

**Reprint
as at 1 November 2010**

**Auckland City and Auckland Museum Empowering Act
1924**

Local Act 1924 No 1
Date of assent 22 September 1924

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

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An Act to empower the Corporation of the City of Auckland to use certain Reserves for Waterworks Purposes; to consolidate certain Loans; to give the said Corporation certain Powers in relation to Public Works and Expenditure; to authorize the said Corporation and other Bodies to contribute to the Cost of a Road along the Foreshore of the Harbour at Auckland, and to empower it to subsidize the Erection of the Auckland War Memorial Museum and Institute and the Maintenance thereof.

Preamble

WHEREAS the lands described in Schedule 1 hereto were vested in the Mayor, Councillors, and Citizens of the City of Auckland (hereinafter called the Corporation, which expression shall also include the Auckland City Council where the context so admits or requires) by section two of the Reserves Disposal and Exchange Act 1895, for the purposes of recreation and for the conservation of the native fauna and flora: And whereas the said lands are situated in the valley of the Huia Stream, and the Corporation proposes to establish waterworks in the said valley for the purpose of obtaining the water of the said stream for water-supply purposes, and to erect dams and other necessary works in connection therewith: And whereas it is advisable that the Corporation should hold the said lands and be able to use the same for and in connection with its said waterworks, and for such purposes only: And whereas certain loans raised by the Corporation have matured or are shortly maturing for which no sufficient sinking funds exist, and it will be necessary to raise fresh loans to pay off the loans set out in Part 1 of Schedule 2 hereto: And whereas the Corporation has been authorized to raise the loans set out in the Second and Third Parts of the said Second Schedule for the purposes respectively set out in the first column of the said Second and Third Parts: And whereas the amounts still unraised of the said loans are set out in the third column of the said Second and Third Parts: And whereas the Corporation desires to borrow the sum of one million six hundred and ninety-four thousand dollars (being the aggregate of the unraised loans and balances set out in the said Schedule 2) as a consolidated loan upon the security and terms hereinafter mentioned, and it is desirable that the Corporation should be authorized so to do: And whereas the Corporation and the local bodies hereinafter mentioned are required to contribute to the formation and improvement of a main arterial highway within the districts of the said local bodies, and the Corporation has undertaken the work of forming and concreting the said road, and it is desirable that the Corporation should be authorized to lend to the said local bodies sums not exceeding in all fifty thousand dollars for such purpose: And whereas it is desirable that the Corporation should be given certain additional powers in relation to the acquisition of land for streets and other public purpo-

ses: And whereas it is contemplated that a road or street may be laid out and constructed along the foreshore of the Auckland Harbour, and it is desirable that the Corporation and other local authorities should be authorized to contribute to the cost of such road or street: And whereas the Corporation has provided a staff-room for its employees, and doubts have been raised as to the Corporation's powers in relation thereto, and it is desirable that such doubts should be set at rest: And whereas the Auckland Institute and Museum Trust Board (a society duly incorporated under the provisions of the Religious, Charitable, and Educational Trusts Act 1908, and hereinafter called the Board) has established a museum in the City of Auckland, and such museum is vested in the Board, together with certain funds and investments arising from private subscriptions and bequests and otherwise: And whereas, in terms of the provisions of the Auckland Institute and Museum Site Empowering Act, 1918, a lease of a portion of the Auckland Domain has been granted by the Corporation to the Board as a site (hereinafter referred to as the Domain site) for a public museum and institute, upon which the Board intend to erect a museum and institute building in substitution for the museum and institute building controlled by the Board and now inadequate to meet the growth and prosperity of the City of Auckland: And whereas it is provided (*inter alia*) by such Act that so long as the Domain site is occupied by the Board the Mayor of the City of Auckland (*ex officio*) and two members of the Auckland City Council annually appointed by such Council shall be members of the Council of the said institute and museum: And whereas the citizens of Auckland some time since decided to raise a fund for the purpose of erecting a suitable memorial in memory of those who fell and served in the Great War: And whereas it was agreed by such citizens that the form of such memorial should be the erection of a museum and institute on the Domain site, and that a memorial hall should be one of the distinguishing features of such building: And whereas such fund has by voluntary contributions from citizens and public institutions reached an amount of three hundred and twenty thousand dollars: And whereas a design for such war memorial museum and institute has been approved, and the erection thereof will shortly be proceeded with at an estimated cost of three hundred and seventy thousand dollars: And whereas the annual revenue derived by the Board from its invested funds and other sources is likely to be insufficient to maintain such museum and institute in a state of efficiency commensurate with the anticipated growth and prosperity of the City of Auckland, and it is advisable that the future maintenance of the museum and institute should have the financial support of the Corporation, and that further provision should be made for the representation of the Corporation on the Council of the said museum and institute:

The words "one million six hundred and ninety-four thousand dollars", the words "fifty thousand dollars" and the words "three hundred and twenty thousand dollars" and the words "three hundred and seventy thousand dollars" were substituted, as from 10 July 1967, for the words "eight hundred and forty-seven thousand pounds", the words "twenty-five thousand pounds", the words "one hundred and sixty thousand pounds" and the words "one hundred and eighty-five thousand pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

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

1 Short Title

This Act may be cited as the Auckland City and Auckland Museum Empowering Act 1924.

2 Land in Schedule 1 to be held for waterworks purposes

The reservation over the lands described in Schedule 1 hereto for the purposes of recreation and the conservation of native fauna and flora is hereby cancelled, and the said land shall henceforth be held by the Corporation for the purposes of waterworks, and shall not be subject to the provisions of Part 2 of the Public Reserves and Domains Act 1908:

Provided that in the event of the lands not being required at any time for these purposes the areas shall revert to the Crown and be held for the purposes of a public domain.

3 Corporation authorized to raise consolidated loan

[Repealed]

Section 3: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

4 Allocation of loan

[Repealed]

Section 4: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

5 Powers of Corporation in raising loan

[Repealed]

Section 5: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

6 Corporation authorized to consolidate loans

[Repealed]

Section 6: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

7 Corporation authorized to lend to local bodies

[Repealed]

Section 7: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

8 Extended powers of Auckland Council in relation to streets and public works

- (1) When for the purpose of laying out any new street, or in order to divert, extend, widen, or improve any existing street, or to construct or carry out any other public work approved by the Governor-General the Auckland Council deems it expedient to acquire more land in the vicinity of the proposed or existing street

or of the said public work than is required for such purpose, the Auckland Council may take, purchase, or otherwise acquire such land as if it were required for such public work, and in the manner provided by the Public Works Act 1981.

- (2) As regards any such lands so acquired by the Auckland Council and not required for the purpose for which the same were acquired, the Auckland Council shall have the following powers:—
- (a) Power from time to time by resolution to close any portion of the additional lands taken for a public street or highway but not actually required for such street or highway:
 - (b) Power to lease or otherwise deal with such lands in the same manner and to the same extent as if such lands were general or ordinary endowment lands of the Auckland Council:
 - (c) Power to sell the said lands as a whole or in portions, either for cash or on terms:
 - (d) Power to exchange any of the said lands for any other lands or interest in lands required by the Auckland Council for the purpose of any public work, with power to pay or receive any money as equality of exchange:
 - (e) Power to sell, in terms of section one hundred and ninety-one of the Municipal Corporations Act 1920, or grant leases of or easements over any portion or portions of the said lands, at such price or rent and upon such terms and conditions as the Auckland Council shall think fit, in full or partial payment or settlement of any claim for compensation that may be made by any person in respect of the taking of any of the lands above mentioned or the exercise by the Auckland Council of any of its powers hereunder.
 - (f) Power to do all things necessary or incidental to the full and efficient exercise of any of the aforesaid powers.
- (3) The powers conferred on the Auckland Council by paragraphs (c), (d), and (e) of the preceding subsection shall only be exercised upon a certificate by a competent valuer appointed by the Auckland Council that the proposed sale, exchange, or lease is being effected on a fair and proper basis of value.

Section 8 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 8(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 8(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 8(2)(b): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 8(2)(d): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 8(2)(e): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 8(3): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

9 Acquisition of property belonging to local authorities or public bodies

[Repealed]

Section 9: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

10 Auckland Council authorized to use proceeds from sale of land

Notwithstanding anything contained in the Municipal Corporations Act or any other Act, it shall be lawful for the Auckland Council to use the proceeds from the sale of any land now or hereafter vested in it in the acquisition of any real or personal property which it may be authorized by this Act or any other Act to acquire, or for any other lawful purpose on capital account.

Section 10 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 10: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

11 Saving of other powers

The powers hereinbefore conferred are in addition to and not in substitution for any powers which the Corporation has under or by virtue of the Local Government Act 1974, or the Public Works Act 1981, or any other Act.

A reference to the Municipal Corporations Act 1933 was substituted, as from 20 December 1933, for a reference to the Municipal Corporations Act 1920 pursuant to section 393(1) Municipal Corporations Act 1933 (1933 No 30). That reference was in turn substituted, as from 1 April 1955, by a reference to the Municipal Corporations Act 1954 pursuant to section 413 Municipal Corporations Act 1954 (1954 No 76). That reference was in turn substituted, as from 1 April 1980, by a reference to the Local Government Act 1974 pursuant to section 9(1) Local Government Amendment Act 1979 (1979 No 59).

A reference to the Public Works Act 1928 was substituted, as from 1 January 1929, for a reference to the Public Works Act 1908 by section 346 Public Works Act 1928 (1928 No 21). That reference was in turn substituted, as from 1 February 1982, by a reference to the Public Works Act 1981 pursuant to section 248(1) Public Works Act 1981 (1981 No 35).

12 Contribution to foreshore road

The Auckland Council and any other local authority or public body may, out of their general funds respectively, contribute such sum or sums of money as may from time to time be agreed upon for or towards the cost of the construction, improvement, or maintenance of a road or street proposed to be formed along the foreshore of the Waitemata Harbour alongside or as part of the embankment proposed to be made for the railway along the said foreshore, as shown on a plan of such railway deposited in the Survey Office at Auckland as Number 21189, or in such other position on the said foreshore as may be determined by the local bodies contributing to the cost thereof. Such road if and when con-

structed shall be vested in the Auckland Council in the same manner as if it were a street wholly within Auckland, and any agreement made by the Auckland Council with any other body or Corporation for contribution towards the cost of the construction, improvement, or maintenance of the said road or street may be duly enforced by the Auckland Council.

Section 12: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

13 Contributing bodies may raise loans

[Repealed]

Section 13: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

14 Auckland Council to provide social rooms for use of its staff

It shall be and shall be deemed to have been lawful for the Auckland Council to expend moneys in the provision, furnishing, equipment, and maintenance of a staff or social room or rooms, either in buildings owned by the Auckland Council or elsewhere, for the use of persons employed by it.

Section 14 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 14: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

15 *[Repealed]*

Section 15 was repealed, as from 9 October 1928, by section 2 Auckland War Memorial Museum Maintenance Act 1928 (1928 No 19(L)).

16 *[Repealed]*

Section 16 was repealed, as from 9 October 1928, by section 2 Auckland War Memorial Museum Maintenance Act 1928 (1928 No 19(L)).

17 *[Repealed]*

Section 17 was repealed, as from 9 October 1928, by section 2 Auckland War Memorial Museum Maintenance Act 1928 (1928 No 19(L)).

18 *[Repealed]*

Section 18 was repealed, as from 9 October 1928, by section 2 Auckland War Memorial Museum Maintenance Act 1928 (1928 No 19(L)).

19 *[Repealed]*

Section 19 was repealed, as from 9 October 1928, by section 2 Auckland War Memorial Museum Maintenance Act 1928 (1928 No 19(L)).

Schedule 1

- (a) ALL that piece or parcel of land situated in Blocks V, VI, IX, and X, Titirangi, and Blocks IV and V, Waitakerei Survey Districts, North Auckland Land District, containing by admeasurement 3,479 acres, more or less, and being Sec-

tions 112, 110, 16, 18, 19, S 68, S 75, S 78, and S 79, all of Parish of Karangahape: starting at a point the north-eastern corner of Cornwallis Park, and bounded towards the south-east by Sections 1 and 25 of the Parish of Karangahape, 7637 and 5792 links; towards the west by Section 8A of the same parish, 2880 links; towards the south by same section, 5515 links; towards the east by the Huia Stream; again towards the south by Section 109 of same parish, 2812 links; towards the east by the same section and the termination of a road, 1300 links; towards the north by a road, 1330 links; towards the east by Section 17 of said parish of Karangahape, 2175 links; towards the south by Section W 15 of same parish, 2355 links; towards the east by same section, 2450 links; and towards the north by same section, 1580 links; towards the east by Section 10 of said parish, 4155 links; towards the south by a road, 110, 190, 100, 180, 335, 130, 190, 480, 60, 60, and 2780 links; towards the west by Sections NE 66 and 67 of the above-mentioned parish, 1790 links; towards the west by Section 67, 5156 links; towards the south-east by Section 67 of same parish, 4000 links; towards the west by a road and Section 69 of aforesaid parish, 760 and 3325 links; towards the north by Section N 68 of the aforementioned parish, 3000 links; again towards the west by Sections N 68, S 71 and N 71, 72, and 73, all of said parish, 5825, 1160, and 4156 links; again towards the north by Section NW 75 of same parish, 5910 links; towards the east by a road and by Section 76 of aforesaid parish, 530, 160, 223, 951, 383, 286, 181, 363, and 697 links; towards the north by same section, 2890 links; towards the east by Section NW 78 of said parish, 1960 links; and again towards the north by NW 78 and NW 79, both of said parish of Karangahape, 7560 links; towards the west by a road, 3860 links; towards the north by Section 80 of said parish, 1950 links; then generally towards the north-east by the Nihotupu Stream to Section 31 of same parish; thence towards the east by that section for a distance of 3470 links; towards the north and towards the west by the same Section 31 for distances of 1180 and 1000 links respectively; and towards the north by Sections 29 and 30 of said parish, 2448 links; towards the west by Section 30 of same parish, 2700 links; again towards the north-east by Section 7 of same parish, 4056 links; towards the north by a stream and again towards the east by Section 6 of parish of Karangahape, 4400 links: be the said linkages a little more or a little less, as the case may be. As the same is shown edged pink on a plan deposited at the Head Office of the Lands and Survey Department, at Wellington, under No 2083; save and except a road between Sections 18 and 19 of the Parish of Karangahape, and marked A, B, C on the said plan.

- (b) Also all that piece or parcel of land situated in Block V, Waitakerei Survey District, in the North Auckland Land District, and containing by admeasurement 642 acres, more or less, and being Sections 65, 111, and E 64, all of Parish of Karangahape: starting at a point the north-west corner of Section 113 of Parish of Karangahape, and bounded towards the east by that section for a distance of 5000 links; towards the south by Section 100 of that parish, 3250 links; towards the east by same section, 1260 links; towards the south-west by Sections

100 and 107 of same parish, 4219 links; towards the north-west by Section 105 of same parish, 1241 links; towards the west by same section, 4000 links; towards the south by same section, 1700 links; towards the west by Section SW 64 of aforementioned parish, 3050 links; towards the north generally by a road, 340, 520, 720, 580, 260, 810, 354, 186, 310, 280, 735, 220, 700, 375, and 230 links; towards the north-east by Sections S 66 and W 20 of parish of Karangahape aforesaid and a road, 4300, 920, 125, 570, 145, and 650 links: be the aforesaid linkages a little more or a little less, as the case may be. As the same is shown edged pink on the said plan.

Schedule 2

FIRST PART.

LOANS MATURED AND MATURING.

Purpose of Loan.	Date of Maturity of Loan.	Amount of Loan.
Repayment of the following loans:—		\$
(a) Victoria Park improvement	9th April, 1924	16,000
(b) Beach Road and Jermyn Street improvement	28th November, 1924	24,000
(c) Beach Road and Jermyn Street improvement	1st August, 1925	26,000
(d) Street-formation in the Grey Lynn area (now merged in the city)	1st December, 1923	6,000
(e) Reduction of overdraft of the Grey Lynn Borough Council (now merged in the city)	1st December, 1924	2,000
(f) Street-formation and drainage in the Grey Lynn area (now merged in the city)	1st December, 1924	18,000
		\$92,000

SECOND PART.

LOANS AUTHORIZED BUT NOT RAISED.

Purpose of Loan.	Original Amount of Loan.	Unraised Balance.
	\$	\$
Abattoir Additional: For enlarging and improving the municipal abattoirs	60,000	20,000
Streets: The permanent paving, formation, and improvement of various streets in the City of Auckland	380,000	162,000
		\$182,000

THIRD PART.
LOANS AUTHORIZED BUT NOT RAISED.

Purpose of Loan.	Original Amount of Loan.	Unraised Bal- ance.
	\$	\$
Waterworks: Development, extension, and improve- ment of the waterworks of the City of Auckland, and acquisition of real and personal property therefor	600,000	600,000
Tramways: Provision of additional plant, accessori- es, and buildings for, and further extension and de- velopment of, Auckland City tramways	560,000	560,000
Drainage: Drainage-work within the City of Auck- land	240,000	240,000
Quarry: Provision for stone-crushing plant and/or for quarry-development	20,000	20,000
		\$1,420,000
Total.....		\$1,694,000

The Decimal currency references in this Schedule were substituted for the previous references, as from 10 July 1967, pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

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Notes

1 General

This is an eprint of the Auckland City and Auckland Museum Empowering Act 1924. The eprint incorporates all the amendments to the Act as at 1 November 2010. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2010.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

2 About this eprint

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

3 List of amendments incorporated in this eprint (most recent first)

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37): section 113(1)