

LOCAL LEGISLATION BILL

EXPLANATORY NOTE

County Councils

Clause 2: Vesting certain land in Corporation of County of Rodney as recreation reserve.—The trustees of Mahurangi Park have requested the Rodney County Council to take over the control of the park. The Council is agreeable to taking the park over as a recreation reserve, but as the control of the park is vested in trustees, the Council is prevented from doing so by the terms of the trust. It is desired that the Council should be authorized to accept a transfer to it of the park to be held by it as a recreation reserve, and that the trustees be released from the trusts binding them. This clause makes provisions accordingly.

Clause 3: Authorizing raising of special loan by Franklin County Council.—An item to cover the cost of repairs to the Hingaia Bridge situated on the Papakura-Titi Main Highway was included in the Franklin County Council's Roads and Bridges Loan 1937. Owing to the intervention of the Second World War this work was never carried out and complete replacement of the bridge became a matter of urgency. When a satisfactory tender was obtained for the construction of a new bridge early this year an immediate start was made. The Council's share of the cost of the replacement of the bridge is £10,000 and an item for this amount has been included in the Council's Roads, Bridges, and Building Loan 1954, £250,000. In the meantime moneys have been spent from the County Fund Account. The Local Government Loans Board has no authority to sanction that portion of the Roads, Bridges, and Building Loan 1954 on which money has already been expended from the County Fund Account. The purpose of this clause is to authorize the Council to raise a special loan of £10,000 for the purpose of refunding to the County Fund Account the moneys expended on the construction of the bridge.

Clause 4: Authorizing Patangata County Council to hold election for additional councillor.—Section 60 of the Counties Act 1920 requires a County Council in the month of March in the year in which the general election of councillors is to be held to hold a meeting for the purpose of considering the representation of the different ridings and if necessary to adjust the representation so that it shall, as far as possible, be proportioned to the rateable value and number of electors in each riding respectively. The Patangata County Council did not alter representation as a result of the meeting held in March 1953. Subsequently, new valuation rolls embodying a revaluation of the Patangata County, which

became effective on 1 April 1953, were received by the Council. As a result of the revaluation the rateable value of the Pourerere Riding of the County has been so altered in relation to other ridings that it is now desired to elect an additional councillor for that riding. Section 59 of the Counties Act 1920, however, provides that an increase in the number of councillors shall only come into force at a general election of the Council. The purpose of this clause is to authorize the Council to proceed with the election of an additional councillor.

Clause 5: Validating abolition of riding accounts by Piako County Council.—The Piako County Council made a special order in March 1950 which, in effect, purported to dispense with the necessity for the Council to keep separate accounts for each riding of the County. However, a copy of the special order was not forwarded to the Minister of Internal Affairs for gazetting as provided by section 2 of the Counties Amendment Act 1931, and, although any such special order can only take effect from the close of the financial year in which it is gazetted, or from the close of a later financial year specified in the special order, or by the Minister, the Council has acted as if the special order took effect as from 31 March 1950. It is now desired to validate the making of the special order and all consequential actions of the Council. This clause makes provision accordingly.

Clause 6: Authorizing raising of special loan by Manukau County Council.—The Manurewa Borough Council, over a period of years, supplied water from its feeder main to properties in the Takanini area of Manukau County. In 1953 the County Council agreed to take over the distribution mains and fittings in the area from the Borough Council and to raise a loan over a special rating area to pay for those assets and to augment the water supply. The County Council took over the operation of the water supply on 7 April 1953 and has paid the Borough Council the sum of £7,500 for the mains and fittings without obtaining the sanction of the Local Government Loans Board to the raising of the proposed loan. Authority is now desired for the Council to raise a special loan to recoup its County Fund Account in respect of this expenditure. This clause makes provision accordingly.

Clause 7: Validating making and levying of certain rate by Kawhia County Council.—The former Town District of Kawhia was merged in the County of Kawhia as on and from 1 April 1954, and rateable property in the area then became liable for the full general rate levied by the Kawhia County Council. However, because of the high rateable values of property in portion of the former Town District, the Council levied a reduced general rate on them during the year ending 31 March 1955. The Council acted without authority in doing this, and this clause validates the Council's action.

City and Borough Councils

Clause 8: Validating certain expenditure incurred by Ashburton Borough Council.—The Ashburton Borough Council recently incurred expenditure of £371 2s. in connection with the celebration of the seventy-fifth anniversary of Ashburton Borough. No authority exists for expenditure of this nature, and this clause makes provision for its validation.

Clause 9: Provision with respect to certain expenditure by Marton Borough Council in connection with anniversary celebrations.—The Marton Borough Council wishes to obtain authority to incur expenditure of up to £500 in connection with the borough's seventy-fifth anniversary celebrations in 1954. It also desires that any expenditure already incurred should be validated. No authority exists for expenditure of this nature, and this clause provides accordingly.

Clause 10: Authorizing Wellington City Council to transfer money from certain fund accounts to Tramway Account.—The Wellington City Transport Department has been reconstituted and will operate in future as an entirely separate department. The City Council wishes to reduce its overdraft of approximately £463,500 in respect of the new department by transferring a total of £460,000 from the balances standing to the credit of certain other fund accounts of the Council. The Council considers that the balances remaining in these funds will be sufficient to meet any emergencies which may arise. This clause gives the City Council the desired authority.

Clause 11: Validating borrowing of certain loan money by Petone Borough Council.—The Petone Borough Council obtained the sanction of the Local Government Loans Board to the raising of the Korokoro Sewerage Loan 1953 of £34,600, but, before the consenting Order in Council was issued, it borrowed the sum of £10,000 as part of the loan. It is necessary to validate this irregularity and this clause makes provision accordingly.

Clause 12: Vesting certain land in Napier City Corporation.—The Napier City Council desires that a strip of land forming portion of Paradise Road be vested in the Corporation of the City of Napier. Although this part of Paradise Road appears on the public map of the City of Napier, it is not a legal street, and it is not formed. There is no existing title to the land, it being presumed that the title was destroyed in the 1931 earthquake, and the owners, if any, are unknown. Owing to its topography, it cannot be used as a street, as it would not fit in with the adjacent streets. There is no evidence that it was laid out prior to 1 January 1887, so it does not qualify as a private street, and there is insufficient evidence to justify the District Land Registrar in treating it as a right of way. The Council wishes to obtain a title to this strip of land and then to sell it to the adjoining owners, all of whom have other street access. This clause provides accordingly.

Clause 13: Provision with respect to refund of rates by Lower Hutt City Council.—Under the system of rating on the annual value a valuation list was prepared for the City of Lower Hutt as at 15 January 1952. This list remained open for inspection until 15 February 1952, and subsequently became the valuation roll for the City. During the period between 15 January 1952 and 31 March 1952, some one hundred State house properties in the City were sold by the State Advances Corporation and the Lower Hutt City Council issued rate demands on the owners of these properties for the year ended 31 March 1953 based on the valuations appearing in the valuation roll. It was subsequently decided by the Council that these valuations should be reduced and the Council now desires statutory authority to refund to the owners concerned the amount paid by way of rates in excess of the amount payable on the reduced valuations.

Clause 14: Validating certain borrowing by Lower Hutt City Council.—For the year ended on 31 March 1953 the Hutt City Council prepared its estimates of revenue and expenditure, and included an estimated amount likely to be received from the State Advances Corporation under a voluntary arrangement by the Crown with local authorities instead of general rates on State houses. The amount actually paid by the Corporation was substantially less than that included in the Council's estimates. To meet the deficiency the Corporation agreed to advance to the Council a sum of £22,500, repayable by equal annual payments over three years, with interest at 4 per cent. This advance constitutes borrowing by the Council and requires statutory authority. This clause provides the Council with the necessary authority.

Clause 15: Validating certain special orders made by Upper Hutt Borough Council.—In April and June 1954 the Upper Hutt Borough Council made five special orders permitting the laying off of certain proposed streets of less than 66 ft. in width subject to building line restrictions of 48 ft. from the centre lines of the streets. Doubts have since arisen as to whether these special orders comply with the requirements of section 190 of the Municipal Corporations Act 1933, and it is desired that the special orders be validated. This clause makes provision accordingly.

Clause 16: Provision with respect to refund to Waterworks Account from loan moneys by Auckland City Council.—Consent was given in November 1953 to the raising by the Auckland City Council of the Waterworks Loan 1953, £333,000. However, the works concerned were of an urgent nature, and before consent was given to the raising of the loan the Council spent the sum of £26,856 11s. 8d. on commencing the works. Authority is now desired to empower the Council to refund an equivalent sum to its Waterworks Account out of the proceeds of the loan and this clause makes provision accordingly.

Clause 17: Authorizing Hastings Borough Council to acquire shares in Hastings Gas Company Limited.—The Napier Gas Company Limited, which has been supplying gas to consumers in Hastings for many years, has given notice of its intention to discontinue the supply, and the Hastings Gas Company Limited has been formed to purchase the plant and manufacture gas. The new Company has approached consumers, including the Hastings Borough Council, and requested them to take up shares. The Council owns certain plant which will be useless if the gas supply does not continue, and the Council wishes to assist the Company by taking up fifty shares of five pounds each. This clause provides the necessary authority.

Clause 18: Authorizing raising of special loan by Milton Borough Council.—Opportunity arose for the Milton Borough Council to purchase a section with a small cottage on it adjacent to the Town Hall and the public car park. In order to secure the property it was necessary for the Council to purchase it immediately it became available, and before sanction could be given by the Local Government Loans Board to a proposed loan for housing, land purchase, and equipment purposes. The Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council to refund to its District Fund Account the money spent on the purchase of the property. This clause provides the necessary authority.

Clause 19: Authorizing Balclutha Borough Council to sell certain land.—Three areas of land within the Borough of Balclutha are held by the Balclutha Borough Council for certain municipal purposes. These areas are no longer required for the purposes for which they are held and as they are each suitable building sites the Council is desirous of selling them for this purpose. Legislation is necessary to enable the Council to take this action and the clause provides the necessary authority.

Clause 20: Provision with respect to expenditure of money by Waimate Borough Council in connection with seventy-fifth anniversary celebrations.—In October of this year the Borough of Waimate will be celebrating its seventy-fifth anniversary and the Borough Council wishes to obtain authority to expend up to £200 for the purpose of marking the occasion. This clause provides the necessary authority.

Clause 21: Authorizing expenditure of certain money by Cromwell Borough Council for staff housing purposes.—The Cromwell Borough Council holds certain money derived from the sale of lands under section one hundred and fifty-six of the Municipal Corporations Act 1933 in trust in terms of that section for the purchase of other lands to be held for the same purposes as the lands disposed of. The Council already holds adequate lands for the purposes of the Borough of Cromwell, having vested in it some three hundred acres of land in trust either for recreation or municipal purposes, and, in addition, a further one thousand acres as an endowment for the Borough. As the money held by the Council is not required for the purchase of further lands the Council desires to utilise a portion of that money towards the cost of erecting staff houses in the Borough. Legislation is necessary to enable this to be done, and the purpose of this clause is to enable the Council to expend the sum of one thousand pounds for the purpose desired.

Road Board

Clause 22: Provision with respect to purchase of wharf by Western Waiheke Road Board.—The Western Waiheke Road Board wishes to purchase the wharf at Matiatia from the Devonport Steam Ferry Co. Ltd., and to improve wharf facilities. As the purchase is a matter of some urgency, the Board wishes to pay the necessary money from its General Account, and to be given authority to raise a special loan, without taking a poll of ratepayers, to recoup its General Account in respect of the purchase. There is also some doubt as to whether the Board has authority to purchase the wharf and provision is sought accordingly. The clause makes the necessary provisions.

Harbour Boards

Clause 23: Validating certain contract entered into by New Plymouth Harbour Board.—Certain provisions of the Harbours Act 1950 were not complied with by the New Plymouth Harbour Board in calling for tenders and making a contract with C. L. F. Harlen Ltd. for improvements to the electrical reticulation of the Newton King Wharf. As a result, doubts have been raised as to the validity of the contract, and the New Plymouth Harbour Board has applied for it to be validated. This clause provides accordingly.

Clause 24: Authorizing Auckland Harbour Board to make certain donation.—The Auckland Harbour Board wishes to donate the sum of £500 to the appeal of the Friends of the Deaf, Incorporated. The funds raised by the appeal are to be used in the establishment of an institute to help the adult deaf-born people of Auckland to further their cultural, spiritual, and recreational needs. The Board has no authority to make this donation, and this clause makes the necessary provision.

Drainage Boards

Clause 25: Provision with respect to levying of excess general rates by Mangapu Drainage Board.—Pursuant to section 50 of the Local Legislation Act 1936, and similar provisions in subsequent Local Legislation Acts, the Mangapu Drainage Board has been given authority to levy its general rates on a basis in excess of the limitations laid down in the Land Drainage Act 1908. The last authority expired on 31 March 1954, and the Board desires an extension for a further three years. The proposed rate is 4d. in the £ on lands classified in accordance with Section 33 of the Land Drainage Act 1908 as "A" lands, 3d. in the £ on "B" lands, and 2d. in the £ on "C" lands. The revenue from the proposed rate is needed for general maintenance and improvement work on the drains and streams in the Board's area. This clause makes provision accordingly.

Clause 26: Authorizing levying of certain separate rates by Thames Valley Drainage Board.—The Thames Valley Drainage Board wishes to obtain temporary authority to levy separate rates over certain defined areas for the purpose of the operation and maintenance of pumping equipment. In parts of certain drainage districts there are areas where the installation of pumping equipment is essential to dispose of drainage and flood waters. The benefit from the operation of these pumps is felt only by ratepayers with properties in very low lying areas, and the remaining portions of these drainage districts are served by the normal gravity drainage schemes. The pumping equipment is costly to operate and maintain, but as Drainage Boards do not have authority to levy separate rates to cover these costs, all ratepayers in those subdivisions of drainage districts where these pumps are installed must bear these costs, even though they may be deriving no benefit whatever from the pumping operations. Often, too, the properties which do not benefit in this way are more highly developed than the properties subject to flooding and thus have to pay a higher rate per acre due to their higher valuation than the low lying properties. In several drainage district subdivisions the cost of these pumping operations absorbs a high proportion of the rates received, and little revenue is left for general maintenance work on the drainage systems. The problem is particularly urgent in the Thames Valley Drainage District. This clause makes provision accordingly.

Electric Power Board

Clause 27: Authorizing Taranaki Electric Power Board to raise a special loan for housing purposes.—In March 1953 the Taranaki Electric Power Board made preliminary arrangements to raise a loan of £10,000 for staff housing, but through an oversight application was not made to the Local Government Loans Board for its sanction to the raising of the loan and for the consent of the Governor-General in Council. The Board has actually purchased three house properties at a total cost of £6,476 16s., and desires that its Power Fund Account be recouped from loan moneys in respect of this expenditure. This clause provides the necessary authority.

Hospital Boards

Clause 28: Varying terms of trust in respect of which T. G. Macarthy Home for Children is held by Wellington Hospital Board.—The T. G. Macarthy Trust provided funds for the Wellington Hospital Board to establish a convalescent home for children at Belmont, near Wellington. By section 34 of the Local Legislation Act 1931, the trusts upon which the land and buildings were held were varied by authorizing the Board to sell the premises and to utilize the proceeds of sale in establishing, in accordance with section 75 of the Hospitals Act 1926, a convalescent home for children or for adults and children or for such other charitable purposes as the Board should from time to time determine, and the Governors of the T. G. Macarthy Trust should approve. The legislation widened the scope of the trust so far as the establishment of a substitute institution was concerned by including adult convalescents as well as convalescent children, but the Board did not dispose of the institution, so that the powers conferred by the section did not become operative. In 1936, application was made to the Supreme Court for an order varying the trusts so as to include adult female convalescents, and the Court made an order accordingly. As there is considerable land comprised in the site of the institution, the Board feels that it would be a suitable site upon which to erect accommodation for male convalescents, and it is now desired to obtain the necessary authority to admit adult male convalescents in addition to children and adult female convalescents. This clause makes provision accordingly.

Clause 29: Authorizing Wellington Hospital Board to supply steam to Wellington Society for the Relief of the Aged Needy.—The Wellington Hospital Board has for some years past supplied steam from the Wellington Hospital to the home of the Wellington Society for the Relief of the Aged Needy for heating purposes by means of a pipe line running between the two institutions. The pipe line was installed at the cost of the Board and the steam has been supplied free of charge. Doubts have arisen as to the authority of the Board to provide the services in question, and it is desired to validate what has taken place and authorize its continuance. This clause makes provision accordingly.

Catchment Board

Clause 30: Further extending period during which classification for rating purposes of certain lands in North Canterbury Catchment District shall continue in force.—Section 31 of the Local Legislation Act 1953 extended the period during which the existing classifications for rating purposes of certain lands in the North Canterbury Catchment District, originally comprising the now abolished Waimakariri and Ashley River Districts and the Ellesmere Lands Drainage District, should continue in force until 1 April 1955. The purpose of this extension was to allow the Catchment Board extra time to prepare fresh classifications of these lands in accordance with the provisions of section 102 of the Soil Conservation and Rivers Control Act 1941. Difficulties and delays have occurred in the preparation of these new classifications, and it is desired to extend the period within which the present classifications shall continue in force by a further two years. This clause makes provision accordingly.

Affecting Two or More Classes of Public Bodies

Clause 31: Validating agreement made by Whangarei Borough Council and Onerahi Town Board with respect to water supply.—Section 253 of the Municipal Corporations Act 1933, as amended by section 34 of the Municipal Corporations Amendment Act 1948, empowers a Borough Council to contract with the local authority of any adjoining district to supply water to that local authority. Whangarei Borough and Onerahi Town District are not adjoining districts, being separated by a strip of Whangarei County. It is accordingly desired that the agreement entered into on 4 May 1954 for the supply of water from the Borough Council to the Town Board be validated, and this clause makes provision accordingly.

Clause 32: Provision with respect to certain property vested in Opunake Borough Council.—On the dissolution of the Opunake Harbour Board by the Opunake Harbour Act 1938, certain lands which were vested in the Board for endowment purposes, together with certain other assets of the Board, were vested in the Opunake Borough Council, and have been held by the Council in trust for the purpose of applying the income derived from them in the liquidation of the liabilities of the Opunake Harbour Board. The Taranaki Harbour Board has assumed responsibility for the liabilities of the Opunake Harbour Board under the Taranaki Harbour Board Act 1954. The Council now holds the property free of all trusts previously imposed, but it is desired to clarify the capacity in which the Council holds the property, and it is suggested that it should be vested in the Council as municipal endowment. The Council also wishes to obtain authority to pay a proportion of the revenue from the property to the Egmont County Council. This proportion will be such as is agreed on between the two parties. It is considered that the County Council has a moral claim to a proportion of the revenue as some of its ratepayers paid rates to the Harbour Board, and the property in question is the only tangible asset remaining from the Board's activities. This clause makes provision accordingly.

Clause 33: Authorizing Auckland Metropolitan Drainage Board to transfer Motukorea Island to Auckland City Corporation.—The Auckland Metropolitan Drainage Board, owing to a change in its policy, finds that Motukorea or Brown's Island, which it owns, is no longer required for its purposes. Sir Ernest Davis, a former Mayor of Auckland, has offered to reimburse the Board the amount which it paid for the island, if it will transfer the island to the Auckland City Corporation to be held as a marine park for the use and enjoyment of the public. The only power which the Board has to dispose of the island is by way of public auction and public tender, and this clause provides the necessary authority for it to transfer the island to the Auckland City Corporation.

Clause 34: Provision with respect to expenditure of money by Waimate County Council and Waimate Borough Council in connection with centennial celebrations.—In July of this year the Waimate district celebrated the one hundredth anniversary of the arrival of the first white settler in the locality, and both the County Council and the Borough Council incurred expenditure amounting to approximately £500 in marking the occasion. This clause authorizes each Council to spend up to £500 for this purpose, and validates any expenditure already made.

Clause 35: Fixing date of next general elections of members of Auckland Electric Power Board, Auckland Transport Board, Christchurch Transport Board, and Christchurch Drainage Board.—Under section 4 of the Local Elections and Polls Act 1953, the next general elections of members of the Auckland Electric Power Board, the Auckland Transport Board, the Christchurch Transport Board, and the Christchurch Drainage Board, are required to be held on the third Saturday in November—the 20th day of November next. The next parliamentary general election has been fixed for the second Saturday in November next—the 13th day of November—and, in order to avoid any clash between the two elections, it has been decided to postpone the next elections of the members of these four Boards until the third Saturday in May 1955. This is the purpose of *subclause one*. *Subclause two* is a savings clause enabling the Governor-General in Council to make any necessary alterations in the dates for the preparation of electoral rolls or for the election of Chairmen of the Boards.

Miscellaneous

Clause 36: Validating certain expenditure incurred by Auckland Milk Treatment Corporation.—In October 1952 the Auckland Milk Treatment Corporation held a function, at a cost of £155, on the occasion of the opening of a new building. The Corporation had no specific authority to expend moneys for this purpose; and, as a result, the Corporation's unauthorized expenditure limit of £50 for the financial year ended on 31 August 1953 was exceeded. This clause validates the expenditure.

Hon. Sir William Bodkin

LOCAL LEGISLATION

ANALYSIS

- | Title. | | |
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| 1. Short Title. | | |
| <i>County Councils</i> | | |
| 2. Vesting certain land in Corporation of County of Rodney as recreation reserve. | 13. Provision with respect to refund of certain rates by Lower Hutt City Council. | |
| 3. Authorizing raising of special loan by Franklin County Council. | 14. Validating certain borrowing by Lower Hutt City Council. | |
| 4. Authorizing Patangata County Council to hold election for additional councillor. | 15. Validating certain special orders made by Upper Hutt Borough Council. | |
| 5. Validating abolition of riding accounts by Piako County Council. | 16. Provision with respect to refund to Waterworks Account from loan moneys by Auckland City Council. | |
| 6. Authorizing raising of special loan by Manukau County Council. | 17. Authorizing Hastings Borough Council to acquire shares in Hastings Gas Company Limited. | |
| 7. Validating making and levying of certain rate by Kawhia County Council. | 18. Authorizing raising of special loan by Milton Borough Council. | |
| <i>City and Borough Councils</i> | | |
| 8. Validating certain expenditure incurred by Ashburton Borough Council. | 19. Authorizing Balclutha Borough Council to sell certain lands. | |
| 9. Provision with respect to certain expenditure by Marton Borough Council in connection with anniversary celebrations. | 20. Provision with respect to expenditure of money by Waimate Borough Council in connection with seventy-fifth anniversary celebrations. | |
| 10. Authorizing Wellington City Council to transfer money from certain fund accounts to Tramway Account. | 21. Authorizing expenditure of certain money by Cromwell Borough Council for staff housing purposes. | |
| 11. Validating borrowing of certain loan money by Petone Borough Council. | <i>Road Board</i> | |
| 12. Vesting certain land in Napier City Corporation. | 22. Provision with respect to purchase of wharf by Western Waiheke Road Board. | |
| | <i>Harbour Boards</i> | |
| | 23. Validating certain contract entered into by New Plymouth Harbour Board. | |
| | 24. Authorizing Auckland Harbour Board to make certain donation. | |

<p style="text-align: center;"><i>Drainage Boards</i></p> <p>25. Provision with respect to levying of excess general rates by Mangapu Drainage Board.</p> <p>26. Authorizing levying of certain separate rates by Thames Valley Drainage Board.</p> <p style="text-align: center;"><i>Electric Power Board</i></p> <p>27. Authorizing Taranaki Electric Power Board to raise a special loan for housing purposes.</p> <p style="text-align: center;"><i>Hospital Boards</i></p> <p>28. Varying terms of trust in respect of which T. G. Macarthy Home for Children is held by Wellington Hospital Board.</p> <p>29. Authorizing Wellington Hospital Board to supply steam to Wellington Society for the Relief of the Aged Needy.</p> <p style="text-align: center;"><i>Catchment Board</i></p> <p>30. Further extending period during which classifications for rating purposes of certain lands in North Canterbury Catchment District shall continue in force.</p>	<p style="text-align: center;"><i>Affecting Two or More Classes of Public Bodies</i></p> <p>31. Validating agreement made by Whangarei Borough Council and Onerahi Town Board with respect to water supply.</p> <p>32. Provision with respect to certain property vested in Opunake Borough Council.</p> <p>33. Authorizing Auckland Metropolitan Drainage Board to transfer Motukorea Island to Auckland City Corporation.</p> <p>34. Provision with respect to expenditure of money by Waimate County Council and Waimate Borough Council in connection with centennial celebrations.</p> <p>35. Fixing date of next general elections of members of Auckland Electric Power Board, Auckland Transport Board, Christchurch Transport Board, and Christchurch Drainage Board.</p> <p style="text-align: center;"><i>Miscellaneous</i></p> <p>36. Validating certain expenditure incurred by Auckland Milk Treatment Corporation.</p>
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A BILL INTITULED

Title. AN ACT to confer certain powers on certain public bodies and to validate certain transactions.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of 5
of the same, as follows:

Short Title. 1. This Act may be cited as the Local Legislation Act 1954.

County Councils

Vesting certain land in Corporation of County of Rodney as recreation reserve.

2. Whereas, by deed of trust dated the second day 10
of September, nineteen hundred and twelve, James Dunning, of Cambridge, farmer, gave to John Morrison, orchardist, Henry Robert French, county clerk, and Benjamin Holmes McKinney, farmer, all of Warkworth (in this section referred to as the trustees), all that piece 15
of land situate on the northern bank of the Mahurangi River near Warkworth containing by admeasurement twenty-seven acres three roods, more or less, being all the land on Deposited Plan Number 7948 and all the land comprised and described in certificate of title, 20
Volume 202, folio 91, Auckland Registry, upon the trusts

set out in the said deed for a place of public recreation and enjoyment for the people of Mahurangi in the County of Rodney and to be known as the Mahurangi Park: And whereas, by Memorandum of Transfer
5 registered in the Land Registry Office at Auckland as Number 70410, the said James Dunning transferred all his estate and interest in the aforesaid land to the trustees: And whereas, by a deed made on the twentieth day of March, nineteen hundred and fifteen, by the
10 trustees of the first part, the said Henry Robert French, of the second part, and Thomas Henry Wilson, cement manufacturer, of Warkworth, of the third part, the said Henry Robert French was released and discharged from the trusts and powers reposed in and conferred on him
15 by the said deed of trust and the trustees appointed the said Thomas Henry Wilson to be a trustee under the said deed of trust in place of the said Henry Robert French: And whereas, by memorandum of transfer registered as aforesaid under Number 85539, the trustees
20 transferred all their estate and interest in the said land to the said John Morrison, Benjamin Holmes McKinney, and Thomas Henry Wilson: And whereas the said Benjamin Holmes McKinney has since died, and the said John Morrison and Thomas Henry Wilson (in this section
25 referred to as the present trustees) are the surviving trustees: And whereas the sum of ninety-eight pounds three shillings and tenpence, together with interest thereon, being money collected by public subscription and interest, is vested in the present trustees as an endow-
30 ment fund to develop the said Mahurangi Park: And whereas the present trustees desire to vest the said land and endowment fund in the Chairman, Councillors, and inhabitants of the County of Rodney (in this section referred to as the Corporation) for the purposes of the
35 said trust, but the Corporation is not authorized to accept lands or money on the terms of the said trust: And whereas the Corporation is prepared to accept the said land for the purposes of a recreation reserve pursuant to section one hundred and ninety-eight of the Counties
40 Act 1920, as substituted by section eighteen of the Counties Amendment Act 1949, and to administer the

See Reprint
of Statutes,
Vol. V, p. 180
1949, No. 27

said endowment fund for the purpose of developing the said land as a recreation reserve pursuant to the said Act: Be it therefore enacted as follows:

(1) The Corporation is hereby authorized and empowered to accept a transfer to it of the said land to be held by it as a recreation reserve pursuant to section one hundred and ninety-eight of the Counties Act 1920, and to administer the said endowment fund for the purposes of and incidental to the said recreation reserve, and the present trustees are hereby authorized and empowered to make such transfers of land and money to the Corporation as aforesaid.

(2) The Corporation and the present trustees are hereby authorized and empowered to execute all such deeds and documents and do all such other things as may be necessary for the effectual vesting in the Corporation of the said land and money as aforesaid.

(3) Upon the transfer of the said land and money to the Corporation, the present trustees shall be released and absolutely discharged from the trusts incidental to the said deeds of the second day of September, nineteen hundred and twelve, and the twentieth day of March, nineteen hundred and fifteen.

Authorizing raising of special loan by Franklin County Council.

3. Whereas the Franklin County Council (in this section referred to as the Council), prior to the sanction of the Local Government Loans Board being given to the raising of a loan for roads, bridges, and buildings, expended out of its County Fund Account moneys in the erection of a bridge on the Papakura-Titi Main Highway: And whereas the Local Government Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council to refund the said moneys to its County Fund Account: And whereas it is desirable that authority should be given for that purpose: Be it therefore enacted as follows:

See Reprint of Statutes, Vol. V, p. 360

The Council is hereby authorized and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of ten thousand pounds for the purpose of refunding to its County Fund Account all moneys applied by the Council as aforesaid in the erection of the said bridge.

4. Whereas the Patangata County Council (in this section referred to as the Council) is desirous of increasing the number of members of the Council by the election of an additional representative of the electors of the Pourerere Riding of the Patangata County (in this section referred to as the County) but has no power to effect the increase until the next general election of the Council: Be it therefore enacted as follows:

Authorizing Patangata County Council to hold election for additional councillor.

10 (1) Any special order made by the Council prior to the next general election of councillors increasing the number of members of the Council from ten to eleven and the number of councillors to be elected by the electors of the Pourerere Riding of the County from one to two shall, notwithstanding anything to the contrary in section 15 fifty-nine of the Counties Act 1920, come into force on a day to be named in the special order.

See Reprint of Statutes, Vol. V, p. 203

20 (2) On the coming into force of any such special order, a vacancy shall be deemed to exist in the Council for the additional councillor to be elected by the electors of the Pourerere Riding of the County, and that vacancy shall be filled in the same manner as an extraordinary vacancy in the office of councillor.

5. Whereas the Piako County Council (in this section referred to as the Council) by special order 25 passed on the twenty-first day of February, nineteen hundred and fifty, and confirmed on the twenty-first day of March, nineteen hundred and fifty, pursuant to section two of the Counties Amendment Act 1931, declared that sections one hundred and twenty-one and one hundred 30 and thirty-one of the Counties Act 1920 should not apply to the Council: And whereas the Council omitted to forward to the Minister of Internal Affairs, as provided by the said section two, a copy of the said special order with the appropriate certificate in order to enable the 35 said special order to be gazetted and to take effect: And whereas the Council has acted upon the said special order in all respects as if the same had taken effect from the thirty-first day of March, nineteen hundred and fifty: Be it therefore enacted as follows:

Validating abolition of riding accounts by Piako County Council.

See Reprint of Statutes, Vol. V, pp. 280, 223

40 (1) The said special order of the Council declaring that sections one hundred and twenty-one and one hundred and thirty-one of the Counties Act 1920 should not apply to the Council shall be deemed to have taken

effect for all purposes, and the said sections one hundred and twenty-one and one hundred and thirty-one are hereby declared not to have applied to the Council as from the thirty-first day of March, nineteen hundred and fifty.

(2) The actions of the Council in closing the separate riding accounts kept pursuant to subsection three of section one hundred and thirty-one of the Counties Act 1920 by incorporating in the General Account of the County Fund the balances of the said separate accounts, and in disbursing moneys on a whole county basis instead of a riding basis as from the thirty-first day of March, nineteen hundred and fifty, are hereby validated and declared to have been lawful.

(3) The actions of the Council in making and levying all general rates over the county as a whole instead of separately in each riding for each of the years ending on the thirty-first day of March, nineteen hundred and fifty-one, the thirty-first day of March, nineteen hundred and fifty-two, the thirty-first day of March, nineteen hundred and fifty-three, the thirty-first day of March, nineteen hundred and fifty-four, and the thirty-first day of March, nineteen hundred and fifty-five, and in doing all things necessary preliminary thereto are hereby validated, and all such rates are hereby declared to have been lawfully made and levied and to be legally recoverable.

Authorizing
raising of
special loan
by Manukau
County
Council.

6. Whereas the Manukau County Council (in this section referred to as the Council), prior to the sanction of the Local Government Loans Board being given to the raising of a loan for waterworks purposes, expended out of its County Fund Account moneys amounting in the aggregate to the sum of seven thousand five hundred pounds in the purchase of certain waterworks from the Manurewa Borough Council: And whereas the Local Government Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council to refund the said sum to its County Fund Account: And whereas it is desirable that authority be given for that purpose: Be it therefore enacted as follows:

The Council is hereby authorized and empowered to borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of seven thousand five hundred pounds for the purpose of refunding to its County Fund Account all money applied by the Council as aforesaid in the purchase of the said waterworks.

See Reprint
of Statutes,
Vol. V, p. 360

7. Whereas, as on and from the first day of April, nineteen hundred and fifty-four, the Town District of Kawhia (in this section referred to as the former Town District) was merged in the County of Kawhia: And whereas, because of the high rateable values of property in portion of the former Town District, the Kawhia County Council (in this section referred to as the Council) made and levied, during the year ending on the thirty-first day of March, nineteen hundred and fifty-five, a reduced general rate on the said property: And whereas the Council acted without authority in making and levying the said rate, and it is desirable that the action of the Council be validated: Be it therefore enacted as follows:

Validating
making and
levying of
certain rate by
Kawhia County
Council.

The action of the Council in making and levying, during the year ending on the thirty-first day of March, nineteen hundred and fifty-five, on property in portion of the former Town District, a reduced general rate of sevenpence in the pound on the unimproved value of the said property, is hereby validated, and the said rate is hereby declared to have been lawfully made and levied and to be legally recoverable.

City and Borough Councils

8. The expenditure by the Ashburton Borough Council during the financial year ended on the thirty-first day of March, nineteen hundred and fifty-four, of the sum of three hundred and seventy-one pounds two shillings in celebration of the seventy-fifth anniversary of the Borough of Ashburton is hereby validated and declared to have been lawfully incurred and made.

Validating
certain
expenditure
incurred by
Ashburton
Borough
Council.

Provision with respect to certain expenditure by Marton Borough Council in connection with anniversary celebrations.

9. The Marton Borough Council (in this section referred to as the Council) is hereby authorized and empowered to expend out of its General Account a sum not exceeding five hundred pounds for the purpose of celebrating and commemorating the seventy-fifth anniversary of the Borough of Marton, and any expenditure heretofore incurred or made by the Council for that purpose is hereby validated and declared to have been lawfully incurred and made. 5

Authorizing Wellington City Council to transfer money from certain fund accounts to Tramway Account.

10. The Wellington City Council is hereby authorized to transfer, as from the first day of April, nineteen hundred and fifty-four, to its Tramway Account from the fund accounts hereinafter named the sums following, that is to say: 10

- (a) From its Tramway and Power Supply Accident Fund Account, a sum not exceeding fifteen thousand pounds; 15
- (b) From its Electric Light and Power Supply Accident Fund Account, a sum not exceeding seventy-five thousand pounds; 20
- (c) From its Electric Light and Power Supply Reserve Fund Account, a sum not exceeding one hundred and ten thousand pounds; and
- (d) From its Electric Light and Power Supply Renewal Fund Account, a sum not exceeding two hundred and sixty thousand pounds. 25

Validating borrowing of certain loan money by Petone Borough Council.

11. Whereas, on the twenty-fifth day of March, nineteen hundred and fifty-three, the Local Government Loans Board sanctioned the raising by the Petone Borough Council (in this section referred to as the Council) of a loan of thirty-four thousand six hundred pounds, to be known as the Korokoro Sewerage Loan 1953 (in this section referred to as the loan), for the purpose of installing a sewerage service in Korokoro: And whereas, contrary to the provisions of the Local Government Loans Board Act 1926, the Council, without first obtaining the consent of the Governor-General in Council, borrowed the sum of ten thousand pounds as part of the loan: And whereas it is desirable that the action of the Council in borrowing the said sum of ten thousand pounds should be validated: 30 35 40

Be it therefore enacted as follows:

See Reprint of Statutes, Vol. V. p. 415

The action of the Council in borrowing the said sum of ten thousand pounds without first obtaining the consent of the Governor-General in Council is hereby validated, and the said moneys shall be deemed to have
5 been lawfully borrowed.

12. Whereas the owner of the land described in subsection *three* of this section is unknown and cannot be found and it is desirable that the said land should be vested in the Mayor, Councillors, and Citizens of the
10 City of Napier (in this section referred to as the Corporation): Be it therefore enacted as follows:

Vesting certain land in Napier City Corporation.

(1) The land described in subsection *three* of this section is hereby declared to be vested in the Corporation for an estate in fee simple.

15 (2) The District Land Registrar for the Land Registration District of Hawke's Bay is hereby authorized and directed to issue a certificate of title for the said land in the name of the Corporation for an estate in fee simple.

(3) The land to which this section relates is more
20 particularly described as follows:

All that piece of land situated in the City of Napier, containing by admeasurement thirty-three perches and four-tenths of a perch, more or less, being part of Sub-urban Section 17, Town of Napier: as the same is more
25 particularly delineated on the plan lodged in the office of the Chief Surveyor, at Napier, under Number 2749, and thereon bordered red.

13. Whereas, pursuant to the Rating Act 1925, a valuation list under the system of rating on the annual
30 value was prepared for the City of Lower Hutt as at the fifteenth day of January, nineteen hundred and fifty-two, and subsequently became the valuation roll for that city: And whereas certain houses erected in the said city pursuant to the Housing Act 1919 (in this section
35 referred to as the houses) were sold by the State Advances Corporation (in this section referred to as the Corporation) during the period commencing on the fifteenth day of January, nineteen hundred and fifty-two, and ending on the thirty-first day of March, nineteen hundred and
40 fifty-two: And whereas the Lower Hutt City Council (in this section referred to as the Council) issued rate

Provision with respect to refund of certain rates by Lower Hutt City Council.

See Reprint of Statutes, Vol. VII, p. 977

See Reprint of Statutes, Vol. III, p. 798

demands to the ratepayers concerned in respect of the houses for the year ended on the thirty-first day of March, nineteen hundred and fifty-three, based on the valuations of the houses appearing in the valuation roll: And whereas it has now been agreed that the valuations of the houses should be reduced and that the Council should refund to the ratepayers concerned the amount received by way of rates in excess of the amount payable on the reduced valuations, and it is expedient that the action of the Council in making the refund should be validated: Be it therefore enacted as follows:

The Council is hereby authorized to refund to the ratepayers concerned by means of a deduction upon payment of all rates otherwise due to the thirty-first day of March, nineteen hundred and fifty-five, a total sum of five hundred and fourteen pounds twelve shillings and twopence, being the amount of rates claimed in excess from those ratepayers who acquired houses from the Corporation between the fifteenth day of January, nineteen hundred and fifty-two, and the thirty-first day of March, nineteen hundred and fifty-two.

Validating
certain
borrowing by
Lower Hutt
City Council.

14. Whereas the State Advances Corporation (in this section referred to as the Corporation) has, at the request of the Lower Hutt City Council (in this section referred to as the Council), and to assist the finances of the Council, advanced to the Council the sum of twenty-two thousand five hundred pounds, which sum the Council has agreed to repay to the Corporation with interest at the rate of four per cent per annum from the first day of April, nineteen hundred and fifty-three, by equal annual payments over a period of three years: And whereas this advance constitutes borrowing by the Council and was made without statutory authority: And whereas it is expedient to validate the action of the Council in receiving the advance and in paying interest thereon: Be it therefore enacted as follows:

(1) The action of the Council in accepting from the Corporation an advance of twenty-two thousand five hundred pounds on the thirty-first day of March, nineteen hundred and fifty-three, is hereby validated, and the Council is hereby authorized to repay that advance, together with interest thereon at the rate of four per

cent per annum from the first day of April, nineteen hundred and fifty-three, by equal annual payments of seven thousand five hundred pounds, with interest calculated as aforesaid, on the first day of April in each 5 year over a period of three years.

(2) The owing by the Council of the sums of fifteen thousand pounds and seven thousand five hundred pounds to the Corporation in respect of the advance referred to in subsection *one* of this section, for the years ending 10 respectively on the thirty-first day of March, nineteen hundred and fifty-four, and the thirty-first day of March, nineteen hundred and fifty-five, shall not in either case be taken into account in determining the compliance or otherwise by the Council with the provisions of para- 15 graph (*c*) of subsection two of section three, or of section nine of the Local Bodies' Finance Act 1921-22.

See Reprint
of Statutes,
Vol. V, p. 354

15. Whereas the Upper Hutt Borough Council (in this section referred to as the Council), by special orders made on the thirteenth day of April, nineteen hundred 20 and fifty-four, the twenty-seventh day of April, nineteen hundred and fifty-four, and the fifteenth day of June, nineteen hundred and fifty-four, resolved to permit the laying off of certain proposed streets of less than sixty- 25 six feet in width in the Borough of Upper Hutt, subject to the condition that no building or part of a building should at any time be erected on land having a frontage to any of the said streets within a distance of forty-eight feet from the middle line of the street: And whereas doubts have arisen as to whether the said special orders 30 comply with the provisions of section one hundred and ninety of the Municipal Corporations Act 1933, and it is desirable that the said special orders should be validated: Be it therefore enacted as follows:

Validating
certain special
orders made by
Upper Hutt
Borough
Council.

1933, No. 30

35 The said special orders made by the Council are hereby validated and deemed to have been lawfully made, and, notwithstanding the provisions of section one hundred and ninety of the Municipal Corporations Act 1933, the District Land Registrar for the Land Registra- 40 tion District of Wellington is hereby authorized and directed to deposit the said special orders in his office and to register against the title to all land affected thereby a memorandum under his hand accordingly.

Provision with
respect to
refund to
Waterworks
Account from
loan moneys
by Auckland
City Council.

16. Whereas, prior to authority being obtained to the raising of a loan of the sum of three hundred and thirty-three thousand pounds, known as the Waterworks Loan 1953, £333,000 (in this section referred to as the loan), the Auckland City Council (in this section referred to as the Council) expended out of its Waterworks Account, for certain purposes for which the loan was to be raised, moneys amounting in the aggregate to the sum of twenty-six thousand eight hundred and fifty-six pounds eleven shillings and eightpence: And whereas authority has since been obtained to the raising of the loan, and the Council is desirous of recouping its Waterworks Account out of the proceeds of the loan and it is expedient to make provision accordingly: Be it therefore enacted as follows:

The Council is hereby authorized and empowered to refund to its Waterworks Account out of the proceeds of the loan a sum not exceeding twenty-six thousand eight hundred and fifty-six pounds eleven shillings and eightpence.

Authorizing
Hastings
Borough
Council to
acquire shares
in Hastings
Gas Company
Limited.

17. Whereas the Hastings Gas Company Limited (in this section referred to as the Company) has been formed for the purpose of acquiring the gas-making plant in Hastings at present owned by the Napier Gas Company Limited, as the latter company has given notice of its intention to cease the manufacture of gas in Hastings: And whereas the Hastings Borough Council (in this section referred to as the Council) is concerned to see that sufficient of the capital offered for subscription by the Company is subscribed to enable the Company to commence business and carry on the supply of gas to citizens of Hastings: And whereas the Council will be put to considerable expense if insufficient capital is subscribed and gas does not continue to be supplied in Hastings: And whereas the Council is desirous of subscribing for and acquiring fifty shares in the Company: Be it therefore enacted as follows:

The Council is hereby authorized to subscribe for and acquire fifty shares of five pounds each in the Company and to pay the calls thereon in advance or as and when calls thereon are made by the Company:

Provided that the total expenditure by the Council in respect of the said shares shall not exceed the sum of two hundred and fifty pounds.

18. Whereas the Milton Borough Council (in this section referred to as the Council), prior to the sanction of the Local Government Loans Board being given to the raising of a loan for housing, land purchase, and
 5 equipment purposes, expended out of its District Fund Account moneys amounting in the aggregate to the sum of six hundred pounds in the purchase of a dwelling-house for Council purposes: And whereas the Local Government Loans Board has no authority to sanction
 10 the raising of a loan for the purpose of enabling the Council to refund the said sum to its District Fund Account: And whereas it is desirable that authority be given for that purpose: Be it therefore enacted as follows:

The Council is hereby authorized and empowered to
 15 borrow by way of special loan under the Local Bodies' Loans Act 1926 an amount not exceeding the sum of six hundred pounds for the purpose of refunding to its District Fund Account all moneys applied by the Council as aforesaid in the purchase of the said dwellinghouse.

19. Whereas the lands firstly and secondly described
 20 in subsection *four* of this section are vested in the Mayor, Councillors, and Burgesses of the Borough of Balclutha (in this section referred to as the Corporation) in trust as endowments for the municipality of Balclutha: And
 25 whereas the Corporation is the registered proprietor of an estate in fee simple in the land thirdly described in subsection *four* of this section to be held as the Harvey Memorial and Centennial Hall: And whereas it is expedient to empower the Balclutha Borough Council
 30 (in this section referred to as the Council) to sell the said lands: Be it therefore enacted as follows:

(1) The Council may, without further authority than this section, sell the lands described in subsection
 35 *four* of this section, or any part of those lands, by public auction, public tender, private treaty, or otherwise, on such terms and subject to such conditions as it thinks fit, and on the sale of any such land any trust or reservation theretofore affecting the same shall be deemed to be cancelled.

(2) The proceeds from all sales of the said lands
 40 shall be applied by the Council in or towards the purchase of other lands to be held in the name of the Corporation for the general purposes of the Borough of Balclutha.

Authorizing raising of special loan by Milton Borough Council.

See Reprint of Statutes, Vol. V, p. 360

Authorizing Balclutha Borough Council to sell certain lands.

(3) The District Land Registrar for the Land Registration District of Otago is hereby authorized and directed to accept such documents for registration and to do all such other things as may be necessary to give effect to this section. 5

(4) The lands to which this section relates are more particularly described as follows:

Firstly, all that parcel of land situate in the Town of Balclutha containing by admeasurement one rood, more or less, being Section 9, Block III, on the public map of the said Town deposited in the Office of the Chief Surveyor, at Dunedin, and being all the land comprised in certificate of title, Volume 79, folio 21, Otago Registry. 10

Secondly, all that parcel of land situate in the Town of Balclutha containing by admeasurement one rood, more or less, being Section 18, Block V, of the said Town and being all the land comprised in certificate of title, Volume 79, folio 26, Otago Registry. 15

Thirdly, all that parcel of land situate in the District of Clutha containing by admeasurement twenty perches, more or less, being all the land on Deposited Plan Number 5478, and being part of Section 5, Block XXXV, of the said District and being all the land comprised in certificate of title, Volume 302, folio 41, Otago Registry. 20

Provision with respect to expenditure of money by Waimate Borough Council in connection with seventy-fifth anniversary celebrations.

20. The Waimate Borough Council (in this section referred to as the Council) is hereby authorized and empowered to expend out of its General Account a sum not exceeding two hundred pounds for the purpose of celebrating and commemorating the seventy-fifth anniversary of the constitution of the Borough of Waimate, and any expenditure heretofore incurred or made by the Council for that purpose is hereby validated and declared to have been lawfully incurred and made. 30

Authorizing expenditure of certain money by Cromwell Borough Council for staff housing purposes. 1933, No. 30

21. Whereas the Cromwell Borough Council (in this section referred to as the Council) keeps certain money derived from the sale of lands under section one hundred and fifty-six of the Municipal Corporations Act 1933 in a separate account in the Council's books known as the Land Sales Account: And whereas the Council is required to expend the said money in the purchase of 35 40

other lands to be held for the same purposes as the lands sold: And whereas the Council holds adequate lands for the purposes of the Borough of Cromwell and it is desirable to authorize the Council to utilize certain of the money in the Land Sales Account in the erection of staff houses: Be it therefore enacted as follows:

Notwithstanding anything to the contrary in section one hundred and fifty-six of the Municipal Corporations Act 1933, the Council is hereby authorized and empowered to expend from the Land Sales Account, towards the erection of staff houses, an amount not exceeding the sum of one thousand pounds.

Road Board

22. Whereas the Western Waiheke Road Board (in this section referred to as the Board) is desirous of purchasing from the Devonport Steam Ferry Company Limited the Matiatia Wharf situated in Matiatia Bay, Waiheke Island, and of raising a loan for that purpose and for effecting improvements to the said wharf: Be it therefore enacted as follows:

Provision with respect to purchase of wharf by Western Waiheke Road Board.

(1) The Board is hereby authorized and empowered to purchase the said Matiatia Wharf from the said company at such price and upon such terms as may be agreed upon between the Board and the company and any agreements heretofore entered into by the parties in respect of the said purchase are hereby declared to be valid and binding on the parties and shall for all purposes be effective according to their tenor.

(2) The Board may borrow by way of special loan under the Local Bodies' Loans Act 1926, and, notwithstanding the provisions of section nine of that Act, without the prior consent of the ratepayers, an amount not exceeding the sum of two thousand pounds for the purpose of purchasing the said wharf and effecting improvements thereto.

See Reprint of Statutes, Vol. V, p. 360

(3) The Board is hereby authorized, out of the proceeds of the said loan, when raised, to refund to its General Account all money advanced thereout, whether before or after the passing of this Act, for the purposes for which the said loan is to be raised.

Harbour Boards

Validating
certain contract
entered into by
New Plymouth
Harbour Board.

1950, No. 34

23. Whereas the New Plymouth Harbour Board, now the Taranaki Harbour Board (in this section referred to as the Board), on or about the fifteenth day of June, nineteen hundred and fifty-one, made a contract (in this section referred to as the contract) with C. L. F. Harlen Limited (in this section referred to as the contractor) for the supply of certain materials and the execution of certain work for the purposes of an improved electrical reticulation of the Newton King wharf: And whereas, contrary to the provisions of section one hundred and thirty-one of the Harbours Act 1950 (in this section referred to as the said Act), prior to the making of the contract, tenders were not called for by public notice: And whereas, in making the contract, the provisions of sections one hundred and twenty-nine and one hundred and thirty of the said Act were not complied with: And whereas the contractor has supplied the materials and executed the work required to be supplied and executed under the contract and the total amount paid by the Board to the contractor in respect thereof is five thousand seven hundred and ninety-seven pounds seven shillings and ninepence: And whereas doubts have arisen with regard to the validity of the contract and the payment of five thousand seven hundred and ninety-seven pounds seven shillings and ninepence thereunder: And whereas it is desirable that the contract and the payment thereunder should be validated: Be it therefore enacted as follows:

Notwithstanding anything contained in the said Act, or in any other Act, the action of the Board in entering into the contract and in paying the sum of five thousand seven hundred and ninety-seven pounds seven shillings and ninepence thereunder is hereby validated and the contract shall be deemed to have been lawfully made and the sum of five thousand seven hundred and ninety-seven pounds seven shillings and ninepence lawfully paid.

Authorizing
Auckland
Harbour Board
to make certain
donation.

24. The Auckland Harbour Board is hereby authorized to expend from its Harbour Fund the sum of five hundred pounds as a donation to the funds of the Friends of the Deaf, Incorporated, to be used in the establishment of an institute to help the adult deaf-born people of Auckland to further their cultural, spiritual, and recreational needs.

Drainage Boards

25. Whereas, by section fifty of the Local Legislation Act 1936, as extended by section forty-two of the Local Legislation Act 1937, section forty-one of the Local Legislation Act 1939, section twenty-eight of the Local Legislation Act 1942, section twenty-nine of the Local Legislation Act 1947, and section thirty-eight of the Local Legislation Act 1952, the Mangapu Drainage Board (in this section referred to as the Board) was authorized to make and levy on all rateable lands within the Mangapu Drainage District for certain years as set out in those sections, a general rate in excess of the maximum rate provided for in the Land Drainage Act 1908: And whereas the Board desires to make and levy for the years ending on the thirty-first day of March, nineteen hundred and fifty-five, the thirty-first day of March, nineteen hundred and fifty-six, and the thirty-first day of March, nineteen hundred and fifty-seven, a general rate, not exceeding fourpence in the pound, on lands classified in accordance with section thirty-three of the Land Drainage Act 1908 as "A" lands; a general rate, not exceeding threepence in the pound, on lands so classified as "B" lands; and a general rate, not exceeding twopence in the pound, on lands so classified as "C" lands: And whereas it is expedient that the Board should be empowered to levy general rates on the aforesaid basis: Be it therefore enacted as follows:
- The Board is hereby authorized and deemed to have been authorized to make and levy for the years ending on the thirty-first day of March, nineteen hundred and fifty-five, the thirty-first day of March, nineteen hundred and fifty-six, and the thirty-first day of March, nineteen hundred and fifty-seven, a general rate, not exceeding fourpence in the pound, on lands classified in accordance with section thirty-three of the Land Drainage Act 1908 as "A" lands; a general rate, not exceeding threepence in the pound, on lands so classified as "B" lands; and a general rate, not exceeding twopence in the pound, on lands so classified as "C" lands.

Provision with respect to levying of excess general rates by Mangapu Drainage Board.
 1936, No. 54
 1937, No. 25
 1939, No. 25
 1942, No. 17
 1947, No. 56
 1952, No. 68
 See Reprint of Statutes, Vol. IV, p. 466

Authorizing
levying of
certain
separate rates
by Thames
Valley
Drainage
Board.

26. Whereas the Thames Valley Drainage Board (in this section referred to as the Board) operates pumping units in certain parts of its district for the purpose of disposing of drainage and flood waters: And whereas, for the purpose of meeting the costs of operating and maintaining the said pumping units, the Board desires to define the areas of its district deriving benefit from the operation of the said pumping units, and to make and levy on all rateable property in those areas, during the years ending on the thirty-first day of March, nineteen hundred and fifty-five, the thirty-first day of March, nineteen hundred and fifty-six, and the thirty-first day of March, nineteen hundred and fifty-seven, separate rates, of such amount as will not produce more than would be produced by a uniform rate of twopence in the pound on the capital value of the said rateable property, or its equivalent on the unimproved value or annual value: And whereas the Board desires to levy the said separate rates on the said rateable property according to a classification on the basis of the degree of benefit derived from the operation of the said pumping units: And whereas it is desirable that provision should be made accordingly: Be it therefore enacted as follows:

(1) The Board is hereby authorized and deemed to have been authorized to define from time to time by special order the boundaries of any area of its district which derives benefit from the operation of any of the said pumping units, and similarly to alter the boundaries of any such area.

(2) The Board is hereby authorized and deemed to have been authorized, for the purpose of operating and maintaining any of the said pumping units, to make and levy during the years ending on the thirty-first day of March, nineteen hundred and fifty-five, the thirty-first day of March, nineteen hundred and fifty-six, and the thirty-first day of March, nineteen hundred and fifty-seven, on all rateable property in any area defined pursuant to subsection *one* of this section, a separate rate of such amount as will not produce more than would be produced by a uniform rate of twopence in the pound on the capital value of the said rateable property, or its equivalent on the unimproved value or annual value,

(3) The Board is hereby authorized and deemed to have been authorized to classify, from time to time, in accordance with the provisions of section thirty-three of the Land Drainage Act 1908, all lands within any area defined pursuant to subsection *one* of this section according to the benefit derived from the operation of the said pumping units and all the provisions of that Act relating to the classification of lands for rating purposes shall apply to any classification made under the authority of this subsection.

See Reprint
of Statutes,
Vol. IV, p. 479

Electric Power Board

27. Whereas the Taranaki Electric Power Board (in this section referred to as the Board) has made application to the Local Government Loans Board for authority to raise a loan of ten thousand pounds to be known as the Staff Housing Loan 1954 (in this section referred to as the proposed loan): And whereas, prior to sanction being given to the raising of the proposed loan, the Board has expended out of its Power Fund Account moneys amounting in the aggregate to the sum of six thousand five hundred pounds for the purposes of the proposed loan: And whereas the Local Government Loans Board has no authority to sanction the raising of that part of the proposed loan which relates to the purposes for which the said moneys have been expended: And whereas it is desirable to authorize the Council to raise a special loan not exceeding the sum of six thousand five hundred pounds for the purpose of recouping its Power Fund Account in respect of the moneys expended therefrom as aforesaid: Be it therefore enacted as follows:

Authorizing
Taranaki
Electric Power
Board to
raise a special
loan for
housing
purposes.

The Board is hereby authorized and empowered to borrow by way of special loan pursuant to the Local Bodies' Loans Act 1926 an amount not exceeding the sum of six thousand five hundred pounds for the purpose of refunding to its Power Fund Account all moneys expended therefrom for the purposes of the proposed loan.

See Reprint
of Statutes,
Vol. V, p. 360

Hospital Boards

Varying terms
of trust in
respect of
which T. G.
Macarthy
Home for
Children is held
by Wellington
Hospital Board.

28. Whereas the Wellington Hospital Board (in this section referred to as the Board) is registered as proprietor of an estate in fee simple, firstly, in all that parcel of land situated in the Land Registration District of Wellington, containing by admeasurement eighteen acres two roods twenty-four perches, more or less, comprising parts of Sections 37 and 185, Hutt District, being Lot 10 and part Lot 1 on Deposited Plan 1397, and other part of said Section 37 and part Section 48 of the Hutt District, and being the whole of the land comprised and described in certificate of title, Volume 221, folio 84, Wellington Registry, together with a right of way over the part delineated and coloured yellow on the plan on the said certificate of title; and, secondly, in all that parcel of land situated in the Land Registration District of Wellington, containing seven-tenths of a perch and being Lot 11, Deposited Plan 1397, part of Section 37, Hutt District, and all the land comprised and described in certificate of title, Volume 166, folio 48, Wellington Registry: And whereas the said land was acquired by the Board and the buildings thereon were equipped out of moneys given to the Board by the Board of Governors of the Thomas George Macarthy Trust for the purpose of establishing an institution for convalescent children (in this section referred to as the institution): And whereas, by an order of the Supreme Court made on the twenty-fifth day of September, nineteen hundred and thirty-six, the terms of the trust upon which the said land was held were varied whereby the Board was authorized to admit adult female convalescent patients to the institution as well as convalescent children, but in admitting patients to the institution children were to be given preference over adults: And whereas it was also a term of the said order that the variation should not be held to limit or abrogate the powers given to the Board by section thirty-four of the Local Legislation Act 1931: And whereas it is desirable that adult male convalescent patients should be admitted to the institution in addition to convalescent children and adult female convalescent patients: Be it therefore enacted as follows:

1931, No. 43

(1) The Board is hereby authorized to admit adult male convalescent patients to the institution as well as adult female convalescent patients and convalescent children:

5 Provided that in admitting patients to the institution, children shall be given preference over adults.

(2) Nothing in this section shall abrogate or limit the powers given to the Board by section thirty-four of the Local Legislation Act 1931.

1931, No. 43

10 29. Whereas the Wellington Hospital Board (in this section referred to as the Board) has for a number of years supplied, free of charge, steam for heating purposes to the home of the Wellington Society for the Relief of the Aged Needy (in this section referred to as the Society) by means of a pipe line installed by and at the cost of the Board: And whereas doubts have arisen as to the authority of the Board to provide that supply or to incur the expenditure thereby occasioned and it is desirable that the expenditure be validated and that the Board be empowered to continue that supply to the Society: Be it therefore enacted as follows:

Authorizing Wellington Hospital Board to supply steam to Wellington Society for the Relief of the Aged Needy.

15 (1) The supply by the Board, free of charge, of steam for heating purposes to the home of the Society, and the expenditure thereby incurred by the Board, are hereby validated and deemed to have been lawfully supplied and incurred.

20 (2) The Board is hereby authorized and empowered to continue the aforesaid supply to the Society upon such terms and conditions as may be mutually agreed upon between the Board and the Society.

Catchment Board

30 30. Subsection one of section thirty-one of the Local Legislation Act 1953 is hereby amended by omitting the words "two years", and substituting the words "four years".

Further extending period during which classifications for rating purposes of certain lands in North Canterbury Catchment District shall continue in force.

1953, No. 106

Affecting Two or More Classes of Public Bodies

Validating agreement made by Whangarei Borough Council and Onerahi Town Board with respect to water supply.

31. Whereas the Whangarei Borough Council (in this section referred to as the Council) and the Onerahi Town Board (in this section referred to as the Board) entered into an agreement dated the fourth day of May, nineteen hundred and fifty-four, a certified copy of which agreement is recorded in the Department of Internal Affairs at Wellington as I.A. 105/531, whereby the Council agreed to supply and the Board agreed to take a supply of water upon the terms and conditions therein set out: And whereas it is desirable to validate the said agreement: Be it therefore enacted as follows: 5

1933, No. 30

Notwithstanding anything to the contrary in the Municipal Corporations Act 1933, or in any other Act, the Council and the Board are hereby and shall be deemed to have been at all times authorized and empowered to enter into the said agreement, which shall be binding on the parties thereto and shall for all purposes have effect according to its tenor. 10

Provision with respect to certain property vested in Opunake Borough Council. 1938 (Local), No. 9

32. Whereas all property belonging to the Opunake Harbour Board which by section six of the Opunake Harbour Act 1938 was vested in the Mayor, Councillors, and Burgesses of the Borough of Opunake and has been held by the Opunake Borough Council (in this section referred to as the Borough Council), in trust for the purpose of applying the revenue therefrom in liquidation of the liabilities of the Opunake Harbour Board: And whereas the Taranaki Harbour Board has now assumed responsibility for the liabilities of the Opunake Harbour Board: And whereas the Borough Council will accordingly hold all such property freed and discharged from the aforesaid trusts: And whereas the Borough Council has agreed to pay a proportion of the future revenue from the said property to the Egmont County Council (in this section referred to as the County Council): And whereas it is expedient that the capacity in which the Borough Council holds the said property should be clarified and that the Borough Council should be authorized to pay a proportion of future revenue to the County Council: Be it therefore enacted as follows: 20 25 30 35 40

(1) All property, whether real or personal, formerly belonging to the Opunake Harbour Board, and which, by section six of the Opunake Harbour Act 1938, was vested in the Borough Council, is hereby vested in the
5 Borough Council in trust as a municipal endowment.

1938 (Local),
No. 9

(2) Upon application by the Borough Council it shall be the duty of the District Land Registrar or the Registrar of Deeds, as the case may be, and without payment of any fee, to make such entries in the appropriate registers recording the capacity in which the
10 Borough Council holds the real property so vested.

(3) The Borough Council shall be entitled and is hereby authorized to pay to the County Council such proportion of the revenue from the property so vested, or
15 any other property purchased in substitution therefor, as may be agreed between those parties.

33. Whereas the Auckland Metropolitan Drainage Board (in this section referred to as the Board) is registered as the proprietor of the lands described in sub-
20 section *two* of this section, being Motukorea Island, otherwise known as Brown's Island, situated in the Waitemata Harbour, for an estate in fee simple: And whereas the Board has decided that the island is no longer required for the purposes for which it was
25 purchased: And whereas Sir Ernest Davis, a former Mayor of the City of Auckland, has indicated to the Board that, to enable the island to be set aside as a public reserve for the use and enjoyment of the public, he is prepared to pay to the Board the price at which
30 it acquired the island, namely, six thousand five hundred pounds, upon condition that the Board takes the necessary steps to effect the aforesaid result: Be it therefore enacted as follows:

Authorizing
Auckland
Metropolitan
Drainage
Board to
transfer
Motukorea
Island to
Auckland City
Corporation.

(1) The Board is hereby empowered, upon payment
35 to it of the sum of six thousand five hundred pounds by Sir Ernest Davis, to transfer the land described in subsection *two* of this section to the corporation of the Mayor, Councillors, and Citizens of the City of Auckland to be vested in that corporation as a public reserve
40 under the Reserves and Domains Act 1953 for the use and enjoyment of the public.

1953, No. 69

(2) The land to which this section relates is more particularly described as follows:

All that parcel of land situated in Blocks X and XI, Rangitoto Survey District, containing one hundred and forty-eight acres, more or less, being the island of Motukorea, commonly known as Brown's Island: as the same is more particularly delineated on a plan deposited in the Land Registry Office at Auckland as Number 16315, and being all the land described in certificate of title, Volume 364, folio 284, Auckland Registry. 5

Provision with respect to expenditure of money by Waimate County Council and Waimate Borough Council in connection with centennial celebrations.

34. The Waimate County Council and the Waimate Borough Council are hereby authorized and empowered to expend out of their General Accounts sums not exceeding five hundred pounds in the case of each of the said Councils for the purpose of celebrating and commemorating the one hundredth anniversary of the arrival of the first white settler in the Waimate district, and any expenditure heretofore incurred or made by either of the said Councils for that purpose is hereby validated and declared to have been lawfully incurred and made. 10 15

Fixing date of next general elections of members of Auckland Electric Power Board, Auckland Transport Board, Christchurch Transport Board, and Christchurch Drainage Board. 1953, No. 16

35. (1) Notwithstanding anything contained in subsections two to four of section four of the Local Elections and Polls Act 1953, the next general elections of members of the Auckland Electric Power Board, the Auckland Transport Board, and the Christchurch Transport Board, and the next general elections of members for the several subdistricts of the Christchurch Drainage District, shall be held on the third Saturday in May, in the year nineteen hundred and fifty-five. 20 25

(2) Notwithstanding anything contained in any Act, the Governor-General may, by Order in Council, alter any times or dates prescribed by law for the preparation of rolls for the said general elections, and for the election of the Chairman of any of the said Boards or of the Christchurch Drainage Board, and may make such other provisions as may be necessary to give full effect to this section. 30 35

Miscellaneous

Validating certain expenditure incurred by Auckland Milk Treatment Corporation.

36. The expenditure by the Auckland Milk Treatment Corporation of the sum of one hundred and fifty-five pounds in connection with a function on the occasion of the opening of a new building in October, nineteen hundred and fifty-two, is hereby validated and declared to have been lawfully incurred. 40