

Hon. Mr. McNab.

SCENERY PRESERVATION AMENDMENT.

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A BILL INTITULED

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, 1906"; 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 or any estate or interest in land in New Zealand now or hereafter held by any Maori under any class of title, and includes land claimed or owned by Maoris the title to which has not yet been investigated and determined, and also includes reserves vested in the Public Trustee for the benefit of Maoris under any statutory authority:

"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:

"Minister" means the Minister of Lands:

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

“Private land” means 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 : 5

“Reserve” means a reserve under the principal Act.

Scenery Preservation Board constituted.

3. For the purposes of this Act there is hereby constituted a Board, to be called “The Scenery Preservation Board,” consisting of— 10

The Surveyor-General :

The Superintendent of Tourist and Health Resorts :

The Commissioner of Crown Lands for the land district in which is situated any land proposed to be acquired or dealt with under this Act : 15

Provided that the Commissioner of Crown Lands shall be deemed to be a member of the Board only in cases where the functions of the Board are exercised in connection with land situate within the land district of which he is the Commissioner.

Secretary and Inspectors.

4. The Governor may from time to time appoint a fit person to be Secretary to the Board, and may also appoint one or more Inspectors as he deems necessary for the purposes of this Act, and may prescribe their duties and functions. 20

Board to report as to lands to be reserved.

5. Such Board shall, when so directed by the Minister, inspect any lands possessing scenic or historic interest, or on which there are thermal springs, and make inquiries respecting the same and report to the Governor; and shall from time to time recommend what lands, whether Crown, private, or Native lands, in the opinion of the Board should be permanently reserved as scenic, thermal, or historic reserves. 25

How land to be made a reserve.

6. (1.) Where the land so recommended to be reserved is Crown land the Governor may by Proclamation declare the same to be a reserve under the principal Act. 30

(2.) Where the land is other than Crown land it may be taken as a public work under “The Public Works Act, 1905,” 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. 35

Governor may take residue of any land.

7. Where any land to be taken as aforesaid 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. 40

Disposal of land no longer required.

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

Provided that 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. 45

Restrictions not to affect reservation.

9. 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. 50

10. 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. Previous reservations under other Acts to cease.

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

12. 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 eighteen of "The Public Works Act, 1905," describing any other land intended to be taken as a reserve,—

(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

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

13. 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.

14. 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 and this Act. Regulations.

15. Sections two to five of the principal Act are hereby repealed. Repeal.