

Internal Affairs

Local Authority Reorganisation  
(Property Transfers) Act 1990

The Local Government (Auckland Harbour Board  
Property) Reorganisation Order 1990

THOMAS EICHELBAUM  
Administrator of the Government

ORDER IN COUNCIL

At Wellington this 6th day of August 1990

Present:

THE RIGHT HON. G. W. R. PALMER PRESIDING IN COUNCIL

Pursuant to section 8 of the Local Authority Reorganisation (Property Transfers) Act 1990, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

Order

**1. Title and commencement**—(1) This order may be cited as the Local Government (Auckland Harbour Board Property) Reorganisation Order 1990.

(2) This order shall come into force on its making.

(3) The Auckland Harbour Board referred to in this order was a local authority dissolved on 1 November 1989 under section 36 of the Local Government Act 1974.

**2. Vesting of Property**—(1) The property endowed by the former Auckland Harbour Board to the trustees of the Auckland Harbour Board Trust created by Deed dated 23 December 1988 and more particularly identified as:

Cash	\$5,000,000
Government Stock	\$2,500,000
Government Stock	\$2,500,000
Government Stock	\$10,400
Dunedin City Council Stock	\$150,000
Auckland City Council Stock	\$83,710
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	\$9,744,110

or any property substituted therefore or acquired by the trustees therefrom together with all income earned thereon from the date of vesting until actual payment to the Auckland Regional Council is hereby vested, on making this order, in the Auckland Regional Council, free of all trusts and encumbrances:

With the exception of:

(a) the payments made by the trustees during the course of their trusteeship to:

Spirit of Adventure Trust Board	\$25,000
New Zealand Yachting Federation	\$28,830; and

(b) the normal and reasonable expenses of managing the trust up to the date this order comes into force.

(2) The property endowed by the former Auckland Harbour Board to the trustees of the Auckland Harbour Board General Purposes Trust created by Deed dated 22 December 1988 and more particularly identified as:

Cash	\$5,000,000
Government Stock	\$4,500,000
Auckland Electric Power Board Stock	\$49,500
Auckland Electric Power Board Stock	\$21,000
Lyttelton Harbour Board Stock	\$44,500
Lyttelton Harbour Board Stock	\$125,000
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	\$9,740,000

or any property substituted therefore or acquired by the trustees therefrom together with all income earned thereon from the date of vesting until actual payment to the Auckland Regional Council is hereby vested on the making of this order in the Auckland Regional Council, freed of all trusts and encumbrances:

With the exception of:

(a) the payments made by the trustees during the course of their trusteeship to:

the Howick Sea Rescue Service	\$15,000
the Marine Education and Recreation Centre	\$78,300

(b) the normal and reasonable expenses of managing the trust up to the date this order comes into force; and

(c) a further \$2,000,000 from the property held by the Auckland Harbour Board General Purposes Trust which is hereby vested in the trustees of the Auckland Harbour Board Rescue Centre Trust created by deed dated 22 December 1988 in full satisfaction of any liability which may rest upon the Auckland Regional Council in connection with or arising from the construction or financing of the Marine Rescue Centre in Auckland.

(3) The trustees of the trusts named in subclauses (1) and (2) shall take such steps as are necessary to transfer the said property to the Auckland Regional Council as appropriate and the Auckland Harbour Board Rescue Centre Trust respectively.

**3. Amendments of Deeds of Trust**—(1) The liable transaction, namely the endowment of \$1,000,000 by the former Auckland Harbour Board to the trustees of the Auckland Harbour Board Museum Trust, is hereby rectified as follows:

(a) The Deed of Trust dated 23 December 1988 creating the Auckland Harbour Board Museum Trust is hereby amended by:

(i) Deleting clause 2 and substituting the following clause:

“2. Name of Trust

The trust created hereby shall be known as ‘The Auckland Maritime Museum Trust’ (hereinafter referred to as ‘the Trust’).”

(ii) Deleting clause 5 and substituting the following clause:

“5. Trustees

(a) The number of trustees shall be 3 of whom:

“Two shall be appointed by the Auckland Regional Council; and

“One shall be appointed by the Secretary for Internal Affairs,

“in each case for terms not exceeding 3 years but every trustee shall be eligible for re-appointment.

“(b) If any trustee shall at any time desire to withdraw and be discharged from the Trust he or she may do so in writing to the Auckland Regional Council or person appointing him or her. Upon giving such notice the trustee so doing shall cease to be a trustee of these presents to all intents and purposes except as to the acts and deeds necessary for the proper vesting of the trust property in the continuing or new trustees or otherwise as the case may require which acts and deeds shall be done and executed at the expense of the Trust Fund.

“(c) The Auckland Regional Council or the Secretary for Internal Affairs may at any time remove a trustee appointed by it or him or her respectively.

“(d) No trustee of these presents shall be liable for any loss not attributable to his or her own dishonesty or to the wilful commission by him or her of an act known to him or her to be a breach of trust; and in particular no trustee shall be bound to