”, the words “Director-General of Lands or, in the case of a Maritime Park,”.</p>
1977, No. 66—The Reserves Act 1977	<p>By omitting from section 2 (1) the definition of “National Parks Authority”, and substituting the following definition:</p> <p>“‘National Parks and Reserves Authority’ means the National Parks and Reserves Authority established by the National Parks Act 1980”.</p> <p>By repealing subsection (3) of section 9, and substituting the following subsection:</p> <p>“(3) The Minister may appoint the National Parks and Reserves Authority or any National Parks and Reserves Board to be a committee for the purposes of this section”.</p>
1977, No. 121—The Town and Country Planning Act 1977	<p>By omitting from the definition of the term “local authority” in section 2 (1) the words “or of a National Park”.</p> <p>By inserting in that definition, after the words “Regional Planning Authority” in <u>the second place where they occur</u>, the words “a National Parks and Reserves Board”.</p>
1977, No. 122—The Local Government Amendment Act (No. 3) 1977	By repealing so much of Part II of the Third Schedule as relates to the National Parks Act 1952.
1979, No. 21—The Coal Mines Act 1979	By repealing so much of the First Schedule as relates to the National Parks Act 1952.

FIRST SCHEDULE—*continued*

Enactment	Amendment
1979, No. 41—The Litter Act 1979	<p>By omitting from paragraph (a) of the definition of the term “public authority” in section 2 (1) the words “a Board constituted under section 15 of the National Parks Act 1952”.</p> <p>By omitting from paragraph (k) of the definition of the term “public place” in section 2 (1) the words “National Parks Act 1952”, and substituting the words “National Parks Act 1980”.</p> <p>By repealing paragraph (h) of section 6 (1) of the Act, and substituting the following paragraph:</p> <p style="padding-left: 40px;">“(h) Every ranger appointed under <u>section 38</u> of the National Parks Act <u>1980</u> while he is acting in the exercise of his powers and the discharge of his duties in any National Park in respect of which he is authorised to act:”.</p>
1979, No. 147—The National Development Act 1979	<p>By omitting from the Schedule the item “The National Parks Act 1952: Sections 32, 33 (2), and 63”, and substituting the item “The National Parks Act <u>1980</u>: <u>Sections 52 and 53 (2)</u>”.</p>

SECOND SCHEDULE

Section 78 (2)

ENACTMENTS REPEALED

- 1952, No. 54—The National Parks Act 1952. (R.S. Vol. 3, p. 655.)
 1955, No. 75—The National Parks Amendment Act 1955. (R.S. Vol. 3, p. 715.)
 1956, No. 89—The National Parks Amendment Act 1956. (R.S. Vol. 3, p. 715.)
 1964, No. 102—The National Parks Amendment Act 1964. (R.S. Vol. 3, p. 715.)
 1965, No. 98—The National Parks Amendment Act 1965. (R.S. Vol. 3, p. 716.)
 1968, No. 136—The National Parks Amendment Act 1968. (R.S. Vol. 3, p. 716.)
 1970, No. 92—The National Parks Amendment Act 1970. (R.S. Vol. 3, p. 717.)
 1972, No. 87—The National Parks Amendment Act 1972. (R.S. Vol. 3, p. 717.)
 1973, No. 80—The National Parks Amendment Act 1973 (R.S. Vol. 3, p. 718.)
 1974, No. 69—The National Parks Amendment Act 1974. (R.S. Vol. 3, p. 718.)
 1976, No. 106—The National Parks Amendment Act 1976. (R.S. Vol. 3, p. 720.)
 1977, No. 82—The National Parks Amendment Act 1977. (R.S. Vol. 3, p. 720.)

New

THIRD SCHEDULE

BYLAWS REVOKED

Section 78 (3)

Subject-matter	Gazette Reference
Mount Cook National Park: General bylaws	1954, p. 1015
Egmont National Park: General bylaws	1954, p. 1979
Arthur Pass National Park: General bylaws	1954, p. 1980
Nelson Lakes National Park: General bylaws	1959, p. 395
Arthur Pass National Park: Cableways	1959, p. 1002
Fiordland National Park: General bylaws	1961, p. 1057
Urewera National Park: General bylaws	1962, p. 807
Westland National Park: General bylaws	1963, p. 29
Urewera, Egmont, Nelson Lakes, Arthur Pass, Mount Cook, Westland, and Fiordland National Parks: Vehicles	1965, p. 561
Mount Aspiring National Park: General bylaws	1966, p. 897
Urewera, Egmont, Nelson Lakes, Arthur Pass, Mount Cook, Westland, Mount	1967, p. 1072

*New*THIRD SCHEDULE—*continued*

Subject-matter	Gazette Reference
Aspiring, Fiordland National Parks: Visitors' Books	
Mount Aspiring National Park: Trail blazing	1968, p. 1321
Nelson Lakes National Park: Boats	1970, p. 21
Fiordland National Park: Contravention of permit	1972, p. 283
Nelson Lakes National Park: House boats	1973, p. 267
Urewera, Egmont, Nelson Lakes, Arthur Pass, Mount Cook, and Mount Aspiring National Parks: Spotlighting	1974, p. 1419
Fiordland National Park: Spotlighting	1974, p. 2498
Tongariro National Park: General bylaws	1975, p. 2094
Urewera, Egmont, Nelson Lakes, Arthur Pass, Westland, Mount Cook, Mount Aspiring, and Fiordland National Parks: Aircraft	1976, p. 24
Tongariro National Park: Competitive sport	1976, p. 1074
Tongariro National Park: Specific Departures and Lifts and Tows	1976, p. 2876
Fiordland National Park: Animals	1976, p. 2876
Tongariro National Park: Motor Camp bylaws	1977, p. 1474
Urewera National Park: Operation of Generators	1978, p. 3139
Abel Tasman National Park: General bylaws	1979, p. 1904
Tongariro National Park: Car Park bylaws	1980, p. 1877