

1929.

NEW ZEALAND.

DEPARTMENT OF LANDS AND SURVEY.

PUBLIC DOMAINS OF NEW ZEALAND

(ANNUAL REPORT ON).

Presented to both Houses of the General Assembly by Command of His Excellency.

SIR, Department of Lands and Survey, Wellington, 31st July, 1929.

I have the honour to report on the public domains of the Dominion for the year ended 31st March, 1929.

Eleven new domains, totalling 1,840 acres, were brought under the provisions of Part II of the Public Reserves and Domains Act, 1908, during the year. Boards have been appointed to control eight of the new areas, and appointments will be made in due course for the other three. Additions totalling some 80 acres were also made to eighteen existing domains. The total number of domains administered under Part II of the Act is now 702, comprising a total area of approximately 71,000 acres. The various Commissioners of Crown Lands administer forty-eight of these domains, 251 are controlled by local authorities acting as Domain Boards, while the remainder are under the care of local Boards appointed from time to time.

As usual, several matters affecting public domains and requiring special legislation were dealt with in the Reserves and other Lands Disposal Act.

Portion of the Hamilton Domain containing an area of 18.36 perches was exchanged for an area of 18.37 perches of municipal endowment. The exchange was carried out between the Crown and the Hamilton Borough Council for the purpose of obtaining a suitable site for a transformer-station in connection with a hydro-electric scheme.

The Governor-General was empowered to lease portions of the Waitohi Domain, which is under the control of the Picton Borough Council acting as a Domain Board, for industrial and other purposes. The Domain contains an area of 15 acres 1 rood 15 perches, the bulk of which is a mud-flat subject to tidal influence, and must be reclaimed before it can be used. A small portion containing about 3 acres has already been reclaimed, but the Borough Council is desirous of raising funds by way of loan to carry out further reclamation works on progressive lines. A portion of the land to be dealt with is to be made available for industrial sites, and the balance of 5 acres 2 roods 15 perches is to be permanently held for recreation requirements. The revenues received from the leasing of industrial sites are to be used for the repayment of interest and sinking fund charges on any loan raised for reclamation works, &c., and generally in rendering the area to be retained for recreation suitable for that purpose.

Authority was granted the Governor-General to lease portion of the Wahi-Takaro Domain for building purposes. The Domain contains an area of 57 acres 3 roods 15 perches, and is situated on the sea-coast near Amberley. In a recent report from the Domain Board it was disclosed that sixteen sections of about $\frac{1}{8}$ acre each had been leased, and that six cottages had been erected. As there is no power for Domain Boards to lease lands, in order to put matters on a proper legal footing the Governor-General was authorized to grant leases for building purposes over portions of the domain not exceeding 5 acres in the aggregate.

A similar case dealt with was that of the Leithfield Domain, which contains an area of 54 acres, and is also situated on the sea-coast near Amberley. Leases of small lots have been granted by the Domain Board without authority, and about sixteen cottages have been erected. In order to put matters on a proper legal footing the Governor-General was authorized to grant building leases on suitable conditions over portions of the domain not exceeding 15 acres in the aggregate.

Orders in Council were issued appointing sixty-five Boards to control domains for further terms. Over eighty vacancies on some sixty-two Domain Boards were filled by the appointment of suitable persons nominated by the residents of the particular districts concerned.

A large volume of correspondence was dealt with, not only in connection with appointments, &c., but also with regard to general inquiries on matters of administration, leasing of domain areas, applications for subsidies, charges for admission, &c. Other documents issued included the following: A warrant authorizing the erection of a public hall on the Hakarau Domain; an Order in Council uniting the Woodville and Gorge Domains; a Proclamation adding certain portions of closed road to the Brighton Domain.

Portion of the Norsewood Domain, containing an area of 5 acres 2 roods 33 perches, was exchanged for an area of 6 acres of private land more suitable for recreation purposes. The difference in value between the two areas was subscribed by the local people.

An area of 9 acres and 27 perches of the Opunake Domain which is controlled by the Opunake Town Board acting as a Domain Board, was taken under the Public Works Act, with the consent of the Department, for a site for a high school. An old school-site of 1 acre was transferred in exchange to the Crown by the Taranaki Education Board. This area has been reserved for municipal purposes and vested in the Town Board; and any revenue derived therefrom will be paid into the Domain Account. The total area of the domain was 33 acres 1 rood 24 perches, and an ample area has been retained to meet the recreation requirements of the locality. The portion taken for a school-site had not been used for recreation purposes, but had been leased for grazing. The whole matter was approved at a public meeting called to consider the proposals.

The Gleniti Domain, containing an area of 1 acre 2 roods, was taken as an addition to a public-school site under the Public Works Act, and vested in the Canterbury Education Board, this being the wish of the local residents concerned. The domain adjoins the school, and for many years has been used solely by the school-children as a playground. The Domain Board found very little use for the land, and were unable to obtain sufficient revenue to keep it in order.

Some important changes in the law relating to public domains have been effected by the passing of the Public Reserves, Domains, and National Parks Act, 1928. This Act is a consolidation and revision of the Public Reserves and Domains Act, 1908, and its amendments, together with an entirely new part dealing with the constitution and administration of national parks. A considerable amount of detailed investigation into the whole of the statutes dealing with public reserves and domains was involved, and it was found necessary to effect a complete revision and rearrangement in order to bring the law up to date and in keeping with modern practice.

Of the entirely new provisions in the Act mention must be made of the power conferred on the Governor-General by section 41 to revoke by Order in Council the reservation over any public domain or part thereof, and to declare either that such land shall be a public reserve subject to the provisions of Part I of the Act, or Crown land available for disposal by way of sale for cash under the Land Act, 1924. Such power of revocation is, however, subject to the sanction of Parliament, and the proceeds from the sale of any land over which the reservation has been cancelled must be applied in the purchase of other land for domain purposes, or for the improvement and development of existing domains. In the past it has been necessary to invoke the aid of special legislation when it has been found desirable to cancel the reservation over any public domain that is not required for the purpose for which it was set apart.

Section 46 provides power for increasing the membership of a Domain Board to any number not exceeding nine, and to make the additional appointments required. This will dispense with the previous cumbersome method of revoking the appointment of a Domain Board and reconstituting the Board in cases where it was desired to increase the membership.

Section 47 provides that the members of a Domain 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. Under the previous law it was held, for instance, that members of a Domain Board were personally liable to bear half-cost of fencing between their domain and an adjoining owner, and the protection now afforded members carrying out voluntary duties for the public good is thoroughly justified.

Under section 57 of the Act all moneys received by any Board must be forthwith paid into such bank as the Board may from time to time appoint.

Local authorities which are acting as Domain Boards are empowered by section 60 to borrow by way of special loan moneys for the improvement and development of their domains. In the past provision has been made from time to time by means of special legislation to enable this to be done, and it was considered that the time had arrived to make general provision in that respect.

With regard to the question of charging for admission to domains, and the number of days upon which charges may be made, the new Act provides that charges may be made on not more than twenty days in any year, with an extension to thirty days by special permission. The number of charge days was previously limited to ten in any year, with an extension to fifteen by special permission. An increase in the maximum charge up to 2s. per head may be authorized by the Minister.

The Act empowers Domain Boards to enter into agreements with societies or sports bodies for the use of any domain, or any particular portion thereof, on a specified number of days in each year. The maximum period for any such agreement is five years at any one time, with power for the Minister to authorize an extension in any particular case. Under this arrangement it is considered that sports bodies, athletic clubs, and other organizations may be able to secure a better tenure of sports-grounds, to the mutual advantage of themselves and the controlling Domain Boards. A safeguarding provision has been included, in that any agreement must be publicly notified, and, if objections are lodged, the consent of the Minister must be obtained before the agreement can be completed.

Power has been provided for the erection of gymnasiums or other buildings necessary for the full use of any public domain, and, subject to the limitations with respect to the number of days upon which charges may be made for admission to a stand, Domain Boards are authorized to fix charges for the use of any such building and generally to regulate admission to the same. A further useful provision enables a Domain Board to appropriate any part of its domain for special purposes, including baths, or, with the consent of the Minister, for camping-sites or parking-places for vehicles for the convenience of persons using the domain, and the Board may fix such charges for the use of such baths, camping-sites, or parking-places as the Minister approves. Suitable powers have also been enacted for the purpose of giving Domain Boards proper control with respect to persons entering domains for trade or business purposes.

Various minor amendments and machinery provisions have also been included for the purpose generally of simplifying procedure and facilitating the fuller use and enjoyment of our public domains.

A pamphlet has been printed and issued to all Domain Boards explaining briefly the principal changes made in the law, and referring to certain other provisions which, although not new, are often the subject of correspondence between the Department and the Boards.

I have, &c.,

J. B. THOMPSON.

The Hon. the Minister of Lands.

Under-Secretary for Lands.

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Power has been provided for the creation of by-laws or other regulations necessary for the full use of any public domain, and subject to the limitations with respect to the number of days upon which changes may be made for admission to a stand, Domain Boards are authorized to fix charges for the use of any public building and generally to regulate admission to the same. A further useful provision enables a Domain Board to appropriate any part of its domain for special purposes, in- cluding the use of the same for the parking of vehicles or parking places for vehicles. In the exercise of the Minister, for emergency cases or parking places for vehicles, the Board may fix such charges for the use of such public buildings or parking places as the Minister approves. Suitable powers have also been provided for the purpose of giving Domain Boards authority to deal with respect to persons entering domains for trade or business purposes.

Various minor amendments and machinery provisions have also been included for the purpose generally of simplifying procedure and facilitating the carrying out and enjoyment of our public domains.

A pamphlet has been printed and issued to all Domain Boards explaining briefly the principal changes made in the law and relating to certain of the provisions which, although not new, are from the subject of correspondence between the Department and the Boards.

W. A. G. SKEWER, Government Printer, Wellington.

The Hon. the Minister of Lands.