



ANALYSIS

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1999, No. 72

An Act to provide for the temporary closure of the Auckland Domain for the purposes of the leaders' meeting of Asia-Pacific Economic Co-operation to be held in Auckland in September 1999 [18 June 1999]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Auckland Domain (Temporary Closure for APEC) Act 1999.

(2) This Act comes into force on the day after the date on which it receives the Royal assent.

2. Expiry—This Act expires on the close of 21 September 1999.

PART 1

PRELIMINARY PROVISIONS

3. Interpretation—In this Act, unless the context otherwise requires,—

“APEC” means the Asia-Pacific Economic Co-operation:

“Auckland Domain” means the land described in the First Schedule of the Auckland Domain Act 1987:

“Commissioner” means the Commissioner of Police:

“Public notice” means a notice printed in a newspaper circulating in the Auckland area.

4. Purpose—The purpose of this Act is to enable the closure of the Auckland Domain to facilitate the holding of a leaders’ meeting of APEC to be held in Auckland in September 1999.

5. Act to prevail—If there is any inconsistency between this Act and the Auckland Domain Act 1987 or between this Act and any other enactment, agreement, or document, this Act prevails.

PART 2

TEMPORARY CLOSURE OF AUCKLAND DOMAIN

6. Temporary closure of Auckland Domain—(1) The Commissioner may from time to time direct the closure of all or any part of the Auckland Domain on any day or days (including part of any day) in the period commencing on 1 September 1999 and concluding with the close of 21 September 1999 if the Commissioner considers that the closure of all or any part of the Auckland Domain is desirable to facilitate the holding of the leaders’ meeting of APEC.

(2) Despite subsection (1), the Commissioner may not, under that subsection, direct that all or any part of the Auckland Domain be closed for more than 48 hours in total, unless subsection (3) applies.

(3) However, if the Commissioner, having given a direction under subsection (1), considers that the closure of all or any part of the Auckland Domain after the expiry of the maximum period of closure permitted by subsection (2) is desirable in order to facilitate the holding of the leaders’ meeting of APEC,—

(a) He or she may, before the expiry of the period specified in subsection (2), direct under subsection (1) that all or any part of the Auckland Domain be closed for a further period not exceeding 7 hours; and

(b) The further period of closure referred to in paragraph (a) commences with the expiry of the period specified in subsection (2).

(4) If the Commissioner directs the closure of all or any part of the Auckland Domain under subsection (1), the Commissioner must ensure that public notice of the period of closure and the part or parts of the Auckland Domain that are to be closed is given at least 7 days before the period of closure commences.

(5) Subsection (4) does not apply to a direction given by the Commissioner under subsection (1) for the closure of all or any part of the Auckland Domain for a further period not exceeding 7 hours that is to commence with the expiry of the maximum period of closure specified in subsection (2).

(6) A failure to comply with subsection (4) does not affect the validity of any direction given under subsection (1).

7. Entry to Auckland Domain during period of closure—A person may enter or remain in any part of the Auckland Domain while it is closed as a consequence of a direction given under section 6 (1) only with the permission of a member of the police.

8. Application of Trespass Act 1980—While any part of the Auckland Domain is closed as a consequence of a direction given under section 6 (1),—

- (a) The Commissioner is to be treated as the occupier of that part of the Auckland Domain for the purposes of the Trespass Act 1980; and
- (b) Any member of the police may, in relation to that land, exercise the powers given by that Act to the occupier.