

**Reprint
as at 1 July 2013**



National War Memorial Act 1992

Public Act 1992 No 20
Date of assent 8 April 1992
Commencement see section 1(2)

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Ministry for Culture and Heritage.

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An Act to provide for the control and maintenance of the National War Memorial

1 Short Title and commencement

- (1) This Act may be cited as the National War Memorial Act 1992.
- (2) This Act shall come into force on 1 July 1992.

2 Act to bind the Crown

This Act shall bind the Crown.

3 Purposes

The purposes of this Act are—

- (a) to preserve and maintain the sanctity and dignity of the National War Memorial as a national monument to those who gave their lives in the service of their country; and
- (b) to provide for the control and maintenance of the National War Memorial.

3A Interpretation

In this Act, unless the context otherwise requires, **Minister** means the Minister who is, with the authority of the Prime Minister, for the time being responsible for the administration of this Act.

Section 3A: inserted, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

4 National War Memorial

The National War Memorial in existence immediately before the commencement of this Act shall continue to be established in the city of Wellington.

5 Minister to control and maintain Memorial

The Minister shall control and maintain the National War Memorial.

Section 5: amended, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

6 Vesting of land and of right of way in the Crown

- (1) The piece of land described in subsection (3) is hereby vested in the Crown for the purposes of the National War Memorial.
- (2) There is hereby vested in Her Majesty the Queen the full, free, uninterrupted, and unrestricted right, liberty, and privilege for Her Majesty the Queen, her servants, tenants, agents, workmen, licensees, and invitees (in common with the Museum of New Zealand Te Papa Tongarewa Board constituted by section 6 of the Museum of New Zealand Te Papa Tongarewa Act 1992, its tenants, and any other person lawfully entitled so to do) from time to time and at all times by day and by night to go pass and repass, with or without horses and domestic animals of any kind and with or without carriages, vehicles, motor vehicles, machinery, and implements of any kind, over and along all that piece of land described in subsection (4) to the end and intent that the right of way hereby created shall be forever appurtenant to the land described in subsection (3) for all purposes connected with the use, occupation, and enjoyment thereof.
- (3) The piece of land vested in the Crown by subsection (1) for the purposes of the National War Memorial is all that piece of land containing 5 800 square metres, more or less, situated in Blocks VI and VII, Port Nicholson Survey District, and being part of Section 126, Town of Wellington; as is more particularly shown and marked "A" on SO Plan 36784, lodged in the office of the Chief Surveyor at Wellington.
- (4) The servient tenement for the purposes of the right of way created by subsection (2) is all that piece of land containing

3 000 square metres, more or less, situated in Blocks VI and VII, Port Nicholson Survey District, and being part of Section 126, Town of Wellington; as is more particularly shown and marked “B” on SO Plan 36784, lodged in the office of the Chief Surveyor at Wellington.

7 Vesting of personal property in the Crown

All personal property which is vested in the Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial immediately before the commencement of this Act and which relates to the National War Memorial is hereby vested in the Crown for the purposes of the National War Memorial.

National War Memorial Advisory Council

8 National War Memorial Advisory Council

There is hereby established a council to be called the National War Memorial Advisory Council.

Compare: 1972 No 11 s 14(1)(c)

9 Function of Council

The principal function of the National War Memorial Advisory Council is to advise the Minister on all matters pertaining to the National War Memorial.

Compare: 1972 No 11 s 14(4)(b)

Section 9: amended, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

10 Membership of Council

(1) The National War Memorial Advisory Council shall consist of—

- (a) 1 person to be appointed by the Minister:
- (b) 2 persons to be appointed by the Minister on the recommendation of the New Zealand Returned Services' Association (Incorporated):
- (c) a senior serving or retired officer of the Defence Force to be appointed by the Minister on the recommendation of the Chief of Defence Force:

- (d) the chief executive of the department that is for the time being responsible for the administration of this Act.
- (2) One member of the National War Memorial Advisory Council shall be appointed as chairperson by the Minister.

Section 10(1)(a): amended, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

Section 10(1)(b): amended, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

Section 10(1)(c): amended, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

Section 10(1)(d): substituted, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

Section 10(2): amended, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

11 Term of office

- (1) Subject to section 12, every member of the National War Memorial Advisory Council appointed under paragraph (a) or paragraph (b) or paragraph (c) of section 10(1) shall be appointed for a term not exceeding 3 years.
- (2) Every member of the National War Memorial Advisory Council appointed under paragraph (a) or paragraph (b) or paragraph (c) of section 10(1) shall be eligible for reappointment from time to time.
- (3) Where the term for which a member of the National War Memorial Advisory Council has been appointed expires, that member, unless sooner vacating or removed from office under section 12, shall continue to hold office, by virtue of the appointment for the term that has expired, until—
 - (a) that member is reappointed; or
 - (b) a successor to that member is appointed.

Compare: 1972 No 11 s 14(3)

12 Extraordinary vacancies

- (1) Any member of the National War Memorial Advisory Council appointed under paragraph (a) or paragraph (b) or paragraph (c) of section 10(1) may at any time be removed from office by the Minister for disability affecting performance of duty, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister.

- (2) Any member of the National War Memorial Advisory Council appointed under paragraph (a) or paragraph (b) or paragraph (c) of section 10(1) may at any time resign his or her office by giving written notice to that effect to the Minister.
- (3) If any member of the National War Memorial Advisory Council appointed under paragraph (a) or paragraph (b) or paragraph (c) of section 10(1) dies or resigns or is removed from office, the vacancy so created shall be deemed to be an extraordinary vacancy.
- (4) An extraordinary vacancy shall be filled in the same manner in which the appointment to the vacant office was originally made.
- (5) Every person appointed to fill an extraordinary vacancy shall be appointed for the residue of the term for which the vacating member was appointed.
- (6) The powers of the National War Memorial Advisory Council shall not be affected by any vacancy in its membership.

Section 12(1): amended, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

Section 12(2): amended, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

13 Procedure

Subject to this Act, and to any directions given by the Minister, the National War Memorial Advisory Council shall determine and regulate its own procedure.

Compare: 1972 No 11 s 14(5)

Section 13: amended, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

14 Fees and allowances of members of Council

- (1) The National War Memorial Advisory Council is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.
- (2) There may be paid out of money appropriated by Parliament for the purpose to the members of the National War Memorial Advisory Council remuneration by way of fees, salary, or allowances and travelling allowances and expenses in accord-

ance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

Compare: 1972 No 11 s 27

Miscellaneous provisions

15 Protection of names

- (1) No body shall be incorporated or registered under any other enactment or in any other manner, under the following names:
 - (a) “National War Memorial”;
 - (b) “War Memorial, Carillon, and Hall of Memories”;
 - (c) any other name that so resembles any name listed in paragraph (a) or paragraph (b) as to be likely to mislead any person.
- (2) No person other than the Minister or the National War Memorial Advisory Council, shall, either alone or with any other person or persons,—
 - (a) carry on business, or conduct any activities in relation to any name listed in paragraph (a) or paragraph (b) of subsection (1); or
 - (b) carry on business, or conduct any activities in relation to any name knowing that that name so resembles any name listed in paragraph (a) or paragraph (b) of subsection (1) as to be likely to mislead any person.
- (3) Every person who contravenes subsection (2) commits an offence, and is liable on conviction to a fine not exceeding \$1,000, and, in the case of a continuing offence, to a further fine not exceeding \$100 for every day or part of a day during which the offence continues.

Section 15(2): amended, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

Section 15(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

16 Amendment to Flags, Emblems, and Names Protection Act 1981

Amendment(s) incorporated in the Act(s).

17 References to War Memorial, Carillon, and Hall of Memories deemed references to National War Memorial

Every reference to the National War Memorial, the Carillon, or the Hall of Memories in any enactment passed before the commencement of this Act, or in any document executed before that date, shall, unless the context otherwise requires, be deemed to be a reference to the National War Memorial continued in existence by section 4.

18 References to Board of Trustees deemed references to Minister

Every reference to the Board of Trustees of the National Art Gallery and the Dominion Museum, or to the Board of Trustees of the National Art Gallery, the National Museum, and the National War Memorial in any enactment passed before the commencement of this Act, or in any document executed before that date, shall, in so far as it relates to the National War Memorial, and unless the context otherwise requires, be read as a reference to the Minister.

Section 18 heading: amended, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

Section 18: amended, on 1 October 2000, by section 12 of the Archives, Culture, and Heritage Reform Act 2000 (2000 No 32).

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Notes

1 *General*

This is a reprint of the National War Memorial Act 1992. The reprint incorporates all the amendments to the Act as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989*

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint
(most recent first)*

Criminal Procedure Act 2011 (2011 No 81): section 413

Archives, Culture, and Heritage Reform Act 2000 (2000 No 32): section 12
