

[AS REPORTED FROM THE JUSTICE AND LAW REFORM
COMMITTEE]

House of Representatives, 9 March 1994.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown with single rule before first line and after last line.

Ruth Dyson

R. O. BRADLEY ESTATE AMENDMENT

[PRIVATE]

ANALYSIS

Title	6. Two new sections (relating to bylaws)
Preamble	inserted
1. Short Title	18A. Board may make bylaws
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3. Membership of Board	bylaws
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A BILL INTITULED

An Act to amend the R. O. Bradley Estate Act 1972

5 WHEREAS Reginald Orton Bradley late of Charteris Bay,
Farmer, died on the 24th day of January 1943 having first
made his Last Will together with one Codicil thereto dated,
respectively, the 18th day of March 1939 and the 20th day of
September 1941, and the said Will and Codicil were duly
proved in the Supreme Court of New Zealand at Christchurch
10 on the 11th day of February 1943 by Lionel Denis Cotterill, the
Executor in the said Will and Codicil named: And whereas the
said Will provided that it was the desire of the testator without
imposing any legal obligation on the part of the Board or the
Trustees as constituted under the Will that the Board and the
Trustees should after the death of certain persons taking an
15 interest under the Will apply for leave to introduce a Bill and to
take all necessary steps to obtain the passing of an Act having

No. 196—2

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for its objects the constitution of the Board as a corporate body and the vesting of certain property, funds, and chattels in the Board: And whereas by the R. O. Bradley Estate Act 1972, the Orton Bradley Park Board was duly constituted as a body corporate with perpetual succession and a common seal: And 5
 whereas the last surviving life tenant died on the 21st day of April 1976 following which the Trustees conveyed and delivered all the real and personal property forming the estate to the Board: And whereas the powers, authorities, and 10
 discretions conferred upon the Board under the terms of the Will do not include the power to purchase or otherwise acquire additional real property and prohibit the sale of any portion of the Park which would preclude the Board from entering into 15
 arrangements for boundary adjustments, acquiring further land to add to the Park, or exchanging lands for the benefit of the Park: And whereas it is desirable to amend the balance date for the Board from 31st March to 30th June in each year: (*And whereas the Will does not empower the Board to make by-laws for the better control of the Park.*) And whereas the objects of the Bill cannot be attained otherwise than by legislation: 20

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

1. Short Title—This Act may be cited as the R. O. Bradley Estate Amendment Act 1989, and shall be read together with and deemed part of the R. O. Bradley Estate Act 1972* 25
 (hereinafter referred to as the “principal Act”).

*1972, No. 3 (Private)

2. Interpretation—Section 2 of the principal Act is hereby amended by adding to the definition of the term “Park” the words “, together with any additional land that may be acquired by the Board for the purposes of the Park, but 30
 excluding any such lands as may have been disposed of by the Board”.

3. Membership of Board—Section 4 (g) of the principal Act is hereby amended by omitting the words “Canterbury Automobile Association (Incorporated)”, and substituting the 35
 words “Automobile Association (Central) Incorporated”.

4. Further powers of Board—The principal Act is hereby amended by inserting, after section 12, the following section:

“12A. (1) The Board shall be entitled to purchase, exchange, take on lease, or otherwise acquire any real or personal property for any of the purposes of the Park.

5 “(2) The Board shall not be entitled to sell any portion of the Park otherwise than—

“(a) For the purpose of boundary adjustments or for the better provision of access either to the Park or any adjoining property; and

“ (b) Pursuant to a unanimous resolution of the Board.

10 “(3) The proceeds of any such sale shall be held by the Board for the purposes of the Park.

New

“ (4) The sale by the Board of all or any of the following parcels of land comprising part of the Park, namely—

15 “(a) The parcel of land comprising 549 square metres, more or less, situated in Block VIII of the Halswell Survey District, being Lot 5, D.P. 11299, being part of Rural Section 124 and being all the land comprised and described in Certificate of Title 455/209 (Canterbury Registry);

20 “(b) The parcels of land being parts respectively of Rural Sections 30478, 124 and 129, being parts of the land comprised and described in Certificate of Title 9B/871 (Canterbury Registry) and situated to the north of the Christchurch-Purau Highway—

25 shall be deemed to be a boundary adjustment for the purposes of subsection (2) (a) of this section.”

5. Annual financial report—Section 16 (1) of the principal Act is hereby amended by omitting the words “31st day of March”, and substituting the words “30th day of June”.

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6. Two new sections (relating to bylaws) inserted—The principal Act is hereby amended by inserting, after section 18, the following sections:

35 “18A. **Board may make bylaws**—(1) The Board may from time to time make such bylaws as it thinks fit for all or any of the following purposes:

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“(a) For controlling the admission of persons, animals, or vehicles to the Park, including the fixing of admission charges or otherwise:

“(b) For preventing disorderly or unseemly conduct or behaviour of persons in the Park: 5

“(c) For preventing persons gaining or attempting to gain admission to the Park without the authority of the Board:

“(d) For the regular and efficient government and management of the Park: 10

“(e) For the safety and preservation of the Park and to prevent damage thereto.

“(2) Bylaws may be made by resolution of the Board and shall have the seal of the Board affixed thereto. A notice stating the object or purport of the proposed bylaws shall be published in some newspaper circulating in the district in which the Park is situated once in each of the 2 weeks immediately preceding the day upon which the bylaws become operative. 15

“18B. **Offences involving breach of bylaws**—(1) Every person who contravenes or fails to comply with any bylaw made under **section 18A** of this Act commits an offence and is liable on summary conviction to a fine not exceeding \$500 and, where the failure or non-compliance is a continuing one, to a further fine not exceeding \$50 for every day on which the breach continues. 20 25

“(2) Every person who, in contravention of any bylaw made under **section 18A** of this Act, removes any substance from the Park shall, in addition to any penalty to which that person may be liable under **subsection (1)** of this section, be liable to pay to the Board twice the full market value of that substance. For the purposes of this subsection, the full market value of a substance shall be the amount that the Board would reasonably have expected to receive if it had removed the substance from the Park and offered it for sale on reasonable terms. 30 35

“(3) Every person who, in contravention of any bylaws made under **section 18A** of this Act, damages the Park or anything growing, placed, or found in the Park shall, in addition to any penalty to which that person may be liable under **subsection (1)** of this section, be liable to the Board for that damage, and, where the damage was caused by any fire lit by that person, for 40

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all costs incurred by the Board in extinguishing the fire and investigating its origin.

5 “(4) The value, damage, or costs for which any person is liable to the Board under this section shall be assessed by a District Court Judge, and shall be recoverable in like manner as a fine.

“(5) The Board is hereby declared to be a local authority for the purposes of section 73 of the Public Finance Act 1989.”

10 **7. Park to be held by Board**—Section 19 of the principal Act is hereby amended by adding after the words “held by the Board”, the words “, subject to **section 12A (2)** of this Act,”.

8. Private Act—This Act is hereby declared to be a private Act.