

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

29th September, 1925.

Hon. Mr. McLeod.

PUBLIC RESERVES AND DOMAINS AMENDMENT.

ANALYSIS.

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| <p>Title.</p> <p>1. Short Title.</p> <p>2. Minister of Lands may authorize increased charges for admission to recreation-ground or public domain.</p> <p>3. Governor - General may authorize application of moneys derived from any domain for purposes of any other specified domain.</p> <p>4. Union of two or more domains.</p> <p>5. Members of Domain Boards to continue in office until appointment of successors.</p> | <p>6. Altering financial year of Domain Boards.</p> <p>7. Contribution of County Council towards expenses of public domain may be made from separate riding account.</p> <p>8. Provision for issue of certificate of title in respect of public domain.</p> <p>9. Conditions as to leases of reserves to be approved by Governor-General. Repeal.</p> <p>10. Provision for apportionment of cost of improvement and maintenance of public domains in certain cases.</p> |
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A BILL INTITULED

AN ACT to amend the Public Reserves and Domains Act, 1908. Title.

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

1. This Act may be cited as the Public Reserves and Domains Amendment Act, 1925, and shall be read together with and deemed part of the Public Reserves and Domains Act, 1908 (hereinafter referred to as the principal Act). Short Title.
- 10 2. (1.) On the recommendation of the Trustees of any recreation-ground or on the recommendation of the Domain Board charged with the administration of any public domain, the Minister of Lands may authorize, either generally or for any specified day or days, an increase of the maximum charges prescribed by paragraph (e) of section twenty-nine of the principal Act in respect of the admission to such recreation-ground or domain of any person, horse, or vehicle, but not so as to exceed *two shillings* in respect of any such person, horse, or vehicle. Minister of Lands may authorize increased charges for admission to recreation-ground or public domain.
- 15 (2.) Any authority granted under the *last preceding* subsection may be subject to the condition that such proportion of the increase as may be fixed by the Minister shall be paid to the Trustees or to the Domain Board, as the case may be, and shall be applied for the improvement of the recreation-ground or public domain.
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Governor-General may authorize application of moneys derived from any domain for purposes of any other specified domain.

3. (1.) Notwithstanding anything to the contrary in section thirty-seven of the principal Act, the Governor-General may by Order in Council direct that any moneys received, whether before or after the passing of this Act, in respect of any public domain shall be applied in managing, administering, and improving any other specified public domain; or may by such Order in Council direct that any moneys that may thereafter be received in respect of any public domain for any specified period shall be applied as aforesaid for the purposes of any other specified public domain. 5

(2.) An Order in Council under this section authorizing the diversion of any moneys received as aforesaid in respect of any public domain shall not be issued without the written consent of the Domain Board (if any) charged with the administration of that domain. 10

Union of two or more domains.

4. (1.) The Governor-General may by Order in Council declare that any two or more public domains shall, as from a date to be specified in that behalf in the Order, be united to form one public domain, with such name as he thinks fit, and may by the same or a subsequent Order in Council appoint a Domain Board, as provided in section forty or in section forty-seven of the principal Act, to have control of the united domain. 15 20

(2.) Forthwith on the appointment of a Domain Board for a united domain as aforesaid, the former Domain Boards (if any) controlling the several domains shall cease to hold office as such, and the new Board shall have, in respect of the united domain, all the rights and liabilities of the several old Boards in respect of the several domains united as aforesaid. 25

Members of Domain Boards to continue in office until appointment of successors.

5. Section forty of the principal Act is hereby amended by repealing subsection three and substituting the following subsection:— 30

“(3.) Subject to the last preceding subsection every member of a Domain Board shall be appointed for a term of seven years, but shall continue in office until the appointment of his successor, notwithstanding that the term for which he was appointed may have expired.” 35

Altering financial year of Domain Boards.

6. (1.) Section forty-five of the principal Act is hereby amended by omitting from subsection one the word “December” and substituting the word “March.”

(2.) Section forty-two of the principal Act is hereby consequentially amended by omitting from subsection three the word “February.” and substituting the word “May.” 40

(3.) The report and the statement of receipts and expenditure prepared by any Domain Board for submission at its annual meeting to be held in the month of May, nineteen hundred and twenty-six, shall be in respect of the period of fifteen months commencing on the first day of January, nineteen hundred and twenty-five. 45

Contribution of County Council towards expenses of public domain may be made from separate riding account.

7. Where, pursuant to the provisions of section forty-nine of the principal Act, a County Council makes any contribution towards the management, improvement, and maintenance of a public domain, such contribution may, with the consent of the councillor or councillors representing any riding of the county, be made wholly or in part out of the separate account for that riding. 50

8. On the request in writing of the Under-Secretary for Lands, the District Land Registrar for the land registration district wherein is situated any land which is subject to Part II of the principal Act, shall, on the completion of such surveys (if any) as may be necessary, issue a certificate of title under the Land Transfer Act, 1915, in the name of His Majesty the King in respect of such land, subject to all encumbrances, estates, and interests affecting such land at the date of the issue of the certificate.

Provision for issue of certificate of title in respect of public domain.

9. (1.) Section two of the Public Reserves and Domains Amendment Act, 1911, is hereby amended by omitting from subsection one the words "in Council."

Conditions as to leases of reserves to be approved by Governor-General.

(2.) Subsections two, three, and four of the said section are hereby repealed.

Repeal.

10. (1.) In any case where a Domain Board having control of a public domain is of opinion that portion of the cost of the management, improvement, and maintenance of that domain should by reason of the fact that the domain is generally used by the inhabitants of the districts of more than one local authority be borne by the several local authorities of those districts, the Domain Board may serve on the Minister of Lands and on each of the local authorities concerned a notice setting forth,—

Provision for apportionment of cost of improvement and maintenance of public domains in certain cases.

(a.) A description of any works which the Board proposes to undertake for the improvement of the domain, and the estimated cost thereof:

(b.) The estimated expenditure by the Domain Board in respect of the domain, for a period of one or more years, showing separately—

(i.) The estimated annual capital or maintenance expenditure in respect of any works referred to in the *last preceding* paragraph; and

(ii.) The estimated annual expenditure in respect of the domain, exclusive of the expenditure referred to in the *preceding* subparagraph:

(c.) The estimated revenue of the Domain Board from all sources in respect of the same period:

(d.) The portion of the annual cost of the management, improvement, and maintenance of the domain which in the opinion of the Domain Board should be borne by the local authorities concerned, and the proposed apportionment among those local authorities of such portion of the cost:

(e.) A statement to the effect that, if objection to the proposed apportionment is not made to the Minister of Lands within two months from the date of the service of the notice, the Minister has authority by law to make an order of apportionment in accordance with the terms of the notice.

(2.) If no objection from any of the local authorities concerned is received by the Minister within the aforesaid period of two months, he may, on the application of the Domain Board, by Warrant published in the *Gazette*, make an order of apportionment among the several local authorities concerned in accordance with the terms of the notice, and every such order of apportionment shall have effect according to its tenor.

(3.) If within the aforesaid period of two months, or within such extended period as the Minister may allow, any of the local authorities concerned objects by notice in writing served on the Minister to the proposed apportionment, or to any other matter referred to in the notice given by the Domain Board, the Governor-General may appoint a Commission under the Commissions of Inquiry Act, 1908, to inquire into and report upon the proposals of the Domain Board and the objections thereto, and to make recommendations with respect to the proposed apportionment or other proposals of the Domain Board. 5

(4.) On receipt of the report of the Commission the Governor-General may, by Warrant published in the *Gazette*, make an order for the apportionment among the several local authorities named in the Warrant of a specified portion of the estimated expenditure of the Domain Board in respect of the domain. Such order of apportionment may be in accordance with the report of the Commission, or may vary the apportionment recommended therein, but not so as to provide for the apportionment of a greater amount in the aggregate in any year than was originally proposed by the Domain Board. 10 15

(5.) Any order of apportionment made under this section either by the Governor-General or by the Minister of Lands may relate particularly to the capital expenditure of the Domain Board in respect of any specified work or works, or may relate generally to the expenditure of that Board for any year, or for two or more years, or for an unlimited period. 20

(6.) Any moneys payable to a Domain Board by any local authority pursuant to an order of apportionment made under this section shall be recoverable as a debt due by that local authority to the Domain Board, and may be paid by the local authority out of its ordinary funds, or may in the case of a County Council be paid in whole or in part out of any separate riding account. 25 30

(7.) In addition to any other rating-power every local authority affected by an order of apportionment made under this section shall have power to make and levy a rate over all rateable property in its district, or in any defined part thereof, sufficient to provide the amount payable by it pursuant to such order of apportionment. 35

(8.) For the purpose of affording representation on the Domain Board to the local authorities required, by virtue of an order of apportionment made under this section, to contribute towards the cost of any public domain controlled by that Board, the Governor-General in Council may appoint such additional number of members as he thinks fit, notwithstanding that the limit prescribed by section forty of the principal Act may thereby be exceeded. Any additional member appointed pursuant to this subsection may be appointed by virtue of any office, and shall continue to be a member of the Board only so long as he holds such office, and on his retirement from office his successor in office shall without further appointment be deemed to be a member of the Domain Board. 40 45

(9.) Save as provided in the *last preceding* subsection, additional members appointed under this section shall, unless sooner removed, continue in office only until the members appointed under the principal Act retire from office, but shall be eligible for reappointment. 50

(10.) Any order of apportionment under this section, whether made by the Governor-General or by the Minister of Lands, may be at any time in like manner revoked.