

[AS REPORTED FROM THE LANDS AND AGRICULTURE  
COMMITTEE]

House of Representatives, 17 July 1975.

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

Hon. Mr Rata

## NEW ZEALAND WALKWAYS

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### A BILL INTITULED

An Act to provide for the establishment of a system of walking tracks throughout New Zealand for the enjoyment of the public

No. 23—2

Price 20c

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

1. **Short Title**—This Act may be cited as the New Zealand Walkways Act 1975. 5

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

“Administering authority” means any Minister of the Crown, department of State, or public body who or which owns, controls, or administers any public land: 10

“Commission” means the New Zealand Walkway Commission established by section 4 of this Act:

“Commissioner of Crown Lands” has the same meaning as in the Land Act 1948:

“Conservancy” means a conservancy constituted under the Forests Act 1949: 15

“Conservator of Forests” has the same meaning as in the Forests Act 1949:

“Controlling authority” means a controlling authority appointed under section 26 of this Act or which is deemed to be such under that section: 20

“District Walkway Committee” means a District Walkway Committee appointed under section 14 of this Act:

“Firearm” means any gun, rifle, or air gun; and includes any kind of weapon or device from which any shot, bullet, arrow, stone, or other missile can be discharged: 25

“Horse” includes any horse, mule, donkey or ass:

“Land district” means a land district constituted under the Land Act 1948: 30

*Struck Out*

“Local authority” means a local authority within the meaning of Part I of the Local Authorities Loans Act 1956, whether by virtue of section 2 of that Act, or of any Order in Council thereunder, or by virtue of any other Act: 35

*New*

“Local authority” has the same meaning as in the Local Government Act 1974:

“Minister” means the Minister of Lands:

“Motor vehicle” has the same meaning as in the Transport Act 1962: 40

“Private land” means—

(a) Any land that is for the time being held in fee simple by any person other than the Crown:

5 (b) Any Maori land within the meaning of the Maori Affairs Act 1953:

(c) Any land held by a person under a lease or licence granted to him by the Crown:

“Public land” means any land that is not private land:

10 “Ranger” means a ranger by virtue of, or appointed under, section 28 of this Act:

“Statutory body” means a body the accounts of which are required by any Act to be audited by the Audit Office:

15 “Walkway” means an area of land which has been declared to be a walkway under section 20 of this Act or an area of land over which a walkway has been established under section 22 of this Act.

**3. General purpose of Act—**(1) It is hereby declared that the provisions of this Act shall have the aim of establishing  
20 walking tracks over public and private land so that the people of New Zealand shall have safe, unimpeded foot access to the countryside for the benefit of physical recreation as well as for the enjoyment of the outdoor environment and the natural and pastoral beauty and historical and cultural  
25 qualities of the areas they pass through.

(2) It is hereby further declared that, having regard to the general aim specified in subsection (1) of this section, walkways shall be so established and administered that the rights  
30 of property owners, both public and private, shall be fully respected and that the rights of public access created by this Act shall be for walking purposes only unless otherwise provided for in respect of any particular walkway or part of a walkway.

*New Zealand Walkway Commission*

35 **4. New Zealand Walkway Commission—**(1) There is hereby established a Commission to be called the New Zealand Walkway Commission.

(2) The Commission shall consist of—

40 (a) The Director-General of Lands, who shall be the Chairman:

(b) The Director-General of Forests:

(c) One person appointed by the Minister, on the nomination of the Municipal Association of New Zealand Incorporated:

- (d) One person appointed by the Minister, on the nomination of the New Zealand Counties Association Incorporated:
  - (e) One person appointed by the Minister, on the nomination of the New Zealand Council for Recreation and Sport: 5
  - (f) One person appointed by the Minister, on the nomination of the Federated Mountain Clubs of New Zealand Incorporated:
  - (g) One person appointed by the Minister, on the nomination of the Federated Farmers of New Zealand Incorporated: 10
- (3) The powers of the Commission shall not be affected by any vacancy in its membership.

**5. Term of office of appointed members—**(1) Except as otherwise provided in this Act, every appointed member shall hold office for a term of 3 years from the date of his appointment, but may from time to time be reappointed. 15

(2) Every appointed member, unless he sooner vacates his office under section 6 of this Act, shall continue in office until his successor comes into office, notwithstanding the fact that his term of office may have expired. 20

**6. Extraordinary vacancies—**(1) An appointed member may at any time resign his office by delivering a written notice to that effect to the Chairman. 25

(2) An appointed member may be removed from office at any time by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister.

(3) An appointed member shall be deemed to have vacated his office if he is absent without the permission of the Chairman from 3 consecutive meetings of the Commission of which the member has been given notice. 30

(4) If an appointed member dies or resigns, or is removed from office, or is deemed to have vacated his office, the vacancy thereby occurring shall be deemed to be an extraordinary vacancy. 35

(5) An extraordinary vacancy shall be filled by the appointment of a person in the same manner as the appointment of the person vacating office. 40

(6) Every person who is appointed to fill an extraordinary vacancy shall hold office for the remainder of the term for which his predecessor would have held office had the vacancy not occurred.

7. **Deputies of members**—(1) The Director-General of Lands may from time to time authorise any other officer of his department to act in his place at any meeting of the Commission from which he is absent, and while any such officer  
5 acts in the place of the Director-General of Lands he shall himself be deemed for all purposes to be the Chairman of the Commission.

(2) The Director-General of Forests may from time to time authorise any other officer of his department to act in his place  
10 at any meeting of the Commission from which he is absent, and while any such officer acts in the place of the Director-General of Forests he shall himself be deemed for all purposes to be a member of the Commission.

(3) The Minister may from time to time, on the recommendation  
15 of the respective organisations referred to in paragraphs (c) to (g) of section 4 (2) of this Act, appoint a deputy for each of the members appointed under those paragraphs, and each such deputy may act in the place of the member to whom  
20 he is appointed deputy while that member is prevented by illness, absence, or other sufficient cause from performing the duties of his office; and while any such deputy so acts he shall himself be deemed for all purposes to be a member of the Commission.

(4) Any appointment of a deputy under subsection (3) of this section may at any time be revoked by the Minister on  
25 the recommendation of the appropriate organisation.

(5) No act done by a deputy as such shall in any proceedings be questioned on the ground that the occasion for his so acting had not arisen or had ceased.

30 **8. Meetings of Commission**—(1) The Commission shall meet at such times and places as the Commission or the Chairman from time to time appoints.

(2) At any meeting of the Commission 4 members shall form a quorum.

35 (3) The Chairman shall preside at every meeting of the Commission at which he is present.

(4) If the Chairman is absent from a meeting of the Commission, the members present shall appoint one of their number to preside.

(5) Every question before the Commission shall be decided by a majority of the votes cast by the members present at the meeting.

(6) On any question before the Commission, the Chairman or other person presiding shall have a deliberative vote and, in the event of an equality of votes, he shall also have a casting vote. 5

(7) Notwithstanding subsection (5) of this section, a resolution assented to by letter or telegram by all of the members of the Commission shall have the same effect as a resolution duly passed at a meeting of the Commission. 10

(8) Subject to the provisions of this Act, the Commission may regulate its own procedure in such manner as it thinks fit.

**9. Committees of Commission—**(1) The Commission may from time to time appoint 1 or more committees to exercise and perform on behalf of the Commission such of the powers, functions, and duties of the Commission as may be delegated to it by the Commission. In the exercise and performance of its powers and functions every such committee shall be subject to the control of the Commission. 15 20

(2) A committee may consist entirely of members of the Commission or partly of members of the Commission and partly of other persons, or may consist entirely of persons who are not members of the Commission.

**10. Functions of Commission—**(1) The general functions of the Commission shall be— 25

- (a) To initiate, prepare, investigate, and consider proposals for the establishment, administration, control, maintenance, and improvement of a system of walkways throughout New Zealand for the enjoyment of the public: 30
- (b) To recommend to the Minister the manner in which money appropriated by Parliament for the establishment, administration, maintenance, and improvement of walkways should be utilised: 35
- (c) To encourage local authorities to adopt complementary policies and practices in the promotion and formation of walkways:
- (d) To advise the Minister of the need for regulations to be made under this Act following such consultations as may be considered desirable with District Walkway Committees: 40

(e) Generally to advise the Minister on such other matters relating to or affecting walkways as the Commission thinks fit.

5 (2) In the exercise of its functions under this Act, the Commission shall give effect to the policy of the Government in relation to those functions, as communicated to it from time to time in writing by the Minister.

(3) Every such written communication shall be set out in the annual report of the Commission.

10 **11. Powers of Commission**—(1) The Commission shall have all such powers as may be reasonably necessary to enable it to carry out its functions.

15 (2) Without limiting the generality of the powers of the Commission under subsection (1) of this section, the Commission shall have the following powers:

(a) To provide for the establishment of camping grounds, huts, hostels, accommodation houses, and other facilities and amenities on walkways:

20 (b) To make such arrangements as it considers necessary to make a walkway accessible to the public under proper conditions:

(c) To approve charges for the use of facilities and amenities on walkways:

25 (d) To promote, supervise, and control activities by committees appointed by the Commission or by organisations approved by the Commission for the establishment or enjoyment of walkways by the public:

(e) Such other powers as are conferred on it by this Act or by any other Act.

30 **12. Secretary and other staff**—(1) There shall from time to time be appointed, under the State Services Act 1962, a Secretary to the Commission, and such other staff as may be necessary for the administration of the affairs of the Commission.

35 (2) The office held by any person appointed under subsection (1) of this section may be held either separately or in conjunction with any other office in the Public Service.

**13. Delegation of functions and powers of Commission—**

(1) The Commission may from time to time delegate any of its functions and powers under this Act to—

- (a) Any committee of the Commission; or
- (b) Any District Walkway Committee; or
- (c) Any controlling authority; or
- (d) Any officer of those bodies or any officer of the Department of Lands and Survey or of the New Zealand Forest Service.

(2) Subject to any general or special directions given or conditions imposed by the Commission, the committee, authority, or person to whom those functions are delegated may exercise them in the same manner and with the same effect as if they had been conferred on it or him directly by this Act and not by delegation.

(3) Without limiting the generality of subsection (2) of this section, the Commission may in delegating any of its functions to any committee, authority, or person direct that those functions shall only be exercised by that committee, authority, or person within a specified land district or within a specified area in a land district.

(4) Every committee, authority, or person purporting to act pursuant to a delegation under this section shall, in the absence of proof to the contrary, be presumed to be acting in accordance with the terms of the delegation.

(5) Every delegation under this section may be revoked at any time by the Commission, and no delegation shall prevent the exercise of any function by the Commission.

*District Walkway Committees*

**14. District Walkway Committees—**(1) For the purpose of assisting in the administration of this Act there shall be a District Walkway Committee for each land district. Every District Walkway Committee shall be known as the [*Name of land district*] District Walkway Committee.

- (2) Each District Walkway Committee shall consist of—
  - (a) The Commissioner of Crown Lands for the land district in which the District Walkway Committee operates, who shall be the Chairman;
  - (b) The Conservator of Forests for the conservancy in which the land district in which the District Walkway Committee operates is located or (where the land



district is located in more than 1 conservancy) a Conservator of Forests for a conservancy in which a part of the land district is located, designated by the Director-General of Forests:

- 5 (c) One person appointed by the Commission on the nomination of the New Zealand Counties Association Incorporated:
- (d) One person appointed by the Commission on the nomination of the Municipal Association of New Zealand Incorporated:
- 10 (e) One person appointed by the Commission on the nomination of the Federated Mountain Clubs of New Zealand Incorporated:
- (f) One person appointed by the Commission on the nomination of the Federated Farmers of New Zealand Incorporated:
- 15 (g) Such other persons, not exceeding 3 in number, as the Commission may appoint.

(3) Each District Walkway Committee may from time to time, with the prior written consent of the Commission given subject to such conditions (including term of office) as the Commission determines, co-opt such additional persons as it thinks fit to assist it in the exercise of its powers and functions. A person so co-opted shall be entitled to be present and to be heard but not vote at meetings of the Committee, and shall for the purposes of section 34 of this Act be deemed to be a member of the Committee.

(4) Each District Walkway Committee shall be responsible to the Commission for the exercise of the powers and functions delegated to it by the Commission under section 13 of this Act.

**15. Term of office of appointed members—**(1) Except as otherwise provided in this Act, every appointed member shall hold office for a term of 3 years from the date of his appointment, but may from time to time be reappointed.

35 (2) Every appointed member, unless he sooner vacates his office under section 16 of this Act, shall continue in office until his successor comes into office, notwithstanding the fact that his term of office may have expired.

**16. Extraordinary vacancies—**(1) An appointed member may at any time resign his office by delivering a written notice to that effect to the Chairman.

(2) An appointed member may be removed from office at any time by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister.

(3) An appointed member shall be deemed to have vacated his office if he is absent without the permission of the Chairman from 3 consecutive meetings of the Committee of which the member has been given notice. 5

(4) If an appointed member dies or resigns, or is removed from office, or is deemed to have vacated his office, the vacancy thereby occurring shall be deemed to be an extraordinary vacancy. 10

(5) An extraordinary vacancy shall be filled by the appointment of a person in the same manner as the appointment of the person vacating office. 15

(6) Every person who is appointed to fill an extraordinary vacancy shall hold office for the remainder of the term for which his predecessor would have held office had the vacancy not occurred.

**17. Deputies of members—**(1) The Commissioner of Crown Lands may from time to time authorise any other officer of his department to act in his place at any meeting of the District Walkway Committee from which he is absent, and while any such officer acts in the place of the Commissioner of Crown Lands he shall himself be deemed for all purposes to be the Chairman of the Committee. 20 25

(2) The Conservator of Forests may from time to time authorise any other officer of his department to act in his place at any meeting of the District Walkway Committee from which he is absent, and while any such officer acts in the place of the Conservator of Forests he shall himself be deemed for all purposes to be a member of the Committee. 30

(3) The Commission may from time to time, on the recommendation of the respective organisations referred to in paragraphs (c) to (f) of section 14 (2) of this Act, appoint a deputy for each of the members appointed under those paragraphs, and each such deputy may act in the place of the member to whom he is appointed deputy while that member is prevented by illness, absence, or other sufficient cause from performing the duties of his office; and while any such deputy so acts he shall himself be deemed for all purposes to be a member of the Committee. 35 40

(4) The Commission may from time to time, on the recommendation of each member appointed under section 14 (2) (g) of this Act appoint a person qualified so far as possible by experience to be a deputy for that member, and each such deputy may act in the place of the member to whom he is appointed deputy while that member is prevented by illness, absence, or other sufficient cause from performing the duties of his office; and while any such deputy so acts he shall himself be deemed for all purposes to be a member of the Committee.

(5) Any appointment of a deputy under subsection (3) or subsection (4) of this section may at any time be revoked by the Commission on the recommendation of the appropriate organisation or the appropriate member, as the case may require.

(6) No act done by a deputy as such shall in any proceedings be questioned on the ground that the occasion for his so acting had not arisen or had ceased.

**18. Meetings of Committee**—(1) Each District Walkway Committee shall meet at such times and places as the Chairman from time to time appoints.

(2) At any meeting of a District Walkway Committee a quorum shall be half the number of members when that number is even, and a majority of the number of members when that number is odd.

(3) The Chairman shall preside at every meeting of the District Walkway Committee at which he is present.

(4) If the Chairman is absent from a meeting of the District Walkway Committee, the members present shall appoint one of their number to preside.

(5) Every question before a District Walkway Committee shall be decided by a majority of the votes cast by the members present at the meeting.

(6) On any question before the District Walkway Committee, the Chairman or other person presiding shall have a deliberative vote and, in the event of an equality of votes, he shall also have a casting vote.

(7) Subject to the other provisions of this Act and to any directions given by the Commission, every District Walkway Committee may regulate its own procedure in such manner as it thinks fit.

**19. Secretary and other staff—**(1) There shall from time to time be appointed, under the State Services Act 1962, a Secretary to each District Walkway Committee, and such other staff as may be necessary for the administration of the affairs of each Committee. 5

(2) The office held by any person appointed under subsection (1) of this section may be held either separately or in conjunction with any other office in the Public Service.

*Establishment of Walkways*

**20. Walkways over public land—**(1) If the Commission, after consultation with the administering authority of any public land, considers that any part of the land should be made available for use by the public as a walkway for recreational purposes, it may recommend to the Minister that that part be declared a walkway. 10 15

(2) On receiving a recommendation under subsection (1) of this section, the Minister may, with the written consent of the Minister charged with the administration of the land to which the recommendation relates, by notice in the *Gazette* declare that land to be a walkway, and by the same or a subsequent notice shall assign a distinctive name to the walkway. 20

(3) A copy of every notice under this section declaring land to be a walkway shall, if it relates to land subject to the Land Transfer Act 1952, be lodged with the District Land Registrar who shall without fee enter the particulars of the notice on every certificate of title, provisional register, or other instrument of title registered or lodged in his office affected by the notice. 25

**21. Conflict with other Acts—**Where conflict appears between any provision in this Act and any provision in any other Act relating to the administration or control of public land, the provision in the other Act shall prevail. 30

**22. Walkways over private land—**(1) If the Commission, after consultation with the owner and occupier of any private land, considers that any part of the land should be made available for use by the public as a walkway for recreational purposes, the Commission may request the Commissioner of Crown Lands for the land district in which the land is 35

situated to treat and agree in the name and on behalf of the Crown for the purchase or gift of an easement over that land or for the leasing of that land to enable the land to be used for a walkway.

5 (2) For the purposes of subsection (1) of this section, the Commissioner of Crown Lands may in the name of and on behalf of the Crown enter into any contracts and deeds on such terms as the Commission thinks fit, and execute all  
10 deeds, instruments, and other documents and do all acts necessary for the purchase of or receipt of a gift of any easement over that land or for the leasing of that land.

(3) The purchase price or other consideration for any lease or easement acquired under this section shall be paid from the Consolidated Revenue Account out of money appropriated by Parliament for the purpose to the services of VOTE  
15 LANDS AND SURVEY.

(4) Where any lease of or easement over any land is obtained under this section the Minister shall, as soon as the land is suitable for use as a walkway, by notice in the  
20 *Gazette* declare that a walkway has been established over the land, and by the same or a subsequent notice assign a distinctive name to the walkway.

(5) Where any lease of or easement over any land is obtained under this section subject to any conditions as to  
25 use, the Minister shall specify in the notice the conditions under which it may be used.

(6) All land leased to the Crown, and all land over which an easement has been obtained, under this section shall be defined on a plan in accordance with the Survey Regulations  
30 1972. Unless the Chief Surveyor otherwise directs, it shall be necessary to define only 1 side boundary of the walkway.

**23. Rights of public in respect of walkways**—Subject to the provisions of this Act and of any regulations and bylaws for the time being in force under this Act, and subject to any  
35 conditions specified under section 22 (5) of this Act, every member of the public may without charge at any time pass or repass on foot over any walkway.

**24. Limitation of liability of occupiers**—No occupier of any land that is a walkway shall be in any way liable under  
40 the Occupiers' Liability Act 1962, or under any rules of the common law referred to in section 3 of that Act, to any other

person for any damage or loss sustained by that other person while that other person is on the walkway unless the damage or loss is caused by reason of any deliberate acts or omissions of the occupier.

**25. Liability of users of walkways**—Except as provided in section 23 of this Act, nothing in this Act shall exclude or limit the liability of any member of the public to any person under any rule of law for any act done or omission made by that member of the public on or in respect of a walkway.

*Administration of Walkways*

**26. Appointment of controlling authorities**—(1) Subject to subsection (2) of this section, the Commission may from time to time appoint any department of State, any local authority, or any other statutory body to be the controlling authority of any walkway or part of a walkway, and may at any time review any such appointment and revoke it if it thinks fit.

(2) A local authority may be appointed to be the controlling authority of a walkway or part of a walkway notwithstanding that the walkway or part of the walkway is situated outside its district.

(3) If any walkway or part of a walkway has been declared over public land under section 20 of this Act, the administering authority of that land shall, without further appointment under this section, be deemed to be the controlling authority for the purposes of this Act, unless the administering authority does not wish to be deemed to be the controlling authority in which case the Commission may appoint another controlling authority under subsection (1) of this section or itself become the controlling authority under subsection (4) of this section.

(4) If no controlling authority has been appointed under subsection (1) or subsection (3) of this section, the Commission itself shall be deemed to be the controlling authority for the purposes of this Act.

**27. Functions and powers of controlling authorities**—

(1) Every controlling authority of a walkway shall be responsible to the Commission, in accordance with this Act,—

- (a) For identifying the line of the walkway for members of the public by the placement of poles, markers, or other suitable indicators; and
  - 5 (b) For the erection and maintenance of such stiles and fences as may be necessary to enable members of the public to use the walkway, and to provide for the proper control of its use by such persons; and
  - 10 (c) For the erection and maintenance at all points of entrance to the walkway, and at such other places on the walkway as it thinks fit, of notices warning members of the public who use the walkway not to trespass on any land beyond the walkway; and
  - 15 (d) For the general promotion of and maintenance and control of the walkway for the pleasure, safety, and welfare of the public.
- (2) Every controlling authority shall have all such powers as may be reasonably necessary to enable it to carry out its functions.
- 20 (3) Without limiting the generality of the powers of a controlling authority under subsection (2) of this section, each controlling authority may—
- (a) Develop, improve, and maintain the walkways under its control:
  - 25 (b) Establish on such walkways such camping grounds, huts, hostels, accommodation houses, and other facilities and amenities, as are approved by the Commission:
  - (c) Make such charges as the Commission approves for the use of facilities and amenities on such walkways.
- 30 **28. Rangers**—(1) Every member of the Police, every member of the Commission, and every member of a District Walkway Committee shall by virtue of his office be deemed to be a ranger for the purposes of this Act.
- 35 (2) The Commission may from time to time appoint to be a ranger for the purposes of this Act—
- (a) Any officer of the Department of Lands and Survey, on the recommendation of the Director-General of Lands:
  - 40 (b) Any officer of the New Zealand Forest Service, on the recommendation of the Director-General of Forests:
  - (c) Any officer of a controlling authority, on the recommendation of the controlling authority.

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

(4) Any officer of a controlling authority who is appointed to be a ranger shall be a ranger only for walkways under the control of that authority. 5

(5) Subject to subsection (4) of this section, a ranger may be appointed under subsection (2) or subsection (3) of this section to perform his duties in respect of a particular walkway or of walkways in a particular land district or to perform his duties generally throughout New Zealand. 10

(6) Every ranger appointed under this section shall hold office during the pleasure of the Commission.

(7) Every ranger appointed under this section shall be supplied with a written warrant evidencing his appointment signed by or on behalf of the Chairman of the Commission. The production of any such warrant shall be sufficient proof of the appointment. 15

(8) Every ranger appointed under this section shall, on relinquishing office, surrender to the Commission his warrant of appointment and any badge of office that may have been issued to him. 20

**29. Obstructing ranger, etc.**—Every person commits an offence who—

(a) Personates or falsely pretends to be a ranger: 25

(b) Wilfully obstructs, hinders, or deceives, or wilfully causes to be obstructed, hindered, or deceived, any ranger while the ranger is exercising or performing any power, function, or duty under this Act. 30

**30. Finance**—Except as otherwise provided in this Act, money required for the establishment, administration, control, maintenance, and improvement of walkways by the Commission, each District Walkway Committee, and each controlling authority which is a department of State, shall be paid from the Consolidated Revenue Account out of money appropriated by Parliament for the purpose to the services of VOTE LANDS AND SURVEY. 35

**31. Funds for controlling authorities**—(1) The Minister may from time to time, from the Consolidated Revenue Account out of money appropriated by Parliament for the 40



purpose to the services of VOTE LANDS AND SURVEY, make grants to any controlling authority which is not a department of State to enable it to discharge its duties under this Act.

5 (2) Any administering authority which is also a controlling authority by virtue of section 26 (3) of this Act may expend such sum or sums of money as it thinks fit in the discharge of its duties under this Act in respect of any walkway or part of a walkway which it controls.

10 (3) Any local authority may—

(a) If it is the controlling authority of a walkway or part of a walkway, expend such sum or sums of money as it thinks fit in the discharge of its duties under this Act in respect of the walkway or part of the walkway; or

15 (b) In any other case, make grants of such sum or sums of money as it thinks fit to the controlling authority of any walkway or part of a walkway, whether the walkway or part is situated within or outside its district, to assist the controlling authority to discharge its duties under this Act.

20 **32. Grants and gifts**—Any person or body may, unless expressly prohibited from doing so by any Act or instrument of trust, make to the Commission, to any District Walkway Committee, or to any controlling authority, and the Commission, Committee, or controlling authority may accept, any grant or gift of money for the purposes of this Act.

**33. Application of grants, etc.**—(1) All money received by the Commission, by a District Walkway Committee, or by a  
30 controlling authority which is a department of State by way of grants or gifts or by way of charges for the use of facilities and amenities on walkways shall be paid into the Public Account to the credit of an account within the Trust Account known as the Walkways Account, and be applied, without  
35 further appropriation than this subsection, in establishing, developing, maintaining, and improving walkways.

(2) All money received by a controlling authority which is not a department of State by way of grants or gifts or by way of charges for the use of facilities and amenities  
40 on walkways shall be paid into a special fund established for the purpose and be applied by the authority in administering, developing, maintaining, and improving walkways under its control.

**34. Travelling allowances and expenses**—(1) The Commission, every committee of the Commission, and every District Walkway Committee are hereby each declared to be statutory Boards for the purposes of the Fees and Travelling Allowances Act 1951. 5

(2) There shall be paid to each member of the Commission, of a committee of the Commission, and of a District Walkway Committee, from the Consolidated Revenue Account out of money appropriated by Parliament for that purpose to the services of VOTE LANDS AND SURVEY, travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly. 10

*General Provisions*

**35. Powers of rangers**—(1) Any ranger may without further warrant or authority other than this section summarily interfere to prevent any actual or attempted breach of this Act. 15

(2) If any person is found offending against this Act, it shall be lawful for any ranger to require the offender forthwith to desist from the offence and to demand from that person his first name, surname, and residential address. If there are reasonable grounds to suppose that any particulars so given by that person are false, the ranger demanding the particulars may require him to supply satisfactory evidence of the correctness of the particulars given. 20

(3) If the offender, after being so required, fails to give his first name, surname, or residential address, or gives a false name or address, or supplies any false evidence in respect thereof, or wilfully continues the offence, he commits a further offence against this Act. 25 30

**36. 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) Prescribing the procedure to be followed at meetings of the Commission, and of District Walkway Committees, and of controlling authorities: 35
- (b) Providing for the maintenance of good order on walkways:
- (c) Providing for the conditions under which the public may enter, remain on, or use any walkway: 40

(d) Providing for such other matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

5 (2) Any regulations made under this section may apply generally throughout New Zealand or may be made to apply only within such area or areas or to such walkway or part of a walkway as may be specified in the regulations.

10 (3) Every person who acts in contravention of or fails to comply with any provision of any regulations for the time being in force under this Act commits an offence and shall be liable on summary conviction to a fine not exceeding \$200.

15 **37. Bylaws**—(1) The Commission may from time to time make bylaws, not inconsistent with this Act or with any regulations for the time being in force under this Act, for all or any of the following purposes:

(a) Providing for the maintenance of good order on walkways:

(b) Providing for the conditions under which the public may enter, remain on, or use any walkway.

20 (2) All such bylaws shall be made by resolution of the Commission and shall be signed by the Chairman and 1 other member of the Commission.

25 (3) Any bylaw made under this section may apply to walkways generally throughout New Zealand or may be made to apply to walkways only within such area or areas, or to such walkway or part of a walkway, as may be specified in the bylaw.

30 (4) Notwithstanding anything to the contrary in this Act, the Commission shall not delegate the power conferred on it by subsection (1) of this section.

(5) Every person who acts in contravention of or fails to comply with any provision of any bylaw for the time being in force under this Act commits an offence and shall be liable on summary conviction to a fine not exceeding \$100.

35 **38. Bylaws to be approved by Minister**—(1) No bylaw made under section 37 of this Act shall have any force or effect until it has been approved by the Minister and published in the *Gazette*.

40 (2) The publication in the *Gazette* of any bylaw purporting to have been made by the Commission and to have been approved by the Minister shall be sufficient evidence in the absence of proof to the contrary that it has been duly made and approved under this Act.

**39. Offences**—(1) Subject to subsections (2) and (3) of this section, every person commits an offence against this Act who without lawful authority—

- (a) Carries any firearm on or within 100 metres of a walkway; or 5
- (b) Lights any fire on a walkway other than in a fireplace provided by the controlling authority or fails to extinguish any fire lit by him on a walkway before leaving it; or
- (c) Takes, rides, or has in his charge any horse on a walkway; or 10
- (d) Takes or has in his charge any dog on (*or adjacent to*) a walkway; or
- (e) Takes, drives, or has in his charge or control any motor vehicle on (*or adjacent to*) a walkway; or 15
- (f) Enters or remains on any walkway or part of a walkway that is for the time being closed under section 44 of this Act; or
- (g) Discharges or shoots any firearm across or on or within 100 metres of a walkway; or 20
- (h) Wilfully damages or removes any tree or plant (other than a plant which is a noxious weed in the district or area within which the walkway is situated) growing on or adjacent to a walkway; or
- (i) Lays any poison or sets any snare or trap on or adjacent to a walkway; or 25
- (j) Wilfully damages or interferes with any pole, marker, indicator, stile, fence, gate, bridge, shelter, notice, or other amenity on or at any entrance to a walkway; or
- (k) Wilfully interferes with or disturbs any livestock depasturing on or adjacent to a walkway; or 30
- (l) Wilfully interferes with or disturbs any wildlife, within the meaning of the Wildlife Act 1953, on or adjacent to a walkway; or 35

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- (m) Wilfully creates a disturbance or annoyance to other users on a walkway.

*New*

- (m) Wilfully endangers, disturbs, or annoys any user of a walkway.

(2) No person shall be guilty of an offence by reason of doing any of the things specified in subsection (1) of this section on a walkway or part of a walkway specified in any regulations or bylaws for the time being in force under this

Act, if the doing of that thing is permitted by the provisions of that regulation or bylaw on the specified walkway or part of a walkway.

5 (3) No person shall be guilty of an offence by reason of doing any of the things specified in paragraphs (a) to (i) of subsection (1) of this section on or adjacent to a walkway if—

(a) He was at the time the owner or occupier of the land on which the walkway is situated; or

10 (b) He did that thing with the permission of any such owner or occupier.

*Struck Out*

15 (4) Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section shall be liable on summary conviction to a fine not exceeding \$500.

*New*

20 (4) It shall be a defence to a charge under this section if the defendant proves that it was necessary for the defendant to commit the offence for his own safety or protection or for the safety or protection of some other person, or because of some emergency involving his property or the property of some other person.

25 (5) Where an act or omission constitutes an offence under this Act and under any other Act or Acts, the offender may be prosecuted and convicted under this Act or under any one of those other Acts.

(6) No person shall be liable to be (*punished*) prosecuted more than once in respect of the same offence.

*New*

30 **39A. Trespass on private land from walkway with firearm or dog—**(1) Every person commits an offence who, being in possession of a firearm or having in his charge any dog, leaves a walkway and goes on to any adjacent private land without the authority of the occupier or other lawful authority.

35 (2) It shall be a defence to a charge under this section if the defendant proves that—

(a) He did not go on to the land from the walkway; or

40 (b) It was necessary for him to go on to the land for his own safety or protection or for the safety or protection of some other person, or because of some emergency involving his property or the property of some other person.

45 **39B. General penalty for offences—**Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section shall be liable on summary conviction to a fine not exceeding \$500.

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

5

**41. Proceedings in respect of offences**—(1) An information in respect of an offence against this Act shall be laid by—

- (a) The Secretary to the Commission; or
- (b) The Commissioner of Crown Lands for the land district in which the offence is alleged to have been committed; or 10
- (c) The Secretary of the District Walkway Committee for the land district in which the offence is alleged to have been committed, or any person appointed in writing in that behalf by the controlling authority of the walkway or part of a walkway in respect of which the offence is alleged to have been committed. 15

(2) Any appointment under subsection (1) of this section may be for the purpose of laying an information in respect of a particular offence, or may be a general appointment to lay informations in respect of offences generally. 20

(3) Any officer or employee of a District Walkway Committee or controlling authority, although not the informant, may appear and conduct the prosecution in all proceedings for offences against this Act. 25

(4) Any officer or servant of the Department of Lands and Survey, although not the informant, may appear and conduct the prosecution in all proceedings for offences against this Act.

**42. Walkway not a public work, etc.**—(1) It is hereby declared that a walkway or proposed walkway is not a public work within the meaning of the Public Works Act 1928. 30

(2) Section 110 of the Public Works Act 1928 shall not apply in respect of any walkway.

**43. Members not personally liable**—No member of the Commission, or of a committee of the Commission, or of a District Walkway Committee, or of a controlling authority, shall be personally liable for any act done or default made by the Commission, committee of the Commission, Committee, or controlling authority, in good faith, in the course of its operations. 35 40

*Struck Out*

5 44. Closure of walkways—(1) Any controlling authority may close any walkway or part of a walkway under its control to members of the public for reasons of safety or during emergencies for any period or periods.

*New*

10 44. Closure of walkways—(1) Every controlling authority—  
 (a) May close any walkway or part of a walkway under its control for reasons of safety or during emergencies, or for the purpose of maintenance or development work:  
 (b) May close any such walkway or any part of such a walkway, at the request of the occupier of the adjacent land:  
 15 (c) Shall close any such walkway or any part of such walkway established over private land in order to comply with any condition as to use to which the establishment of the walkway is subject—  
 20 for such period as the controlling authority considers necessary or as may be necessary to comply with the condition as to use, as the case may be.

25 (2) Any closure under subsection (1) of this section shall be notified to the public by signs erected at all entry points to the walkway or part of a walkway which is closed, and such signs shall specify the period or periods during which the walkway is to be closed and shall also specify that it is an offence to enter the walkway during the period of closure.

30 (3) Any closure under subsection (1) of this section shall as soon as practicable be notified by at least 1 notice in a newspaper circulating in the district in which the walkway or part of the walkway is situated, but the validity of the closure shall not be open to question merely on the ground that such notice was published too late or not published at all. Every such notice shall specify that it is an offence to  
 35 enter the walkway during the period of closure.

(4) Any signs erected under subsection (2) of this section and any notices published under subsection (3) of this section shall, if possible, give reasons for the closure.

40 (5) If any controlling authority closes a walkway or part of a walkway under this section it shall immediately notify the Commission and the District Walkway Committee for the district in which the walkway or part of the walkway is situated.

**45. Revocation of walkways**—(1) The Minister may, on the recommendation of the Commission made after consultation with the relevant administering authority and controlling authority, by notice in the *Gazette*, revoke in whole or in part any declaration made under section 20 or section 22 of this Act. 5

(2) Every such notice shall take effect on a date specified in the notice or, if no date is specified, on the date on which it is gazetted.

(3) A copy of every notice revoking a declaration made under section 20 of this Act shall, if it relates to land subject to the Land Transfer Act 1952, be lodged with the District Land Registrar who shall without fee enter the particulars of the notice on every certificate of title, provisional register, or other instrument of title registered or lodged in his office affected by the notice. 10 15

(4) If a declaration made under section 22 of this Act is revoked under this section, the Commissioner of Crown Lands shall in the name of and on behalf of the Crown execute all deeds, instruments, and other documents and do all acts necessary for the release or partial release of the appropriate easement or the surrender or partial surrender of the appropriate lease, as the case may require. 20

**46. Annual report**—The Commission shall in April of each year, or as soon thereafter as practicable, prepare and submit to the Director-General of Lands, for incorporation in the annual report to Parliament of the Department of Lands and Survey, a report on the operations of the Commission during the immediately preceding year ended with the 31st day of March. 25 30

**47. Amending Litter Act 1968**—Section 5 (6) of the Litter Act 1968 is hereby amended by adding the following paragraph:

“(f) Every ranger within the meaning of the New Zealand Walkways Act 1975 while he is acting in the exercise of his powers and the discharge of his duties on any walkway.” 35