

## MUNICIPAL CORPORATIONS AMENDMENT (No. 2) BILL

### EXPLANATORY NOTE

THIS Bill amends the Municipal Corporations Act 1954.

*Clause 1* relates to the Short Title and commencement. Part I and the Schedule (accounting provisions) are to come into force on 1 April 1974, and the remaining provisions are to come into force on the date of the passing of the Act.

### PART I

#### ACCOUNTING PROVISIONS

This Part makes several amendments to the accounting provisions in Part VIII of the principal Act and in other provisions of that Act, to enable a complete revision of the accounting provisions in the Municipal Accounting Regulations 1965 (S.R. 1965/51) to be made, to operate from 1 April 1974. Similar amendments to the accounting provisions in the Counties Act 1956 are being made by a Counties Amendment Bill, the intention being that accounting regulations common to boroughs, town districts, and counties will operate from the commencement of the 1974-75 financial year.

*Clause 2* re-enacts in an amended form section 84 of the principal Act, which at present provides that there shall be for every district a fund called the District Fund comprising the various items set out in that section.

The new section 84 abolishes the term "District Fund", and replaces it with the term "general revenues of the district", which are to comprise the same items as at present comprise the District Fund.

*Clause 3* re-enacts in an amended form section 127 of the principal Act, which prescribes the accounts that are to be kept by the Council. At present, the Council must keep a General Account, separate accounts for money held or received for any special purpose or accruing from any trading undertaking, and a Profit and Loss Account in respect of each trading undertaking.

The new section 127 requires the Council to keep such financial records as are prescribed by regulations. These must include—

- (a) Administrative Accounts and Works and Services Accounts for money (excluding general and separate rates and general appropriations) raised or levied for or appropriated or allocated to any account for any activity or purpose carried on by the Council.
- (b) Accounts for money raised or levied for or allocated to, or held in trust or received for, any special purpose.
- (c) Operations Accounts in respect of trading undertakings.

The Council must also keep a General and Separate Rates and General Appropriations Account, an Administration Account, and a Housing and Property Account, to be established pursuant to regulations.

*Clause 4* re-enacts in an amended form section 141 of the principal Act, which at present provides that the Council must annually transfer to the General Account from each separate account a proportionate part of certain payments charged to the General Account.

The new section 141 is generally to the same effect as the present section, with such amendments as are necessary as a result of the abolition of the General Account and the new provisions of section 127. The section requires the Council to transfer to the Administration Account from each Works and Services Account a proportionate part of certain payments charged to the Administration Account.

*Clause 5* amends section 336 of the principal Act, which at present provides that the proceeds of the sale or lease of housing allotments provided under Part XXIV are to be paid into the Land Subdivision Account. Subsection (2) provides that money in that account may be applied only for the purposes set out in that subsection.

This clause provides that the proceeds of the sale or lease of any such housing allotments are to be paid into the Housing and Property Account, and repeals the present subsection (2). As a result, any such proceeds will form part of the general funds of the district.

*Clause 6* similarly amends section 365A of the principal Act, which at present provides that the proceeds of the sale or lease of commercial or industrial allotments provided by the Council under that section are to be paid into the Commercial and Industrial Development Account and applied only for the purposes set out in subsection (6) of that section.

The effect of this clause is that those proceeds are to be paid into the Housing and Property Account. The provisions as to the manner in which those proceeds may be applied are omitted, and as a result they will form part of the general funds of the district.

*Clause 7* consequentially amends the principal Act in the manner set out in the Schedule to the Bill, and provides for consequential repeals.

## PART II

### MISCELLANEOUS AMENDMENTS

*Clause 8: Subclause (1)* re-enacts in an amended form subsection (1) of section 29 of the principal Act, which provides for the preparation of the district electors list and defines the qualifications for electors. The only change in the new subsection is the abolition of the freehold qualification.

*Subclause (4)* provides that not later than 30 June 1974 the Town Clerk must take reasonable steps to inquire of every person whose name appears in the district electors roll as possessing a freehold qualification whether he also has a residential qualification. If any such person has a residential qualification, his name is to be entered in the district electors list prepared for the 1974 general election of the Council as possessing such a qualification.

*Subclause (5)* provides that any by-election or poll held before the next triennial general election is to be held under the existing provisions.

*Clause 9:* The maximum allowance that may be paid to the Mayor is fixed by section 45 of the principal Act, the amount being fixed in relation to the population of the district, with special provisions for the Cities of Auckland, Wellington, Christchurch, and Dunedin.

This clause enables these amounts to be amended by Order in Council, which may amend the population provisions or the amounts that may be paid.

*Clause 10* re-enacts in an amended form section 87 of the principal Act, which prescribes how cheques are to be drawn on the Council's bank account. The new section applies to other instruments also, and is intended to permit the Council to make use of the money transfer service operated by Databank, whereby accounts are scheduled for payment and processed by Databank.

*Clause 11* amends section 102 of the principal Act, under which the Council is empowered to make a separate rate for sanitation purposes or may make an annual charge for such purposes, which is deemed to be a separate rate.

This clause enables the Council to charge a proportion of the separate rate or annual charge in cases where the Council commences to provide sanitation services for any premises after the commencement of the rating year.

*Clause 12* amends section 103 of the principal Act, under which the Council is empowered to make a separate rate for drainage purposes, or to make an annual charge for such purposes, which is deemed to be a separate rate.

The clause enables the Council to charge a proportionate part of the drainage rate or annual charge in cases where premises are connected with the drainage system of the district after the commencement of the rating year.

*Clause 13* amends section 108A of the principal Act, under which the Council is empowered to consolidate special rates (whether they are over the whole district or over any defined portion or portions thereof) and for the consolidated special rate to be made on a uniform basis over the whole district. The consolidated special rate cannot be made over part of the district.

This clause enables the Council to make a consolidated special rate on a uniform basis on all rateable property within the whole district or within any defined portion or portions of the district.

*Clause 14* amends section 114A of the principal Act, which empowers the Council to pay to each Councillor, other than the Mayor of a borough or the Chairman of a town district, remuneration not exceeding \$5 for each meeting of the Council or of any committee thereof attended by him, with a maximum total amount of \$260 in any financial year.

This clause empowers the Council to pay to the Chairman of a committee remuneration not exceeding \$8 for each meeting of that committee that he attends as Chairman and remuneration not exceeding \$5 for each other meeting of the committee or of the Council or of any other committee that he attends, with a maximum total amount of \$416 in any financial year. The amounts that may be paid to other Councillors are not altered.

*Clause 15:* Section 143 of the principal Act empowers the Council to establish a special fund for the purpose of providing for the cost of any activity or matter which the Council is authorised to undertake. Subsection (5) provides that on the completion of that purpose, or when in the opinion of the Council with the concurrence of the Audit Office the purposes of the fund are no longer attainable, the Council may apply any surplus in the fund to the General Account.

The effect of this amendment is that the Council may also, with the concurrence of the Audit Office, apply any surplus in any such fund to the General Account if the purposes for which the fund was established are no longer to be carried out or are not likely to be carried out.

*Clause 16* amends section 267 of the principal Act, which empowers the Council to order the removal of scrub and other growth constituting a fire hazard. There is a right of appeal to a Magistrate's Court against the requirement.

The amendment enables the notice requiring the removal of the scrub or other growth to be signed by the Town Clerk or other officer authorised by the Council. The right of appeal to a Magistrate's Court is not affected by the amendment.

*Clause 17* re-enacts in an amended form subsections (1A) and (1B) of section 305 of the principal Act, relating to the power of the Council to establish and maintain cabins and huts on camping grounds situated on land held by the Council for the purposes of a pleasure ground.

Under the existing provisions, the Council may provide such cabins and huts provided they are not self-contained, the term "self-contained" being defined for this purpose in subsection (1B). By section 18 (2) of the Municipal Corporations Amendment Act 1964, the Council was empowered to continue to provide and maintain self-contained accommodation already established.

The substituted provisions authorise the Council to provide cabins, huts, and motels on any camping ground on land held by the Council for the purposes of a pleasure ground, and removes the restrictions on the provision of self-contained accommodation. The new provisions make it clear that this power includes power to provide toilet, kitchen, and bathroom facilities for the exclusive use of persons occupying the accommodation, to provide for occupants services of a direct personal nature, including meals and food, and to provide linen, blankets, crockery, cutlery, and cooking utensils for the use of occupants.

*Clause 18* amends section 312 of the principal Act relating to the inspection of buildings licensed under Part XXII of that Act. The amendments are consequential on the provisions of the Fire Services Act 1972 relating to the persons authorised under that Act to undertake fire safety inspections.

*Clause 19* also contains similar consequential amendments to section 313 of the principal Act relating to the removal of obstructions in passages in and exits from licensed buildings.

*Clause 20* amends section 315 of the principal Act relating to the power to cancel or suspend a licence in respect of a licensed public building. The amendment authorises the Council to cancel or suspend a licence in cases where the building is being used in breach of section 313 (1) of the principal Act (which requires the licensee to keep all aisles and exit passages in the building and all exits therefrom free from obstruction, and to prevent persons from standing or sitting in these aisles, exit passages, and exits) or in breach of any condition of his licence.

*Clause 21* re-enacts in an amended form section 327 of the principal Act, which empowers the Council to purchase or take or acquire under the Public Works Act 1928 any area of land within the district for housing purposes.

The new section 327 authorises the Council to acquire by purchase any area of land for housing purposes, whether within or outside the district. Only land within the district may be taken or acquired under the Public Works Act 1928 for such purposes.

*Clause 22* empowers the Council as a condition of its approval of a plan of subdivision to require that the owner make provision for the planting of trees or for the preservation of the natural landscape, trees, or areas of trees or bush or of buildings or sites of historic or archaeological interest.

In any such case, the value of any part of the land that is to be set aside (otherwise than as reserves) in order to comply with the Council's requirement is to be deducted from the amount of any money contributions required to be made by the subdivider under section 351c of the principal Act in lieu of reserves or of land to be vested in the Corporation.

*Clause 23:* Under section 365A of the principal Act, the Council is empowered to purchase any land in the district for commercial or industrial purposes and develop it for such purposes. The purchase must be by agreement with the owner, and the Council must first notify the owner in writing of the purposes for which the land is to be purchased.

Subsection (7A) of that section provides that the power of developing for commercial or industrial purposes any land so purchased will extend to any land acquired by the Corporation before 27 November 1964 and held by the Corporation for the general purposes of the district and not for any particular purpose.

This clause makes the following amendments to section 365A:

- (a) The provision that the person from whom the land is purchased must be notified of the purposes for which it is to be purchased is repealed.
- (b) Subsection (7A) is re-enacted in an amended form removing the present provisions restricting its application to land acquired before 27 November 1964, so that the Council may develop for commercial or industrial purposes any land held by the Council for the general purposes of the district and not for any particular purpose.

*Clause 24* empowers the Council to amend bylaws, whether made under the principal Act or any other Act, by resolution instead of by special order, in order to convert Imperial weights and measures specified in the bylaws into their metric equivalents or, for the purposes of rounding-off, into their near metric equivalents. For this purpose a metric equivalent is to be determined in accordance with New Zealand Standard Specification NZS 6502 : 1972, and a near metric equivalent must not differ by more than 10 percent from the metric equivalent.

No person is to incur any greater liability, by reason of the conversion to a near metric equivalent, than the liability that he would have incurred if it had been an exact conversion.

If the amendment making the conversion to a metric or near metric equivalent is one that would under the principal Act or any other Act require the consent or approval of any Minister, that consent will not be necessary.

*Subclause (5)* provides that where under the principal Act or any other Act a bylaw made by the Council requires the consent or approval of any Minister, any bylaw amending that bylaw by converting any Imperial weight or measure into a metric weight or measure will not require the consent or approval of that Minister if the conversion is made according to a scale recommended in any publication of the New Zealand Standards Association that has been approved, so far as it relates to that scale of conversion, by that Minister by notice in the *Gazette*.

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(2) Part I of this Act and the Schedule to this Act shall come into force on the 1st day of April 1974.

(3) Except as provided in subsection (2) of this section, this Act shall come into force on the date of its passing.

PART I

5

ACCOUNTING PROVISIONS

**2. General revenues**—The principal Act is hereby amended by repealing section 84, and substituting the following section:

“84. The general revenues of every district shall comprise—

“(a) All money received by way of grant from the Govern- 10  
ment, or by appropriation of Parliament, or pursuant to any Act:

“(b) All fees, fines, forfeitures, tolls, levies, and other like sums whatsoever received under this or any other Act: 15

“(c) The proceeds of all rates made and levied by the Council under this or any other Act:

“(d) All rents and profits received from property of any kind vested in the Corporation:

“(e) All money received on account of waterworks, 20  
electricity works, gasworks, transport services, cemeteries, crematoria, reserves, recreation grounds, houses, and public buildings and institutions:

“(f) All money received by way of loan otherwise than 25  
under the Local Authorities Loans Act 1956:

“(g) All money received by way of subscription or voluntary contribution:

“(h) All money received and held by the Council by way of deposit or in trust for any person or any special 30  
purpose:

“(i) All other money which may become the property of the Corporation or of the Council.”

**3. Financial records**—The principal Act is hereby further amended by repealing section 127, and substituting the 35  
following section:

“127. (1) The Council shall keep such financial records and keep them in such manner as may be prescribed by regulations made under section 145 of this Act, and shall enter therein full and correct details of all money received 40  
and expended by it, and shall, in particular, keep such

records as are necessary for the preparation of a statement of accounts comprising—

- 5 “(a) Administrative Accounts and Works and Services  
Accounts, which shall be credited with all money,  
excluding general and separate rates and general  
appropriations, raised or levied for or appropriated  
or allocated pursuant to any Act or by resolution  
of the Council to any account for an activity or  
10 a purpose carried on by the Council, and shall be  
debited with expenditure properly chargeable  
against those accounts:  
“Provided that there shall be an administrative  
15 account to be called the General and Separate  
Rates and General Appropriations Account, which  
shall be credited with general and separate rates  
and general appropriations, and shall be debited  
with expenditure properly chargeable against  
that account:
- 20 “(b) Accounts established in accordance with section 143  
of this Act, the Local Authorities Loans Act 1956,  
any trust deed, or any other enactment, deed, or  
provision, which shall be credited with all money  
raised or levied for, or appropriated or allocated  
25 pursuant to any Act or by resolution of the  
Council to, or held in trust or received for, any  
special purpose, and shall be debited with so much  
of each individual sum as is allocated to an  
Administrative Account or a Works and Services  
Account to meet expenditure therein recorded  
30 properly payable by the fund:
- “ (c) Operations Accounts of the revenue and expenditure  
of each trading activity carried on by the Council.
- 35 “(2) Where a separate rate has been levied for a particular  
separate work, there shall be allocated from the proceeds of  
that rate an amount equal to the expenditure incurred for  
the purpose for which the rate was levied, reduced by that  
amount which is financed from special funds or other  
sources of revenue. There shall be allocated to the Adminis-  
40 trative and Works and Services Accounts sufficient of the  
general rate and general appropriation to equal the expendi-  
ture incurred for purposes for which no separate rate was  
levied, or equal to the amount by which the proceeds of any  
separate rate levied for the work were insufficient, reduced  
45 by that amount which is financed from special funds or other  
sources of revenue.

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“(3) The decision of the Audit Office as to whether or not any expenditure is properly chargeable against any such account shall be final.

“(4) Without limiting the accounts that may be provided for in regulations made pursuant to section 145 of this Act, provision shall be made in those regulations for an Administration Account and a Housing and Property Account.” 5

**4. Allocation of administration costs**—The principal Act is hereby further amended by repealing section 141, and substituting the following section: 10

“141. (1) Unless the Audit Office otherwise directs, the Council shall annually allocate to the Administration Account from each Works and Services Account kept by it such sum as in the opinion of the Council represents the proportionate part attributable to that account of the amount charged to the Administration Account in respect of any payment to any sick-benefit society that may be established by its employees or to any fire insurance or accident fund that may be established by the Council. 15

“(2) The Council may in like manner so allocate to the Administration Account a proportionate part of the office, clerical, legal, and other expenses of the Council of any nature whatsoever. 20

“(3) If the Audit Office considers that any sum so allocated to the Administration Account is excessive or insufficient, or that no sum should be allocated from any particular account, the Council shall forthwith re-allocate from the Administration Account the whole, or so much thereof as the Audit Office directs, of the sum allocated from that account, or, as the case may require, shall allocate to the Administration Account from the particular account such sum as the Audit Office directs.” 25 30

**5. Proceeds of sale or lease of building allotments**—Section 336 of the principal Act is hereby amended—

(a) By omitting from subsection (1) the words “a separate account to be known as the Land Subdivision Account”, and substituting the words “the Housing and Property Account”:

(b) By repealing subsection (2).

**6. Proceeds of sale or lease of land purchased and developed for commercial or industrial purposes**—Section 365A of the principal Act (as inserted by section 31 of the Municipal Corporations Amendment Act 1964) is hereby amended  
5 by repealing subsection (6), and substituting the following subsection:

“(6) All money received by the Council on the sale or lease of land purchased under this section shall be paid by the Council into the Housing and Property Account.”

10 **7. Consequential amendments and repeals**—(1) The principal Act is hereby further amended in the manner indicated in the First Schedule to this Act.

(2) The following enactments are hereby repealed:

- 15 (a) So much of the Second Schedule to the Local Authorities Loans Act 1956 as relates to the principal Act:  
(b) Section 27 of the Municipal Corporations Amendment Act 1959:  
(c) Section 9 of the Municipal Corporations Amendment Act 1964:  
20 (d) Sections 12 and 27 of the Municipal Corporations Amendment Act 1968.

## PART II

### MISCELLANEOUS AMENDMENTS

25 **8. District electors list**—(1) Section 29 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) On or before the 30th day of June in every year in which a general election of the Council is to be held, the Town Clerk of the district shall, in the prescribed manner  
30 and form, make out a list, to be called ‘the district electors list’, setting forth the name, occupation, address, and qualification of every person, male or female, of or over the age of 20 years who possesses either of the following qualifications:

35 “(a) A rating qualification, meaning thereby that he is the person whose name appears for the time being in the ‘Occupiers’ column in the valuation roll in respect of any rateable property in the ward or undivided borough or town district to which the list relates:

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“(b) A residential qualification, meaning thereby that he has resided for 1 year in New Zealand and has resided in the district during the 3 months then last past and is a British subject or has the status of a British subject or is an Irish citizen. For the purposes of this paragraph a person shall be deemed to reside in the place in which he has his permanent home.” 5

(2) The principal Act is hereby consequentially amended—

(a) By omitting from subsection (2) of section 29 the words “paragraph (c)”, and substituting the words “paragraph (b)”: 10

(b) By omitting from section 30 the words “freehold or”:

(c) By repealing subsection (3) of section 31: 15

(d) By omitting from subsection (5) of section 31 the words “subsection (3) or”:

(e) By omitting from section 93A (as enacted by section 7 of the Municipal Corporations Amendment Act 1959) the words “freehold or”. 20

(3) The First Schedule to the Local Elections and Polls Amendment Act 1970 is hereby consequentially amended by repealing so much thereof as relates to the principal Act.

(4) Not later than the 30th day of June 1974, the Town Clerk shall take all reasonable steps to inquire of every person who is shown in the district electors' roll in force immediately before that date as possessing a freehold qualification under paragraph (a) of subsection (1) of section 29 of the principal Act (as in force immediately before the commencement of this section) whether he possesses a residential qualification under paragraph (b) of subsection (1) of section 29 of the principal Act (as substituted by subsection (1) of this section), and, if that person possesses such a residential qualification, shall under the provisions of and in the manner prescribed by section 29 of the principal Act (as amended by this section) enter the name of that person in the district electors' list required to be prepared on or before the 30th day of June 1974 as possessing such a qualification. 35

(5) Notwithstanding anything in subsections (1) to (4) of this section, the provisions of section 29 of the principal Act shall continue to apply, as if those subsections had not 40

been enacted, for the purposes of any election to fill an extraordinary vacancy on the Council or in the office of Mayor and of any poll, if that election or poll is held before the date of the next triennial general election of 5 members of the Council held after the commencement of this section.

**9. Annual allowance to Mayor**—Section 45 of the principal Act is hereby amended by adding the following subsections:

10 “(3) The Governor-General may from time to time, by Order in Council, amend subsection (1) of this section—

“(a) By substituting any population figure for any population figure specified in that subsection:

“(b) By substituting any maximum allowance for any maximum allowance specified in that subsection.

15 “(4) Notwithstanding anything in subsection (1) of this section, where as a result of any amendment to that subsection made by an Order in Council under subsection (3) of this section the maximum allowance that may be paid to the Mayor of any borough is increased, the allowance of the 20 Mayor of that borough who is in office on the date on which that amendment comes into force may, by resolution of the Council passed within 6 months after that date, be increased once during his term of office.”

**10. How money to be withdrawn from bank**—Section 87 25 of the principal Act (as substituted by section 5 (1) of the Municipal Corporations Amendment Act 1964) is hereby amended by repealing subsection (1), and substituting the following subsection:

30 “(1) All money shall be paid by the Corporation in cash, or by cheque or other instrument signed by the Treasurer or the Deputy Treasurer or any other officer of the Council whom the Council, by resolution, from time to time appoints for the purpose of signing cheques and instruments, and countersigned in each case by any Councillor 35 whom the Council from time to time authorises to sign cheques and instruments:

40 “Provided that it shall be lawful in the case of any city, and with the prior consent of the Audit Office in any other case, for any money to be paid by the Corporation by cheque or other instrument signed as aforesaid and countersigned by any officer of the Council whom the Council, by resolution, from time to time appoints for that purpose.”

**11. Separate rate for sanitation purposes**—Section 102 of the principal Act is hereby amended by inserting, after subsection (3), the following subsections:

“(3A) Where in any year any such service to any land or building is commenced after an annual rate or fee in respect of that service has been levied, the Council may require payment by the ratepayer of such part of the rate or fee as is proportionate to the unexpired portion of the year, and the ratepayer shall be liable accordingly. 5

“(3B) Where any such service is supplied to a new building not valued in the valuation roll then in force, the valuer for the time being of the Council, under the Rating Act 1967, shall by writing under his hand fix for the purposes of any sanitation rate made and levied by the Council the value of the rateable property on which the building is erected, and the value so fixed shall be deemed to be the rateable value of the property for the purposes of that rate until a new rateable value of the property is entered on the valuation roll under the provisions of the Valuation of Land Act 1951 or, as the case may be, the Rating Act 1967. The Valuer-General may, if he so agrees, be appointed as the valuer for the purposes of this subsection.” 10 15 20

**12. Drainage rate**—Section 103 of the principal Act (as substituted by section 7 (1) of the Municipal Corporations Amendment Act 1968) is hereby amended by inserting, after subsection (3), the following subsections: 25

“(3A) Where in any year any land or building is connected, either directly or through a private drain, to a public drain after an annual rate or charge in respect of drainage has been levied, the Council may require payment by the ratepayer of such part of the rate or charge as is proportionate to the unexpired portion of the year, and the ratepayer shall be liable accordingly. 30

“(3B) Where any such connection is supplied to a new building not valued in the valuation roll then in force, the valuer for the time being of the Council, under the Rating Act 1967, shall by writing under his hand fix for the purposes of any drainage rate made and levied by the Council the value of the rateable property on which the building is erected, and the value so fixed shall be the rateable value of the property for the purposes of that rate until a new rateable value of the property is entered on the valuation roll under the provisions of the Valuation of Land Act 1951 or, as the case may be, the Rating Act 1967. The Valuer-General may, if he so agrees, be appointed as the valuer for the purposes of this subsection.” 35 40 45

13. **Consolidated special rates**—Section 108A of the principal Act (as inserted by section 10 (1) of the Municipal Corporations Amendment Act 1959) is hereby amended by omitting from subsection (1) the words “the whole district  
5 (in this section referred to as a consolidated special rate) on all rateable property within the district”, and substituting the words “the whole district or any defined portion or portions thereof (in this section referred to as a consolidated special rate) on all rateable property within the district or,  
10 as the case may be, within the defined portion or portions thereof”.

14. **Remuneration of Councillors**—(1) The principal Act is hereby further amended by repealing section 114A (as inserted by section 3 (1) of the Municipal Corporations  
15 Amendment Act 1962), and substituting the following section:  
“114A. The Council may pay to each Councillor, not being the Mayor of a borough or the Chairman of a town district, in respect of each meeting of the Council or of any committee thereof attended by him, remuneration at a rate fixed by the  
20 Council, not exceeding—

“(a) In the case of a Councillor who is the Chairman of any committee of the Council (not being an acting Chairman), \$8 in respect of each meeting of that committee attended by him as Chairman thereof  
25 and \$5 in respect of every other meeting of that committee or of the Council or of any other committee thereof attended by him:

“Provided that the total amount that may be paid under this paragraph to any Councillor in any financial year shall not exceed \$416:

“(b) In the case of any other Councillor, \$5 in respect of every meeting of the Council or of any committee thereof attended by him:

35 “Provided that the total amount that may be paid under this paragraph to any Councillor in any financial year shall not exceed \$260.”

(2) The following enactments are hereby consequentially repealed:

40 (a) Section 3 of the Municipal Corporations Amendment Act 1962:

(b) Section 3 of the Municipal Corporations Amendment Act 1970:

(c) Section 8 of the Municipal Corporations Amendment Act 1971.

**15. Council may establish special funds**—Section 143 of the principal Act (as substituted by section 3 of the Municipal Corporations Amendment Act 1972) is hereby amended by inserting in subsection (5), after the words “no longer attainable”, the words “or the purposes for which the fund was established are no longer to be carried out or are not likely to be carried out”. 5

**16. Council may require removal of scrub, etc., likely to constitute a fire hazard**—Section 267 of the principal Act is hereby amended by omitting from subsection (1) the words “The Council may, by notice in writing under the hand of the Mayor or Chairman, as the case may be, or the Town Clerk”, and substituting the words “The Town Clerk or other officer authorised by the Council may, by notice in writing”. 15

**17. Powers of Council in relation to public recreation and instruction**—(1) Section 305 of the principal Act is hereby amended by repealing subsections (1A), (1B), and (1C) (as inserted by section 18 (1) of the Municipal Corporations Amendment Act 1964), and substituting the following subsections: 20

“(1A) Without limiting the powers conferred on the Council by subsection (1) of this section, that subsection shall confer power on the Council to establish and maintain cabins, huts, and motels, and conveniences and amenities for use by persons occupying those cabins, huts, or motels, on any camping ground that is on land held by the Council for the purposes of a pleasure ground. 25

“(1B) Without limiting the generality of subsection (1A) of this section, the powers conferred by that subsection shall include power for the Council to provide or hire to or for the use of persons occupying any cabin, hut, or motel— 30

“(a) Toilet, kitchen, or bathroom facilities, for the exclusive use of the occupants of that cabin, hut, or motel, or for the use of those occupants in common with the occupants of other cabins, huts, or motels on the camping ground or persons occupying camping sites on the camping ground: 35

“(b) Services of a direct personal nature, whether by way of meals or food or otherwise: 40

“(c) Linen, blankets, crockery, cutlery, or cooking utensils.”

(2) Section 18 of the Municipal Corporations Amendment Act 1964 is hereby consequentially repealed.

**18. Inspection of licensed buildings**—Section 312 of the principal Act is hereby amended—

- 5 (a) By omitting from subsection (1) the words “in the case of any part of any district that is included in the district of an Urban Fire Authority, the Chief Fire Officer and any other officer appointed in that behalf by the Chief Fire Officer”, and  
10 substituting the words “any member of the fire service established under the Fire Services Act 1972 authorised to undertake fire safety inspections”:
- 15 (b) By omitting from subsection (2) the words “the Chief Fire Officer, or any other officer”, and substituting the words “or other person or member of the fire service”.

**19. Passages in and exits from licensed public buildings to be kept clear**—Section 313 of the principal Act is hereby  
20 amended—

- (a) By omitting from subsection (1) the words “the Chief Fire Officer, or any person authorised in that behalf by either of them”, and substituting the words  
25 “or any person authorised in that behalf by him, or a member of the fire service established under the Fire Services Act 1972 authorised to undertake fire safety inspections”:
- (b) By omitting from subsection (2) the words “Chief Fire Officer or other person as aforesaid”, and  
30 substituting the words “or other person or member of the fire service as aforesaid”.

**20. Cancellation or suspension of licence for public building**—Section 315 of the principal Act is hereby amended  
35 by inserting in subsection (1), after the words “in case of fire”, the words “or is being used in breach of the provisions of subsection (1) of section 313 of this Act or of any condition of the licence”.

**21. Council may acquire land for housing**—The principal Act is hereby further amended by repealing section 327, and substituting the following section:

“327 (1) The Council may from time to time purchase any area or areas of land, whether within or outside the district, for housing purposes. 5

“(2) The Council may from time to time take or otherwise acquire under the Public Works Act 1928 any area or areas of land within the district for housing purposes.

“(3) Subject to the provisions of section 18 of the Public Works Act 1928, land may be purchased or taken or otherwise acquired under this section whether or not there are buildings on the land.” 10

**22. Powers of Council when plan submitted for approval**—

(1) Section 351A of the principal Act (as enacted by section 28 (1) of the Municipal Corporations Act 1959) is hereby amended by repealing subparagraph (i) of paragraph (c) of subsection (1), and substituting the following subparagraph: 15

“(i) The owner make provision or further or other provision for the construction of streets or the making of reserves or the planting of trees; or” 20

(2) Section 351A of the principal Act (as so enacted) is hereby further amended by adding to paragraph (c) of subsection (1) (as amended by section 9 (2) of the Municipal Corporations Amendment Act 1961) the following subparagraph: 25

“(iv) The owner make provision or further or other provision for the preservation of the natural landscape, trees, or areas of trees or bush, or buildings or sites of historic or archaeological interest; or” 30

(3) Section 351c of the principal Act (as substituted by section 26 (1) of the Municipal Corporations Amendment Act 1964) is hereby amended by inserting, after subsection (2), the following subsection: 35

“(2A) Where under paragraph (c) of subsection (1) of section 351A of this Act the Council requires that the owner make provision for the planting of trees or for the preservation of the natural landscape, trees, or areas of trees or bush, or buildings or sites of historic or archaeological interest, any amount that is payable to the Council under the provisions of paragraph (a) of subsection (1) or subsection (2) of this section shall be reduced by such amount as the Council determines as being the value of any area of land to be set aside (otherwise than as reserves or as land to be vested in the Corporation) for the purpose of complying with the Council’s requirement.”

**23. Council may purchase and develop land for commercial or industrial purposes**—(1) Section 365A of the principal Act (as inserted by section 31 of the Municipal Corporations Amendment Act 1964) is hereby amended by repealing the proviso to subsection (2).

(2) Section 365A of the principal Act (as so inserted) is hereby further amended by repealing subsection (7A) (as inserted by section 35 of the Municipal Corporations Amendment Act 1968), and substituting the following subsection:

“(7A) The provisions of subsections (3) to (7) of this section shall apply with respect to any land owned for the time being by the Corporation for the general purposes of the district and not for any particular purpose, as if the land had been purchased under the provisions of subsection (2) of this section.”

(3) Section 35 of the Municipal Corporations Amendment Act 1968 is hereby consequentially repealed.

**24. Metric conversions of bylaws**—(1) Notwithstanding anything in section 392 of the principal Act or in any other Act, the Council may, by resolution, amend any bylaw made by the Council under the principal Act or any other Act by converting into its metric equivalent or near metric equivalent any Imperial weight or measure specified in the bylaw:

Provided that where under this subsection any Imperial weight or measure is converted into its near metric equivalent, no person shall be subject to any liability which is greater than that to which he would have been subject if the weight or measure had been converted into its metric equivalent.

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(2) For the purposes of this section—

(a) The metric equivalent of any Imperial weight or measure shall be that shown in respect of that weight or measure in New Zealand Standard Specification NZS 6502 : 1972: 5

(b) Any metric weight or measure shall be deemed to be a near equivalent of an Imperial weight or measure if it does not differ by more than 10 percent from the metric equivalent of that Imperial weight or measure. 10

(3) Notwithstanding anything in subsection (1) of this section, anything done before the coming into force of any amendment made to any bylaw pursuant to that subsection which was valid when it was done shall not be invalidated by reason of that amendment. 15

(4) Notwithstanding anything in the principal Act or any other Act, where under any provision of the principal Act or of any other Act any bylaw made by the Council does not have effect unless it is consented to or approved by any Minister, any amendment of that bylaw duly made pursuant to subsection (1) of this section shall have effect according to its tenor, and the consent or approval of that Minister to the amendment shall not be necessary. 20

(5) Where under any provision of the principal Act or of any other Act any bylaw made by the Council does not have effect unless it is consented to or approved by any Minister, any bylaw amending that bylaw by converting any Imperial weight or measure into a metric weight or measure shall have effect, according to its tenor, without the consent or approval of that Minister, if the conversion is made in accordance with a scale of conversion recommended in any publication of the Standards Association of New Zealand that has been approved, so far as it relates to the recommended scale of conversion of that Imperial weight or measure, by that Minister by notice in the *Gazette*. 25 30 35

**SCHEDULE**

**AMENDMENTS OF PRINCIPAL ACT Section 7 (1)**

Section or Part Amended	Amendment
Section 45 .....	By omitting from subsection (1) (as substituted by section 2 (1) of the Municipal Corporations Amendment Act 1970) the words "out of the district fund".
Section 48 .....	By omitting from subsection (1) the words "out of the District Fund".
Part VIII .....	By omitting the heading to this Part, and substituting the following heading: "GENERAL REVENUES".
Section 86 .....	By repealing subsection (3), and substituting the following subsection: "(3) Except as provided in the Local Authorities Loans Act 1956 in respect of money raised by way of special loan, all money comprising general revenues of the district shall be paid into an account at the bank to be called 'the General Bank Account'."
Section 120c (as inserted by section 8 of the Municipal Corporations Amendment Act 1968)	By omitting from subsection (1) the words "separate bank account", and substituting the words "special fund account". By omitting from subsection (3) the words "District Fund Account of the Council to the credit of the General Account", and substituting the words "General Bank Account to the credit of the General and Separate Rates and General Appropriations Account".
Section 121 .....	By omitting from paragraph (b) of subsection (1) the words "District Fund", and substituting the words "general revenues of the district".
Section 123 .....	By omitting from the second proviso the words "General Account", and substituting the words "General and Separate Rates and General Appropriations Account".
Section 140 .....	By omitting from subsection (5) the words "Profit and Loss Account", and substituting the words "Operations Account".
Section 142 .....	By repealing this section.
Section 143 (as substituted by section 3 of the Municipal Corporations Amendment Act 1972)	By omitting from subsection (5) the words "General Account", and substituting the words "General and Separate Rates and General Appropriations Account".

SCHEDULE—*continued*AMENDMENTS OF PRINCIPAL ACT—*continued*

Section or Part Amended	Amendment
Section 177B (as inserted by section 5 of the Municipal Corporations Amendment Act 1959)	By omitting from subsection (3) and also from subsection (4) the words "General Account", and substituting in each case the words "general revenues of the district".
Section 178c (as inserted by section 19 of the Municipal Corporations Amendment Act 1971)	By omitting from subsection (5) and also from subsection (6) the words "General Account", and substituting in each case the words "general revenues of the district".
Section 294 .....	By omitting the words "District Fund", and substituting the words "general revenues of the district".
Section 339 .....	By omitting from subsection (3) the words "General Account", and substituting the words "general revenues of the district". By omitting from subsection (4) the words "to the General Account any money paid thereout", and substituting the words "general revenues expended by the Council".
Section 351c (as substituted by section 26 (1) of the Municipal Corporations Amendment Act 1964)	By omitting from subsection (4) the words "paid into a separate account", and substituting the words "credited to a special fund account".