

Hon. Sir J. G. Ward.

SCENERY PRESERVATION AMENDMENT.

ANALYSIS.

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A BILL INTITLED

AN ACT to amend "The Scenery Preservation Act, 1903."

Title.

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

1. The Short Title of this Act is "The Scenery Preservation Amendment Act, 1905"; and it shall form part of and be read together with "The Scenery Preservation Act, 1903" (hereinafter referred to as "the principal Act").

Short Title.

2. In this Act and in the principal Act, if not inconsistent with the context,—

Interpretation.

"Crown land" means Crown lands as defined by "The Land Act, 1892":

"Maori" includes half-castes and their descendants:

"Minister" means the Minister charged for the time being with the administration of the principal Act:

"Native land" means land owned by Maoris according to their customs and usages, the title to which has not been ascertained by the Native Land Court or otherwise determined, commonly known as "papatupu"; and any land owned by any Maori or trustee for any Maori under any Crown grant, certificate of title under "The Land Transfer Act, 1885," or memorial of ownership, certificate of title, or any other award by the Native Land Court, or by any Commissioner, or Act of Parliament; and includes reserves vested in the Public Trustee for the benefit of any Maori under any Act of Parliament or any other statutory authority; and also includes land acquired by or for the benefit of any Maori in fee-simple by purchase from the Crown or any person:

“Maori owner” means any Maori or other person in whom Native land is vested for the time being, and includes the lessee of Native land :

“Owner” means the registered proprietor of the land under “The Deeds Registration Act, 1868,” or “The Land Transfer Act, 1885” : 5

“Private land” means any land owned by any person other than a Maori ; and includes any former Crown land reserved and vested in any trustees or body corporate, whether by Act of Parliament or otherwise, for any public purpose, or for any endowment, whether the land is so vested or not : 10

“Reserve” means a reserve under the principal Act.

How land to be made a reserve.

3. (1.) Where the land recommended, under section three of the principal Act, to be reserved is Crown land the Governor may by Proclamation declare the same to be a reserve under the principal Act. 15

(2.) Where the land is other than Crown land it may be taken as a public work under “The Public Works Act, 1894,” and the provisions of that Act shall apply accordingly, and the land so taken shall be deemed to be a reserve under the principal Act. 20

Governor may take residue of any land.

4. Where any land recommended to be taken under the principal Act does not comprise the whole of the area included in an existing title, the Governor may take the residue of the land comprised in such title or any portion thereof. 25

Disposal of land no longer required.

5. Subject to the provisions of any special Act every reserve under the principal Act shall be inalienable :

Provided that any land taken under the *last preceding* section, and any reserve under the principal Act which, in the opinion of the Minister, has ceased to be of scenic interest, or any reserve of historic interest which would not be prejudicially affected thereby, may be disposed of as Crown lands under “The Land Act, 1892,” and the net proceeds of such disposal shall be deemed to be funds provided for the purposes of the principal Act. 30

Restrictions not to affect reservation.

6. Restrictions on the alienation of Native land, whether expressed or implied in any instrument of title or Act of Parliament, shall not impede or bar its reservation under the principal Act. 35

Previous reservations under other Acts to cease.

7. Any private land proclaimed as a reserve under the principal Act shall thereupon cease to be subject to any previous reservation under any other Act. 40

Maintenance of reserves.

8. The Minister may from time to time take such steps as he thinks fit for the fencing and maintenance of any reserve.

Offences on reserves.

9. Every person is liable to a fine not exceeding *one* hundred pounds who, at any time after the gazetting of any Proclamation declaring any Crown land to be a reserve, or of any notice under section seventeen of “The Public Works Act, 1894,” describing any other land intended to be taken as a reserve,— 45

(a.) Lights a fire on the reserve ; or

(b.) Cuts or removes any timber or bush thereon without the written authority of the Minister ; or 50

(c.) In any way interferes with any reserve or damages the scenic or historic features thereof.

10. With respect to Native lands reserved with the consent of the Maori owners or taken under the principal Act, the Governor may from time to time, by notice in the *Gazette*, grant to Maoris the right to therein snare or shoot birds not specially protected for the time being, or, where such Native lands include any ancestral burial-grounds of Maoris, the right to bury deceased Maoris therein. Certain rights may be granted to Maoris.
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11. The Governor may from time to time, by Order in Council gazetted, make such regulations as he deems necessary or expedient in order to give full effect to the provisions of the principal Act. Regulations.
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12. Sections four and five of the principal Act are hereby repealed. Repeal.