

Mr. Holland

RICCARTON BUSH AMENDMENT

[LOCAL BILL]

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A BILL INTITULED

AN ACT to amend the Riccarton Bush Act, 1914, to enable the Extension of the Riccarton Bush and to enlarge the Purposes and Control thereof. **Title.**

No. 23—1

Preamble.

WHEREAS the parcel of land containing fifteen acres two roods and thirty perches, more or less, known as the Riccarton Bush and more particularly described in the *First* Schedule hereto, was offered as a gift in nineteen hundred and fourteen by the family of the late John Deans, of Riccarton, Gentleman (hereinafter referred to as the said John Deans), to the Mayor of the City of Christchurch, as the representative of the people of Canterbury: And whereas by the Riccarton Bush Act, 1914 (hereinafter referred to as the principal Act), a Board (hereinafter referred to as the Board) was incorporated under the name of the Riccarton Bush Trustees, composed of five members, of whom two were to be nominated by the Christchurch City Council, two by the members of the family of the said John Deans, and one by the Philosophical Institute of Canterbury (which said Institute is now known as the Royal Society of New Zealand, Canterbury Branch): And whereas by the principal Act the said parcel of land was vested in the Board upon trust that the same should be used and kept for the preservation and cultivation of trees and plants indigenous to New Zealand and for the other purposes of the Act: And whereas the Board has administered, and is still administering, the said Riccarton Bush under the various powers and provisions of the principal Act: And whereas it is now desired—

- (1) To extend the area of the said Riccarton Bush by the acquisition of all those parcels of land containing thirteen acres one rood thirty-three perches, more or less, more particularly described in the *Second* Schedule hereto; and
- (2) To enlarge the purposes and control of the said Riccarton Bush so that its amenities and historical and scientific importance may be made of wider usefulness and significance in the cultural and recreational life of the Province of Canterbury:

And whereas for the purposes aforesaid it is desired that the Counties of Waimairi, Heathcote, and Paparua and the Borough of Riccarton participate in the control, administration, and maintenance of the said Riccarton Bush, and those local bodies have agreed so to participate accordingly:

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

- 5 **1.** This Act may be cited as the Riccarton Bush Amendment Act, 1947, and shall be read together with and deemed part of the principal Act. Short Title.
- 2.** The said parcel of land described in the *First* Schedule hereto, known as the Riccarton Bush, is hereby vested in the Board upon trust to keep, administer, manage, and control the same for— Declaration of Trust.
- 10 (a) The preservation and cultivation of trees and plants indigenous to New Zealand:
- (b) The use and enjoyment of the public for the purposes of health, instruction, and recreation:
- 15 (c) The planting and cultivation of shrubs and plants not indigenous to New Zealand.
- 3.** The *last preceding* section is in substitution for section twelve of the principal Act, which is hereby accordingly repealed. Repeal of section 12 of principal Act.
- 20 **4.** Section two of the principal Act is hereby amended by omitting the word “ five ”, and substituting the word “ nine ”. Amendment of section 2 of principal Act.
- 5.** Of the nine members of the Board two shall be nominated by the City Council of Christchurch, two by the members of the family of the said John Deans as provided in the principal Act, one each by the County Councils of Waimairi, Heathcote, and Paparua, one by the Borough Council of Riccarton, and one by the Royal Society of New Zealand, Canterbury Branch. Constitution of Board.
- 25 **6.** The *last preceding* section is in substitution for section three of the principal Act, which is hereby accordingly repealed. Repeal of Section 3 of principal Act.
- 30 **7.** (1) The Board is hereby empowered to enter into a contract for the purchase of all those parcels of land containing together thirteen acres one rood thirty-three perches, more or less, more particularly described in the *Second* Schedule hereto at and for the sum of sixteen thousand five hundred pounds, and may provide in such contract for payment of the whole or of part or parts of the purchase-moneys at a future date or dates, and for payment of interest upon any unpaid purchase-moneys at a rate not exceeding three pounds per centum per annum: Power to purchase certain lands.
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Provided that no such contract shall be valid unless—

- (a) The Minister of Lands expressly approves the same by writing endorsed thereon; and
- (b) It is expressly provided therein that the vendor shall have no claim or right of action in respect of any unpaid purchase-money or interest against His Majesty or upon the Government or public revenues of New Zealand.

(2) The said contract, and the memorandum of transfer pursuant thereto and any other document, option, or assurance relating to or connected therewith, shall be exempt from stamp duty under the provisions of the Stamp Duties Act, 1923, or its amendments.

(3) (a) The said lands when purchased under the said contract, shall on the taking possession thereof by the Board be administered in accordance with the provisions of the principal Act and any amendment thereto as if they were part of the said Riccarton Bush controlled by the Board, and on conveyance or transfer thereof to the Board shall become part of such bush and be held accordingly by the Board upon the same trusts in every respect as the said Riccarton Bush.

(b) Any reference in this or the principal Act to the "Riccarton Bush" shall, unless inconsistent with the context, be deemed to include the said lands described in the *Second* Schedule hereto after the purchase thereof by the Board.

Board deemed to be local authority within meaning of the Local Authorities (Members Contracts) Act, 1934, with certain proviso.

8. The Board shall be deemed to be a local authority within the meaning of the Local Authorities (Members Contracts) Act, 1934, but, notwithstanding anything therein contained, no member of the family of the said John Deans shall be deemed to be incapable of being elected or appointed to or continuing to hold office on the Board merely by reason of the fact that he is or may be concerned or interested in the purchase by the Board of the lands described in the *Second* Schedule hereto:

Provided that no such member or members of the family of the said John Deans shall attend any discussion by the Board regarding the purchase of the said lands or vote on any resolution of the Board concerning such purchase.

9. (1) For the purpose of raising the amount of the purchase-price of the lands as set out in section seven of this Act the Board is hereby empowered to levy annual contributions for a period of five years commencing from the first day of April, one thousand nine hundred and forty-eight, on the City Council of Christchurch, the County Councils of Waimairi, Heathcote, and Paparua, and the Borough Council of Riccarton (hereinafter called the contributories), such annual contributions to be on the basis of one-fortieth of one penny on each pound of the rateable capital values of the contributories shown in their valuation rolls on the first day of April, one thousand nine hundred and forty-seven:
- 15 Provided, however, that the respective rateable capital values of the Riding of Fendalton in the Waimairi County and of the Borough of Riccarton at the date aforesaid shall be doubled for the purpose of computing the contributions to be paid by the said riding and the said borough respectively.
- 20 (2) The said annual contributions shall be applied by the Board in each year, first, as to the sum of three thousand three hundred pounds thereof in part payment of the purchase-price of the lands described in the *Second* Schedule hereto; secondly, in payment of such interest as may be owing on the unpaid purchase-money in accordance with the terms of the contract mentioned in section *seven* hereof; and, thirdly, upon the maintenance and improvement of the said Riccarton Bush in pursuance of any of the powers in that regard vested in the Board by this or the principal Act.
- 30 10. For the general maintenance and improvement of the said Riccarton Bush the Board is hereby empowered, as from the completion of the five annual contributions mentioned in section *nine* hereof, to levy upon the contributories an annual contribution not exceeding two thousand five hundred pounds, such contribution to be apportioned *pro rata* among the contributories upon the basis of their total rateable capital values shown in their valuation rolls on the first day of April in the year in which the contribution is levied:
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Board empowered to raise purchase-price of certain lands.

Board empowered to raise annual sum for maintenance.

Provided, however, that in making such apportionment as aforesaid the respective rateable capital values of the Riding of Fendalton in the Waimairi County and of the Borough of Riccarton at the date aforesaid shall be doubled for the purposes of each computation, and the contributions of the said riding and the said borough shall be assessed upon such double valuation accordingly. 5

Contributories empowered to pay contributions levied.

11. The contributories are hereby empowered, notwithstanding that the said Riccarton Bush may be situate outside their respective districts, to apply any part of their ordinary funds or, in the case of a County Council, any part of any separate riding account towards the contributions referred to in sections *nine* and *ten* hereof, and, in addition to any other rating-powers, shall have power to make and levy a rate over all rateable property in their respective districts or in any defined part thereof sufficient to provide the amount of any of the contributions aforesaid. 15

Contributions levied deemed recoverable as debt due by contributory.

12. Any contributions or part thereof payable to the Board by a contributory pursuant to and under the authority of the provisions of this Act shall be recoverable as a debt due by that contributory to the Board. 20

Repeal of section 20 of principal Act.

13. Section twenty of the principal Act is hereby repealed. 25

Amendment of section 21 of principal Act.

14. Section twenty-one of the principal Act is hereby amended as follows:—

(a) By omitting the words “City Council of Christchurch”, and substituting the word “contributories”:

(b) By adding at the end thereof the words “and showing the contribution levied on each contributory”.

Vacation of office by members of Board.

15. If any member of a local authority which is empowered to nominate a member or members of the Board is nominated by that local authority to be a member of the Board and thereafter ceases to be a member of the local authority, he shall, on the expiration of one month after he has so ceased to be a member of the local authority, vacate his office as a member of the Board, unless in the meantime he has been confirmed in his office by resolution of the local authority. 35 40

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

Members of Board not personally liable.

17. Section six of the principal Act is hereby amended by omitting the word "six", and substituting the word "three".

Amendment of section 6 of principal Act.

18. Subsection four of section ten of the principal Act is hereby amended by omitting the word "three", and substituting the word "five".

Amendment of section 10 of principal Act.

19. The Board may, in addition to the powers contained in the principal Act, exercise in respect of the said Riccarton Bush all or any of the following powers—that is to say, it may—

Powers of Board.

(a) Lay out, enclose, and plant the said bush or any part thereof in such manner as it thinks fit, and prohibit the public from entering or encroaching on any such enclosed or planted part:

(b) From time to time set apart any part of the said bush for any specific purpose of public amusement or recreation and permit the use thereof upon such terms and conditions as it thinks fit, and annul any such setting-apart:

(c) Erect or authorize any person, body, or society (incorporate or not) to erect on any portion or portions of the said bush, buildings for ornamental purposes, for stands, or pavilions or gymnasia, or other buildings necessary for the full use of the said bush for the purposes for which it is set apart, on such terms as to plans, size, situation, custody, and otherwise in all respects as the Board determines, and fix charges for the use of and generally regulate admission to any such building:

(d) Prescribe the games which may be played in the said bush or any part thereof, and regulate the use of the said bush for such games, and prohibit altogether the playing of any particular game therein:

(e) Prohibit persons from carrying on any trade, business, or occupation within the said bush unless licensed by the Board, and fix fees to be paid in respect of such licences:

- (f) Cause such parts of the said bush to be laid out for carriage-ways and such parts thereof for footways as it thinks proper:
- (g) From time to time make, stop up, divert, widen, or alter any bridges, ways, or watercourses in, upon, through, across, or over any part of the said bush, subject to the payment of compensation for damage thereby to adjacent lands: 5
- (h) Appoint a secretary and treasurer, and such officers and servants as may be deemed necessary, at such salaries or other remuneration as it thinks fit, and may define their duties and functions: 10
- (i) Do any other thing which may be requisite for the proper and beneficial management and administration of the said bush or any part thereof. 15

Amendment of section 14 of principal Act.

20. Section fourteen of the principal Act is hereby amended by omitting the word "ten", and substituting the word "twenty". 20

Amendment of section 15 of principal Act.

21. Subsection three of section fifteen of the principal Act is hereby amended by—

- (a) Inserting, after subclause (a) thereof; the following— 25

“(aa) For regulating the management, preservation, and use of the said bush or any part thereof, and the preservation of plants and animals therein”:

- (b) Inserting, after subclause (c) thereof, the following— 30

“(cc) For the exclusion of dogs or other animals from the said bush and their destruction if intruding therein:

“(ccc) For the prevention of any nuisance.” 35

Powers of rangers.

22. Any ranger or person employed by the Board may, without further warrant or authority than this section, summarily interfere to prevent any actual or attempted breach of any by-law made under the authority of the principal Act or any amendment thereof. 40

SCHEDULES

Schedules.

FIRST SCHEDULE

ALL that area in the Canterbury Land District, containing 15 acres 2 roods and 30 perches, more or less, situate in Block X, Christchurch Survey District, comprising part of Rural Section 163, and being Lot 1 on the plan deposited in the office of the District Lands Registrar at Christchurch as Number 3884, and being the whole of the land contained in certificate of title, Volume 291, folio 197.

SECOND SCHEDULE

ALL those parcels of land in the Canterbury Land District, containing together 13 acres 1 rood 33 perches, more or less, situate in Blocks X and XI, Christchurch Survey District, comprising part of Rural Section 163 and being, first, part of Lot 1 on plan deposited in the office of the District Lands Registrar at Christchurch as Number 11245, containing 12 acres 2 roods 15·2 perches, more or less, and being part of the land contained in certificate of title, Volume 500, folio 100; secondly, part of Lot 1 on plan deposited in the office of the District Lands Registrar at Christchurch as Number 10125, containing 3 roods 8·1 perches, more or less, and being part of the land contained in certificate of title, volume 433, folio 101; thirdly, Lot 492 on plan deposited in the office of the District Lands Registrar at Christchurch as Number 7511, containing 9·7 perches, more or less, being part of the land contained in certificate of title, Volume 419, folio 68.