

Hon. Mr. McLeod.

PUBLIC RESERVES, DOMAINS, AND NATIONAL PARKS.

ANALYSIS.

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A BILL INTITULED

Title.

AN ACT to make Better Provision with respect to the Control, Management, and Development of Public Reserves, Domains, and National Parks.

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

Short Title and commencement.

1. This Act may be cited as the Public Reserves, Domains, and National Parks Act, 1928, and shall come into force on the *first* day of *April*, nineteen hundred and *twenty-nine*, 10

PRELIMINARY.

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

Interpretation.

5 “Crown grant” or “grant” means the grant of any land by the Crown, and includes certificates of title whether issued in lieu of grant or not.

“Crown land” has the same meaning as in the Land Act, 1924 :

10 “Local authority” includes a County Council, a Borough Council, a Town Board, a Road Board, a Harbour Board, a River Board, and such other public bodies or class or classes of public bodies as are from time to time declared by the Governor-General by Order in Council to be local authorities for the purposes of this Act, and where necessary means the corporation of the district governed by any such local authority :

15 “Minister” means the Minister of Lands :

20 “Public purpose” : Land, whether Crown land or not, shall be deemed to be set apart for a public purpose within the meaning of this Act if it is granted, reserved, or set apart or given or dedicated in any lawful manner, whether by or pursuant to any Act, or by will, or by deed, or by other like instrument, for the use, benefit, or enjoyment, or the safety or defence of the people of New Zealand or the inhabitants of any district or locality therein :

25 “Public reserve” : Save as hereinafter provided in this definition, “public reserve” means any land set apart for any public purpose, and includes—

30 (a) Any land which immediately before the commencement of this Act was a public reserve within the meaning of the Public Reserves and Domains Act, 1908 :

35 (b) Any land vested in His Majesty which after the commencement of this Act is reserved or set apart under the Land Act, 1924, or other lawful authority as a reserve, or alienated from the Crown for the purpose of a public reserve :

(c) Any land which after the commencement of this Act is vested in His Majesty by or under the authority of any Act as a reserve :

40 (d) Any land which after the commencement of this Act is taken, purchased, or otherwise acquired in any manner whatever by His Majesty as a public reserve or in trust for any particular purpose :

45 (e) Any land acquired after the commencement of this Act in any manner by a local authority or trustees as a public reserve within the meaning of this Act, and any land vested in any local authority which, not theretofore being a public reserve, is by resolution of such local authority pursuant to section *five* hereof, declared to be set
50 apart as a public reserve :

(f) Any private land set apart as a reserve in accordance with the provisions of any Act :
but does not include—

(g) Any land taken or otherwise acquired or set apart by the Crown under the Public Works Act, 1908, whether before or after the commencement of this Act, for any purpose other than that of a recreation-ground, or of an agricultural show-ground ; or 5

(h) Any land heretofore or that may hereafter be taken, purchased, or otherwise in any manner acquired by a local authority unless such land is acquired subject to a trust or a condition that it shall be held by the local authority as a reserve. 10

“ Trustees ” includes a body corporate. 15

PART I.

PUBLIC RESERVES.

Restricting application of this Part of this Act.

3. (1) This Part of this Act shall not apply to any land which is subject to the Education Reserves Act, 1928, or the Scenery Preservation Act, 1908, or the Forests Act, 1921–22, or the Kauri-gum Industry Act, 1928. 20

(2) Save as otherwise specially provided herein this Part of this Act in its application to any public reserve shall be read subject to—

(a) The provisions of any Act (whether passed before or after the commencement of this Act) or of any Provincial Ordinance in force at the commencement of this Act, making any special provision with respect to such reserve, whether by direct reference thereto or by reason of the reserve being vested in any particular local authority, board, or trustees, or in any local authority of a particular class, or by reason of the reserve being one of any particular class, or authorizing the setting apart of any public reserve for any purpose. 25 30

(b) The provisions of any will, deed, or other instrument creating the trusts upon which such reserve is held.

Land reserved, &c., for public reserve to be for specified purpose.

4. (1) Land which after the commencement of this Act becomes a public reserve shall, subject to the provisions of this Act, be held and administered for the purpose or purposes to which it is dedicated, and no other. 35

(2) All lands which are public reserves within the meaning of this Act by virtue of paragraph (a) of the definition of the term “ Public Reserve ” in section two hereof shall continue to be public reserves for the same purposes as those for which they were held immediately before the commencement of this Act. 40

Local authority may declare land vested in it to be a public reserve.

5. (1) Any local authority may, subject to the provisions of this section, by resolution declare any land vested in it to be a public reserve within the meaning of this Act. 45

(2) No such resolution shall be passed before the expiration of twenty-one days after notice of intention to pass the same and calling for objections thereto in writing has been published in one or more

newspapers circulating in its district, and until it has considered all such objections received within such period.

(3) A copy of such resolution shall be forwarded to the Minister together with all objections (if any) received as aforesaid.

5 (4) If no objections have been received by the local authority the Minister shall cause the resolution to be gazetted, but if objections have been received the Minister shall consider the same, and may then in his discretion cause the resolution to be gazetted or refuse to cause it to be gazetted.

10 (5) No resolution under this section shall have any force or effect until it is gazetted as aforesaid.

6. (1) If in the opinion of the Governor-General there is any doubt or uncertainty as to whether any land was immediately before the commencement of this Act a public reserve within the meaning of section two of the Public Reserves and Domains Act, 1908, he may by Order in Council declare either that such land as defined in such Order is a public reserve within the meaning of this Act for such purpose or purposes as are stated in such Order, or that it is not a public reserve; and every such Order shall have effect according to its tenor.

Governor-General in Council may in cases of doubt declare land to be public reserve, or define purposes thereof.

20 (2) The Governor-General may (except where a reserve is given or dedicated by or pursuant to a deed of trust or a will) in like manner define the purpose to which any public reserve (whether reserved or set apart before or after the commencement of this Act) shall be dedicated in any case where doubt exists as to such purpose.

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

Governor-General in Council may change purpose of or revoke reservation over public reserves.

30 (a) Change the purpose of any public reserve or any part thereof, and thereafter such reserve or part, as the case may be, shall be held and administered for such changed purpose; or

35 (b) Revoke the reservation over any public reserve or part thereof, and thereupon the land comprised therein shall, if vested in the Crown, or in any local authority or trustees deriving title from the Crown, become Crown land available for disposal under the Land Act, 1924, and in any other case may, subject to subsection *five* hereof, be disposed of in such manner and for such purposes as may be stated in such Order in Council.

40 (2) In the case of any public reserve for the purposes of public health, or recreation, or the use, support, or education of aboriginal Natives, the Governor-General shall not exercise either of the powers conferred on him by the *last preceding* subsection unless a notice of the Governor-General's intention to issue an Order in Council under paragraph (a) or paragraph (b) of that subsection with respect to the public reserve or part thereof specified in such notice is laid before both Houses of Parliament, and each House during the session in which such notice is laid before it resolves that the proposed change of purpose or revocation be approved.

50 (3) The powers conferred on the Governor-General by the foregoing provisions of this section shall not be exercised with respect to any public reserve vested in a local authority or trustees save pursuant to a resolution of such local authority or trustees consenting to the change of purpose or revocation of reservation, as the case may be.

(4) No resolution pursuant to the *last preceding* subsection shall be passed before the expiration of twenty-one days after notice of intention to pass the same and calling for objections thereto in writing, has been published in one or more newspapers circulating in the district of the local authority, or, as the case may be, in the district or locality for the use, benefit, or enjoyment of the inhabitants of which the reserve is held, and until the local authority or trustees have considered all such objections received within such period. A copy of such resolution shall be forwarded to the Minister, and shall be accompanied by all objections received as aforesaid.

(5) All proceeds of the sale of any land over which a reservation for the purposes of public health or recreation has been revoked pursuant to this section shall be applied only in the purchase of other lands for such purposes.

Exchange of public reserve or part thereof for other land.

8. (1) The Governor-General may by Order in Council authorize the exchange of the land comprised in any public reserve, or any part of such land, for any other land of at least equal value and more suitable for the purposes of such reserve :

Provided that this power shall not be exercised with respect to any public reserve vested in a local authority or trustees except pursuant to a resolution of such local authority or trustees requesting such authority to exchange passed after notice thereof has been given in the manner provided by subsection *four* of the *last preceding* section and objections received thereto have been considered as required by that subsection.

(2) The Governor-General in the name and on behalf of His Majesty and a local authority or trustees, as the case may require, may do all things necessary to effect any exchange authorized as aforesaid.

(3) The land comprised in any public reserve or part thereof given by way of exchange pursuant to this section shall, upon such exchange being effected, be no longer subject to any reservation theretofore affecting it.

(4) The land acquired by His Majesty or by a local authority or trustees, as the case may be, by way of such exchange shall be held as a public reserve under this Act, or as part of an existing reserve, as the case may be, for the same objects and purposes as the land given in exchange was held.

Governor-General in Council may vest reserves in local authorities or trustees.

9. (1) The Governor-General may, for the better carrying-out of the purposes of any public reserve vested in His Majesty, by Order in Council vest such reserve in any local authority, or in any trustees empowered by or under any Act or any other lawful authority, as the case may be, to hold and administer lands and expend moneys thereon, for the particular purposes for which such public reserve is reserved or set apart.

(2) All lands so vested shall be held in trust for such purposes as aforesaid, and subject to such special conditions and restrictions as may be specified in the Order in Council vesting the same.

Revocation of vesting of public reserve.

10. (1) Any vesting (whether by Act, grant, Order in Council, or in any other manner, and whether before or after the commencement of this Act) in a local authority or trustees of any public reserve which before such vesting was the property of His Majesty may, with the consent of such local authority or trustees, be by Order in Council cancelled, and thereupon such land shall cease to be vested in such local authority or trustees and revert in His Majesty, subject to the trusts affecting the same.

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(2) If at any time the Governor-General is satisfied that a serious breach of the trusts upon which any such public reserve is vested has been committed, he may direct the Minister to call upon the local authority or trustees in which or in whom such reserve is vested to show
5 cause why the vesting should not be cancelled.

(3) On receiving such a direction the Minister shall cause to be served on the local authority or trustees a notice in writing stating that, unless cause to the contrary is shown in writing within ninety days after such service, the Governor-General will by Order in Council
10 cancel the vesting.

(4) If within such period of ninety days the local authority or trustees do not show cause as aforesaid the Governor-General shall by Order in Council cancel the vesting, and thereupon the public reserve shall revert in His Majesty, subject to the trusts affecting the
15 same.

(5) If within such period of ninety days the local authority or trustees show cause as aforesaid, the Governor-General may, in his discretion, either decide to take no further action, or he may by Order in Council appoint a Commission of such number of suitable persons
20 as he thinks fit to inquire and report to him on the question whether or not the vesting should be cancelled; and every such Commission shall have all the powers of a Commission under the Commissions of Inquiry Act, 1908.

(6) If the Commission recommends that the vesting be cancelled,
25 the Governor-General may by Order in Council cancel the same, and thereupon the public reserve shall revert in His Majesty as aforesaid.

(7) On the cancellation as aforesaid of any vesting, any certificate or other instrument of title shall be cancelled by the District Land Registrar or other proper officer, who for such purpose may require
30 any such instrument then in possession or control of the local authority or trustees or of any other body or person to be delivered up to him.

11. Wherever any town or other place in New Zealand has subsequently become a borough or a town district, or is incorporated in a borough or town district, all reserves for public purposes made within
35 such town or place, or granted to or vested in the Council or Board charged with the administration of its affairs, shall be deemed to have been made for such purposes within the borough or town district for the time being existing in the stead of such first-mentioned town or place, or to have been granted to or vested in the Corporation of such
40 borough or town district respectively as from the date when such first-mentioned town or other place, or the Council or Board thereof, ceased to exist.

Reserves in places becoming boroughs or town districts to vest in Corporation.

12. Wherever any borough or town district becomes merged in a county, all reserves for public purposes made within such borough or
45 town district, or granted to or vested in the Council or Board thereof, shall be deemed to have been made for such purposes within the county wherein such borough or town district is merged, or to have been granted to or vested in the Corporation thereof as from the date when such borough or town district, or the Council or Board thereof, ceased
50 to exist.

Vesting of reserves when borough or town district merged in county.

13. (1) No District Land Registrar shall, without special authority of law, register or otherwise give effect under the Land Transfer Act, 1915, to any dealing with any public reserve except in conformity with the trusts upon which such reserve is held for the time being.

District Land Registrar not to give effect to dealings not in conformity with trusts.

(2) The provisions of clauses one, two, three, and five of Appendix I to the Land Transfer Act, 1915, shall apply not only to land set apart or reserved by the Crown as public reserves, but also to any other lands being public reserves as defined in this Act, and the notification provided for by the said clause two shall, in the case of such other lands, be made by the local authority or trustees in which or in whom any such other land is vested, and may be made by its inclusion in any memorandum of transfer of such other land to such local authority or trustees, or in any application to bring any such land under the provisions of the Land Transfer Act, 1915.

Leasing of Reserves.

Leasing of public reserves.

14. (1) Where any public reserve is not for the time being required for the purpose or purposes to which it is dedicated the Governor-General in the case of any public reserve vested in His Majesty, and the local authority or trustees in any other case, may lease the whole or any part of the reserve, either by public auction or by public tender, for any period not exceeding twenty-one years, with a right of renewal for a period not exceeding twenty-one years, but not exceeding a total period of forty-two years, upon such terms and conditions as may be prescribed or approved by the Governor-General.

(2) The powers of leasing conferred by this section may be validly exercised notwithstanding any restriction or limitation of leasing-powers with respect to public reserves imposed by any other Act in force at the commencement of this Act.

Temporary Occupation of Reserves.

License to occupy reserves temporarily.

15. (1) Licenses to occupy any public reserve or part of any such reserve for pastoral purposes, or for the purpose of cutting, felling, and removing timber or flax, or to win and remove stone, gravel, or similar substances, may, with the approval of the Minister, and subject to section *nineteen* hereof, be granted by—

- (a) The Land Board of the land district within which the reserve is situate, in the case of reserves vested in His Majesty; or
- (b) By the local authority or trustees in which the reserve is vested, in any other case:

Provided that every such license shall be surrendered, either as to the whole or any part of the land comprised in the license, on demand at any time after notice of not less than twelve months, without any right to compensation on any account whatever accruing to the licensee.

(2) Nothing in any license granted under the *last preceding* subsection shall affect any right of the Governor-General to take any part of the land therein mentioned for the construction of roads, railways, or tramways through the said land; and such right may be exercised by the Governor-General at any time during the currency of the license to an extent not exceeding one-twentieth part of such land without the licensee having any claim for compensation, except a reduction in his rent (if any) in proportion to the extent of land taken.

Management and Control of Public Reserves.

Powers, &c., of Commissioners of Crown Lands.

16. The Commissioner of Crown Lands for the land district in which is situate any public reserve vested in His Majesty shall have and exercise over such reserve all rights, powers, duties, and functions which he has over Crown lands.

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17. (1) In the case of any public reserve vested in His Majesty, the Governor-General may from time to time, by Order in Council, vest the control or management of the reserve or any part thereof in any local authority, or in any special Board constituted by him for the purpose, with such powers and subject to such conditions and restrictions as may be specified in the Order.

Power to vest control of reserve in local authority or special Board.

(2) An Order in Council under this section shall take effect according to the tenor thereof, and may at any time be in like manner amended or revoked.

18. (1) The rights, powers, functions, and duties conferred and imposed on Commissioners of Crown Lands by section *sixteen* hereof shall, in the case of any public reserve not vested in His Majesty, be had and exercised by the local authority or trustees in which or in whom such reserve is vested.

Reserves not vested in His Majesty.

(2) The powers vested in any local authority by virtue of this section or of any other provisions of this Part of this Act shall be exercised by it in the manner in which it exercises any like powers conferred on it by the Act by or under which it is constituted.

19. The natural bush on any public reserve for purposes of public recreation shall not be cut or destroyed without the approval of the Governor-General in Council being first obtained.

Bush to be preserved.

Special Provisions as to Recreation Reserves.

20. For the purposes of this and the *four next succeeding* sections—

Interpretation.

“Recreation reserve” and “reserve” mean a public reserve within the meaning of this Act for the purpose of public recreation:

“Trustees” means the local authority, Board, trustees, or other persons, howsoever designated, who have the control of a recreation reserve; and, in the case of a recreation reserve vested in His Majesty the control or management of which has not been vested pursuant to section *seventeen* hereof, means the Minister.

21. (1) The trustees having the control of a recreation reserve may from time to time—

Powers of trustees of recreation reserves.

(a) Grant to any person or body a license to occupy the reserve or any part thereof for a period not exceeding three years, for the purpose of having the reserve fenced in or laid down in grass:

(b) Enclose the reserve or any part thereof which it may at any time be found necessary or desirable to plant, improve, or lay down or renew in grass:

(c) Prohibit the public from entering or encroaching on any part of the reserve so planted, improved, laid down, or renewed:

(d) Prescribe as to not more than ~~ten~~ *twenty* days in any year, as they think fit (other than Sundays, Christmas Day, and Good Friday), that the public shall not be entitled to have admission to the reserve, or to any part thereof set apart for a particular purpose, unless on payment of a charge as hereinafter mentioned:

- (e) Grant the exclusive use of the reserve or any part thereof on any one or more of the aforesaid ~~ten~~ *twenty* days, but not for more than *three* days consecutively at any time, to any person, body, or society (incorporate or not), for the purpose of particular sports, games, or other recreation, with authority for such person, body, or society to demand a fee or charge for admission on such day or days to the reserve or part thereof so granted, not in any case exceeding for each day *one* shilling for each person, with an extra shilling for every horse or vehicle of any description which he takes with him, unless such person desires to obtain admission to the stand hereinafter mentioned, in which case an additional fee or charge not exceeding *ten* shillings may be imposed prior to his obtaining admission to such stand : 5
- (f) Enter into an agreement with any body or society as aforesaid for the use by it of the reserve or any specified part thereof on a specified number of days in each year during the term of the agreement, which (save as otherwise authorized by the Minister in any particular case), shall not be for a longer period than five years at any one time, but subject to the limitations imposed by this section as to the number of days on which a charge for admission to the ground and to any stand thereon may be made : 15
- (g) Erect or authorize any person, body, or society (incorporate or not) to erect, on some portion of the reserve, buildings for ornamental purposes, or a stand, or pavilion, or gymnasium, or other building necessary for the full use of the reserve for the purposes for which it is set apart, on such terms as to plans, size, situation, custody, and otherwise in all respects as the trustees determine, and (subject to paragraph (e) hereof as to the number of days on which a charge may be made for admission to a stand) fix charges for the use of and generally regulate admission to any such building : 25
- (h) Prescribe the games which may be played in the reserve or any part thereof, and regulate the use of the reserve for such games, and prohibit altogether the playing of any particular game therein : 35
- (i) From time to time make by-laws for the management of the reserve and for the preservation of order therein. 40
- (2) All by-laws or regulations made under paragraph (i) of the *last preceding* subsection shall be publicly notified by advertisement as to the nature thereof in some newspaper circulating in the district in which the reserve is situate, and by being posted on some conspicuous place on the reserve so that they may be easily read. 40
22. Save pursuant to the exercise of the powers conferred by subsection *one* of the *last preceding* section, the trustees shall not so deal with the reserve that, or make any disposition thereof whereby, the public are excluded from free access thereto ; and, notwithstanding anything to the contrary in that subsection, no person shall be required to pay **any** fee or charge for admission thereto or to any stand thereon on any day when the reserve or any part thereof is specially set apart as aforesaid unless public notice of such setting-apart and of the prices to be charged 50

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for admission to the reserve or to the stand had previously been given by advertisement in some newspaper circulating in the district in which the reserve is situate.

23. Notwithstanding anything to the contrary in the *two last preceding* sections, the Governor-General may, by Warrant under his hand, increase with respect to any specified recreation reserve the total number of days in any year, or the number of consecutive days, as to which the trustees of the reserve may prescribe that the public shall not be entitled to have admission to the reserve, or to any part thereof set

Governor-General may increase number of days on which charges may be made for admission to any public reserve.

apart for a particular purpose, unless on payment of a charge as provided in ~~that section~~ *section twenty-one hereof*; and in any such case the powers of the trustees shall be deemed to be extended accordingly, save that the total number of days so prescribed with respect to any reserve shall not exceed ~~thirteen~~ *thirty* in any year.

24. (1) On the recommendation of the trustees of any recreation reserve the Minister may authorize, either generally or for any specified day or days, an increase of the maximum charges prescribed by paragraph (e) of section *twenty-one* hereof in respect of the admission to such reserve of any person, horse, or vehicle, but not so as to exceed

Minister of Lands may authorize increased charges for admission to recreation reserve.

two shillings in respect of any such person, horse, or vehicle.

(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, and shall be applied for the improvement of the recreation-reserve.

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Racecourse Reserves.

25. For the purpose of this and the *five next succeeding* sections— Interpretation.

“Racing” includes trotting :

“Racing club” includes jockey club, trotting club, hunt club, and polo club :

“Racecourse reserve” and “reserve” mean a public reserve within the meaning of this Act set apart as a racecourse reserve :

“Trustees” means the local authority, Board, trustees, or other persons, howsoever designated, who have the control of a racecourse reserve.

35

26. (1) The trustees having the control of any racecourse reserve may from time to time make by-laws with respect to all or any of the following matters:— Trustees may make by-laws for management of racecourses.

(a) Regulating their own proceedings :

(b) Excluding the public from such parts of the reserve as it may be found necessary and desirable to plant, improve, lay down or renew in grass :

(c) Prescribing the conditions on which persons shall have access to or be excluded from the reserve when the same is used for racing purposes, and for regulating the price for admission of persons to the reserve or to any stand erected thereon, and for the admission of horses and vehicles of any description to the reserve on such occasions :

(d) Granting the exclusive use and control of the reserve, or of any part set apart as a racecourse, to any racing club when the same is used for racing purposes, and prescribing the terms and conditions on which such use and control shall be granted :

50

(e) Regulating the charges that may be made for the occupation of portions of the reserve for the erection of booths or stalls for the sale of refreshments, merchandise, goods, or chattels :

(f) The preservation of order on the reserve during race meetings.

(2) All by-laws made under the *last preceding* subsection after the commencement of this Act shall be publicly notified by advertisement as to the nature thereof in some newspaper circulating in the district in which the reserve is situate, and by being posted on some conspicuous place on the reserve so that they may be easily read. 5

Club may use reserve on certain conditions.

27. The reserve shall be available to any racing club for the purpose of holding race meetings, on such terms and conditions as are from time to time publicly advertised by the trustees, and at such dates as they in every such case appoint : 10

Provided that such racing club shall consist of not fewer than fifty members who each pay an annual subscription of not less than one pound towards the funds of the club. 15

Trustees may lease reserve.

28. The trustees may from time to time lease, at such rent and on such conditions as they think reasonable, the whole or any part of the reserve, for any term or terms of years not exceeding seven years at any one time, and on conditions not inconsistent with the purposes of the reserve. The power of leasing conferred by this subsection is in addition to and not in substitution for the power of leasing conferred by section *fourteen* hereof. 20

Proceeds of reserve to be expended in improvements, and for racing purposes.

29. All moneys received by the trustees as the rents, issues, and profits of the reserve shall forthwith after receipt by the treasurer or other proper officer of the trustees be paid into such bank as the trustees from time to time appoint to an account to be called "The [*Name of racecourse reserve*] Trustees Account," and after deducting therefrom all necessary expenses incurred in the management of the reserve, be applied in and towards the fencing of the reserve or any part thereof, the erection of stands or pavilions thereon, the cultivation and improvement thereof, and in rendering any part thereof that may be set apart as a racecourse suitable for that purpose. 25 30

Annual statement of accounts and report.

30. Within twenty-eight days after the close of each financial year ending on the thirty-first day of March, the trustees shall cause to be prepared and submitted to the Audit Office for audit a balance-sheet, together with a statement of accounts (including a Receipts and Payments Account and an Income and Expenditure Account), showing fully the financial position of the trustees at the close of the year. The said balance-sheet and statement of accounts shall, when duly audited, be submitted to the Minister, accompanied by a report as to the operations of the trustees for the year. 35 40

Special Acts dealing with racecourse reserves to be read subject to this Act.

31. The provisions of any Act of the General Assembly or of any Provincial Ordinance or grant dealing with or referring to any racecourse reserve, or reserve that may after the commencement of this Act be set apart and used for the purposes of a racecourse, shall, so far as they may be inconsistent with this Act, be read subject to the provisions of this Act, and the powers conferred by sections *twenty-six* to *twenty-nine* hereof on the trustees having control of a racecourse reserve are hereby likewise conferred on any bodies or persons having control of any such reserve as aforesaid. 45 50

PART II.

PUBLIC DOMAINS.

32. In this Part of this Act, if not inconsistent with the context,— Interpretation.

5 “Board” or “Domain Board” means a Domain Board appointed under this Part of this Act:

10 “Public domain” or “domain” means any land which immediately before the commencement of this Act was subject to the provisions of Part II of the Public Reserves and Domains Act, 1908, and all land that thereafter becomes a public domain in accordance with the provisions of this Part of this Act.

33. This part of this Act shall be read subject to the provisions of any Act (whether passed before or after the commencement of this 15 Act) making any special provision with respect to any public domain or domains or authorizing the setting apart for any other purpose of lands subject to this Part of this Act. Saving special legislation affecting domains.

Constitution of and Acquisition of Land for Public Domains.

20 34. The Governor-General may from time to time, by Order in Council, declare to be a public domain any public reserve for health or recreation purposes vested in His Majesty, or any land acquired by the Crown for such purposes, and thereupon such reserve or land shall be a public domain subject to the provisions of this Part of this Act, and be known by such name as the Governor-General directs. Governor-General may declare land to be a public domain.

25 35. All lands forming part of any public domain (other than lands acquired by way of lease for the purposes of such domain) are hereby declared to be the property of His Majesty. Domain lands to vest in Crown.

30 36. (1) The Governor-General, in the name and on behalf of His Majesty, may treat and agree for the purchase or lease of any land he deems necessary for the purposes of a public domain, or for the improvement or extension of any existing public domain, and for any such purposes may enter into any contract he thinks fit. Acquisition of land for purposes of public domain.

35 (2) All lands acquired by way of purchase as aforesaid shall vest in His Majesty for the purposes of this Part of this Act as a public domain, or as part of an existing domain, as the case may require, and all lands acquired by the Governor-General by way of lease under this section shall during the term of such lease be subject to this Part of this Act.

40 37. (1) The Governor-General may exchange the land comprised in any public domain, or any part of such land, for any other land of at least equal value and more suitable for the purposes of a domain, and in the name and on behalf of His Majesty may do all things necessary to effect such exchange. Governor-General may exchange domain land for land more suitable for purposes of domain.

45 (2) The land comprised in any domain or part thereof shall, upon such exchange being effected, cease to be subject to this Part of this Act and to any other reservation theretofore affecting it.

(3) The land acquired by His Majesty by way of such exchange shall be held as a public domain or as part of an existing domain, as the case may be.

Certain local authorities may convey or transfer land to Crown for purposes of a public domain.

38. (1) Notwithstanding anything to the contrary in any Act any County Council, Borough Council, or Town Board may, without further authority than this section, convey or transfer to His Majesty any land acquired by it for recreation purposes.

(2) Any land so conveyed or transferred to His Majesty shall vest in him as a public domain under and for the purposes of this Part of this Act, whether or not any Order in Council is made pursuant to section *thirty-four* hereof declaring such land to be a public domain. 5

Domain Boards may with consent of Minister purchase lands for cash or on deferred payments.

39. (1) Any Domain Board may enter into a contract for the purchase of land upon terms providing for payment of the whole or of part or parts of the purchase-moneys at a future date or dates, and for payment of interest upon any unpaid purchase-moneys at a rate not exceeding *six* per centum per annum : 10

Provided that no such contract shall be valid unless—

(a) The Minister expressly approves the same by writing endorsed thereon : 15

(b) It is expressly provided therein—

(i) That the vendor shall have no claim or right of action in respect of any unpaid purchase-money or interest against His Majesty or upon the Government or public revenues of New Zealand ; and 20

(ii) That upon payment in full of the purchase-money the land shall be vested in His Majesty by conveyance or transfer from the vendor.

(2) All land so purchased shall on the taking possession thereof by the Domain Board be administered in accordance with the provisions of this Part of this Act as if it were part of the public domain controlled by the Board, and on the conveyance or transfer thereof to His Majesty shall become part of such domain. 25

Union of domains.

40. 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. 30

Reservation over land as a public domain or part thereof may be cancelled.

41. (1) The Governor-General may from time to time, by Order in Council, but subject to compliance with the requirements of subsection *two* of section *seven* hereof, declare that the land comprised in a public domain or part thereof shall cease to be subject to this Part of this Act, and declare either that such land shall be a public reserve for the purposes of Part I of this Act, or Crown land available for disposal by way of sale for cash under the Land Act, 1924 ; and every such Order shall take effect according to the tenor thereof. 40

(2) A sum or sums equal to the moneys paid to the credit of the Land for Settlements Account as proceeds of the sale of lands pursuant to the authority conferred by the *last preceding* subsection shall, as directed by the Minister, and without further appropriation than this section, be paid out of that account for the purpose of purchasing lands to be held as public domains or as part of existing domains, or for the improvement and development of domains. 45

Sites for public halls may be set apart on public domains.

42. Notwithstanding anything to the contrary in this Act, the Governor-General may, by Warrant under his hand, declare that the land described in such Warrant, being portion of a public domain, shall, as from a date to be specified in the Warrant, be set apart as a 50

site for a public hall, and thereupon such land shall cease to be subject to the provisions of this Part of this Act and become a public reserve for a hall-site subject to Part I hereof.

Leasing of Domain Lands.

5 43. The Governor-General may lease any land comprised in a public domain for such consideration in money or otherwise to such persons, for such period not exceeding twenty-one years, subject to such rents or conditions, and in such manner and form as he from time to time thinks fit, and may accept any surrender of any lease so granted
10 by him :

Governor-General may lease land comprised in public domain or part thereof.

Provided that no lease of any land subject to this Part of this Act shall authorize the erection of any building that will interfere with the use and enjoyment of the domain as a recreation-ground, or any building for use and occupation for any purpose inconsistent with the
15 purposes of the domain :

Provided further that no member of a Domain Board may become the lessee of any land under the control of the Board without the express consent in writing of the Minister.

DOMAIN BOARDS.

20 *Appointment of Boards.*

44. (1) The Governor-General may from time to time, by Order in Council, appoint such persons as he thinks fit (who, save as provided in section *sixty-three* hereof, shall not exceed nine in number) to be a Domain Board having, subject to this Part of this Act, control of the
25 public domain named in such Order. Any person so appointed may be appointed by virtue of any office.

Appointment of Board.

(2) The Governor-General may in like manner remove from office any person so appointed, or revoke any such Order in Council.

30 (3) Subject to the provisions of this Part of this Act, 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, and shall be eligible for reappointment.

45. In any case where, pursuant to section *forty* hereof, two
35 or more public domains have been declared to be united as one domain, the Governor-General shall appoint a Domain Board to control the same, and thereupon the Domain Boards (if any) controlling the several domains so united shall cease to hold office as such, and the new Board shall have in respect of the united domain, all the rights and liabilities
40 of the several old Boards in respect of such several domains.

Board of united domain.

46. In any case where the Board consists of any number of members less than nine the Governor-General in Council may from time to time increase the total number of members thereof to any number not exceeding nine, and make such additional appointments of members
45 as may thereby be rendered necessary.

Governor-General may increase number of members of a Board.

47. The members of the Board shall not be personally liable for any act of the Board done or omitted to be done in good faith in the course of the operations of the Board, nor for any debt or other liability of the Board lawfully incurred.

Members of Board not personally liable.

Local authority may
be appointed a
Domain Board.

48. In lieu of appointing any persons to be a Board as aforesaid, the Governor-General may from time to time, by Order in Council, appoint any local authority to be the Domain Board in respect of any public domain, and in every such case the Mayor or Chairman of the local authority for the time being shall be the Chairman of the Board, anything to the contrary in section *fifty* hereof notwithstanding. 5

Vacancies.

49. When any member of the Board dies, or resigns his office, or is removed therefrom, or becomes of unsound mind, or is absent from three consecutive meetings without the consent of the Board, his seat shall become vacant, and the Governor-General in Council may appoint some fit person to be a member in his place : 10

Provided that where any member of the Board is appointed by virtue of any office he shall vacate his seat on quitting such office, and be replaced by his successor in office without any further appointment.

Meetings of Boards.

Meetings of Boards.

50. (1) The first meeting of every Domain Board appointed after the commencement of this Act shall be held at a time and place to be fixed in that behalf in the Order in Council appointing such Board. 15

(2) An annual meeting of every Domain Board shall be held in the month of May in every year. 20

(3) Other meetings shall be held as the Board shall from time to time determine.

(4) A special meeting of the Board may at any time be convened by the Chairman or by any two members :

Provided that not less than seven clear days' notice of the meeting and of the business to be transacted thereat shall be given to each member, and no business other than that specified in the notice shall be transacted at such meeting. 25

(5) At the first meeting of every Board, and at every annual meeting, and as often as the office of Chairman becomes vacant, the members shall elect one of their number to be Chairman, who shall hold office until the appointment of his successor. 30

(6) The Chairman shall preside at each meeting of the Board at which he is present, but in his absence from any meeting the members present shall elect a member to act as Chairman at such meeting. 35

(7) The Chairman at any meeting shall have a deliberative vote and, in case of an equality of votes, shall also have a casting-vote.

(8) No business shall be transacted at any meeting of the Board unless at least a quorum of members is present thereat during the whole time at which the business is transacted. 40

(9) A quorum shall consist of half of the whole number of the members of the Board (irrespective of any vacancies) when that number is even and a majority of such members when that number is odd.

(10) Subject to the provisions of this Part of this Act, every Board may regulate its own proceedings. 45

Functions and Powers of Domain Boards.

Functions of Boards.

51. Every Domain Board shall be charged with the duty of so administering, managing, and controlling its domain in accordance with the provisions of this Part of this Act, and the means at its disposal, as to secure to the public the proper use and enjoyment thereof for the purposes of health and recreation. 50

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52. (1) Every Domain Board may, in respect of the domain under its control, exercise all or any of the following powers: that is to say, it may—

Particular powers of Boards.

- 5 (a) Lay out, enclose, and plant the domain or any part thereof in such manner as it thinks fit, and prohibit the public from entering or encroaching on any such enclosed or planted part:
- 10 (b) From time to time set apart any part of the domain for any specific purpose of public amusement or recreation, and permit the use thereof upon such terms and conditions as it thinks fit, and may annul any such setting-apart:
- 15 (c) Exercise in respect of the domain or any part thereof the powers that may be exercised by the trustees of a recreation-ground pursuant to paragraphs (d), (e), (f), (g), and (h) of subsection *one* of section *twenty-one* hereof:
- 20 (d) If so authorized by the Governor-General by Warrant under his hand, erect a public hall on such part of the domain as may be described in the Warrant:
- (e) Appropriate any part of the domain for squares, gardens, or open places, or baths, or camping-sites, or parking-places for vehicles, and fix such charges for the use of any such baths, camping-sites, or parking-places as the Minister approves:
- 25 (f) Prohibit persons from carrying on any trade, business, or occupation within the Domain unless licensed by the Board, and fix fees to be paid in respect of such licenses:
- (g) Cause such parts of the domain to be laid out for carriage-ways and such parts thereof for footways as it thinks proper:
- 30 (h) From time to time make, stop up, divert, widen, or alter any bridges, ways, or watercourses in, upon, through, across, or over any part of the domain, subject to the payment of compensation for damage thereby to adjacent lands:
- (i) Do any other thing, including the appointment of officers and servants, which may be requisite for the proper and beneficial management and administration of the domain or any part thereof.

(2) The provisions of sections *twenty-two*, *twenty-three*, and *twenty-four* of Part I of this Act shall, with the necessary modifications, extend and apply to every public domain under the control of a Domain Board, and to such Board in respect of the exercise by it of the powers conferred by paragraph (c) of the *last preceding* subsection.

(3) In any case where the Board erects a public hall pursuant to authority given by the Governor-General under paragraph (d) of subsection *one* of this section, it may make such charges as it thinks fit for admission to such hall, and provide musical entertainments or cinematograph or similar exhibitions therein, or may let such hall for any term not exceeding one year for the purpose of entertainments, upon such conditions (including a condition as to charges to be made for admission to such entertainments) as it thinks fit to impose:

50 Provided that no charge for admission to such hall may be made on Christmas Day, Good Friday, or Sunday.

53. Save with the consent of the Governor-General in Council the Board shall not cut or destroy, or authorize any person to cut or destroy, the natural bush on the domain under its control.

Bush to be preserved.

55 54. The Board shall have and exercise over the domain under its control all the rights, powers, duties, and functions which a Commissioner of Crown Lands has over Crown lands.

Provisions in relation to trespass, &c., on domains.

By-laws.

Board may make
by-laws for certain
purposes.

55. (1) Every Domain Board may, with respect to the domain under its control, make by-laws for all or any of the following purposes :—
- (a) The management, preservation, and use of the domain or any part thereof, and the preservation of plants and animals therein ; 5
 - (b) The control of all persons, horses, and vehicles of any description using or frequenting the same ;
 - (c) Regulating the times of admission thereto and exclusion therefrom of persons, horses, and vehicles ; 10
 - (d) The depasturing of stock thereon, and the fixing of charges in respect thereof ;
 - (e) The exclusion of dogs or other animals therefrom and their destruction if intruding therein ;
 - (f) The prevention of any nuisance ; and 15
 - (g) Generally regulating the use of the domain and providing for the preservation of order therein.

(2) With respect to the making of by-laws the following provisions shall apply :—

- (a) If the Board is a local authority, the by-laws shall be made in the same manner as that in which such local authority is authorized by law to make by-laws : 20
- (b) If the Board is not a local authority, the by-laws shall be made by resolution of the Board, and shall have the seal of the Board duly affixed thereto (if the Board is a corporate body), or (if the Board is not a corporate body) shall be signed by the Chairman and one other member of the Board. 25

By-laws not
operative until
approved by the
Minister and
published.

56. (1) No by-law made by a Domain Board shall have any force or effect unless and until it is approved by the Minister and published as provided in the *next succeeding* subsection. 30

(2) By-laws shall be published by being painted on boards, or printed on paper or linen and affixed to boards, and displayed and kept displayed at one or more of the principal entrances to the domain.

(3) In all legal proceedings sufficient proof of the due making of the by-laws may be given by production of a copy thereof with the Minister's approval endorsed thereon, and of the due publication thereof by proving that the requirements of subsection *two* hereof had been complied with. 35

Finance.

Funds of the Board.

57. The funds of the Board shall consist of all moneys received by it under or by virtue of this Act, or in any other manner whatever, in respect of the domain under its control, and all such moneys shall forthwith after receipt by the Treasurer, or other proper officer of the Board, be paid into such bank as the Board from time to time appoints, to an account to be called "The [*Name of domain*] Board Account." 40 45

Expenditure of
funds.

58. The funds of the Board shall, save as otherwise authorized by this Act, be applied in managing, administering, and improving the domain under its control, and for no other purpose.

Local authority may
assist Domain
Board with funds.

59. (1) Where a local authority is the Domain Board of any domain, or where any member of a local authority is by virtue of his office, a member of the Domain Board, or the domain is generally used by the 50

inhabitants of the district of a local authority, such local authority may apply any part of its ordinary funds towards the management, improvement, and maintenance of the domain, or of any part thereof, notwithstanding that the domain may be situate outside the district of such
5 local authority.

(2) Where a County Council makes any contribution pursuant to the *last preceding* subsection, 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 of that riding.

10 60. Notwithstanding anything to the contrary in any Act, any local authority which is the Domain Board of a public domain may borrow by way of special loan under the Local Bodies' Loans Act, 1926, as if for a public work, moneys for the improvement and development of the domain, and may in its capacity as such Domain Board expend
15 moneys so borrowed.

Local authority which is Domain Board may raise loan for expenditure on domain.

61. (1) Notwithstanding anything to the contrary in this Part of this Act, the Governor-General may, by Order in Council, direct that any moneys received, whether before or after the commencement of this Act, in respect of any public domain shall be applied in managing,
20 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.

Governor-General may authorize diversion of moneys derived from any domain.

25 (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.

30 62. Within twenty-eight days after the close of each financial year ending on the thirty-first day of March, the Board shall cause to be prepared and submitted to the Audit Office for audit a statement of assets and liabilities together with a statement of accounts (including a Receipts and Payments Account), and showing fully the financial position of the Board at the close of the year. The said statements
35 shall, when duly audited, be submitted to the Minister, accompanied by a report as to the operations of the Board for the year.

Annual statement of accounts, &c.

Apportionment of Cost of Improvements, &c., of Domains.

40 63. (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 and on each of the local authorities concerned a notice setting forth—

Providing for apportionment of cost of improvements, &c., among local authorities in certain cases.

45 (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
50 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: 5

(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 10 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 15 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 20 may, on the application of the Domain Board, by notice 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. 25

(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 30 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.

(4) On receipt of the report of the Commission the Governor-General 35 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 40 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.

(5) Any order of apportionment made under this section either by the Governor-General or by the Minister of Lands may relate particularly 45 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.

(6) Any moneys payable to a Domain Board by any local authority 50 pursuant to an order of apportionment made under this section shall be recoverable as a debt due by that local authority to the Domain

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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.

(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.

(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-four* hereof 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.

(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 other members appointed under this Act retire from office, but shall be eligible for reappointment.

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

WHERE NO DOMAIN BOARD.

64. The powers, functions, and duties conferred and imposed on Domain Boards by this Part of this Act shall, with respect to any public domain which is not controlled by such a Board, be exercised and performed by the Minister, save that—

Powers of Minister where no Domain Board.

(a) The power of a Domain Board to make by-laws shall be exercised by the Governor-General in Council.

(b) The Commissioner of Crown Lands for the district within which such domain is situate shall have and exercise over such domain all the rights, powers, duties, and functions which he has over Crown lands.

(c) Nothing in the *last preceding* section shall apply to such domain.

65. All moneys received in respect of any public domain not controlled by a Domain Board shall, in accordance with directions by the Minister, be applied in managing, administering, and improving the domain in respect of which they were received, or in accordance with a direction of the Governor-General pursuant to section *sixty-one* hereof, or otherwise in carrying out the objects of this Part of this Act.

How moneys to be expended.

OFFENCES.

66. (1) Every person who offends against any by-law made under this Part of this Act is liable to a fine of *five* pounds.

Penalty for breach of by-laws

(2) Any Field Inspector, any constable, or any person employed in a public domain may, without further warrant or authority than

this section, summarily interfere to prevent any actual or attempted breach of this Part of this Act or of any by-law thereunder.

Offences within the domain.

67. (1) Every person is liable to imprisonment for *three months* or to a fine of *fifty* pounds who, without being authorized by the Domain Board, or, where there is no Domain Board, by the Minister, does any of the following things within the boundaries of any public domain, that is to say,— 5

- (a) Lights any fire ; or
- (b) Wilfully breaks or injures any fence, building, or erection ; or
- (c) Wilfully breaks, cuts, injures, or removes any or any part of any wood, tree, shrub, fern, plant, stone, mineral, furniture, utensil, tool, or thing of any kind ; or 10
- (d) Wilfully digs, cuts, or injures the sod ; or
- (e) Shoots at any bird or animal with any gun or other instrument ; or 15
- (f) Wilfully takes, destroys, or injures any bird or animal, or the nest or egg of any bird.

(2) In addition to any penalty under the *last preceding* subsection, every person convicted of an offence thereunder shall be liable for any loss or damage caused by the offence, and such loss or damage may be awarded by the Court in fixing the penalty, and may be recovered as a fine. 20

Evidence of offences.

68. (1) In every case where under the *last preceding* section wilful intent must be shown, such intent shall be presumed until the contrary is proved. 25

(2) If within the domain, or in its vicinity, any person is found in possession of any wood, tree, shrub, fern, or any plant, bird, egg, nest, or animal, or any part of any such thing, and, upon being thereunto required by any Field Inspector, or any constable, or any person employed in the domain, fails or refuses to give a satisfactory account of the manner in which he became possessed of the same, he shall be deemed to have wilfully removed or taken the same in breach of this Act, unless he satisfies the Court to the contrary. 30

Application of fines.

69. All fines under this Part of this Act shall when recovered be paid into the Public Account, and, after deducting an amount equal to *five* per centum thereof, which shall be credited to the Ordinary Revenue Account of the Consolidated Fund, shall, without further appropriation than this section, be paid to the Domain Board of the domain in respect of which they were recovered, and where there is no such Board shall be applied in the manner provided by section *sixty-five* hereof : 35 40

Provided that any moneys awarded by a Court in respect of loss or damage and recovered as a fine shall be so paid or applied without any such deduction being made.

PART III.

NATIONAL PARKS.

Interpretation.

70. In this Part of this Act, if not inconsistent with the context,—

“ Board ” means a National Park Board constituted under this Part of this Act :

“ The park ” means a national park constituted under this Part of this Act : 45

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“ Prescribed ” means prescribed by this Part of this Act or by by-laws or regulations made thereunder.

71. (1) The Governor-General may at any time and from time to time, by Order in Council, declare that the land described in such order, being any Crown land subject to the provisions of the Land Act, 1924, or any land subject to the Forests Act, 1921-22, or any public reserve vested in His Majesty subject to Part I or any public domain subject to Part II of this Act, or any land subject to the Scenery Preservation Act, 1908, shall be a national park subject to this Part of this Act and may from time to time in like manner add any such land to the park :

Governor-General in Council may declare certain land vested in His Majesty to be a national park.

Provided that no land subject to the said Forests Act, 1921-22, shall be declared to be subject to this Part of this Act except on the joint recommendation of the Minister of Lands and the Commissioner of State Forests.

(2) For the purpose of providing more suitable boundaries, or for the purpose of effecting, under the authority of section one hundred and sixty of the Land Act, 1924, or other lawful authority, any exchange of land within the park for other land more suitable for the purposes of the park, the Governor-General may from time to time, by Order in Council, declare that any land forming part of the park shall be excluded therefrom.

(3) When any land is excluded from the park as aforesaid any reservation theretofore affecting the same shall be deemed to be cancelled, and such land shall thereupon become Crown land subject to the Land Act, 1924.

72. (1) Where any public domain under the control of a Domain Board is declared to be or becomes part of a national park the appointment of the Domain Board shall be deemed to be revoked, and its funds and other property and all its rights and liabilities shall become the funds, property, rights, and liabilities of the National Park Board.

Domain funds, &c., where domain declared national park to become property of Park Board.

(2) Where any public domain not under the control of a Domain Board is declared to be or becomes part of a national park any public moneys held in respect of such domain shall, without further appropriation than this section, be paid to the National Park Board and shall become part of its general funds.

73. (1) The Governor-General may from time to time, by Order in Council, appoint such persons (~~not exceeding nine~~) as he thinks fit to be a Board having, subject to this Part of this Act, the control and management of any such park, and any Board so constituted shall be deemed to be a local body within the meaning of the Public Contracts and Local Bodies' Contractors Act, 1908. Any person may be appointed as aforesaid by virtue of any office.

Governor-General in Council may appoint Board for national park.

(2) The Board shall be a body corporate under the name of “ The National Park Board,” with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

74. With respect to each of the members of the Board the following provisions shall apply :—

Term of office of members

(a) He shall hold office for ~~three years~~ such term, not exceeding three years, as the Governor-General determines, or until the appointment of his successor, and shall be eligible for reappointment.

(b) He may at any time resign his office by notice in writing addressed to the Secretary of the Board, or the Governor-General may at any time remove him from office for any cause that he thinks fit.

- (c) If he resigns, or is removed from office, or otherwise vacates his office, before the expiry of the term of his appointment the Governor-General shall appoint a successor, who shall hold office for the residue of the term of the vacating member.
- (d) If he is a member of the Board by virtue of any office he shall cease to be a member on his quitting such office, and his successor shall thereupon become a member of the Board without any further appointment. 5
- Appointment of Chairman.** 75. The Chairman of the Board shall be such member thereof as the Minister may appoint. 10
- Meetings of Board.** 76. (1) The first ordinary meeting of the Board shall be held at such time and place as the Chairman appoints, and subsequent ordinary meetings shall be held at such times and places as the Board appoints.
- (2) Special meetings of the Board may be called at any time by the Chairman, and he shall call one whenever any three members so request in writing. 15
- Conduct of meetings.** 77. (1) At all meetings of the Board four members not prohibited from acting as such shall form a quorum.
- (2) The Chairman shall preside at all meetings of the Board at which he is present, and shall have a deliberative vote, and in case of equality of votes shall also have a casting-vote. 20
- (3) In the absence of the Chairman from any meeting of the Board the members present shall appoint one of their number to act as chairman at that meeting, and the member so appointed shall whilst so acting have all the powers of the Chairman. 25
- Special provisions as to Board.** 78. With respect to the Board the following provisions shall apply :—
- (a) It may continue to act notwithstanding any vacancy in the membership thereof.
- (b) It shall cause minutes of all its proceedings to be kept, and also full and accurate accounts of all its receipts, disbursements, assets, liabilities, and engagements. 30
- (c) Subject to the provisions of this Act, the Board may regulate its own procedure.
- (d) There may be paid to the Chairman and to the members of the Board, out of the funds of the Board, all amounts actually and reasonably expended by them in attending meetings of the Board or of any committee thereof, or in transacting any business of the Board pursuant to a resolution of the Board. 35 40
- Board may appoint officers.** 79. The Board may appoint a Secretary and Treasurer, and such rangers, officers, and servants as may be deemed necessary, at such salaries or other remuneration as it thinks fit, subject to the approval of the Minister, and may define their duties and functions.
- Board to have powers of Domain Board.** 80. Subject to the provisions of this Part of this Act, the Board shall have and may exercise in respect of the park all the powers which by Part II of this Act, or any other Act, Domain Boards have in respect of public domains controlled by them, and in addition to such powers may from time to time make by-laws for—
- (a) Excluding the public from any specified part or parts of the park : 50

(b) Prescribing the conditions on which any persons shall have access to or be excluded from the park or any part thereof, and making charges for admission of persons to the park or any part thereof, and for the admission of horses and vehicles to the park :

5 Provided that by-laws made by the Board shall not come into operation until they have been approved by the Governor-General and have been gazetted :

10 Provided further that nothing in such by-laws shall permit the cutting of timber for trade purposes :

Provided also that no person shall have or be given authority to fell any trees growing in the park without the approval of the Governor-General in Council first being obtained.

15 81. The publication in the *Gazette* of any by-laws purporting to have been made by the Board under this part of this Act and to have been approved by the Governor-General shall be conclusive evidence that the same have been duly made and approved in accordance with this Act. Evidence of by-laws.

20 82. Every person who commits a breach of any by-laws made under this Part of this Act is liable to a fine of *five* pounds. Penalty for breach of by-laws.

83. (1) Every person is liable to imprisonment for *three* months or to a fine of *fifty* pounds who, without being authorized by the Board, or in breach of any by-law made by the Board, does any of the following things within the boundaries of the park, that is to say :-- Offences within park.

25 (a) Lights any fire ; or

(b) Wilfully breaks or injures any fence, building, or erection ; or

(c) Wilfully breaks, cuts, injures, or removes any or any part of any wood, tree, shrub, fern, plant, stone, mineral, furniture, utensil, tool, or thing of any kind ; or

30 (d) Wilfully digs, cuts, or injures the sod ; or

(e) Shoots at any bird or animal with any gun or other instrument ; or

(f) Wilfully takes, destroys, or injures any bird or animal, or the nest or egg of any bird.

35 (2) In addition to any penalty under the *last preceding* subsection, every person convicted of an offence thereunder shall be liable for any loss or damage caused by the offence, and such loss or damage may be awarded by the Court in fixing the penalty, and may be recovered as a fine.

40 84. (1) In every case where under the *last preceding* section wilful intent must be shown, such intent shall be presumed until the contrary is proved. Evidence of offences.

(2) If within the park or in its vicinity any person is found in possession of any wood, tree, shrub, fern, or any plant, bird, egg, nest, or animal, or any part of any such thing, and, upon being thereunto required by any ranger or by any constable, or by any person employed in the park, fails or refuses to give a satisfactory account of the manner in which he became possessed of the same, he shall be deemed to have wilfully removed or taken the same in breach of this Part of this Act unless he satisfies the Court to the contrary.

50 85. All fines under this Part of this Act shall when recovered be paid into the Public Account, and, after deducting an amount equal Application of fines

to five per centum thereof, which shall be credited to the Ordinary Revenue Account of the Consolidated Fund, shall, without further appropriation than this section, be paid to the Board of the park in respect of which they were recovered :

Provided that any moneys awarded by a Court in respect of loss or damage and recovered as a fine shall be so paid without any such deduction being made. 5

Powers of rangers in respect of offenders.

86. Any ranger or any constable, or any person employed in the park, may, without further warrant or authority than this section, summarily interfere to prevent any actual or attempted breach of this Part of this Act or of any by-law thereunder. 10

Licenses.

87. (1) It shall be lawful for the Board to issue licenses in respect of lands within the park—

(a) To win and remove stone, gravel, or similar substances :

(b) To construct and use tramways or roads for the removal of any such stone, gravel, or similar substances. 15

(2) The Board may from time to time make by-laws prescribing—

(a) The form of such licenses ;

(b) The conditions under which such licenses shall be issued ; and

(c) The fees payable in respect of any such license. 20

Board may provide accommodation for tourist traffic.

88. (1) The Board may establish or provide, or assist in the establishment or provision, by persons or companies, of huts, hostels, accommodation-houses, and other buildings and conveniences, and may let or lease any such buildings or conveniences on such terms and conditions as the Board with the approval of the Minister thinks fit, or the Board may itself control, carry on, or conduct any such buildings or conveniences ; and the Board may establish and maintain recreation-grounds within such parts of the park as it may from time to time decide ; and for the use of any such buildings, conveniences, or recreation-grounds, or in connection therewith, the Board, with the approval of the Minister, may make such charges as it from time to time determines. 25 30

(2) For the purpose of facilitating the provision of any such buildings or conveniences by persons or companies the Board may, with the the consent of the Minister and subject to such terms and conditions as he approves, lease any lands within the park as sites for such buildings or conveniences. 35

New.

Board may grant easements for certain purposes.

88A. The Board may, with the consent of the Minister and subject to such conditions as he may approve, grant rights of way or other easements over any tracks or roads or other parts of the park for the purposes of access to any area included in any lease granted under the powers conferred by this Part of this Act, or for the utilization of water-power for the generation and transmission of electric current for heating, lighting, or power purposes, or for the provision of high-pressure water-systems, or otherwise for the development or use of the park or any part of the same as a tourist resort. 40 45

Public roads not within jurisdiction of Board.

89. (1) Nothing in this Part of this Act shall confer on the Board or the Minister any jurisdiction or authority with respect to any part of any public road which is within the boundaries of the park.

(2) Except with the consent of the Board, it shall not be lawful for any local authority to make roads or tracks over or through the park. 50

Fees.

90. The Board may levy and collect from all persons camping or picnicking in the park such fees as may from time to time be fixed by the Board and approved by the Minister. 55

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

92. The general funds of the Board shall consist of— General funds.

- 5 (a) All moneys accruing in respect of the park or received by way of penalties, fees, and otherwise under this Part of this Act, and the same shall be paid to the Board accordingly :
- (b) All moneys from time to time appropriated by Parliament in aid of the Board's funds, and all moneys received by it
- 10 pursuant to section *seventy-two* hereof :
- (c) All moneys from time to time contributed to the Board by any local authority out of its general funds, and any local authority is hereby empowered to contribute accordingly such sums as from time to time it thinks fit :
- 15 (d) All other moneys received by the Board from any source as part of its general revenue, including rents derived from leases and tenancies.

93. The Board may from time to time, ~~with the consent of the Minister of Finance~~ *subject to the Local Government Loans Board Act, 1926*, borrow moneys for the purpose of erecting buildings, forming roads, or making improvements in the park, or carrying out any other works authorized by this Part of this Act ; and such moneys shall be borrowed in the manner prescribed by the Local Bodies' Loans Act, 1926, and for that purpose the Board shall be deemed to be a local authority under that Act : Borrowing-powers of Board.

Provided that any loan may be raised by the Board by resolution without poll or other proceeding, and the security to be given or pledged by the Board shall be such of the funds, property, or revenues of the Board as it thinks fit.

94. The Audit Office shall be the auditor of the Board, and shall have the same duties and powers in respect of the moneys and accounts of the Board and of every person dealing therewith as if the Board were a local authority within the meaning of section one hundred and twenty-four of the Public Revenues Act, 1926. Accounts to be audited by Audit Office.

95. Within twenty-eight days after the close of each financial year ending on the thirty-first day of March the Board shall cause to be prepared and submitted to the Audit Office for audit a balance-sheet, together with a statement of accounts (including a Receipts and Payments Account and an Income and Expenditure Account), showing fully the financial position of the Board at the close of the year. The said balance-sheet and statement of accounts shall, when duly audited, be submitted to the Minister accompanied by a report as to the operations of the Board for the year. Annual statement of accounts.

96. The Governor-General may from time to time, by Order in Council, make, either generally or with respect to any particular national park, all such regulations as he deems necessary for effectually carrying out the provisions of this Part of this Act. Regulations.

PART IV.

MISCELLANEOUS.

97. The District Land Registrar for the Land Registration District in which is situated any public reserve vested in His Majesty, or any public domain subject to Part II or any national park subject to Part III of this Act shall, on the completion of such surveys (if any) as may be necessary, and on being requested in writing so to do by the Commissioner of Crown Lands of the appropriate land district, Authorizing issue of certificates of title in respect of public reserves, domains, or national parks, or parts thereof.

issue a certificate or certificates of title under the Land Transfer Act, 1915, in the name of His Majesty the King, in respect of any land for the time being comprised in such reserve, domain, or park, and is hereby directed to register under the provisions of that Act all registrable instruments issued under the authority of this Act upon presentation of such instruments for registration. 5

Trustees of public reserves and members of Domain and National Park Boards may enter into certain contracts with trustees or Boards.

98. Notwithstanding anything to the contrary in any Act or in any rule of law, it shall be lawful for any person being one of the trustees of a public reserve, or a member of a special Board, or a member of a Domain Board or a National Park Board, to contract with the trustees or Board for the supply of anything to or the doing of any work for the trustees or Board where the payment to be made by or on behalf of the trustees or Board in respect of any such contract does not exceed *five* pounds in the case of a single contract, or *ten* pounds altogether in any financial year in the case of two or more contracts: 10 15

Provided that in any special case the Audit Office, where application is made to it in that behalf before the contract is made, may authorize payment and receipt of such amount as it thinks fit not exceeding in the aggregate *twenty* pounds in any financial year in respect of any contract or of two or more contracts. 20

Governor-General may make regulations providing for exclusion of certain persons from public reserves, domains, and national parks.

99. Notwithstanding anything in Parts I, II, and III of this Act, or in any other Act, the Governor-General may from time to time, by Order in Council, make regulations providing for the exclusion from public reserves (other than racecourse reserves), public domains, and national parks of persons acting thereon in contravention of the provisions of any law prohibiting betting or gaming. 25

Saving operation of Mining Act, 1926, in respect of public reserves.

100. (1) Nothing in this Act shall in any way restrict the operation of any of the provisions of the Mining Act, 1926, with respect to dealings under that Act with public reserves as defined by that Act:

Provided that the term "public reserve" as defined by the said Mining Act, 1926, shall not be deemed to include a public reserve within the meaning of this Act which does not consist of land vested in His Majesty or alienated from the Crown as a public reserve, but shall include a public domain subject to Part II and a national park subject to Part III of this Act. 30 35

Public reserves, &c., may be declared subject to Coal-mines Act, 1925.

(2) Notwithstanding anything to the contrary in this or any other Act, the Governor-General may from time to time by Order in Council, declare to be subject to the Coal-mines Act, 1925, or to any specified provisions of that Act, as if it were Crown land as defined by that Act, any public reserve within the meaning of this Act consisting of land vested in His Majesty or alienated from the Crown as a public reserve, or any public domain subject to Part II, or any national park subject to Part III of this Act, which contains coal: 40

Provided that no coal-mining rights over any such land so declared to be subject to the said Coal-mines Act, 1925, or to any specified provisions thereof, shall be granted by a Warden or Commissioner of Crown Lands save with the consent in writing of the Minister of Lands. 45

Proceedings in respect of offences.

101. (1) All proceedings in respect of offences under any Part of this Act shall be taken in a summary way on the information of— 50

(a) The Commissioner of Crown lands, or some person appointed by him or by the Minister, in the case of public reserves which are not vested in a local authority or trustees, or the

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control of which is not vested in a special Board and in the case of public domains not under the control of a Domain Board :

- 5 (b) By the clerk or secretary, as the case may be, of any local authority or other body or trustees in which or in whom any public reserve or the control of any public reserve is vested, or some other person appointed in writing in that behalf by such local authority, or body, or trustees :
- 10 (c) By the secretary of a Domain Board or a National Park Board, or some other person appointed in that behalf by any such Board in the case of public domains or national parks, as the case may be, under the control of such Boards.

(2) Any appointment under the *last preceding* subsection 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.

102. The enactments mentioned in the Schedule hereto are hereby repealed, and with respect to those enactments the following provisions shall apply :—

Repeals and savings.

- 20 (a) All lands which are public reserves or domains under any such enactment at the commencement of this Act and continue to be reserves and domains under this Act shall be deemed to be the same reserves or domains under the corresponding Part of this Act.
- 25 (b) All Boards, appointments, Orders in Council, orders, warrants, regulations, by-laws, notices, advertisements, instruments, and generally all acts of authority which originated under any of the said enactments and are subsisting at the commencement of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated.
- 30 (c) All matters and proceedings commenced under any such enactment and pending or in progress at the commencement of this Act may be continued, completed, or enforced under this Act.
- 35

SCHEDULE.

Schedule.

ENACTMENTS REPEALED.

- 1908, No. 156.—The Public Reserves and Domains Act, 1908 : The whole Act.
- 1911, No. 25.—The Public Reserves and Domains Amendment Act, 1911 : The whole Act.
- 1912, No. 39.—The Public Reserves and Domains Amendment Act, 1912 : The whole Act.
- 1914, No. 72.—The Public Reserves and Domains Amendment Act, 1914 : The whole Act.
- 1921, No. 69.—The Public Reserves and Domains Amendment Act, 1921–22 : The whole Act.
- 1924, No. 31.—The Land Act, 1924 : Sections 18 and 19.
- 1925, No. 44.—The Public Reserves and Domains Amendment Act, 1925 : The whole Act.