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KERIKERI NATIONAL TRUST

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A BILL INTITULED

An Act

(a) To recognise the formative role the Kerikeri Basin has played in New Zealand history; and

Price Code: J

No. 115—1

- (b) To enhance and safeguard the unique character of the Kerikeri Basin by establishing and empowering a Kerikeri National Trust to preserve, protect, administer, and promote its historical, cultural, and natural heritage; and 5
- (c) To empower the Kerikeri National Trust to develop heritage tourism in the Kerikeri Basin

WHEREAS

- (a) The Kerikeri Basin contains a unique combination of historic places representative of the early relationship between indigenous Maori and immigrant British which culminated in the Treaty of Waitangi and the founding of what has become today's nation of New Zealand: 10
- (b) The earthworks of Kororipo Pa, stronghold of the great Nga Puhi chief Hongi Hika, still overlook the surviving buildings of the mission station established under Hongi's protection by Samuel Marsden in 1819—Kemp House (1822) and the Stone Store (1836), respectively the oldest house and the oldest stone building in New Zealand: 15
- (c) These historic places stand in a relatively unspoiled and picturesque rural setting: 20
- (d) This setting is being degraded by rapid urban encroachment and piecemeal development which is difficult to counter since management of the Basin and its historic and natural places is divided among various bodies: 25
- (e) It is proposed to safeguard and enhance the unique historic character and beauty of the area by entrusting it to a single locally based heritage authority representative of national conservation bodies, local government, tangata whenua, and community interests: 30

BE IT THEREFORE ENACTED by the Parliament of New Zealand as follows: 35

1. Short Title—This Act may be cited as the Kerikeri National Trust Act 1995.

PART I

PRELIMINARY 40

2. Interpretation—(1) In this Act, unless the context otherwise requires,—

“Aircraft” has the same meaning as in section 2 of in the Civil Aviation Act 1990:

“Advisory committee” means an advisory committee appointed under **section 29** of this Act:

5 “Board” means the Board of Trustees of the Kerikeri National Trust established under **section 8** of this Act:

“Boat” means any kind of vessel, however propelled, that is used in navigation:

10 “Controlled”, in relation to the Trust, means controlled and administered by the Trust for the purposes of the Trust under a formal contract, agreement, or arrangement:

“Financial” year means a period of 12 months commencing on 1 July and ending at the expiry of 30 June:

15 “Heritage order” and “Heritage protection authority” have the same meanings respectively as in section 187 of the Resource Management Act 1991:

20 “Historic Area” and “Historic Place” have the same meanings respectively as in section 2 of the Historic Places Act 1993:

“Land” includes land covered by water and the air space above land:

25 “Minister” means the Minister of Conservation:

“Park” means the Kerikeri National Heritage Park:

“Trust” means the Kerikeri National Trust constituted under **section 5** of this Act:

30 “Wahi tapu” means a place or area sacred to the Maori in the traditional, spiritual, religious, ritual, or mythological sense:

“Wildlife” means all animals that are living in the wild state; but does not include any animals of any species for the time being specified in the Sixth Schedule to the Wildlife Act 1953.

35 (2) Terms and expressions appearing in this Act and defined in the Conservation Act 1987 have the same meanings respectively as in that Act.

3. Act to bind the Crown—This Act binds the Crown.

4. Purpose—The purpose of this Act is—

40 (a) To consolidate the heritage and scenic assets of the Kerikeri Basin into an entity;

(b) To establish and empower a Kerikeri National Trust as a heritage protection authority to preserve, protect,

administer, and promote the historical, cultural, and natural heritage of the Kerikeri Basin and associated conservation land and waters from just downstream of Kororipo Pa proceeding on the Kerikeri River upstream past the old Church Missionary Society mission station to and including the Waianiwaniwa waterfall: 5

- (c) To enable the Trust to consolidate the above-mentioned land, being the land delineated in the **Schedule** to this Act, together with related assets, into a park administered by the Trust to be called the Kerikeri National Heritage Park: 10
- (d) To enable the Trust to develop and administer heritage tourism activity within the Park and adjacent areas to foster appreciation of its unique attractions and character and to raise revenue for the purposes of the Trust. 15

PART II

CONSTITUTION OF TRUST AND BOARD OF TRUSTEES

5. Kerikeri National Trust—(1) There is hereby constituted a Trust called the Kerikeri National Trust. 20

(2) The Trust shall have perpetual succession and a common seal and be capable of acquiring, holding, and disposing of real and personal property, and of suing and being sued, and of exercising all other lawful powers and responsibilities of a body corporate. 25

6. Functions of Trust—(1) The general functions of the Trust shall be—

- (a) To establish and maintain an executive body to give effect to its policies as the heritage protection authority in respect of the Kerikeri National Heritage Park; and 30
- (b) To conserve and manage the wahi tapu, historic places, and natural and scenic features of the Park; and
- (c) To encourage and manage public access and heritage tourism activities within the Park. 35

(2) The general functions of the Trust shall be carried out consistently with the principles and provisions of the Reserves Act 1977, the Conservation Act 1987, the Resource Management Act 1991, and the Historic Places Act 1993, and in accordance with the overriding conservation responsibilities of the Trust. 40

7. Powers of Trust—(1) The Trust shall have all the powers that are reasonably necessary or expedient to enable it to carry out its functions.

5 (2) Without limiting the generality of **subsection (1)** of this section, the Trust may do all or any of the following for the purposes of the Trust:

- (a) Define the area of the Park, which may encompass land in the immediate neighbourhood of the land owned or controlled by the Trust:
- 10 (b) Advocate the interests of the Trust at any public forum or in any statutory planning process:
- (c) Conserve and manage wahi tapu, historic places, natural resources, and natural features within the Park:
- (d) Protect wildlife within the Park:
- 15 (e) Control public access into and about the Park and provide, regulate and as may seem necessary or expedient from time to time close, particular places, paths, roads, and buildings within the Park:
- (f) Enter into agreements with local authorities, corporations, societies, and other controlling bodies and with individuals for the management, maintenance, and preservation of any place or land within the Park:
- 20 (g) Acquire and dispose of any interest in real or personal property:
- 25 (h) Expend money and invest in trustee securities money not immediately required for the purposes of the Trust:
- (i) Borrow money by mortgage, overdraft, or otherwise and mortgage or otherwise charge any real or personal property of the Trust:
- 30 (j) Make grants or advances of money on such terms and conditions as the Trust sees fit:
- (k) Make accessible to the public, charge fees for admission to, lease or let, or use for any suitable purpose, any land or buildings vested in or controlled by the Trust:
- 35 (l) Interpret the historical and natural heritage of the Park for visitors, erecting and maintaining such structures as may be appropriate to facilitate and support that objective:
- (m) Promote, support, supervise, and fund studies and investigations relating to the heritage features and operations of the Park:
- 40 (n) Publish information relating to any function of the Trust:
- (o) Dispose of, as if the Trust were the owner, any building, sign, hoarding, or apparatus erected without its

consent in writing on any land vested in or controlled by the Trust:

- (p) Produce, acquire, and market products relating to the heritage and functioning of the Park and enter into arrangements for the production, acquisition, and marketing of products of that kind. 5

8. Board of Trustees—(1) There is hereby established a Board of Trustees to be called the Kerikeri National Trust Board of Trustees.

(2) The Board is established to found, develop, and administer the Kerikeri National Heritage Park and shall have and may exercise and perform for that purpose all the powers and functions of the Trust. 10

(3) The Board shall consist of—

(a) The Minister of Conservation or his or her representative: 15

(b) The Chairperson of the Maori Heritage Council or his or her representative, being a member of the Board of that Council:

(c) The Chairperson of the New Zealand Historic Places Trust or his or her representative, being a member of the Board of that Trust: 20

(d) The Anglican Archbishop of New Zealand or his or her representative:

(e) A representative nominated by the Executive Board of ICOMOS New Zealand: 25

(f) The Member of Parliament for Northern Maori:

(g) The Member of Parliament for the Far North:

(h) The Mayor of the Far North District Council:

(i) A tangata whenua representative nominated by Ngati Rehia from Ngati Rehia to represent customary custodial interest in the Park: 30

(j) A Nga Puhi (iwi) representative nominated by Nga Puhi runanga from hapu with an ancestral interest in Kororipo Pa to represent the iwi, not being the person nominated under **paragraph (i)** of this subsection: 35

(k) A person elected for the Kerikeri ward as a councillor of the Far North District Council who is nominated by the Kerikeri Community Board:

(l) A resident of Kerikeri with a demonstrated interest in the preservation of the Kerikeri Basin, nominated by the Kerikeri Community Board in consultation with the Society for the Preservation of the Kerikeri Stone Store Area Incorporated, not being the person nominated under **paragraph (k)** of this subsection. 40

9. Chairperson and Deputy Chairperson—(1) The Chairperson and Deputy Chairperson of the Board are to be elected by the Board from among its members at its first meeting and thereafter at the first meeting of the Board held after 30 June in each year.

(2) The Deputy Chairperson shall exercise all the powers and perform all the functions of the Chairperson in his or her absence.

10. Appointment and terms of office of Board members—(1) A person who is a Board member by virtue of a position specified in **section 8** of this Act holds office *ex officio*.

(2) Where a person is nominated to be a member of the Board as a representative in accordance with **section 8** of this Act, the Board shall appoint the person accordingly unless, in the opinion of the Board, the nomination is not made with proper authority.

(3) A person appointed to be a member of the Board as a representative holds office only so long as he or she retains the qualification (if any) for that nomination, any term stipulated in relation to that nomination has not expired and the nomination has not been duly revoked in writing by the nominating person or body.

(4) A Board member whose term has expired is eligible for reappointment.

(5) A Board member

(a) Holding office *ex officio* may withdraw from the Board and nominate a representative in accordance with **section 8** of this Act; or

(b) Holding office otherwise than *ex officio* may resign in writing addressed to the Chairperson.

11. Removal from office—(1) A Board member may be removed from office by resolution of the Board for disability, bankruptcy, neglect of duty, or misconduct, if proved to the satisfaction of the Board.

(2) The resolution is not valid unless the member has been given the opportunity to be heard.

12. Board meetings—(1) Board meetings shall be held at least twice annually at such times as the Board decides or the Chairperson directs.

(2) A special meeting of the Board shall be held—

(a) If 3 or more members so request in writing; or

(b) If the Chairperson so directs.

(3) Meetings shall be held at the office of the Trust.

(4) Not later than 5 working days before the day fixed for a meeting, notice of the meeting and of all business to be transacted at the meeting shall be given in writing to each member at his or her usual address.

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13. Procedure at meetings—(1) Six members present form a quorum in respect of a meeting of the Board.

(2) The Chairperson or in his or her absence the Deputy Chairperson or in the absence of both of them a member chosen by the meeting is to take the Chair.

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(3) No business other than that specified in the notice of meeting is to be transacted except that Chairperson of the meeting may rule that a matter appropriate for discussion may be considered under the heading of general business.

(4) A resolution before a meeting is to be decided by a simple majority of those present and voting.

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(5) In the event of an equality of votes, the Chairperson shall have a casting vote.

(6) Subject to this Act and any rules made under **section 36** of this Act, the Board may regulate its own procedure.

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14. Attendance and absence—(1) A member who expects to be absent from a meeting of the Board shall request leave of absence.

(2) A member who is absent for 3 or more consecutive meetings of the Board without leave shall be deemed to have vacated office.

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(3) In the event of the expected prolonged absence or incapacity of a member, the Board may appoint a person as a substitute member for a specified period not longer than one year.

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(4) In making an appointment under **subsection (3)** of this section, the Board shall have regard to any affiliation or representative capacity of the member who is being replaced.

15. Effect of vacancy, irregularities, etc.—(1) The powers of the Board shall not be affected by any vacancy in the membership of the Board.

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(2) No act or proceeding of the Board or of any member of the Board shall be invalidated by reason of a vacancy on the Board at the time of the act or proceeding, or because of the subsequent discovery that there was some defect in the appointment of any member, or that he or she was incapable of being a member or had ceased to be a member.

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5 **16. Members of Board not personally liable**—No member of the Board or of any committee of the Board shall be personally liable for any default made by the Board, or by any of its members, in good faith in the course of the Board's operations.

PART III

ADMINISTRATION OF TRUST

10 **17. Chief executive officer**—(1) The Trust may from time to time appoint a chief executive officer.

(2) The chief executive officer shall be appointed in accordance with procedures, and on terms and conditions, determined from time to time by the Board.

15 (3) A job specification issued in relation to the appointment of the chief executive officer shall include reference to experience in the field of heritage conservation.

18. Other employees, and contractual arrangements—

20 (1) The chief executive officer may, with the approval of the Board, appoint any employees he or she considers necessary for the efficient performance of the Trust's functions and may negotiate the terms and conditions of employment of those employees.

25 (2) Subject to any relevant terms and conditions of employment, the chief executive officer may suspend the employment and recommend to the Board the termination of the employment of any of the Trust's employees.

(3) Termination of the employment of any of the Trust's employees must be reviewed and approved by the Board or by a Board committee with authority to review employment matters.

30 (4) The chief executive officer may, by way of fixed term contract, engage persons other than employees of the Trust to provide services on terms and conditions to be specified in each contract.

35 **19. Personnel policy**—(1) The Trust shall operate a personnel policy providing conditions generally accepted as necessary for the fair and proper treatment of employees in all aspects of their employment, including provision for—

- 40 (a) Good and safe working conditions; and
(b) Impartial selection of suitably qualified people for appointment on an equal employment opportunities basis; and

(c) Training opportunities to enhance the abilities of individual employees.

(2) Vacancies for positions as employees, and notices relating to applications or tenders for fixed term contracts available to persons other than employees, shall be advertised in appropriate newspapers. 5

20. Personal liability—Neither the chief executive officer nor any employee of the Trust shall be personally liable for any liability of the Trust or for any act done or omitted by the Trust or by the chief executive officer or any other employee of the Trust in good faith in pursuance or intended pursuance of the functions or powers of the Trust or the chief executive officer. 10

21. Funds of Trust—The funds of the Trust shall consist of the following: 15

(a) All money received by the Trust out of money (if any) appropriated by Parliament for the Trust:

(b) All money lawfully contributed or donated or bequeathed to the Trust or otherwise lawfully payable to the Trust: 20

(c) All money received by the Trust by way of charges, fees, rent or otherwise in respect of real or personal property owned or controlled by the Trust:

(d) All money received by the Trust in respect of the provision of services by the Trust or in respect of the exercise of any of the functions or powers of the Trust: 25

(e) All money received by the Trust from the sale or other disposal of any real or personal property of the Trust: 30

(f) All accumulations of money belonging to the Trust.

22. Bank accounts—(1) All money belonging to the Trust shall, not later than 5 working days after being received by the Trust, be paid into an account at a bank appointed by the Board. 35

(2) No money shall be paid out of any bank account of the Trust except with the authority, and in accordance with any general or special directions, of the Board.

(3) A bank account of the Trust may be operated only by cheque or other instrument signed in accordance with a written authorisation and direction of the Board in respect of the operation of that account. 40

5 **23. Liability for debts of Trust**—The Crown shall not be liable to contribute any sum toward the payment of any debts or liabilities of the Trust other than a sum the Crown is liable to contribute under any guarantee or indemnity given by the Minister of Finance under section 59 of the Public Finance Act 1989.

24. Exemption from land tax and income tax—The Trust shall be exempt from the payment of land tax and income tax.

10 **25. Accounts**—The Trust shall keep full and correct records of all money received and all money expended and shall, as soon as possible after the end of each financial year, produce audited accounts giving full financial details of its operations and a statement of its financial position.

15 **26. Annual report**—The Trust shall, as soon as practicable after the end of each financial year, provide to Parliament a report of the proceedings and operations of the Trust for that financial year, together with a copy of its accounts for that financial year certified by a qualified auditor.

20 **27. Fees and travelling allowances**—(1) The Board and any advisory committees are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

25 (2) There may be paid to members of the Board and of advisory committees, out of money appropriated by Parliament for the purpose, remuneration by way of fees, salary, or allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and that Act shall apply accordingly.

30 **28. Common seal**—The common seal of the Trust is to be kept by the chief executive officer and is not to be used except—

- 35 (a) In accordance with a resolution of the Board; and
 (b) In the presence of not fewer than 2 members of the Board.

29. Advisory committees—(1) For the purposes of this Act, the Board may appoint advisory committees as follows:

- (a) The Chairperson of each such committee shall be a Board member:

- (b) Any person may be appointed to a position on an advisory committee other than the position of Chairperson:
- (c) The Board may determine in writing conditions for the appointment of an advisory committee, including the duration of its appointment. 5
- (2) A determination relating to conditions has effect unless rescinded by the Board and is not affected by reason only of a change in the composition of the Board.
- (3) A report of each meeting of an advisory committee is to be placed before the next meeting of the Board. 10
- (4) Except in accordance with this section, an advisory committee shall not incur expenditure without the prior approval of the Board.
- 30. Delegation of Board's functions and powers—** 15
- (1) The Board may delegate in writing any of its functions or powers to any of the following:
- (a) Any Board member:
- (b) The chief executive officer:
- (c) Any employee of the Trust: 20
- (d) Any advisory committee:
- (e) Any body operating in the area administered by the Far North District Council that is concerned with the conservation and management of the historical, cultural, or natural heritage. 25
- (2) A delegation may be conferred for a period, and subject to any terms and conditions, specified in the instrument of delegation.
- (3) A delegation has effect unless rescinded by the Board and is not affected by reason only of change in the composition of the Board, but does not prevent the exercise of its functions and powers by the Board. 30
- (4) With the written approval of the Board, the chief executive officer may delegate any of his or her functions and powers to any employee of the Trust, including functions and powers delegated to the chief executive officer by the Board. 35
- (5) **Subsections (2) and (3)** of this section apply to a delegation by the chief executive officer as if it were a delegation by the Board.
- 31. Disclosure of interest—**(1) A member of the Board who has a financial or property interest in a matter being considered, or about to be considered, by the Board shall, as 40

soon as possible after becoming aware of such a difficulty, disclose the nature of the interest at a meeting of the Board.

5 (2) The disclosure shall be recorded in the minutes of the Board and, unless it resolves otherwise, the member shall not—

(a) Be present during any discussion of the matter; or

(b) Take part in any decision of the Board in relation to the matter.

10 (3) Subject to **subsection (4)** of this section, a member of the Board is to be taken to have an interest in the matter if—

(a) The member has a direct or indirect financial or property interest in a matter; or

15 (b) The matter concerns a company or other organisation or group and the member is involved in its administration or financial affairs; or

(c) The matter concerns a natural person and the member is related to, or involved in the affairs of, the person.

20 (4) A member of the Board is not to be taken to have an interest in a matter by reason only that the matter concerns a local society or association or body and he or she is a member of it or has some official association with it.

32. Trust office—The office of the Trust shall be situated at Kerikeri at a location decided by the Board.

PART IV

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OFFENCES

33. Offence of intentional destruction, damage, or modification—(1) Every person commits an offence who intentionally—

30 (a) Destroys, damages, or modifies any historic area or historic place (including any wahi tapu), property, or thing owned or controlled by the Trust; or

(b) Causes any such area, place, property, or thing to be destroyed, damaged or modified without the authority of the Trust or any person or body authorised by the Trust to grant authority.

35 (2) Every person who commits an offence against **subsection (1)** of this section is liable on summary conviction—

(a) In the case of destruction, to a fine not exceeding \$100,000; or

40 (b) In the case of damage or modification, to a fine not exceeding \$40,000.

34. Other offences—Every person commits an offence and is liable on summary conviction to a fine not exceeding \$5,000 who, in respect of any land owned or controlled by the Trust, or other property referred to in a provision of this section, without the authority of the Trust or any person or body authorised by the Trust to grant authority,— 5

- (a) Intentionally enters upon the land otherwise than in accordance with any bylaw made by the Trust in respect of the land: 5
- (b) Intentionally takes any animal, vehicle, boat or aircraft upon or over the land (including any waterway within the Park) without the authority of the Trust: 10
- (c) Intentionally liberates or lets stray any animal, or plants or discards any plant or seed, upon the land otherwise than in accordance with any bylaw made by the Trust: 15
- (d) Intentionally takes any firearm, weapon, trap, snare, net, explosive, stunning device, or poison onto or over the land (including any waterway within the Park) without the written authority of the Trust: 20
- (e) Intentionally lights any fire on the land otherwise than in accordance with any bylaw made by the Trust:
- (f) Intentionally lights or causes to be lit elsewhere any fire which he or she knows or ought to have known to be likely to spread into, and which spreads into and damages or destroys, the land or any other property owned or controlled by the Trust: 25
- (g) Unlawfully alters, obliterates, defaces, pulls up, removes, or destroys any boundary mark, fence, barrier, sign, or poster on the land or lawfully placed elsewhere for the purposes of the Trust: 30
- (h) Intentionally disturbs or takes any plant, or interferes with or removes any animal or other natural resource, from the land without the written authority of the Trust: 35
- (i) Digs or otherwise disturbs the ground of the land without the written authority of the Trust:
- (j) Intentionally takes or removes, or causes to be taken or removed, from the land, or from any building owned or controlled by the Trust, any property or thing owned or controlled by the Trust: 40
- (k) Deposits on the land any substance or article of a dangerous or offensive nature or of a potentially dangerous or offensive nature or any rubbish except

within a receptacle identified and provided by the Trust for the purpose:

- 5 (l) Camps, erects any shelter or structure, or remains, outside Park opening hours, on the land or in any structure owned or controlled by the Trust without the written authority of the Trust.

10 **35. Seizure of property**—Any property, animal, plant, substance, or equipment involved in the commission of an offence under this Act may be seized by any person lawfully enforcing its provisions for presentation in court as evidence at any prosecution which may result from the commission of the offence.

15 **36. Powers in relation to offences**—(1) Where a person is found committing, or attempting or threatening to commit, an action constituting an offence under this Act, any Board member or employee of the Trust, or non-employee authorised in writing by the Trust in relation to the prevention and detection of offences, may—

- 20 (a) Interfere to stop or prevent the action:
(b) Require the person to stop the action at once:
(c) Require the person to give his or her name and address.
(2) Every person who refuses or fails to comply with a requirement, or who wilfully continues an action, referred to in **subsection (1)** of this section commits an offence in addition to
25 any offence constituted by the action and is liable on summary conviction to a fine not exceeding \$5,000.

PART V

MISCELLANEOUS

30 **37. Rules of Trust**—(1) The Board may, by resolution, make rules that are not inconsistent with this Act for all or any of the following purposes:

- (a) Regulating the proceedings of the Board and the conduct of its meetings:
35 (b) Providing for various forms of supporting membership for the Trust and the subscriptions payable in relation to membership:
(c) Providing for the functioning of advisory committees to the Trust, including the conditions and tenure of office of members:
40 (d) Providing for such other purposes as may be considered necessary or expedient for carrying out the work of the Trust.

(2) Notice in writing of every resolution proposed to be submitted to any meeting of the Trust to make, amend, or revoke rules shall be given to every member of the Board at his or her usual address not later than 10 working days before the day fixed for the meeting.

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38. Power to make bylaws—The Trust may, in respect of the whole area or any area of the Park, make bylaws that are not inconsistent with this Act, or any regulations made under this Act, for all or any of the following purposes:

- (a) Prescribing rules to be observed by any person entering the area: 10
- (b) Prohibiting or controlling the lighting of fires in the area:
- (c) Prohibiting or controlling the taking or releasing of any animal in the area:
- (d) Prohibiting or controlling vehicles, boats or aircraft from using the area or controlling that use: 15
- (e) Providing generally for control of the use, management, and conservation of the area of the Park and of any structure or thing on or in it.

39. Procedure for making bylaws—(1) Bylaws shall be made only by resolution of the Board, shall be signed by 2 members of the Board, and shall have the seal of the Trust duly affixed. 20

(2) A notice stating the object or purport of proposed bylaws shall be published in a newspaper circulating in the area administered by the Far North District Council once in each of the 2 weeks immediately preceding the day on which the bylaws are to be made. 25

(3) A bylaw may be amended or revoked only in accordance with the procedures under **subsections (1) and (2)** of this section for the making of bylaws. 30

(4) The Trust shall advise relevant local authorities, the Department of Conservation, the New Zealand Historic Places Trust, and the Maori Heritage Council in writing of every bylaw made and of every amendment to or revocation of bylaws made by the Board. 35

40. Proof of bylaws—The production of any document purporting to contain a printed copy of any bylaw made under the authority of this Act and authenticated by the common seal of the Trust shall, until the contrary is proved, be sufficient evidence of the existence and provisions of the bylaw. 40

41. Trust to provide printed copies of bylaws—The Trust shall ensure that printed copies of all bylaws are kept at its office and are available for sale to members of the public at a reasonable price.

5 **42. Penalty for breach of bylaws**—Every person commits an offence and is liable on summary conviction to a fine not exceeding \$1,000 who acts in contravention of or fails to comply with any bylaw under this Act.

10 **43. Contributions by territorial authorities and public bodies**—For the purpose of providing funds for the exercise of the functions of the Trust, any territorial authority or public body may make contributions to the Trust out of its general fund or account.

15 **44. Transfer of land to Trust by local authorities**—Notwithstanding any other enactment, any local authority may, without further authority than this section, convey or transfer any land to the Trust and the Trust may accept the land to be held for the purposes of the Trust.

20 **45. Service of documents**—(1) Subject to this Act, a notice or other document to be served on a person for the purposes of this Act may be served—

- (a) By delivering it to the person; or
- (b) By delivering it to the usual address of the person; or
- 25 (c) By sending it by prepaid post or by facsimile (if available) to the usual address of the person.

(2) A notice or document served on an officer of a body whether incorporated or not shall be taken to be served on the body.

30 (3) A notice or document served on a member of a partnership shall be taken to be served on the partnership.

(4) A notice or document sent by post or facsimile shall be taken to be received at the time it would have reached its destination in the ordinary course of post or transmission.

35 **46. Regulations**—(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

- (a) For facilitating proof of any document or matter;
- (b) For extending periods of time and curing irregularities;
- 40 (c) For the substitution of new for lost or destroyed documents:

(d) For dealing with such matters as are contemplated by or necessary for giving full effect to the provisions of, and for the due administration of, this Act.

(2) Regulations under this section may be of general application or may refer to certain classes of cases, or to any particular cases, as the Governor-General thinks fit. 5

Section 4 (c)

SCHEDULE
KERIKERI NATIONAL HERITAGE PARK