

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence:

House of Representatives,

29th September, 1949.

Mr. Sutherland

THAMES BOROUGH COUNCIL EMPOWERING

[LOCAL BILL]

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A BILL INTITULED

AN ACT to Enable the Thames Borough Council to Make and Levy Rates on Behalf of the Hauraki Catchment Board Each Year at the Same Time as it Makes and Levies the Borough Rates and Also to Remove the Trust Provisions and Mining Reservations in Respect of Certain Lands Now Vested in the Thames Borough Council and to Prevent the Granting of Mining Privileges Over the Surface of Such Lands Under the Provisions of the Mining Act, 1926, and to Empower the Council to Dispose of Part of Such Lands.

WHEREAS the Borough of Thames is a constituent district of the Hauraki Catchment District: And whereas the Hauraki Catchment Board, pursuant to section ninety-five of the Soil Conservation and Rivers

2. *Thames Borough Council Empowering*

Control Act, 1941, may by special order direct the Thames Borough Council to make and levy rates on behalf of the Hauraki Catchment Board: And whereas the Hauraki Catchment Board is unable to notify the Thames Borough Council until the month of May in each rating year the amount of the rates to be made and levied for that year: And whereas the Council, pursuant to section nineteen of the Local Legislation Act, 1947, and section fifteen of the Thames Borough Commissioner Amendment Act, 1934, demands the borough rates prior to receiving the notice from the Hauraki Catchment Board: And whereas it is expedient that the Thames Borough Council be empowered at the same time as it makes and levies the borough rates for any rating year to make and levy any rates directed by the Hauraki Catchment Board to be made and levied by the Thames Borough Council on behalf of the Hauraki Catchment Board: And whereas by the certificate of title mentioned in the Schedule to this Act the Thames Harbour Board was seized of an estate in fee-simple in, *inter alia*, the lands described in that Schedule in trust for the improvement and maintenance of the harbour of the Port of Thames and the construction and maintenance of such harbour-works at the said port as might be deemed advisable by the said Board: And whereas the said lands, pursuant to section five of the Thames Harbour Act, 1936, are now vested in the Corporation of the Borough of Thames: And whereas the necessity for the improvement and maintenance of the harbour of the Port of Thames and the construction and maintenance of such harbour-works at the said port has now ceased to exist:

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

Short Title.

1. This Act may be cited as the Thames Borough Council Empowering Act, 1949.

Authority to make and levy rates on behalf of the Hauraki Catchment Board.

2. (1) Notwithstanding anything contained in the Soil Conservation and Rivers Control Act, 1941, the Hauraki Catchment Board may in respect of any rating year, by resolution, direct the Thames Borough Council to make and levy on behalf of the Board any rate that may be made and levied by the Board under that Act. Any such resolution may be passed notwithstanding

that the Board has not at the time of the resolution made and levied any such rate, and it shall not be necessary for the amount of any such rate to be fixed in the resolution.

5 (2) Where notice in writing of any resolution under subsection *one* of this section is received by the Thames Borough Council, it shall, when making and levying the borough rates in respect of the rating year specified in the resolution, make, levy, and collect on behalf of the
10 Board every rate referred to in the resolution:

Provided that where in respect of any such rate a maximum amount is prescribed by the said Act, the rate so made, levied, and collected by the Council shall not exceed the maximum amount so prescribed.

15 (3) Every rate made and levied by the Thames Borough Council pursuant to this section shall be deemed to have been lawfully made and levied in all respects as if it had been made and levied pursuant to a direction contained in a special order under section
20 ninety-five of the Soil Conservation and Rivers Control Act, 1941, and in so making and levying the rate the Council shall be deemed to have complied with any such special order made by the Hauraki Catchment Board, in respect of that rating year, after the passing of the
25 resolution referred to in this section.

3. (1) From the date of the passing of this Act no mining privilege shall, without the prior consent of the Thames Borough Council, be granted or created under the provisions of the Mining Act, 1926, over the surface
30 of any part of the land described in the Schedule to this Act or within a distance of fifty feet from the surface of that part, so long as that part continues to be vested in the Council.

Preventing granting of mining privileges over the surface of such land.

35 (2) The District Land Registrar shall enter on the register and on every certificate of title issued to the Council in respect of the said land a memorandum stating that the reservations as to minerals therein are subject to the provisions of this section.

4. From the date of the passing of this Act, on
40 application by the Thames Borough Council and without payment of any fee, the District Land Registrar shall remove the trust provisions from certificate of title, Volume 275, folio 175, Auckland Registry, in so far as that title relates to the land described in the Schedule
45 hereto.

Authority for District Land Registrar to remove trust provisions from title.

Power to sell
or lease
lands held on
trust and to
apply proceeds
for Council
purposes.

5. The Thames Borough Council is hereby empowered from time to time to sell, transfer, lease, or let the whole or any portion or portions of the land described in the said Schedule and from time to time to use and apply all or any of the proceeds arising from any such sale, transfer, lease, or letting for any purposes of the Thames Borough Council: 5

Provided that no portion of the said land situated below high-water mark shall be so sold or transferred except with the prior consent of the Minister of Marine: 10

Provided also that nothing in this section shall derogate from the provisions of the Servicemen's Settlement and Land Sales Act, 1943.

Application of
Municipal
Corporations
Act, 1933.

6. The powers conferred by this Act on the Thames Borough Council are additional to those conferred by the Municipal Corporations Act, 1933, and the provisions of that Act shall, so far as the same are applicable, apply to the exercise by the Thames Borough Council of the powers hereby conferred as if the powers hereby conferred had been conferred by that Act. 15 20

Act to bind
the Crown.

7. This Act shall bind the Crown.

Schedule.

SCHEDULE

ALL that parcel of land in the Borough of Thames situated in Block IV, Thames Survey District, containing by admeasurement 110 acres, more or less, being Pukehinau No. 1 Block, part of the Kauaeranga No. 28A Block, and parts of the Moanataiari No. 1A, No. 2A, and No. 3 Blocks, and being part of the land described in certificate of title, Volume 275, folio 175 (Auckland Registry), bounded as follows: commencing at the south-eastern corner of Pukehinau No. 2 Block (known as Opitomoko Block); thence in a south-easterly direction generally by the Tararu Road to the north-eastern corner of Lot 2 on Deposited Plan 33184; thence in a westerly direction by the northern boundary of Lot 2 on Deposited Plan 33184; thence in a southerly direction by the western boundaries of Lots 2 and 1 on Deposited Plan 33184, the land described in certificate of title, Volume 851, folio 80, and Lots 1 and 2 on Deposited Plan 34797; thence in an easterly direction by the southern boundary of Lot 2 on Deposited Plan 34797; thence in a southerly direction again by the Tararu Road to the northern corner of Lot 2 on Deposited Plan 33502; thence

in a south-westerly direction by the north-western boundary of Lot 2 on Deposited Plan 33502; thence in a westerly direction by the northern side of Burke Street and its production to its intersection with the south-western boundary of Moanataiari No. 1A Block; thence in a north-westerly direction by the south-western boundaries of Moanataiari No. 1A Block and Pukehinau No. 1 Block; thence in a north-easterly direction by the south-eastern boundary of Pukehinau No. 2 Block (known as Opitomoko Block) to the point of commencement. As the same is more particularly delineated on a plan lodged in the office of the Chief Surveyor at Auckland under Number 34540 and thereon edged red, and on a plan marked M.D. 8777 deposited in the office of the Marine Department at Wellington and thereon coloured brown.