



ANALYSIS

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1979, No. 142

An Act to confer certain powers on certain public bodies and to authorise and validate certain transactions and other matters
[13 December 1979]

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 Local Legislation Act 1979.

City and Borough Councils

2. Bluff Borough Council: Validating illegal agreement to sell land—(1) Notwithstanding that they were without the consent of the Minister of Local Government required by section 150 (4) of the Municipal Corporations Act 1954, the actions of the Bluff Borough Council in entering, as the Mayor, Councillors, and Citizens of the Borough of Bluff, into an agreement dated the 9th day of October 1974 for the sale of the municipal endowment described in subsection (3) of this section (in this section referred to as the said endowment) to The Roman Catholic Bishop of the Diocese of Dunedin are hereby validated and deemed to have been lawful, and that agreement is hereby validated and deemed to be lawful; and the said Council is hereby authorised and empowered to sell the land agreed to be sold accordingly.

(2) The proceeds from the sale of the said endowment shall be invested—

- (a) In other land; or
- (b) In securities of other local authorities; or
- (c) On deposit with the National Provident Fund or any Bank; or
- (d) In first mortgage loans for staff housing—

so as to preserve the endowment.

(3) The said endowment comprises all the land containing approximately 2 roods, being Section 17, Block X, Borough of Bluff, and being part of the land comprised and described in certificate of title, Volume 202, folio 67 (Southland Registry).

3. Eltham Borough Council: Validating excessive rates—

(1) Notwithstanding that—

- (a) The rate first described in subsection (2) of this section was invalid by virtue of its exceeding the limit imposed by section 90 of the Municipal Corporations Act 1954; and
- (b) The rate secondly so described was invalid by virtue of its exceeding the limit imposed by that section; and
- (c) The rate thirdly so described was invalid by virtue of its exceeding the limit imposed by section 104 of that Act,—

the following provisions shall apply to all those rates (hereafter in this section together referred to as the said rates):

- (d) The said rates are hereby validated and deemed to have been lawfully made:
 - (e) All actions of the Eltham Borough Council in levying and collecting the said rates are hereby validated and deemed to have been lawful:
 - (f) All money received by the said Council in payment of the said rates is hereby deemed to have been lawfully paid to and received by it:
 - (g) Such part of the said rates as has not yet been paid to the said Council is hereby deemed to be lawfully payable, and capable of being collected as if it had always been lawfully payable.
- (2) The said rates comprise:
- (a) The general rate on the land value of all rateable property in the Borough of Eltham of 11.513 cents per dollar resolved to be made and levied in respect of the year that ended with the 31st day of March 1976 by the said Council at a duly notified ordinary meeting held on the 24th day of June 1975; and
 - (b) The general rate on the land value of all rateable property in the said Borough of 14.436 cents per dollar resolved to be made and levied in respect of the year that ended with the 31st day of March 1977 by the said Council at a duly notified ordinary meeting held on the 27th day of July 1976; and
 - (c) The library rate on the land value of all rateable property in the said Borough of 0.885 cents per dollar resolved to be made and levied in respect of the year that ended with the 31st day of March 1977 by the said Council at a duly notified ordinary meeting held on the 27th day of July 1976.

4. Mount Eden Borough Council: Validating illegal agreement and authorising lease of land for medical centre—

(1) In this section—

“The Council” means the Mount Eden Borough Council:

“The said land” means the land described in subsection (4) of this section:

“The University” means the University of Auckland.

(2) The actions of the Council in entering into an agreement, evidenced by a letter dated the 25th day of July 1977

from the University to the Council and a letter dated the 5th day of August 1977 from the Council to the University, to lease the said land to the University for a medical centre are hereby validated and deemed to have been lawful; and that agreement is hereby validated and deemed to be lawful and binding upon the Council and the University according to its tenor.

(3) The Council is hereby authorised and empowered, upon and subject to such terms and conditions as it thinks fit, to lease the said land to the University for a medical centre, and, by agreement with the University, to vary any covenant, condition, or restriction, contained or implied in, or imposed by, any lease of the said land by the Council to the University, as if—

(a) The said land formed part of a rural area declared under section 94A of the Social Security Act 1964; and

(b) Any property situated on the said land were a medical practitioner's surgery erected by the Council; and

(c) The University were a medical practitioner.

(4) The said land comprises all that parcel of land situated in the Borough of Mount Eden containing approximately 22.17 perches, being Lot 6, D.P. 248, and being part Allotment 3, Section 10, Suburbs of Auckland, and being all the land comprised and described in certificate of title No. 17c/30 (North Auckland Registry).

5. Ohakune Borough Council: Validating illegal sale of portion of stopped street—(1) In this section—

“The Company” means Pearson Contractors Limited, a duly incorporated company having its registered office at Ohakune; and includes the former unincorporated firm known as Pearson Contractors;

“The Council” means the Ohakune Borough Council (formerly known as the Mayor, Councillors, and Citizens of the Borough of Ohakune) :

“The said agreement” means the agreement for the sale of the said land by the Council to the Company for the sum of \$500 evidenced by—

(a) A letter dated the 9th day of October 1972 sent to the Company by the Town Clerk of the Council; and

(b) A letter dated the 12th day of October 1972 sent to the Council by an agent of the Company:

“The said land” means the parcel of land situated in the Borough of Ohakune containing approximately 1555 m², being part Block VIII, Makotuku Survey District, as more particularly delineated on S.O. Plan 31060 and thereon marked “A”.

(2) Notwithstanding that the said agreement is illegal by virtue of its being contrary to section 190 of the Municipal Corporations Act 1954,—

(a) The actions of the Council in entering into the said agreement are hereby validated and deemed to have been lawful:

(b) The said agreement is hereby validated and deemed to be, and always to have been, lawful.

6. Patea Borough Council: Validating excessive rate—Notwithstanding that the library rate on the land value of all rateable property in the Borough of Patea of 0.75 cents per dollar resolved to be made and levied in respect of the year that ended with the 31st day of March 1978 by the Patea Borough Council at a duly notified meeting held on the 24th day of May 1977 was invalid by virtue of its exceeding the limit imposed by section 104 of the Municipal Corporations Act 1954,—

(a) The said rate is hereby validated and deemed to have been lawfully made:

(b) All actions of the said Council in levying and collecting the said rate are hereby validated and deemed to have been lawful:

(c) All money received by the said Council in payment of the said rate is hereby deemed to have been lawfully paid to and received by it:

(d) Such part of the said rate as has not yet been paid to the said Council is hereby deemed to be lawfully payable, and capable of being collected as if it had always been lawfully payable.

7. Picton Borough Council: Authorising grant towards gymnasium—(1) Notwithstanding that it is not otherwise authorised to do so, but subject to subsection (2) of this section, the Picton Borough Council is hereby authorised and empowered to pay to the Wellington Education Board

out of its Subdivision Reserve Fund Contribution Account such sum or sums (not exceeding in the aggregate \$10,000) as the said Council thinks fit towards the cost of constructing a gymnasium at Queen Charlotte College; and the said Board shall hold and apply all such sums for that purpose.

(2) The said Council shall not so pay any such sum until—

(a) It has been granted by the said Board a licence under section 6A of the Education Lands Act 1949 to use the said gymnasium and its ancillary facilities; and

(b) The Minister of Recreation and Sport has notified the said Council in writing that he is satisfied that the licence so granted provides for the reasonable use by members of the public of the said gymnasium and its ancillary facilities.

(3) Notwithstanding subsection (1) of this section, the receipt of the Secretary for the time being of the said Board shall be a full and sufficient discharge to the said Council for any such sum, and the said Council shall not be obliged to see to its application.

8. Timaru City Council: Repealing Timaru Public Library Act 1906—The Timaru Public Library Act 1906 is hereby repealed; and the land described in the Second Schedule to that Act is hereby released from all reservations and restrictions imposed on it by that Act, and may be dealt with by the Timaru City Council accordingly.

9. Wanganui City Council: Validating excessive rate—Notwithstanding that the special library rate on the land value of all rateable property in the City of Wanganui of 0.2915 cents per dollar resolved to be made and levied in respect of the year that ended with the 31st day of March 1975 by the Wanganui City Council at a duly notified meeting held on the 8th day of July 1974 was invalid by virtue of its exceeding the limit imposed by section 104 of the Municipal Corporations Act 1954,—

(a) The said rate is hereby validated and deemed to have been lawfully made:

(b) All actions of the said Council in levying and collecting the said rate are hereby validated and deemed to have been lawful:

- (c) All money received by the said Council in payment of the said rate is hereby deemed to have been lawfully paid to and received by it:
- (d) Such part of the said rate as has not yet been paid to the said Council is hereby deemed to be lawfully payable, and capable of being collected as if it had always been lawfully payable.

10. Wellington City Council: Authorising continued use of Electricity Renewal Fund for capital works, and providing for suspension of appropriations to that fund—(1) In this section,—

“The Act” means the Wellington City Trading Departments’ Reserve and Renewal Funds Act 1917:

“Commissioners” means the Wellington City Renewal Commissioners appointed under the Act:

“Council” means the Wellington City Council:

“Fund” means the Electricity Renewal Fund established under the Act.

(2) Notwithstanding that the Commissioners are required by section 8 of the Act to provide the Council with money from the Fund for the purpose of renewing or replacing the plant, or any parts of the plant, of the Council’s electric-light and power-supply undertaking, the Commissioners are hereby authorised and empowered, at any time or times before the 1st day of April 1981, upon application to pay to the Council, for the purpose of extending the said undertaking, any sum or sums in excess of \$1,000,000 for the time being invested under section 7 of the Act; and the Council is hereby authorised and empowered to apply any such sum accordingly.

(3) Notwithstanding section 3 of the Act, it shall not be obligatory for the Council, at any time during the period that commenced on the 1st day of April 1979 and will end with the 31st day of March 1981, to charge or, as the case may be, to have charged, any annual appropriation in respect of the said undertaking; but the Council may, at its discretion, charge such appropriations.

County Councils

11. Clifton County Council: Validating illegal clause in contract, and authorising payment of unauthorised retirement gratuity—(1) Notwithstanding that clause 16 of a

contract of service made between the Clifton County Council and its former County Clerk the late Desmond Charles Richardson on the 10th day of February 1978 was illegal by virtue of its providing for the payment of a gratuity in contravention of section 6 of the Finance Act (No. 2) 1941,—

- (a) The actions of the said Council in entering into the said contract are hereby validated and deemed to have been lawful; and
- (b) The said clause 16 is hereby validated and deemed to be, and always to have been, lawful and binding upon the parties to the said contract according to its tenor.

(2) Notwithstanding that the said Desmond Charles Richardson had not, at the date of his death, been in the service of the said County for 10 years as required by section 6 of the Finance Act (No. 2) 1941, the said County is hereby authorised and empowered to pay to his personal representative a gratuity of \$7,717.50.

12. Heathcote County Council: Authorising grant towards swimming pool improvements—(1) Notwithstanding that it is not otherwise authorised to do so, but subject to subsection (2) of this section, the Heathcote County Council is hereby authorised and empowered to pay to the Secretary of the Cashmere Primary School Committee out of its Reserves Contribution Account the sum of \$900 towards the cost of extending and improving the Cashmere Primary School's swimming pool; and the Secretary of the said Committee shall hold and apply the said sum for that purpose.

(2) The said Council shall not so pay the said sum out of its Reserves Contribution Account until—

- (a) It has been granted by the Canterbury Education Board a licence under section 6A of the Education Lands Act 1949 to use the said swimming pool and its ancillary facilities; and
- (b) The Minister of Recreation and Sport has notified the said Council in writing that he is satisfied that the licence so granted provides for the reasonable use by members of the public of the said swimming pool and its ancillary facilities.

(3) Notwithstanding subsection (1) of this section, the receipt of the Secretary for the time being of the said Committee shall be a full and sufficient discharge to the said Council for the said sum, and the said Council shall not be obliged to see to its application.

13. Opotiki County Council: Boundaries of Opotiki Riding—The special order made by the Opotiki County Council on the 7th day of April 1977 and published in the *Gazette* on the 4th day of August 1977 at page 2147 altering certain riding boundaries within the County of Opotiki shall have effect and be deemed always to have had effect as if, for the references to the Ohiwa Riding in the description of the Opotiki Riding set out—

(a) In the resolution to make that special order; and

(b) In that special order,—

there were substituted in each case a reference to the Waiotahi Riding.

14. Piako County Council: Validating illegal expenditure—Notwithstanding that it had no power to do so, the actions of the Piako County Council in expending—

(a) During the year that ended with the 31st day of March 1977, the sum of \$108,172.69; and

(b) During the year that ended with the 31st day of March 1978, the sum of \$87,900—

on the erection of homes for the elderly on land owned by the Te Aroha Borough Council are hereby validated and deemed to have been lawful.

Provisions relating to more than one local authority

15. Pahiatua Borough Council and Pahiatua County Council: Increasing maximum rate for Carnival Park Domain—(1) Section 56 of the Reserves and Other Lands Disposal and Public Bodies Empowering Act 1919 is hereby amended by omitting from subsections (1) and (2) the expression “\$1,200” (as substituted by section 25 of the Local Legislation Act 1970), and substituting, in each case, the expression “\$2,400”.

(2) Section 25 of the Local Legislation Act 1970 is hereby consequentially repealed.

16. West Coast Regional Abattoir: Authorising local authorities to borrow and lend money and validating illegal lending—(1) In this section—

“Authorised Council” means a local authority specified in subsection (6) of this section:

“Company” means the West Coast Regional Abattoir Company Limited, a duly incorporated company having its registered office at Hokitika.

(2) Every Authorised Council is hereby authorised and empowered to borrow money for the purposes of lending it under subsection (3) of this section; and section 11 of the Meat Act 1964 shall apply to all such borrowing.

(3) Subject to subsection (4) of this section, every Authorised Council is hereby authorised and empowered to lend to the Company any money borrowed by it under subsection (2) of this section, or at any time (whether before, on, or after the commencement of this Act) under the West Coast Regional Abattoir Loan 1978, for the purpose of the construction and establishment of a regional abattoir and common services building at Kokiri; and the Company shall hold and apply all money lent to it under this section accordingly.

(4) Every loan by an Authorised Council to the Company shall be—

(a) Upon and subject to such terms and conditions; and

(b) Secured to such extent and in such manner—

as may be agreed in that behalf between the Authorised Council concerned and the Company; but in no case shall the terms and conditions of the loan be more favourable to the Company than were the terms and conditions subject to which the Authorised Council borrowed the money being lent to the Company.

(5) Where any Authorised Council has, before the commencement of this Act, lent to the Company any money from the general revenues of its district or any money borrowed by that Authorised Council under the West Coast Regional Abattoir Loan 1978, the actions of that Authorised Council in so lending that money, and the agreement between that Authorised Council and the Company for the loan of that money, are hereby deemed to be as lawful and valid as if—

(a) This section were in force at the time that money was so lent; and

(b) That money had been borrowed by that Authorised Council under subsection (2) of this section.

(6) Each of the following local authorities is hereby declared to be an Authorised Council—

(a) The Grey County Council:

(b) The Greymouth Borough Council:

(c) The Hokitika Borough Council:

- (d) The Inangahua County Council:
 - (e) The Runanga Borough Council:
 - (f) The Westland County Council.
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This Act is administered in the Department of Internal Affairs.
