

New Zealand.



ANALYSIS.

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1926, No. 31.

AN ACT to authorize the Reservation of certain Lands, situated in the Orari Survey District and in and adjoining Peel Forest, for the Preservation of Natural Scenery, and to provide for the Control and Management thereof. Title.
[9th September, 1926.]

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

1. This Act may be cited as the Peel Forest Act, 1926, and shall come into force on the first day of January, nineteen hundred and twenty-seven. Short Title and commencement.

2. In this Act, if not inconsistent with the context,— Interpretation.
 “Board” means the Peel Forest Board constituted under this Act:

“The park” means the Peel Forest Park constituted under this Act:

“ Local authority ” means any Borough Council, County Council, Town Board, Road Board, Harbour Board, Drainage Board, Electric-power Board, or other like body :

“ Minister ” means the Minister of the Crown for the time being charged with the administration of the Scenery Preservation Act, 1908 :

“ Prescribed ” means prescribed by this Act, or by by-laws or regulations made under this Act.

Peel Forest Park constituted.

3. Any reservation heretofore made for any purpose over the lands described in the Schedule hereto or any part of those lands is hereby cancelled, and the said lands are hereby set apart as a reserve to be called the Peel Forest Park.

Alteration of boundaries of park.

4. The Governor-General may at any time and from time to time, by Proclamation, alter the boundaries of the park by including any land therein or excluding any land therefrom.

Peel Forest Park Board constituted.

5. (1.) The park shall be controlled and managed by a Board constituted as hereinafter provided, and the Board so constituted shall be deemed to be a local body within the meaning of the Public Contracts and Local Bodies' Contractors Act, 1908.

(2.) The Board shall be a body corporate under the name of the Peel Forest Board, with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may do and suffer.

(3.) The Board shall consist of the following persons :—

(a.) The Commissioner of Crown Lands for the Canterbury Land District :

(b.) Three persons to be appointed by the Governor-General :

(c.) Such number of persons as may be appointed by local authorities and incorporated societies as hereinafter provided.

(4.) The Board shall be deemed to come into existence as a corporate body so soon as three members thereof have been appointed pursuant to paragraph (b) of the last preceding subsection.

Appointment of members of Board by local authorities and incorporated societies.

6. (1.) Each of the following local authorities—namely, the Geraldine and Ashburton County Councils, and the Timaru, Temuka, Geraldine, and Ashburton Borough Councils—and any society incorporated under the Incorporated Societies Act, 1908, shall be entitled, on paying to the general funds of the Board a sum of not less than ten pounds, to appoint one person to be a member of the Board, and shall continue to be so entitled so long as it annually pays to the Board a sum of not less than ten pounds.

(2.) Every such annual payment other than the first payment entitling a local authority or incorporated society to appoint a member of the Board shall become due and payable not later than the thirtieth day of April in each financial year :

Provided that any local authority or incorporated society which makes its first such payment before the thirty-first day of March, nineteen hundred and twenty-seven, shall not be required to make an annual payment in respect of the financial year ending on the thirty-first day of March, nineteen hundred and twenty-eight.

(3.) While any local authority or incorporated society is in arrear with any payment pursuant to this section it shall not be entitled to appoint any person to be a member of the Board.

(4.) Any local authority mentioned in subsection one hereof and any incorporated society may, out of its General Account or Fund, make such annual payments as aforesaid for the purpose of enabling it to appoint a member of the Board, and the amount of any such payment may exceed the minimum sum of ten pounds prescribed by that subsection.

7. With respect to each of the members of the Board to be appointed by the Governor-General pursuant to section five hereof the following provisions shall apply :—

Term of office of members appointed by Governor-General.

- (a.) He shall hold office for three years, or until the appointment of his successor, and shall be eligible for reappointment.
- (b.) He may at any time resign his office by notice in writing addressed to the Secretary of the Board, or the Governor-General may at any time remove him from office for any cause that he thinks fit.
- (c.) If he resigns, or is removed from office, or otherwise vacates his office, before the expiry of the term of his appointment, the Governor-General shall appoint a successor, who shall hold office for the residue of the term of the vacating member.

8. With respect to every member of the Board who may be appointed by a local authority or an incorporated society pursuant to section six hereof the following provisions shall apply :—

Term of office of other appointed members.

- (a.) Subject to the next succeeding paragraph, he shall hold office for two years from the date of his appointment, or until his successor takes office, and shall be eligible for reappointment.
- (b.) He shall vacate office in any of the following events, that is to say :—
 - (i.) If he dies, or becomes bankrupt ; or
 - (ii.) If he resigns by notice in writing addressed to the Secretary to the Board ; or
 - (iii.) If he is absent from three successive meetings of the Board without leave of absence from the Board ; or
 - (iv.) If he is absent from New Zealand for three consecutive months ; or
 - (v.) If he is convicted of any offence punishable by imprisonment for six months or upwards, or if judgment is given against him in any proceedings under section eight or section nine of the Public Contracts and Local Bodies' Contractors Act, 1908.
- (c.) He shall not be competent to act as a member of the Board while the local authority or incorporated society by which he was appointed is in arrear with any annual payment to the Board.
- (d.) Whenever a member of the Board vacates his office pursuant to paragraph (b) hereof the Board shall, within fourteen days thereafter, notify the local authority or incorporated society by which he was appointed of the fact of such vacancy, and such local authority or incorporated society may appoint some fit person to be a member of the Board, and the person so appointed shall hold office only for the residue of the term of office of the vacating member.

Appointment of
Chairman.

9. The Chairman of the Board shall be such member thereof as the Minister may appoint.

Meetings of Board.

10. (1.) The first ordinary meeting of the Board shall be held at such time and place as the Chairman appoints, and subsequent ordinary meetings shall be held at such times and places as the Board appoints.

(2.) Special meetings of the Board may be called at any time by the Chairman, and he shall call one whenever any three members so request in writing.

Conduct of
meetings.

11. (1.) At all meetings of the Board four members not prohibited from acting as such shall form a quorum.

(2.) The Chairman shall preside at all meetings of the Board at which he is present, and shall have a deliberative vote, and in case of equality of votes shall also have a casting-vote.

(3.) In the absence of the Chairman from any meeting of the Board the members present shall appoint one of their number to act as chairman at that meeting, and the member so appointed shall whilst so acting have all the powers of the Chairman.

Special provisions
as to Board.

12. With respect to the Board the following provisions shall apply :—

(a.) It may continue to act notwithstanding any vacancy in the membership thereof.

(b.) It shall cause minutes of all its proceedings to be kept, and also full and accurate accounts of all its receipts, disbursements, assets, liabilities, and engagements.

(c.) Subject to the provisions of this Act, the Board may regulate its own procedure.

(d.) There may be paid to the Chairman and to the members of the Board out of the funds of the Board all amounts actually and reasonably expended by them in attending meetings of the Board or of any committee thereof, or in transacting any business of the Board pursuant to a resolution of the Board.

Board may appoint
officers.

13. The Board may appoint a Secretary and Treasurer, and such rangers, officers, and servants as may be deemed necessary, at such salaries or other remuneration as it thinks fit, subject to the approval of the Minister, and may define their duties and functions.

Board to have
powers of Domain
Board.

14. Subject to the provisions of this Act, the Board shall have and may exercise in respect of the park all the powers which by the Public Reserves and Domains Act, 1908, or any other Act, Domain Boards have in respect of public domains controlled by them, and in addition to such powers may from time to time make by-laws for—

(a.) Excluding the public from any specified part or parts of the park :

(b.) Prescribing the conditions on which any persons shall have access to or be excluded from the park or any part thereof, and making charges for admission of persons to the park or any part thereof, and for the admission of horses and vehicles to the park :

Provided that by-laws made by the Board shall not come into operation until they have been approved by the Governor-General and have been gazetted :

Provided further that nothing in such by-laws shall permit the cutting of timber for trade purposes :

Provided further that no person shall have or be given authority to fell any trees growing in the park without the approval of the Governor-General in Council first being obtained.

15. The publication in the *Gazette* of any by-laws purporting to have been made by the Board under this Act and to have been approved by the Governor-General shall be conclusive evidence that the same have been duly made and approved in accordance with this Act. Evidence of by-laws.

16. Every person who commits a breach of any by-laws made under this Act is liable to a fine of five pounds. Penalty for breach of by-laws.

17. (1.) Every person is liable to a fine of fifty pounds who, without being authorized by the Board, or in breach of any by-law made by the Board, does any of the following things within the boundaries of the park, that is to say :— Offences within park.

- (a.) Lights any fire ; or
- (b.) Wilfully breaks or injures any fence, building, or erection ; or
- (c.) Wilfully breaks, cuts, injures, or removes any or any part of any wood, tree, shrub, fern, plant, stone, mineral, furniture, utensil, tool, or thing of any kind ; or
- (d.) Wilfully digs, cuts, or injures the sod ; or
- (e.) Shoots at any bird or animal with any gun or other instrument ; or
- (f.) Wilfully takes, destroys, or injures any bird or animal, or the nest or egg of any bird.

(2.) In addition to any penalty under the last preceding subsection every person convicted of an offence thereunder shall be liable for any loss or damage caused by the offence, and such loss or damage may be awarded by the Court in fixing the penalty, and may be recovered as a fine.

18. (1.) In every case where under the last preceding section wilful intent must be shown, such intent shall be presumed until the contrary is proved. Evidence of offences.

(2.) If within the park or in its vicinity any person is found in possession of any wood, tree, shrub, fern, or any plant, bird, egg, nest, or animal, or any part of any such thing, and, upon being thereunto required by any ranger or by any constable, fails or refuses to give a satisfactory account of the manner in which he became possessed of the same, he shall be deemed to have wilfully removed or taken the same in breach of this Act unless he satisfies the Court to the contrary.

19. Any ranger or any constable may, without further warrant or authority than this Act, summarily interfere to prevent any actual or attempted breach of this Act or of any by-law thereunder. Powers of rangers in respect of offenders.

20. (1.) It shall be lawful for the Board to issue licenses in respect of lands within the park— Licenses.

- (a.) To win and remove stone, gravel, or similar substances :
 - (b.) To construct and use tramways or roads for the removal of any such stone, gravel, or similar substances.
- (2.) The Board may from time to time make by-laws prescribing—
- (a.) The form of such licenses ;
 - (b.) The conditions under which such licenses shall be issued ; and
 - (c.) The fees payable in respect of any such license.

Board may provide accommodation for tourist traffic.

21. The Board may establish or provide, or assist in the establishment or provision, by persons or companies, of huts, hostels, accommodation-houses, and other buildings and conveniences, and may let or lease any such buildings or conveniences on such terms and conditions as the Board with the approval of the Minister thinks fit, or the Board may itself control, carry on, or conduct any such buildings or conveniences; and the Board may establish and maintain recreation-grounds within such parts of the park as it may from time to time decide; and for the use of any such buildings, conveniences, or recreation-grounds, or in connection therewith, the Board, with the approval of the Minister, may make such charges as it from time to time determines.

Public roads not within jurisdiction of Board.

22. (1.) Nothing in this Act shall confer on the Board or the Minister any jurisdiction or authority with respect to any part of any public road which is within the boundaries of the park.

(2.) Except with the consent of the Board, it shall not be lawful for any local authority to make roads or tracks over or through the park.

Fees.

23. The Board may levy and collect from all persons camping or picnicking in the park such fees as may from time to time be fixed by the Board and approved by the Minister.

District Land Registrar may issue titles and register dealings.

24. The District Land Registrar for the Land Registration District of Canterbury is hereby authorized to issue a certificate of title or certificates of title under the Land Transfer Act, 1915, in the name of His Majesty the King, in respect of the land described in the Schedule hereto, or any part or parts thereof, and is hereby directed to register under the provisions of that Act all registrable instruments issued in conformity with the provisions of this Act upon presentation of such instruments for registration.

Scotsburn Domain Board and Peel Forest Scenic Board dissolved.

25. The Scotsburn Domain Board and the Peel Forest Scenic Board are hereby dissolved, and the property, contracts, debts, and liabilities of those Boards as at the date of the coming into existence of the Board constituted under this Act shall, without transfer, conveyance, or assignment, become the property, contracts, debts, and liabilities respectively of such last-mentioned Board.

Expenditure of Board.

26. The expenses incurred by the Board in managing and improving the park and generally in administering this Act shall be paid out of its general funds.

General funds.

27. The general funds of the Board shall consist of—

- (a.) All moneys accruing in respect of the park or received by way of penalties, fees, and otherwise under this Act, and the same shall be paid to the Board accordingly:
- (b.) All moneys from time to time appropriated by Parliament in aid of the Board's funds:
- (c.) All moneys from time to time contributed to the Board by any local authority out of its general funds, and any local authority is hereby empowered to contribute accordingly such sums as from time to time it thinks fit:
- (d.) All other moneys received by the Board from any source as part of its general revenue, including rents derived from leases and tenancies.

28. The Board may from time to time, with the consent of the Minister of Finance, borrow moneys for the purpose of erecting buildings, forming roads, or making improvements in the park, or carrying out any other works authorized by this Act; and such moneys shall be borrowed in the manner prescribed by the Local Bodies' Loans Act, 1926, and for that purpose the Board shall be deemed to be a local authority under that Act:

Borrowing-powers
of Board.

Provided that any loan may be raised by the Board by resolution without poll or other proceeding, and the security to be given or pledged by the Board shall be such of the funds, property, or revenues of the Board as it thinks fit.

29. The Audit Office shall be the Auditor of the Board, and shall have the same duties and powers in respect of the moneys and accounts of the Board and of every person dealing therewith as if the Board were a local authority within the meaning of section one hundred and twenty-four of the Public Revenues Act, 1926.

Accounts to be
audited by Audit
Office.

30. Within twenty-eight days after the close of each financial year ending on the thirty-first day of March the Board shall cause to be prepared and submitted to the Audit Office for audit a balance-sheet, together with a statement of accounts (including a Receipts and Payments Account and an Income and Expenditure Account), showing fully the financial position of the Board at the close of the year. The said balance-sheet and statement of accounts shall, when duly audited, be submitted to the Minister accompanied by a report as to the operations of the Board for the year.

Annual statement
of accounts.

31. The Governor-General may from time to time, by Order in Council, make all such regulations as he deems necessary for effectually carrying out the provisions of this Act.

Regulations.

SCHEDULE.

Schedule.

ALL that area in the Canterbury Land District, containing by admeasurement 1,208 acres and 27 perches, more or less, being Reserves Nos. 3796, 3797, 3899, and 4019, situated in Blocks I, II, and III, Orari Survey District, and bounded as follows: towards the north-west generally by Pastoral Run No. 3 and a public road; towards the east by a public road, a distance of 2250 links; thence across that road and by a line bearing north-east, a distance of 650 links, to the road reserve along the Rangitata River; thence by that road reserve to the road forming the northern boundary of Rural Section 3208; thence by that road to and across another road bearing southward; thence by the last-mentioned road to and across another road bearing westward; thence by the continuation easterly of the southern side of the last-named road to the western boundary of Rural Section 3307A; thence by that boundary and Rural Section 3308A to the northern boundary of Rural Section 3309; thence bounded towards the south-east by the last-mentioned section, across a road, and by Part Rural Section 1373 and the road forming the northern boundary of Rural Sections 1373 and 1370, a distance of 4013.9 links; again towards the east by a road bearing southward, 648 links; again towards the south by Rural Sections 1411, 1412, and 1413, a distance of 3179 links; again across and along another road to the eastern boundary of Rural Section 18804; thence by that boundary and by the northern boundaries of the last-mentioned section and Sections 22691 and 30851, and by the western boundary of the last-mentioned section; thence towards the south by the stream bounding Pastoral Run No. 4c; and towards the west by Pastoral Run No. 1: save and except the roads intersecting the above-described area.

Also all that area, being Reserve No. 2276, containing 4 acres 3 roods 31 perches, more or less, situated in Block III, Orari Survey District, adjacent to the above-described area, and within Rural Section 30851, and bounded as follows: towards the east generally by a public road, a total distance of 972.5 links; towards the south by a public road, 560 links; towards the west by part of Rural Section 30851, 900 links; and towards the north again by Rural Section 30851, 413 links.

Also all that area, containing by admeasurement 5 acres 1 rood 28 perches, more or less, being part of Reserve 1803, situated in Block IV, Orari Survey District, and bounded as follows: towards the east by Rural Section 29008, 1350.5 links; towards the south-west by a public road, 536.1 links; towards the west by other part of Reserve 1803, 1060.1 links; and towards the north by a public road, 450 links.

Also all that area, containing by admeasurement 50 acres, more or less, being Reserve No. 1554, situated in Block III, Orari Survey District, and bounded as follows: towards the north-east by Scotsburn Road, 2850 links; towards the south-east by Rural Section 19332, 3519 links; towards the west by Blair's Road, 4529 links.

As the same are more particularly delineated on the plans marked L. and S. 4/423A, 4/423B, and 4/423C, deposited in the Head Office, Department of Lands and Survey, at Wellington, and thereon bordered red.
