

Hon. Mr. Pitt.

EGMONT NATIONAL PARK.

ANALYSIS.

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A BILL INTITULED

AN ACT to consolidate certain Acts relating to the Egmont National Park. Title.

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

1. The Short Title of this Act is "The Egmont National Park Act, 1905." Short Title.

2. (1.) The land described in the *First* Schedule hereto is hereby constituted and set apart as a reserve, to be called "the Egmont National Park," and shall be managed and administered under this Act by a Board, to be called "the Egmont National Park Board" (hereinafter referred to as "the Board"), consisting of ten persons, of whom— Egmont National Park constituted.
Board of Management.

(a.) One shall be the Commissioner of Crown Lands for the Taranaki Land District for the time being, and he shall be the Chairman of the Board:

(b.) Two shall be appointed by the Governor: and

(c.) One shall be appointed by each of the following local authorities, that is to say:—

- The Hawera Borough Council;
- The New Plymouth Borough Council;

The Taranaki County Council ;
 The Hawera County Council ;
 The Stratford County Council ;
 The Stratford Borough Council ; and
 The Opunake Town Board.

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(2.) The members of the Board in office on the passing of this Act shall be deemed to have been appointed under this Act.

Appointment of
 members by
 Governor.

3. With respect to each of the two members to be appointed by the Governor the following provisions shall apply:—

(a.) He shall hold office for three years, or until the appointment of his successor, and shall be eligible for reappointment. 10

(b.) He may at any time resign, by notice in writing to the Governor ; and the Governor may at any time remove him. 15

(c.) For the purpose of filling his seat when it becomes vacant the Governor shall appoint a successor, who shall hold office for the same term and subject to the same conditions as in the case of the vacating member.

Provisions as to
 members appointed
 by local authorities

4. With respect to each of the members to be appointed by the aforesaid local authorities the following provisions shall apply:— 20

(a.) He shall be appointed by resolution of the local authority at an ordinary or special meeting held in the month of January, one thousand nine hundred and *seven*, and in every third year thereafter, and shall take office on the first day of February next after his appointment. 25

(b.) He shall hold office for three years, or until his successor takes office, and shall be eligible for reappointment.

(c.) His seat shall become vacant in any of the following events, that is to say:— 30

(i.) If he dies or becomes bankrupt ; or

(ii.) If he resigns by notice in writing to the local authority by whom he was appointed ; or

(iii.) If he is absent from three successive meetings of the Board without leave of absence from the Board ; 35
 or

(iv.) If he is absent from New Zealand for three consecutive months ; or

(v.) If he is convicted of any offence punishable by imprisonment for six months or upwards. 40

(d.) As soon as conveniently may be after the local authority becomes aware that his seat has become vacant under paragraph (c) it shall by resolution appoint a successor, who shall take office from the date of his appointment, and hold office for the unexpired residue of the term of office of the vacating member. 45

(e.) For the purpose of filling his seat when it becomes vacant by the expiry of his term of office, the local authority, by resolution passed at an ordinary or special meeting held in the month of January next preceding such expiry, shall appoint a successor, who shall take office on such expiry, and shall hold office for the same term and subject to the same conditions as in the case of the retiring member. 50

(f.) In any case where the local authority fails or neglects to duly appoint a member in manner hereinbefore provided, the Governor may either extend the time during which the appointment may be made by the local authority, or may himself appoint in its stead; and any such appointment by the Governor shall be deemed to have been made by the local authority.

5 5. The ordinary meetings of the Board shall be held at such times and places as the Board appoints. Meetings of Board.

10 6. Special meetings of the Board may be called at any time by the Chairman, and he shall call one whenever any two members so request in writing. Special meetings.

7. At all meetings of the Board—

(a.) The quorum shall be four;

15 (b.) The Chairman shall preside, and shall have a deliberative vote, and in case of equality of voting a casting-vote;

(c.) In the absence of the Chairman from any meeting the members present shall elect one of their number to act as chairman at that meeting, and while so acting he shall have all the powers of the Chairman.

20 8. With respect to the Board the following provisions shall apply:— Duties and procedure.

(a.) It may continue to act notwithstanding any vacancy in its body.

25 (b.) It shall cause exact minutes of all its proceedings to be kept, and also full and accurate accounts of all its receipts, disbursements, liabilities, and engagements.

(c.) Subject to the provisions of this Act, the Board may regulate its own procedure.

30 9. (1.) The Board may appoint a Secretary, at such a salary or other remuneration as it thinks fit, and may define his duties and functions. Secretary.

(2.) For the more effective management and control of the said park the Board may also appoint Rangers, at such salaries or other remuneration as it thinks fit, and may define their powers, duties, and functions. Rangers.

40 10. Subject to the provisions of this Act, the Board shall have and may exercise in respect of the said park all the powers which by "The Domain Boards Act, 1904," a Domain Board may exercise in respect of a public domain. Powers of Board in respect of park.

11. The Board may from time to time issue licenses for all or any of the purposes following, that is to say:— Power to issue certain licenses.

(a.) To cut and remove dead timber only;

45 (b.) To win and remove stone or gravel for ballast or for metal-ling roads;

(c.) To construct and use tramways for the removal of any such timber, ballast, or road materials.

50 12. In addition to the matters specified in "The Public Domains Act, 1881," for which by-laws may be made, the Board may from time to time make by-laws prescribing— By-laws relating thereto.

(a.) The form of licenses issued under the *last preceding* section;

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

(c.) The fees payable on any such license.

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| By-laws to be approved. | 13. (1.) No by-laws made by the Board shall come into operation until they have been submitted to and approved by the Governor and have been gazetted. | |
| Penalty for breach of by-law. | (2.) Every person who commits any breach of any by-law under this Act is liable to a fine not exceeding <i>five</i> pounds. | 5 |
| Evidence of by-laws. | (3.) The publication in the <i>Gazette</i> of any by-laws purporting to be made by the Board under this Act, and to be approved by the Governor, shall, until the contrary is shown, be sufficient evidence that the same have been duly made and approved in accordance with this Act. | 10 |
| Board may lease certain land. | 14. The Board may lease the open land described in the <i>Second</i> Schedule hereto to occupiers of land adjoining such aforesaid land for any period not exceeding twenty-one years, and upon such other terms as to area, rent, occupation, and improvement as the Board, with the consent of the Governor, may think fit. | 15 |
| Leasing-powers. | 15. With the consent of the Governor the Board may set apart for leasing areas of the said park not included in the said <i>Second</i> Schedule, and with respect to every such leasing-area the Board shall be deemed to be a leasing authority within the meaning of "The Public Bodies' Powers Act, 1887" : Provided that, except in the case of a temporary tenancy under section eight of that Act, leases shall only be granted for residential purposes or for accommodation-houses, and the area comprised in any lease shall not exceed two acres. | 20 |
| Matters for which penalties imposed. | 16. (1.) Every person is liable to a fine not exceeding <i>twenty</i> pounds, in addition to the damage actually done (the amount of such damage to be assessed by the convicting Court), who does any of the following things upon or within the boundaries of the said park, that is to say:— (a.) Lights any fire ; or (b.) Wilfully breaks or injures any fence, building, or erection ; or (c.) Wilfully breaks, cuts, injures, or removes any or any part of any wood, tree, shrub, fern, plant, stone, mineral, furniture, utensil, tool, or thing of any kind ; or (d.) Wilfully digs, cuts, or injures the sod ; or (e.) Shoots at any bird or animal with any gun or other instrument ; or (f.) Wilfully takes, destroys, or injures any bird or animal, or the nest or egg of any bird. | 25 30 35 |
| Intent presumed. | (2.) In every case where under the <i>last preceding</i> subsection hereof wilful intent must be shown, such intent shall be presumed until the contrary is proved. | 40 |
| Wilful removal of tree, shrub, &c. | (3.) If within the said park, or on any road in its vicinity, any person is found in possession of any or any part of any wood, tree, shrub, fern, or plant, and, upon being thereunto required by any Ranger or constable, fails or refuses to give a satisfactory account of the manner in which he became possessed of the same, he shall be deemed to have wilfully removed the same in breach of this section, unless he satisfies the Court to the contrary. | 45 |
| Ranger may prevent breach of Act or by-law. | 17. In any case where any actual or attempted breach of this Act, or of any by-law thereunder, is or may be attended with danger, | 50 |

hindrance, or annoyance to the public or to any person lawfully in the said park, then, without affecting the liability of the person committing or about to commit such breach, any Ranger or constable may, without further warrant or authority than this Act, summarily
 5 interfere to prevent such breach or to prevent or remove such danger, hindrance, or annoyance.

18. Any Ranger or constable may, without warrant, apprehend any person whom he finds actually committing within the said park any breach of this Act or of any by-law thereunder, and the person so
 10 apprehended shall be detained in custody or held to bail until he can be proceeded against for such breach.

Ranger may apprehend person committing offence.

19. The Minister for Railways may win and remove stone for ballast, building-stone, and stone for protection-works and other railway purposes from such part of the said park as may be agreed on
 15 between the said Minister and the Board, and may construct and work a line of railway to that part of the said park for the purpose of such removal.

Minister for Railways may quarry stone.

20. For the better local control and management of the said park the Board may delegate all or any of its powers (other than the power to make by-laws or the powers of the Board as a leasing authority) to not more than four committees of management, and with respect to each such committee the following provisions shall apply:—

Delegation of powers to committees of management.

(a.) It shall consist of not less than four nor more than seven members, all of whom shall be appointed by the Board, subject nevertheless to the right of the Board to remove them or any of them at any time and to appoint successors.

(b.) It shall exercise its delegated powers within such portion of the said park as is specified in that behalf by the Board, and for that purpose the Board may divide the said park into not more than four divisions, and may assign a division to each committee.

(c.) In the exercise of its delegated powers it shall be subject to the control of the Board.

21. 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 said park.

No roads to be made except with consent of Board.

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

Expenses payable out of general funds.

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

What general funds to consist of.

(a.) All moneys accruing in respect of the park, or of fines, fees, and otherwise under 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;

(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; and

(d.) All other moneys received by the Board from any source as part of its general revenue, including rents derived from leases and tenancies in respect of any leasing-area.

Audit Office to be auditor.

24. 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 six of "The Public Revenues Act, 1892."

Annual statement of accounts.

25. Within ten days after the close of each financial year ending the thirty-first day of March, the Board shall cause to be prepared and submitted to the Audit Office for audit a statement of accounts showing the receipts and disbursements of the Board for the year.

Repeal.

26. The Acts mentioned in the *Third* Schedule hereto are hereby repealed.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that area in the Taranaki Land District, containing by admeasurement 72,382 acres, more or less, being the land comprised within a circle having a radius of six miles and a centre on the summit of Mount Egmont.

Also all that area in the Taranaki Land District, containing by admeasurement 1,040 acres, more or less, being Sections Nos. 18 and 19, Block V., Egmont Survey District; Section No. 15, Block VII., Cape Survey District; and Section No. 14, Block XI., Cape Survey District.

Also all that land in the Taranaki Land District, containing by admeasurement 5,500 acres, more or less, being parts of Sections Nos. 169 and 170, Patua Block, Okura District (Cape Survey District). Bounded towards the north generally by Section No. 30, Block II., Wairau Survey District; Section No. 49, Block III., Cape Survey District; a road-line, and Sections Nos. 153, 60, 65, 67, 154, and 155, Block III. aforesaid: towards the east generally by the Surrey Hill Road: towards the south-east by a right line bearing south 50° 51' west from the Surrey Hill Road to the Timaru Stream: and towards the west generally by the Timaru Stream; Sections Nos. 107, 108, and 109, Block II., Cape Survey District; Sections Nos. 110, 111, 112, 100, 99, 98, and 95, Block III., Sections Nos. 93, 91, and 90, Block II., Cape Survey District; Section No. 15, a road-line, Sections Nos. 16, 17, 18, and 19, suburbs of Ahuahu; a road-line, Sections Nos. 26, 27, a road-line, and 28, Block III. aforesaid; and Section No. 29, Block II., Wairau Survey District, to Section No. 30 aforesaid.

SECOND SCHEDULE.

ALL that portion of land in the Oakura District, being 300 acres, more or less, consisting of part of Section 170 and Sections 26, 27, 28, 29, and 30 on the map of the said district.

THIRD SCHEDULE.

ACTS REPEALED.

1900, No. 59.—"The Egmont National Park Act, 1900."

1901, No. 41.—"The Egmont National Park Act, 1901."