

Supplementary Order Paper.

HOUSE OF REPRESENTATIVES.

Wednesday, the 4th Day of November, 1931.

LOCAL LEGISLATION BILL.

NEW clauses proposed by His Excellency the Governor-General:—

To insert, under the heading "*City and Borough Councils*", the following new clauses:—

Validating agreement as to Eastbourne Borough Water-supply, and authorizing the raising of a loan.

19A. Whereas in pursuance and exercise of the powers conferred upon it by section twenty-two of the Health Act, 1920, the Board of Health, by requisition under its seal dated the thirteenth day of September, nineteen hundred and twenty-nine, required the Eastbourne Borough Council to provide within its district drainage-works, sewerage-works, and waterworks for the purpose of affording drainage and water-supply to the Borough of Eastbourne: And whereas a large sum of money has been spent in an endeavour to find water in the said borough to enable the erection of waterworks for the supply to the said borough of water for domestic, trade, and other purposes, but such endeavour was unsuccessful: And whereas, for the purpose of complying with such requisition, the Eastbourne Borough Council (hereinafter called the purchaser) approached the Lower Hutt Borough Council (hereinafter called the vendor) with a request to supply the purchaser with water, which the vendor agreed to do: And whereas, by an agreement dated the fifth day of October, nineteen hundred and thirty-one, made between the vendor of the one part and the purchaser of the other part, the vendor agreed to supply to the purchaser and the purchaser to take from the vendor water for domestic, trade, and public purposes for a term of fifteen years from the first day of March, nineteen hundred and thirty-two, upon the conditions set out in the said agreement: And whereas it is expedient that such agreement should be validated: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in section two hundred and forty-nine of the Municipal Corporations Act, 1920, the said agreement is hereby validated and confirmed as from the date of execution thereof.

(2) The Lower Hutt Borough Council may, without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926, raise by special order a loan for the purposes of the construction of all or any of the works required in terms of the said agreement to be constructed by that Council, including the acquisition of all lands and easements required in connection therewith.

Authorizing Foxton Borough Council to continue to levy for four years the Gasworks Loan special rate, and to repay overdraft.

19B. Whereas the Foxton Borough Council (hereinafter referred to as the Council) pursuant to a proposal carried by the ratepayers of the borough on the sixth day of October, nineteen hundred and ten, raised a loan of eleven thousand pounds, known and hereinafter referred to as the Gasworks Loan, for the purchase of certain land, gasworks, and plant in the borough, and the Council duly made and levied a special rate of twopence and fifteen-sixteenths of a penny in the pound, known as the Gasworks Loan special rate, on the rateable property in

the Borough of Foxton for the purpose of securing the payment of interest and providing a sinking fund in respect of the Gasworks Loan : And whereas the date of maturity of the Gasworks Loan was the fourteenth day of December, nineteen hundred and thirty-one, but the said special rate levied by the Council provided a sinking fund of only seven thousand six hundred and thirty-four pounds six shillings and twopence, leaving a deficiency of three thousand three hundred and sixty-five pounds thirteen shillings and tenpence in the amount required to repay the Gasworks Loan : And whereas, in order to take advantage of the unusually favourable rate of exchange, the Council repaid the Gasworks Loan on the thirtieth day of June, nineteen hundred and thirty-one, and by so doing effected a saving of one thousand seven hundred and sixty-two pounds seventeen shillings and ninepence, thus reducing the said deficiency to the net amount of one thousand six hundred and two pounds sixteen shillings and one penny : And whereas the Council borrowed the amount of such net deficiency from its bankers on overdraft in the mistaken belief that it was legally empowered under the Local Bodies' Loans Act, 1926, at any time prior to the date of maturity of the Gasworks Loan, to raise a renewal loan for the purpose of repaying so much of the principal of the Gasworks Loan as was not provided by the Accumulated Sinking Fund in respect thereof, and that such renewal loan could be applied in repaying to its bankers the amount borrowed on overdraft as aforesaid : And whereas it is expedient to authorize the Council to continue to levy the Gasworks Loan special rate, or so much thereof as shall be necessary to repay to its bankers the amount borrowed as aforesaid, together with interest, for a period of four years, commencing on the first day of April, nineteen hundred and thirty-two : Be it therefore enacted as follows :—

The Council is hereby authorized to levy and collect the Gasworks Loan special rate for a period not exceeding four years, commencing on the first day of April, nineteen hundred and thirty-two, for the purpose of repaying to its bankers the said sum of one thousand six hundred and two pounds sixteen shillings and one penny borrowed as aforesaid, together with interest thereon at the rate charged to the Council by its bankers for overdrafts. The said sum shall not be deemed to have been borrowed under the power conferred by section three of the Local Bodies' Finance Act, 1921-22.

19c. Whereas the Birkenhead Borough Council is the holder of a fund of six hundred and thirty-seven pounds voluntarily contributed and raised by the ratepayers and residents of the borough for the purpose of assisting the Borough Council in the establishment of a municipal fire brigade and the provision of fire-fighting appliances and equipment for the Borough of Birkenhead : And whereas the district of the said borough was declared to be a fire district under the provisions of the Fire Brigades Act, 1926, before any part of the said fund was expended by the Borough Council for the said purposes, and the Council thereupon ceased to have authority in law to provide fire-fighting appliances and establish a fire brigade in such district : And whereas it was always intended by the contributors of the said fund that the money raised should be used in relief of or towards payment of additional rates which would otherwise have to be provided by the ratepayers of the district for the purpose, and it is expedient that the Borough Council should have power to apply such moneys accordingly : Be it therefore enacted as follows :—

Notwithstanding anything to the contrary in any Act, the Birkenhead Borough Council is hereby empowered and authorized, and shall be deemed to have been authorized, to use and expend the afore said fund and any accretion thereto in or towards payment of the contributions from time to time due or to become due from the said Council to the Birkenhead Fire Board by way of levy under the provisions of section twenty-six of the Fire Brigades Act, 1926.

Authorizing the Birkenhead Borough Council to pay annual levies made by the Birkenhead Fire Board out of moneys contributed and raised to aid in establishing a local fire brigade.

Special provision
respecting leases
granted by
Auckland
City Council.

19D. Whereas the Auckland City Council (hereinafter referred to as the Council) has for some time past granted leases under its leasing-powers contained in section one hundred and fifty-three of the Municipal Corporations Act, 1920 (hereinafter referred to as the said Act), and the corresponding sections of the earlier Municipal Corporations Acts since repealed: And whereas the said leases contain a provision that the valuation required by the said section one hundred and fifty-three shall be made in manner provided by section one hundred and fifty-four of the said Act: And whereas difficulties have arisen in obtaining a unanimous agreement as to the valuation by the three independent persons mentioned in the said section one hundred and fifty-four: Be it therefore enacted as follows:—

(1) In every lease granted by the Council containing a provision that any valuation thereunder shall be made in manner provided by section one hundred and fifty-four of the said Act it shall be lawful for the Council to require such valuation to be made by two arbitrators, one to be appointed by the Corporation and the other by the lessee, his executors, administrators, or assigns, and such arbitrators may appoint an umpire.

(2) Where not otherwise inconsistent with the context of any such lease, the provisions of the Arbitration Act, 1908, shall apply in respect of every such valuation.

(3) It shall be lawful for the Council to require a valuation to be made pursuant to this section in all cases where no valuation has been made or where an attempt at fixing a valuation has proved abortive.

(4) This section shall continue in force until the thirty-first day of March, nineteen hundred and thirty-four, and no longer.

19E. Whereas the Auckland City Council (hereinafter referred to as the Council) was recently authorized to raise a loan of one hundred and ninety-eight thousand six hundred pounds for the purpose of redeeming a portion of the outstanding liability in respect of a loan of three hundred and ten thousand two hundred pounds maturing on the first day of January, nineteen hundred and thirty-one: And whereas it was anticipated that surplus sinking funds of a consolidated loan of eighteen hundred and seventy-nine pounds would also be available for redemption of debentures issued in respect of the maturing loan: And whereas the surplus sinking fund has been very considerably reduced by the decision of the Sinking Fund Commissioners to write down the values of the securities when transferring such securities to sinking funds on other City Council loans: And whereas, in order to complete the repayment of the maturing loan the Council has been compelled to provide additional money from its District Fund: Be it therefore enacted as follows:—

(1) The Council may by special order raise the sum of nine thousand pounds by way of special loan under the provisions of the Local Bodies' Loans Act, 1926, but without taking the steps described in sections nine to thirteen of that Act, and may pay the proceeds of such special loan into its District Fund.

(2) The Council shall make a special rate on all rateable property in the City of Auckland as security for the interest and other charges in respect of the said loan, of nine thousand pounds, and such special rate may be levied as part of the special rate made and levied in respect of the said loan of one hundred and ninety-eight thousand six hundred pounds, or may be levied in addition to the said special rate.

Authorizing
Auckland
City Council
to raise a
special loan of
£9,000.

To insert, under the heading "*Harbour Boards*", the following new clause:—

Extending purposes for which certain loan-moneys may be used by Bluff Harbour Board.

24A. Whereas the Bluff Harbour Board (hereinafter referred to as the Board) having been empowered to reclaim from the waters of Bluff Harbour the land described in the First and Second Schedules to the Bluff Harbour Reclamation and Leasing and Empowering Act, 1929, desires to borrow money for the purpose of constructing reclamation walls required in order to effect such reclamation and for the purpose of constructing streets, railway-lines, sewers, drains, and water-pipes upon and in such land when reclaimed: And whereas the Board, having been authorized by the Bluff Harbour Foreshore Reclamation and Leasing and Borrowing Act, 1902, and the Bluff Harbour Improvements Act, 1915, to borrow amounts not exceeding the sums of fifty thousand pounds and one hundred thousand pounds respectively, has borrowed only parts of such sums: And whereas it is doubtful whether the Board is authorized to expend any money borrowed under the authority of either of the last-mentioned Acts for the purposes hereinbefore mentioned: And whereas it is desirable that the Board should be so authorized: Be it therefore enacted as follows:—

The Board is hereby authorized to apply any moneys heretofore borrowed or that may hereafter be borrowed by it under the authority of the Bluff Harbour Foreshore Reclamation and Leasing and Borrowing Act, 1902, or of the Bluff Harbour Improvements Act, 1915, in doing all or any of the following things (in addition to those mentioned in those Acts), namely:—

- (a) Constructing walls in Bluff Harbour for the purpose of enabling the carrying-out of the reclamation of the areas described in the First Schedule to the Bluff Harbour Foreshore Reclamation and Leasing and Borrowing Act, 1902, and the areas described in the First and Second Schedules to the Bluff Harbour Reclamation Leasing and Empowering Act, 1929:
- (b) Paying preliminary expenses, royalties, and other charges and expenses incidental to the carrying-out of such reclamation:
- (c) Erecting buildings and other structures, and purchasing plant, equipment, and material required in connection with the carrying-out of such reclamation:
- (d) Constructing streets, railway-lines, sewers, drains, and pipes for providing a supply of water upon and in the land so reclaimed.

To insert, under the heading "*Drainage and River Boards*", the following new clause:—

Purchase of drag-line excavator by instalments by Taieri River Trust.

35A. Whereas the Taieri River Trust has purchased a drag-line excavator for the sum of two thousand one hundred and forty pounds, payable in instalments extending over three financial years: And whereas the instalments payable during the first two years of the said period of three years have been duly paid and the Trust finds that it is necessary to enter into fresh negotiations to permit it to make such arrangements for payment of the balance of the purchase-money as will be in keeping with its present financial position: Be it therefore enacted as follows:—

(1) The purchase by the Taieri River Trust of the said drag-line excavator, involving payment for the same by instalments, is hereby validated.

(2) It shall be lawful for the Taieri River Trust to enter into such arrangements as it deems expedient as to payment by instalments of the balance of purchase-money now due and owing in respect of the said drag-line excavator, and to make payments in accordance with such arrangements.

To insert, under the heading "*Affecting Two or more Classes of Local Authorities*", the following new clauses:—

Agreement between Northcote Borough Council and Birkenhead Fire Board for protection of Birkenhead from fire.

40A. (1) The Northcote Borough Council and the Birkenhead Fire Board may enter into an agreement for any period ending not later than the thirty-first day of March, nineteen hundred and thirty-three, for the protection from fire of the Birkenhead Fire District by the Northcote Borough Council upon such terms and conditions as may be mutually agreed upon:

Provided that such agreement shall not have any force or effect unless and until it is approved by the Minister of Internal Affairs.

(2) Any such agreement shall be deemed to have come into force on the first day of April, nineteen hundred and thirty-one, and all acts of the Northcote Borough Council done on or after that date, but before the making of such agreement, for the purpose of protecting the Birkenhead Fire District from fire, shall be deemed to have been as validly done in all respects as if done pursuant to such agreement.

Wellington City Corporation authorized to lease portion of boat-shed site, Te Aro reclamation, to the New Zealand Free Ambulance Transport Service (Wellington Branch), Incorporated.

40B. (1) Notwithstanding anything contained in the Municipal Corporations Act, 1920, or any other Act, the Corporation of the City of Wellington (hereinafter called the Corporation) is hereby authorized to lease to the New Zealand Free Ambulance Transport Service (Wellington Branch), Incorporated, a part, situate at the eastern end, and not exceeding twenty-nine perches in area, of the land comprised in certificate of title, Volume 193, folio 193, Wellington Registry, situate in the City of Wellington, being part of the reclaimed land known as "Reserve K," and being parts of Lots 1, 2, and 3 on Deposited Plan 2428, for a period of fifty years from the first day of October, nineteen hundred and thirty-one, at a yearly rental of fifty-two pounds, free of all municipal rates, subject to a proviso for determination in case the land shall at any time during the said term cease to be used for the purpose of a site for a free-ambulance station, and subject to such other covenants, conditions, and provisions as shall be fixed by the Corporation.

(2) In the event of any land being leased pursuant to the provisions of this section, the provisions of section three of the Wellington City Reclamation and Empowering Act, 1906, shall not at any time thereafter apply to such land, and no lessee of any such land shall at any time be entitled to a license from the Wellington Harbour Board under that section.

Authorizing Halswell County Council to assign electric-works license to Christchurch City Council.

40c. Whereas the Halswell County Council is the holder of a license dated the second day of June, nineteen hundred and nineteen, issued to the Council under the authority of section two of the Public Works Amendment Act, 1911, to construct and use an electric line for conveying electricity to serve the inhabitants of a certain area in the said Halswell County—namely, numbers 1 and 2 Ridings of the said county: And whereas the Halswell County Council has agreed with the Christchurch City Council for the assignment of the said license to the Christchurch City Council and the purchase by the Christchurch City Council of the electric works constructed by the Halswell County Council under the said license: And whereas doubts have arisen as to whether a local authority has power to sell any such works, save to an electric-power board, and it is expedient to authorize the said assignment of license and sale of electric works: Be it therefore enacted as follows:—

The assignment by the Halswell County Council to the Christchurch City Council of the said license and the sale by the Halswell County Council to the Christchurch City Council of the said electric works is hereby authorized, and upon the completion of such assignment and sale the said license and electric works shall become vested in the Christchurch City Council, subject to the same duties and obligations as the Halswell County Council is under in respect of the said license.