



ANALYSIS

<p>Title</p> <p>Preamble</p> <p>1. Short Title</p> <p>2. Interpretation</p> <p>3. Council may provide community centres</p> <p>4. Community centre districts</p> <p>5. Committees</p>	<p>6. General powers of Council in relation to community centres</p> <p>7. Finance</p> <p>8. Annual fee payable by occupier</p> <p>9. Annual charge on certain rateable property</p> <p>10. Bylaws</p> <p>11. Community centre district deemed to be a defined part of the city</p>
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1958, No. 12—*Local*

An Act to empower the Auckland City Council to establish and maintain community centres within the City of Auckland, to raise and expend loans for such purpose, and to strike a rate or a levy to cover the costs incidental to such establishment and maintenance [19 September 1958]

WHEREAS, on account of the rapid growth of the residential population of the City of Auckland, it has not been possible adequately to provide social, cultural, recreational, and educational facilities for the residents of the city contemporaneously with the erection of residences: And whereas it is expedient that the Auckland City Council should be empowered to take steps towards the provision, particularly within the residential areas in the city, of such facilities as the Council may think necessary to that end:

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

1. Short Title—This Act may be cited as the Auckland City Empowering (Community Centres) Act 1958.

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

“Community centre” means any facility or group of facilities for social, recreational, cultural, or educational purposes or for the physical or intellectual well-being and enjoyment of the residents of the City of Auckland or of any group or section of them:

“Council” means the Auckland City Council, and includes the body corporate known as the Mayor, Councillors, and Citizens of the City of Auckland:

“District” means that part of the City of Auckland declared by the Council pursuant to this Act to be a community centre district for the purposes of this Act:

“Dwelling unit” means any building or part of a building which is designed, built, rented, leased, let, or hired to be occupied, or which is occupied, as a residence for a single family with or without a common right to the use of entrances, passages, stairways, or open spaces, and, where necessary, includes a combination of parts of a building or of two or more buildings or the parts thereof:

“Voluntary organisation” includes a voluntary organisation within the meaning of the Physical Welfare and Recreation Act 1937, and also means any body of persons, whether incorporated or not, whose objects or one of whose principal objects is to promote, encourage, or control interest and participation in any branch of social, cultural, recreational, or educational activities.

3. Council may provide community centres—In addition to the powers conferred upon the Council by the Municipal Corporations Act 1954, and by the Physical Welfare and Recreation Act 1937, the Council may make such provision for community centres within the City of Auckland as the Council may from time to time determine, and for that purpose may—

- (a) Purchase, take on lease, or otherwise acquire any land of any estate; and
- (b) Erect, purchase, hire, lease, or otherwise acquire or obtain the use of buildings; and
- (c) Provide, install, and maintain equipment, apparatus, and facilities; and

- (d) Maintain, operate, improve, enlarge, or develop any community centre or any such building, land, equipment, apparatus, or facilities.

4. Community centre districts—(1) The Council may, by special order made pursuant to section seventy-seven of the Municipal Corporations Act 1954, declare any part of the City of Auckland to be a district for the purposes of this Act.

(2) Such special order shall state with reasonable particularity the boundaries of a district by reference to streets, or by such other method as the Council may deem adequate, and shall refer to a plan of the district, which shall be exhibited in the offices of the Council for the period between the special meeting called to pass the special order and the meeting called to confirm the same. A copy of the plan shall also be exhibited for the same period in an office or other suitable place situated in the proposed district and open to the public for a reasonable time on each day on which the offices of the Council are open to the public.

(3) The Council may at any time and from time to time, by special order, abolish any districts so created, or extend, reduce, alter, amend, or modify the boundaries of any district or amalgamate two or more districts, and the provisions of subsections one and two of this section shall apply with the necessary modifications.

5. Committees—(1) The Council may in its discretion appoint a committee to control and manage each community centre or, as it deems expedient, a committee to control all community centres.

(2) In the event of the Council appointing a committee to control each community centre, such committee shall consist of the Mayor and an equal number of Councillors and of the residents of the district in respect of which such community centre is or has been established.

(3) In the event of the appointment of one committee to control all community centres, such committee shall consist of the Mayor, a representative of each district in which a community centre is or has been established, and a number of Councillors equal to the number of such district representatives.

(4) Before making any appointment to a committee from the residents of a district or districts, the Council shall consider such nominations as may be forwarded to it by voluntary organisations within the district or respective districts affected.

(5) In addition to the powers vested in any such committee or committees by resolution of the Council, each committee shall have power, subject to confirmation by the Council, to form a district committee for the purpose of assisting the committee in an advisory capacity in the conduct and administration of any community centre. Such district committee shall have no power to bind the committee or the Council in respect of the control and administration of the community centre, but shall be subject in all things to the jurisdiction and direction of the committee.

(6) The Mayor, instead of acting personally, may nominate any Councillor to be his deputy on a committee either for a specified term or particular occasion.

(7) The provisions of sections sixty-three to sixty-seven of the Municipal Corporations Act 1954 shall, with the necessary modifications, apply to any committee appointed under this section.

6. General powers of Council in relation to community centres—(1) The powers conferred upon the Council by sections twelve and thirteen of the Physical Welfare and Recreation Act 1937 shall extend to and include, and be deemed to extend to and include, the expenditure of money upon and the raising of loans for the provision of facilities and equipment for the construction, maintenance, repair, development, control, and administration of a community centre.

(2) Section three hundred and five of the Municipal Corporations Act 1954 shall, with the necessary modifications, apply to a community centre established under this Act.

(3) The provision of a community centre, including the acquisition of land of any estate for such purpose, shall be deemed a public work within the meaning of the Public Works Act 1928.

7. Finance—The Council may from time to time out of its ordinary funds make such contributions for the provision, conduct, or maintenance of community centres as it may think fit.

8. Annual fee payable by occupier—(1) For the purpose of providing the estimated amount of any loan charges and of any construction, maintenance, equipment, and administration costs of any community centre established under this

Act, the Council may, subject to the provisions of this section, levy a uniform annual fee to be paid by the occupier, as defined by the Municipal Corporations Act 1954, of each dwelling unit situated within the district, but in no case shall the amount of the fee exceed in any year the sum of two pounds twelve shillings in respect of any dwelling unit.

(2) The amount of such annual fee as aforesaid shall be recoverable as a debt due to the Council by the occupier.

(3) In the case of any dwelling unit owned by Her Majesty the Queen for the purpose of the Housing Act 1955, or for any other purpose, the State Advances Corporation of New Zealand or other Department of State administering the dwelling unit may, with the approval of the Minister of Finance and without further authority than this section, out of money received by the said Corporation under subsection one of section thirty-two of the Housing Act 1955, or, as the case may require, out of the appropriate account, pay to the Council the amount of the annual fee in respect of that dwelling unit.

(4) In any such case as aforesaid the said Corporation or Department may, notwithstanding anything contained in the Tenancy Act 1955, from time to time, on giving not less than fourteen days' notice in writing to the tenant, increase the rent payable in respect of the dwelling unit by an amount equal to the annual fee so payable, and on the expiry of the period of the notice the contract or agreement for the tenancy of the premises shall be deemed to be varied accordingly.

(5) Notwithstanding anything contained in this section, the Council shall not levy an annual fee unless at a poll of the electors of the district on the proposal to levy the fee the total number of valid votes recorded in favour of the proposal exceeds the total number of valid votes recorded against the proposal. Every such poll shall be held and taken by the Council in the manner provided by the Local Elections and Polls Act 1953, and the provisions of that Act shall, as far as they are applicable, apply with respect to every such poll.

9. Annual charge on certain rateable property—Notwithstanding anything in section eight of this Act, in any case where a uniform annual fee may be levied pursuant to that section to be paid by the occupier, as defined by the Municipal Corporations Act 1954, of any dwelling unit erected on land which is rateable property, the Council may, instead of levying that uniform annual fee, levy a uniform

annual charge upon any such rateable property, and the uniform annual charge shall for all purposes be deemed to be a separate rate:

Provided that nothing in this section shall authorise the Council to levy in any year a uniform annual charge which exceeds the uniform annual fee which is or may be levied in that year on any dwelling unit pursuant to the said section eight.

10. Bylaws—In addition to the powers conferred upon the Council by section three hundred and eighty-six of the Municipal Corporations Act 1954, the Council may make such bylaws as it thinks fit for all or any of the following purposes in respect of a community centre:

- (a) Regulating any of the subject-matters of this Act:
- (b) Protecting from damage, injury, or misappropriation any property, whether real or personal, belonging to the Council or any voluntary organisation participating in the conduct of a community centre:
- (c) Regulating the use of community centres and the charges to be made in respect thereof:
- (d) The more effectual carrying out of the objects of this Act.

11. Community centre district deemed to be a defined part of the city—A community centre district constituted under this Act shall, for the purposes of the Local Authorities Loans Act 1956, be deemed to be a defined part of the City of Auckland.
