

REPEALED: See Act, 196 No.



#### ANALYSIS

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| <p>Title</p> <ol style="list-style-type: none"> <li>1. Short Title</li> <li>2. Interpretation</li> <li>3. Election of Mayor</li> <li>4. Board of Commissioners</li> <li>5. Election of elected Commissioners</li> <li>6. Returning Officer</li> <li>7. Appointed Commissioners</li> <li>8. Board to have powers of Borough Council</li> </ol> | <ol style="list-style-type: none"> <li>9. First election of Borough Council</li> <li>10. Advisory Commissioner</li> <li>11. Estimates, rates, and loans to be approved by Advisory Commissioner</li> <li>12. Rights and liabilities</li> <li>13. Application of Kawerau and Murupara Townships Act 1953</li> <li>14. Act to expire when first Council comes into office</li> </ol> |
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1958, No. 50

**An Act to make provision for the administration of the Borough of Kawerau** *[26 September 1958]*

BE IT 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 Kawerau Borough Act 1958.

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

“Board” means the Board of Commissioners constituted under this Act:

“Borough” means the Borough of Kawerau constituted by Order in Council made on the thirty-first day of March, nineteen hundred and fifty-four:

“Commissioner” means a member of the Board of Commissioners constituted under this Act.

**3. Election of Mayor**—On the third Saturday in November in the year nineteen hundred and fifty-nine, and on every day thereafter on which a triennial election of members of Borough Councils is held, a Mayor of the borough shall be elected by the electors of the borough.

**4. Board of Commissioners**—There shall be a Board of Commissioners of the borough comprising the following members:

- (a) The Mayor of the borough, who shall be Chairman of the Board by virtue of his office;
- (b) Five Commissioners, to be elected by the electors of the borough;
- (c) Three Commissioners, to be appointed by a resolution of the Board of Directors of the Tasman Pulp and Paper Company Limited.

**5. Election of elected Commissioners**—(1) The first general election of the elected Commissioners shall be held on the third Saturday in November in the year nineteen hundred and fifty-nine, and a general election of the elected Commissioners shall be held in the year nineteen hundred and sixty-two and in the year nineteen hundred and sixty-five on the day on which the triennial election of members of Borough Councils is held under the Local Elections and Polls Act 1953.

(2) For the purposes of every such general election, the provisions of the Local Elections and Polls Act 1953 and the Municipal Corporations Act 1954 shall apply, as if the election were a general election of the members of a Borough Council.

**6. Returning Officer**—The Town Clerk of the borough shall be the Returning Officer for the purposes of the first election of Mayor of the borough and the first election of the elected Commissioners.

**7. Appointed Commissioners**—(1) No person shall be eligible for appointment as a Commissioner unless he is eligible for election as an elected Commissioner.

(2) The first appointment of the appointed Commissioners shall be made by the Board of Directors of the Tasman Pulp and Paper Company Limited at any time during the year nineteen hundred and fifty-nine, and further appointments of the appointed Commissioners shall be made by the said Board of Directors in the year nineteen hundred and sixty-two and in the year nineteen hundred and sixty-five.

(3) The first appointed Commissioners shall come into office on the date on which the first elected Commissioners come into office or the date of their appointment, whichever is the later.

(4) The Commissioners appointed in the years nineteen hundred and sixty-two and nineteen hundred and sixty-five respectively shall come into office on the day on which the Commissioners elected at the general election in the year of their appointment come into office or the date of their appointment, whichever is the later.

(5) Subject to the provisions of section nine of this Act, the appointed Commissioners, unless they sooner vacate their office, shall continue in office until their successors come into office.

(6) Every extraordinary vacancy in the office of an appointed Commissioner shall be filled by the appointment of a Commissioner by resolution of the said Board of Directors. Every Commissioner so appointed shall come into office on the date of his appointment, and, unless he sooner vacates his office, shall hold office only for the remainder of the term for which his predecessor was appointed.

(7) The secretary of the company shall, forthwith after the appointment of a Commissioner under this section, send to the Town Clerk of the borough a certified copy of the resolution of the Board of Directors making the appointment.

**8. Board to have powers of Borough Council—**(1) Subject to the provisions of this Act, the Board and every Commissioner may exercise any power, and shall perform all the duties and have all the rights and functions and be subject to all the liabilities conferred or imposed on a Borough Council or, as the case may be, a member of a Borough Council by the Municipal Corporations Act 1954 or by any other Act or by any instrument or otherwise.

(2) Any reference in any other Act or in any instrument to a Borough Council or to the local authority of a district or to a member of a Borough Council shall, in relation to the borough, be deemed, as from the date on which the first elected Commissioners come into office, to be a reference to the Board or, as the case may be, to a Commissioner.

**9. First election of Borough Council—**(1) The first general election of Councillors of the borough shall be held in the year nineteen hundred and sixty-eight on the day on which the

triennial election of members of Borough Councils is held under the Local Elections and Polls Act 1953, and the Board and the Town Clerk of the borough respectively shall take all such steps as may be necessary for the holding of that election.

(2) The Board shall, by special order gazetted, fix, within the limits prescribed by section fifty-three of the Municipal Corporations Act 1954, the number of Councillors to be elected at that election.

(3) The Commissioners who are in office on the day on which the first elected Councillors of the borough come into office shall vacate their office on that day.

**10. Advisory Commissioner**—(1) There shall be an Advisory Commissioner of the borough, who shall be appointed by the Governor-General.

(2) The Advisory Commissioner shall be appointed for a term expiring on the date on which the Commissioners who are in office at the date of his appointment go out of office (except by reason of the occurrence of an extraordinary vacancy), and shall be eligible for reappointment.

(3) The Advisory Commissioner may be at any time removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct; or he may at any time resign his office by writing addressed to the Minister of Internal Affairs. In any such case, or in the event of the death of the Advisory Commissioner, the Governor-General may appoint any other suitable person to be the Advisory Commissioner, to hold office for the remainder of the term for which his predecessor was appointed.

(4) In addition to the functions conferred on him by section eleven of this Act, it shall be a function of the Advisory Commissioner to advise the Board on any matter relating to the administration of the borough that may from time to time be referred to him by the Board for his advice thereon.

(5) The Advisory Commissioner shall be deemed not to be a member of the Board, but he shall be entitled to attend any meeting of the Board and take part in any matter under discussion at the meeting, but shall not be entitled to vote thereon.

(6) The Advisory Commissioner shall be paid out of the General Account of the Board such remuneration, allowances, and expenses as the Minister of Finance determines from time to time.

**11. Estimates, rates, and loans to be approved by Advisory Commissioner—**(1) Except with the prior approval of the Advisory Commissioner,—

- (a) The Board shall not approve any estimates of expenditure under section ninety-two of the Municipal Corporations Act 1954; or
- (b) The Board shall not make any rate; or
- (c) The Board shall not make any application for the sanction of the Local Authorities Loans Board to the raising of any special loan.

(2) On any application to the Advisory Commissioner for his approval under subsection one of this section, he may refuse his approval or grant it, either unconditionally or subject to such amendments as he thinks fit.

**12. Rights and liabilities—**(1) On the day on which the first elected Commissioners come into office, the Town Commissioner of Kawerau appointed under section five of the Kawerau and Murupara Townships Act 1953 shall vacate his office, and all property, rights, powers, authorities, claims, obligations, liabilities, contracts, and engagements of the Town Commissioner shall be the property, rights, powers, authorities, claims, obligations, liabilities, contracts, and engagements of the Board or of the Corporation of the borough, as the case may require, and shall be enforceable by or against the Board or the Corporation, as the case may be.

(2) On the day on which the first elected members of the Council of the borough come into office, all property, rights, powers, authorities, claims, obligations, liabilities, contracts, and engagements of the Board shall be the property, rights, powers, authorities, claims, obligations, liabilities, contracts, and engagements of the Council, and shall be enforceable by or against the Council.

**13. Application of Kawerau and Murupara Townships Act 1953—**On the day on which the first elected Commissioners come into office, the Kawerau and Murupara Townships Act 1953 shall cease to apply with respect to the borough.

**14. Act to expire when first Council comes into office—**This Act shall expire on the day on which the first elected members of the Council of the borough come into office.

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