

TAUPO COUNTY BILL

EXPLANATORY NOTE

THE County of Taupo was constituted by section 14 (1) of the Waikato and King Country Counties Act 1921-22, but the Counties Act 1920 is not in force in that county. The purpose of this Bill is to bring that Act into force in the county and provide for the establishment of local government in the county pending the first election of a County Council. The first election of Councillors is to be postponed, and pending that election the county will be administered by a County Commissioner.

Clause 3 declares that the Counties Act 1920 shall be in force in the county.

Clause 4 provides that the Governor-General may divide the county into ridings.

Clause 5 provides that the first election of Councillors is not to be held until a date to be appointed by Order in Council. The number of members for each riding is to be fixed in the Order in Council fixing the date for the first election or in a subsequent Order in Council.

Clause 6 authorizes the appointment of a County Commissioner pending the coming into office of members of the County Council elected at the first election thereof.

Clause 7 provides that the County Commissioner is to have all the powers and shall perform all the duties of a County Council and of the Chairman thereof, and, while there is no County Clerk, is to have all the powers and perform all the duties of the County Clerk.

Clause 8 provides that the Commissioner is not to be personally liable for anything done or omitted in the exercise of his powers except in the cases in which the Chairman or a Councillor of a county would be personally liable.

Clause 9 provides that on the first election of members of the County Council the property, rights, powers, obligations, and liabilities of the Commissioner will vest in the Council.

Clauses 10 to 12 prescribe the method of making resolutions and special orders by the Commissioner, the signing of cheques, and the execution and authentication of documents.

Clause 13 requires an advisory committee of residents or ratepayers to be appointed for the county to advise the Commissioner on matters relating to the administration of the county. The committee is to consist of one or more representatives of each riding appointed from a panel selected at public meetings of residents and ratepayers in the ridings.

Clause 14 provides for the granting of temporary assistance to the Commissioner until the revenue from rates and other sources is sufficient for the administration of the county. That assistance may be provided in the form of advances from the Consolidated Fund or a State guarantee of money borrowed by the Commissioner.

Clause 15 provides for the remuneration of the Commissioner, and *clause 16* preserves the service rights of any employee of the Crown and the superannuation rights of any employee of a local authority who is appointed to be the Commissioner.

Hon. Sir William Bodkin

TAUPO COUNTY

ANALYSIS

Title.	9. Rights, liabilities, etc., of Commissioner to vest in or bind County Council.
1. Short Title and commencement.	10. Resolutions and special orders.
2. Interpretation.	11. Signing of cheques.
3. Counties Act 1920 to be in force in County of Taupo.	12. Execution of contracts and authentication of documents.
4. Ridings.	13. Advisory committee.
5. Postponement of first election.	14. Advances to Commissioner.
6. Appointment of County Commissioner.	15. Remuneration and expenses of Commissioner.
7. General powers of Commissioner.	16. Service rights and superannuation rights of Commissioner.
8. Commissioner not personally liable.	

A BILL INTITULED

AN ACT to bring the Counties Act 1920 into force in the County of Taupo, and to provide for the establishment of local government in that county. Title.

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

1. (1) This Act may be cited as the Taupo County Act 1954. Short Title and commencement.

10 (2) This Act shall come into force on a day to be appointed for the commencement thereof by the Governor-General by Proclamation.

- Interpretation. 2. In this Act, unless the context otherwise requires,—
 “Commissioner” means the Taupo County Commissioner appointed under this Act; and includes any person for the time being authorized to act as the Commissioner: 5
- “County” means the County of Taupo:
- “Minister” means the Minister of Internal Affairs.
- Counties Act 1920 to be in force in County of Taupo. See Reprint of Statutes, Vol. V, p. 180. 3. (1) As from the commencement of this Act, but subject to the provisions of this Act, the Counties Act 1920 shall be in force in the county. 10
- (2) Section six of the Counties Act 1920 (as amended by subsection two of section fourteen of the Waikato and King Country Counties Act 1921–22) is hereby further amended by omitting the word “Taupo”.
- 1921–22, No. 64. (3) Subsection two of section fourteen of the Waikato and King Country Counties Act 1921–22 is hereby repealed. 15
- Ridings. 4. The Governor-General may, by Order in Council, divide the county into such number of ridings not exceeding twelve, with such names and boundaries, as he thinks fit. 20
- Postponement of first election. See Reprint of Statutes, Vol. V, p. 180 1953, No. 16. 5. (1) Notwithstanding anything in the Counties Act 1920 or in the Local Elections and Polls Act 1953, the first election of members of the County Council shall not be held until a date to be appointed by the Governor-General by Order in Council. 25
- (2) By the Order in Council appointing the date for the first election of members of the County Council, or by a subsequent Order in Council, the Governor-General—
- (a) Shall fix the number of members to be elected for each riding in accordance with the provisions of section eleven of the Counties Act 1920: 30
- (b) May make such provision as he thinks necessary for the holding of that election. 35
- Appointment of County Commissioner. 6. (1) The Governor-General may from time to time, by Warrant, appoint a Commissioner for the county, to be known as the Taupo County Commissioner.
- (2) Subject to the provisions of subsection *three* of this section, the Commissioner so appointed shall continue in office until the members of the County Council elected at the first general election of members of the Council held after his appointment come into office. 40

(3) The Commissioner may be at any time removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct; or he may at any time resign his office by writing addressed to the
 5 Minister. In any such case, or in the event of the death of the Commissioner, the Governor-General may, by Warrant, appoint any other person to be the Commissioner, to hold office for the remainder of the period specified in subsection *two* of this section, and
 10 pending the making of that appointment the County Clerk, or such other person as the Minister appoints, shall act as Commissioner, and while so acting shall be deemed to be the Commissioner.

(4) In case of the illness, absence, or temporary incapacity of the Commissioner (from whatever cause arising), and so long as the illness, absence, or temporary incapacity continues, the Minister may authorize the County Clerk, or may appoint some other person, to act as Commissioner, and while so acting the County Clerk
 15 or other person shall be deemed to be the Commissioner.

7. (1) Subject to the provisions of this Act, the Commissioner may exercise any power, and shall perform all the duties and have all the functions and be subject to all the liabilities, conferred or imposed on the
 20 County Council of the county by the Counties Act 1920 or by any other Act or by any instrument or otherwise.

General powers of Commissioner.
 See Reprint of Statutes, Vol. V, p. 180

(2) The Commissioner may exercise any power, and shall perform all the duties, conferred or imposed by any Act upon the Chairman of the county.

30 (3) Where at any time there is no County Clerk, the Commissioner may exercise any power, and shall perform all the duties, conferred or imposed by any Act upon the County Clerk.

(4) Any reference in any Act to the local authority of any district shall, in relation to the county, be deemed, while a Commissioner for the county is appointed under this Act, to be a reference to the Commissioner.

8. The Commissioner shall not be personally liable in respect of anything done or omitted to be done in the
 40 performance or intended performance of his obligations under this Act, except in the cases in which and to the extent to which the Chairman or any Councillor of a county would be personally liable in respect of the same matter.

Commissioner not personally liable.

Rights,
liabilities, etc.,
of
Commissioner
to vest in or
bind County
Council.

9. All property, rights, powers, authorities, claims, obligations, liabilities, contracts, and engagements of the Commissioner shall, on the date when the members of the County Council elected at the first election of members of the County Council come into office, be the property, rights, powers, authorities, claims, obligations, liabilities, contracts, and engagements of the Corporation or the Council of the county, as the case may require, and shall be enforceable by or against the Corporation or Council of the county, as the case may be. 5 10

Resolutions
and special
orders.

10. (1) Any power given to the County Council of the county to do anything by resolution may be exercised by the Commissioner by a special entry in the minute book kept by the Commissioner. 10

(2) Any power given to the County Council of the county to do anything by special order may be exercised by the Commissioner by a special entry in the minute book kept by the Commissioner, signed by the Commissioner and confirmed by a similar entry made not sooner than the twenty-eighth day and not later than the forty-second day after the date of the special entry. Public notice of the purport of every such special entry and of the date fixed for its confirmation shall be given twice during the period of twenty-eight days immediately preceding that date, with an interval of not less than fourteen days between the two notifications. 15 20 25

Signing of
cheques.

11. All cheques drawn on any bank account of the Commissioner shall be signed by the Commissioner and the County Clerk or Treasurer or, where no County Clerk or Treasurer is appointed, by the Commissioner alone. 30

Execution of
contracts and
authentication
of documents.

12. (1) Where the Commissioner is authorized to enter into any contract or to sign any instrument or document of any kind, that authority may be exercised in the following manner:

(a) Where the contract or instrument or document is required to be by deed or in writing under seal, it shall be exercised in writing under the seal of the Corporation of the County and signed by the Commissioner with his personal name with the addition of his official title in the presence of one or more witnesses: 35 40

(b) Where the contract or instrument or document is required to be in writing but is not required to be by deed or in writing under seal, it shall be signed by the Commissioner in his personal name with the addition of his official title.

5 (2) Every order, notice or other such document requiring authentication by the County Council of the county may be signed by the Commissioner or by the County Clerk, or, where there is no County Clerk, by
10 some other officer authorized for the purpose by the Commissioner, and need not be under seal.

13. (1) As soon as practicable after the appointment of the Commissioner there shall be appointed in accordance with this section an advisory committee for the
15 county. Advisory committee.

(2) The Commissioner may exercise his powers and functions under this Act, notwithstanding that there may for the time being be no advisory committee.

(3) The advisory committee shall consist of such
20 number of residents or ratepayers of the county (being at least one for each riding) as the Commissioner appoints from a panel of names chosen at one or more public meetings of residents and ratepayers of each riding convened by the Commissioner and conducted in a manner
25 determined by the Commissioner.

(4) Every member of the advisory committee shall hold office for two years, but may at any time be removed from office by the Commissioner for disability, neglect of duty, or misconduct, or he may at any time resign his
30 office by writing addressed to the Commissioner.

(5) On the occurrence from any cause of a vacancy in the advisory committee, the vacancy may be filled by the Commissioner in such manner as he thinks fit.

(6) The advisory committee may advise the Commissioner on any matter relating to the administration of the county.
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(7) Subject to any resolution of the Commissioner regulating the proceedings of the advisory committee, the advisory committee may regulate its own proceedings.

40 (8) There may be paid out of the County Fund to the members of the advisory committee attending meetings of the committee called by the Commissioner or travelling on the business of the county with the authority of the Commissioner travelling allowances and expenses

1951, No. 79

in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly as if the members of the committee were members of a statutory Board within the meaning of that Act.

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Advances to
Commissioner.

14. (1) For the purpose of providing sufficient funds for the administration of the county until the revenue from rates and other sources is sufficient for the purpose,—

(a) The Minister of Finance may from time to time advance to the Commissioner out of the Consolidated Fund, without further appropriation than this section, such amounts as he thinks fit upon and subject to such terms and conditions as he thinks fit:

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(b) The Minister of Finance may from time to time, on behalf of the Crown, guarantee the repayment of any money borrowed by the Commissioner by way of bank overdraft or otherwise and the payment of interest on any money so borrowed.

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Remuneration
and expenses
of
Commissioner.

15. (1) The Commissioner shall be paid such remuneration, allowances, and expenses as the Minister of Finance determines from time to time.

(2) All payments under subsection *one* of this section shall be made out of the General Account.

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Service rights
and
superannuation
rights of
Commissioner.

16. (1) In the event of any person being appointed to be the Commissioner while he is an officer of or is employed in any branch of the Government service he shall, while he holds that appointment, be deemed to have been granted leave of absence from the branch of the Government service in which he was so employed immediately before his appointment as the Commissioner, and shall, while he holds that appointment and on the termination of that appointment, have the same rights in relation to employment in the Government service as if he had been granted such leave of absence.

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(2) In the event of any person being appointed to be the Commissioner while he is an employee of any local authority which is a contributor to the National Provident Fund on his behalf, his service as the Commissioner shall be deemed for the purposes of the National Provident Fund Act 1950 to be permanent employment by the County Council of the county.

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1950, No. 55