Right Hon. Mr. Nash

LOWER HUTT CITY EMPOWERING (COMMUNITY CENTRES)

[LOCAL BILL]

ANALYSIS

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A BILL INTITULED

AN ACT to Empower the Lower Hutt City Council to Establish and Maintain Community Centres Within the City, 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. Title.

WHEREAS, on account of the rapid growth of the residential population of the City of Lower Hutt, 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 Lower Hutt City Council should be empowered to take steps towards the provision, particularly within the State housing areas in the city, of such facilities as the Council may think necessary to that end: Preamble.

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

Short Title.

1. This Act may be cited as the Lower Hutt City Empowering (Community Centres) Act, 1949.

Interpretation.

2. 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 Lower Hutt or of any group or section of them:

"Council" means the Lower Hutt City Council, and includes the body corporate known as the Mayor, Councillors, and Citizens of the City of Lower Hutt:

"District" means that part of the City of Lower Hutt 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 organization" includes a voluntary organization 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.

Council may provide community centres.

3. In addition to and not in limitation of the powers conferred upon the Council by the Municipal Corporations Act, 1933, and by the Physical Welfare and Recreation Act, 1937, the Council may make such provision for

community centres within the city 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.

Community centre districts.

4. (1) The Council may, by special order made pursuant to section sixty-one of the Municipal Corporations Act, 1933, declare any part of the city 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.

(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.

Committees.

5. (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 organizations 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 forty-eight to fifty-two (both inclusive) of the Municipal Corporations Act, 1933, shall, with the necessary modifications, apply to any committee appointed under this section.

General powers of Council in relation to community centres.

6. (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 moneys 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 eight of the Municipal Corporations Act, 1933, 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.

Finance.

7. 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.

Rates.

8. (1) The Council may from time to time over any district or districts constituted under section *four* of this Act make and levy an annually-recurring separate rate on all dwelling units within the district or districts of an amount calculated to cover the estimated amount of any loan charges and of any construction, maintenance, equipment, and administration costs of any community centre established under this Act, but in no case shall the amount to be charged to a dwelling unit exceed in any year the sum of two pounds twelve shillings.

(2) In lieu of making and levying any such rate the Council may levy a uniform annual fee to be paid by the occupier of each dwelling unit within a district or districts, and such annual fee shall for all purposes be deemed to be a separate rate and recoverable accordingly, but shall not exceed the sum of two pounds twelve shillings in any year. The amount of such annual rate or levy payable in respect of any dwelling unit owned by His Majesty the King for the purposes of the Housing Act, 1919, or for any other purpose shall, without further authority than this section, be paid by the State Advances Corporation of New Zealand or other the appropriate Department of State controlling the same to the Council, upon receipt of a demand in that behalf, out of the Housing Account of the State Advances Corporation of New Zealand or of the appropriate Department of State controlling the same, and may, notwithstanding any rule of law or equity to the contrary, be recoverable by the Council as a rate is made recoverable under the provisions of the Rating Act, 1925.

(3) Notwithstanding anything to the contrary in the Tenancy Act, 1948, the State Advances Corporation or the appropriate Department of State controlling a dwelling unit may from time to time increase the amount of rental payable for any dwelling unit in respect of which such rate or levy is payable by the amount of such annual rate or levy.

By-laws.

9. In addition to the powers conferred upon the Council by section three hundred and sixty-four of the Municipal Corporations Act, 1933, the Council may make such by-laws 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 organization 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.

By Authority: R. E. OWEN, Government Printer, Wellington.—1949.