

New Zealand.



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1922, No. 9.

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| Title. | AN ACT to constitute the Borough of Rotorua, to define the Powers of the Rotorua Borough Council, and to make other Provisions relative thereto. [28th September, 1922.] |
| Short Title and commencement. | BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—
1. This Act may be cited as the Rotorua Borough Act, 1922, and shall come into force on a date to be appointed in that behalf by the Governor-General in Council. |
| Interpretation. | 2. In this Act, unless a contrary intention appears,—
“Borough” means the Borough of Rotorua constituted by this Act:
“Corporation” means the Corporation of the Borough of Rotorua:
“Council” means the Rotorua Borough Council:
“Department” means the Department of Tourist and Health Resorts, as incorporated by the Rotorua Town Act, 1907. |
| Borough of Rotorua constituted. | 3. (1.) The area described in the Schedule hereto is hereby constituted a borough within the meaning and for the purposes of the Municipal Corporations Act, 1920, to be known as the Borough of Rotorua. |

(2.) Except as hereinafter otherwise expressly provided, all the provisions of the Municipal Corporations Act, 1920, shall apply to the borough and the Council thereof in the same manner in all respects as if the borough had been constituted by the Governor-General pursuant to section one hundred and thirty-one of that Act.

4. Notwithstanding anything in the Municipal Corporations Act, 1920, the Council shall consist of six Councillors (exclusive of the Mayor), of whom two shall be appointed by the Governor-General to hold office during his pleasure, and four shall be elected by the electors of the borough.

Constitution of Council.

5. (1.) The Rotorua Town Act, 1907, is hereby repealed.

Repeal.

(2.) The property, assets, liabilities, and rights of the Department shall, save as otherwise provided herein, vest on the commencement of this Act in the Corporation of the borough.

Vesting property in Council.

(3.) All by-laws made by the Department pursuant to the provisions of the Rotorua Town Act, 1907, and subsisting at the commencement of this Act, shall enure as fully and effectually for the purposes of this Act as if they were by-laws made under this Act by the Council or by the Department, as the case may be.

6. Nothing in the last preceding section shall so operate as to confer on the Corporation or the Council any rights in respect of the Government sanatorium or bathhouses, or the grounds appurtenant thereto, or the right to receive any portion of the bath fees or other fees received by the Government in connection with such sanatorium :

Special provisions as to bath fees.

Provided that on the approval of the Minister for the time being charged with the administration of the Department of Tourist and Health Resorts there may, without further appropriation than this section, be paid to the Council, out of the fees from time to time received by the Government as aforesaid within the period of five years immediately succeeding the commencement of this Act, an amount not exceeding for any year the amount of such fees actually collected in that year or the sum of one thousand three hundred pounds, whichever is the less.

7. Notwithstanding the repeal of the Rotorua Town Act, 1907, the Department shall, during the period between the commencement of this Act and the date when the first elected Councillors under this Act come into office, continue to exercise its powers and functions with respect to the borough in like manner in all respects as if this Act had not been passed :

Tourist Department to retain control till first elected Councillors come into office.

Provided that nothing in this section shall authorize the Department during the period aforesaid to sell or otherwise dispose of any property that by this Act is vested in the Corporation of the borough :

Provided further that during the period aforesaid only such expenditure as may be approved by the Minister of Finance shall be incurred by the Department, and that all moneys received by the Department during the said period in respect of the borough (being moneys which, if the Council were in office, would be payable to the Council) shall, after deducting the said expenditure, be deemed to be the property of the Corporation, and shall be held in trust by the Department accordingly.

Drainage-works, &c.,
not to vest in the
Council.

8. (1.) Notwithstanding anything in the foregoing provisions of this Act, the property hereinafter described shall not vest in the Corporation of the borough, that is to say: All drainage-works, all waterworks for the supply of water for domestic or other purposes, and all electric light and power works heretofore provided, erected, or constructed by the Crown in or in connection with the Town of Rotorua.

(2.) All drainage-works, waterworks, and electric light and power works as referred to in the last preceding subsection shall remain vested in the Department, which for the purposes of this section shall continue to be a body corporate with the same entity as immediately before the commencement of this Act.

(3.) In respect of the said works the Department shall have and may exercise all the powers for the time being conferred by law on Borough Councils, except the power to borrow money by way of special loan or to make and levy any rate. The powers conferred by this subsection may be exercised notwithstanding that they may be in derogation of the powers or rights of the Council whether in relation to property vested in it or otherwise howsoever.

(4.) In the event of any conflict between the by-laws of the Council and any rules or by-laws made by the Department the latter shall prevail.

(5.) For the purposes of the Rating Act, 1908, and of section three hundred and eighty-four of the Municipal Corporations Act, 1920, the works which by this section remain vested in the Department shall be deemed to be property vested in His Majesty.

Governor-General in
Council may vest
works in the
Council.

9. The Governor-General may at any time, by Order in Council, vest in the Corporation of the borough, on such terms and subject to such conditions as he thinks fit, all or any of the works referred to in the last preceding section, and every such Order in Council shall have effect according to its tenor.

Provisions as to
payment by Council
to Crown in respect
of vesting of works.

10. (1.) With respect to the vesting of any works in the Corporation of the borough pursuant to the last preceding section, and whether before or after the issue of an Order in Council under that section, the Governor-General in Council shall appoint a Commission, consisting of a Stipendiary Magistrate and four other persons (two of whom shall be elected members of the Council nominated by the Council), to inquire and report—

(a.) As to the amount to be paid to the Crown by the Council in respect of the vesting in the Corporation of any such work or works, and as to the mode and terms of such payment; and

(b.) As to the charges to be made by the Council in respect of supplies of water or of electric light or power derived from any such works as aforesaid and supplied to the Crown for the purposes of the Government sanatorium and bathhouses, and the grounds appurtenant thereto, and of any Government offices or buildings in or in the vicinity of the borough.

(2.) A Commission under this section shall have all the powers of a Commission under the Commissions of Inquiry Act, 1908.

(3.) All moneys paid by the Council to the Crown in respect of any works vested in the Corporation under this section shall be paid into the Public Account, and shall form part of the Consolidated Fund.

(4.) The Council may, without taking the steps described by sections eight to twelve of the Local Bodies' Loans Act, 1913, borrow, as for a public work within the meaning of that Act, any amount payable to the Crown under this section.

11. (1.) Any lands within the borough which immediately before the commencement of this Act were included within the boundaries of a Maori district constituted under the Maori Councils Act, 1900, shall cease to form part of such district.

Certain lands in borough to cease to form part of Maori district.

(2.) The powers of the Maori Council heretofore conferred on the Department in respect of any such land by any Warrant issued pursuant to subsection two of section four of the Rotorua Town Act, 1907, shall, on the commencement of this Act, vest in the Borough Council.

12. The power to exempt Native land from rates, other than special rates, conferred on the Governor-General in Council by section five of the Rating Amendment Act, 1910, is hereby extended to authorize the exemption of Native land within the borough from special rates.

Native land within borough may be exempted from rates.

13. The Rotorua Fire District constituted by Order in Council under the Fire Brigades Act, 1908, dated the thirtieth day of January, nineteen hundred and twelve, and published in the *Gazette* of the eighth day of February, nineteen hundred and twelve, shall hereafter comprise the borough, and the Council shall be the contributory local authority.

Provision as to Rotorua Fire District.

14. (1.) Section eighty of the Hospitals and Charitable Institutions Act, 1909, and the Sixth Schedule to that Act (making special provisions relating to the Town of Rotorua for the purposes of that Act) are hereby repealed.

Repeals and saving.

(2.) The representative appointed to the Waikato Hospital Board pursuant to paragraph three of the said Sixth Schedule shall continue in office until the election of a representative of the borough pursuant to provisions made in that behalf by the Governor-General in Council in terms of the Hospitals and Charitable Institutions Act, 1909.

15. All rents of Crown lands within the borough, and all rents received by the Crown in respect of its interests in any Native lands within the borough, shall be payable to the Council by the Receiver of Land Revenue.

Rents from Crown lands within borough to be paid to Council.

16. It shall not be lawful for the Council, or for any other person, without the consent of the Governor-General in Council,—

Limiting Council's right to construct works.

- (a.) To do any thing or undertake any work that might directly or indirectly damage, or be likely to cause damage to, any thermal spring; or
- (b.) To interfere with the supply of water to any bath or spring the property of, or under the control of, the Crown, notwithstanding that any such water may not be supplied to such bath or spring through any pipe or other conduit or through any defined natural channel.

Council may levy separate rates for advertising and other purposes.

17. (1.) In addition to any powers of rating conferred on the Council by virtue of the Municipal Corporations Act, 1920, the Council may make and levy on all rateable property within the borough a uniform rate sufficient to produce a net return not exceeding the sum of one thousand pounds in any year, after providing for the cost of making, levying, and collecting the rate.

(2.) The proceeds of such rate shall be available only for the purposes of advertising the district as a tourist and health resort, and for providing within the powers of the Council all such things as may be thought necessary or desirable for the maintenance and development of the thermal areas as tourist and health resorts.

Regulations.

18. The Governor-General may from time to time, by Order in Council, make regulations prescribing the conditions upon which the Council may enter upon any land the property or under the control of the Crown or of the Department for the purpose of doing any act or thing in connection with any work vested in the Corporation by or in pursuance of this Act and generally for the effectual carrying-out of the objects and purposes of this Act.

Schedule.

SCHEDULE

ALL that area in the Auckland Land District, containing by admeasurement 3,275 acres, more or less, situated in Horohoro and Tarawera Survey Districts: bounded towards the north-east generally by Lake Rotorua, from the mouth of the Uuhina Stream to the mouth of the Puarenga Stream; thence by the said Puarenga Stream to and across the Rotorua-Maketu Road; thence westward by the southern side of the said road to its intersection with Alum Creek; thence towards the east generally by Alum Creek and Section 26A; thence by part Section 5 (as described in schedule to a Proclamation setting apart certain land for State forest purposes, dated 15th February, 1911, and published in the *Gazette* of the 23rd February, 1911, on page 701), across a public road; thence northwards along the western side of that road to the northern boundary of Suburban Section 80; thence towards the south and east by the said land to Sala Street; thence by the northern side of that street across the aforementioned public road; thence towards the east generally by Section 5A to the Puarenga Stream; thence by the said Puarenga Stream and Section 6 (State forest reserve) to the northern boundary of Moerangi No. 4 Block; thence towards the south generally by Crown land (the said Moerangi No. 4 Block) to the Rotorua-Taupo Road; thence across that road and by Tihiotonga Block to the westernmost corner of Section 54, Suburbs of Rotorua; thence towards the west generally by the western boundary-lines of Sections 54, 53, 52, Suburbs of Rotorua, to the Uuhina Stream; thence by the said Uuhina Stream to the point of commencement.