



## ANALYSIS

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1961, No. 7—*Local*

**An Act to empower the Otamatea County Council to establish and maintain community centres within the County of Otamatea, to raise and expend loans for such purpose, and to strike a rate or a levy to cover the costs incidental to such establishment and maintenance**

[22 September 1961

WHEREAS, on account of the steady growth of the residential population in the County of Otamatea, it is, or will be, necessary to provide adequate social, cultural, recreational, and educational facilities for the residents of the County: And whereas it is expedient that the Otamatea County Council should be empowered to take steps towards the provision and maintenance, particularly within the residential areas of the county, of such facilities as the Council may think necessary to that end: And whereas, under existing legislation, it is not possible for the Council to provide and maintain such facilities without disproportionate financial obligation being imposed on certain ratepayers:

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 Otamatea County Empowering (Community Centres) Act 1961.

**2. Interpretation**—In this Act, unless the context otherwise requires,—

“Community centre” means any facility or group of facilities for social, recreational, cultural, or educational purposes or for the physical or intellectual well-being and enjoyment of the residents of the County of Otamatea or of any group or section of them:

“Council” means the Otamatea County Council; and includes the body corporate known as the Chairman, Councillors, and Inhabitants of the County of Otamatea:

“District” means a part of the County of Otamatea declared by the Council pursuant to this Act to be a community centre district for the purposes of this Act:

“Dwelling unit” means any building or part of a building which is designed, built, rented, leased, let, or hired to be occupied, or which is occupied as a residence for a single family with or without a common right to the use of entrances, passages, stairways, or open spaces, and, where necessary, includes a combination of parts of a building or of two or more buildings or the parts thereof:

“Voluntary organisation” includes a voluntary organisation within the meaning of the Physical Welfare and Recreation Act 1937; and also means any body of persons, whether incorporated or not, whose objects or one of whose principal objects is to promote, encourage, or control interest and participation in any branch of social, cultural, recreational, or educational activities.

**3. Council may provide community centres**—In addition to the powers conferred upon the Council by the Counties Act 1956 and by the Physical Welfare and Recreation Act 1937, the Council may make such provision for community centres within the County of Otamatea as the Council may from time to time determine, and for that purpose may—

- (a) Purchase, take on lease, or otherwise acquire any land of any estate; and

- (b) Erect, purchase, hire, lease, or otherwise acquire or obtain the use of buildings; and
- (c) Provide, install, and maintain equipment, apparatus, and facilities; and
- (d) Maintain, operate, improve, enlarge, or develop any community centre or any such building, land, equipment, apparatus, or facilities.

**4. Community centre districts**—(1) The Council may, by special order made pursuant to section 87 of the Counties Act 1956, declare any part of the County of Otamatea to be a district for the purposes of this Act.

(2) Such special order shall state with reasonable particularity the boundaries of a district by reference to streets, or by such other method as the Council may deem adequate, and shall refer to a plan of the district, which shall be exhibited in the offices of the Council for the period between the special meeting called to pass the special order and the meeting called to confirm the same. A copy of the plan shall also be exhibited for the same period in an office or other suitable place situated in the proposed district and open to the public for a reasonable time on each day on which the offices of the Council are open to the public.

(3) The Council may at any time and from time to time, by special order, abolish any districts so created, or extend, reduce, alter, amend, or modify the boundaries of any district, or amalgamate two or more districts, and the provisions of subsections (1) and (2) of this section shall apply with the necessary modifications.

**5. Committees**—(1) The Council may in its discretion appoint either a committee to control and manage two or more community centres or a separate committee for any community centre.

(2) A committee appointed to control one community centre shall consist of the chairman, one or more councillors, and a number of residents of the district in respect of which such community centre is established, such number being equal to or greater than the aforesaid number of councillors.

(3) A committee to control two or more community centres shall consist of the chairman, a representative of the district in respect of which each such community centre is established, and a number of councillors equal to the number of such district representatives.

(4) Before making any appointment to a committee from the residents of a district or districts, the Council shall consider such nominations as may be forwarded to it by voluntary organisations within the district or respective districts affected.

(5) In addition to the powers vested in any such committee or committees by resolution of the Council, each committee shall have power, subject to confirmation by the Council, to form a district committee for the purpose of assisting the committee in an advisory capacity in the conduct and administration of any community centre. Such district committee shall have no power to bind the committee or the Council in respect of the control and administration of the community centre, but shall be subject in all things to the jurisdiction and direction of the committee.

(6) The chairman, instead of acting personally, may nominate any councillor to be his deputy on a committee either for a specified term or particular occasion.

(7) The provisions of sections 71 to 75 of the Counties Act 1956 shall, with the necessary modifications, apply to any committee appointed under this section.

**6. General powers of Council in relation to community centres—**(1) The powers conferred upon the Council by sections 12 and 13 of the Physical Welfare and Recreation Act 1937 shall extend to and include, and be deemed to extend to and include, the expenditure of money upon and the raising of loans for the construction, maintenance, repair, development, control, and administration of a community centre and the provision of facilities and equipment for the same.

(2) Section 319 of the Counties Act 1956 shall, with the necessary modifications, apply to a community centre established under this Act.

(3) The provision of a community centre, including the acquisition of land of any estate for such purpose, shall be deemed a public work within the meaning of the Public Works Act 1928.

**7. Finance—**The Council may from time to time, out of its ordinary funds, make such contributions for the provision, conduct, or maintenance of community centres as it may think fit.

**8. Annual fee payable by occupier—**(1) For the purpose of providing the estimated amount of any loan charges and of any construction, maintenance, equipment, and administration costs of any community centre established under this Act, the Council may, subject to the provisions of this section, levy a uniform annual fee to be paid by the occupier, as defined by the Counties Act 1956, of each dwelling unit situated within the district, but in no case shall the amount of the fee exceed in any year the sum of two pounds twelve shillings in respect of any dwelling unit.

(2) The amount of such annual fee as aforesaid shall be recoverable as a debt due to the Council by the occupier.

(3) In the case of any dwelling unit owned by Her Majesty the Queen for the purposes of the Housing Act 1955, or for any other purpose, the State Advances Corporation of New Zealand or other Department of State administering the dwelling unit may, with the approval of the Minister of Finance and without further authority than this section, out of money received by the said Corporation under subsection (1) of section 32 of the Housing Act 1955, or, as the case may require, out of the appropriate account, pay to the Council the amount of the annual fee in respect of that dwelling unit.

(4) In any such case as aforesaid the said Corporation or Department may, notwithstanding anything contained in the Tenancy Act 1955, from time to time, on giving not less than fourteen days' notice in writing to the tenant, increase the rent payable in respect of the dwelling unit by an amount equal to the annual fee so payable, and on the expiry of the period of the notice the contract or agreement for the tenancy of the premises shall be deemed to be varied accordingly.

(5) Notwithstanding anything contained in this section, the Council shall not levy an annual fee unless, at a poll of the electors of the district on the proposal to levy the fee, the total number of valid votes recorded in favour of the proposal exceeds the total number of valid votes recorded against the proposal. Every such poll shall be held and taken by the Council in the manner provided by the Local Elections and Polls Act 1953, and the provisions of that Act shall, as far as they are applicable, apply with respect to every such poll.

**9. Annual charge on certain rateable property**—Notwithstanding anything in section 8 of this Act, in any case where a uniform annual fee may be levied pursuant to that section to be paid by the occupier, as defined by the Counties Act 1956, of any dwelling unit erected on land which is rateable property, the Council may, instead of levying that uniform annual fee, levy upon any such rateable property an annual charge which shall consist of a uniform annual charge in respect of each dwelling unit situated on that rateable property, and which shall for all purposes be deemed to be a separate rate:

Provided that nothing in this section shall permit in any year of the uniform annual charge assessed in respect of each dwelling unit situated on any rateable property exceeding the uniform annual fee which is or may be levied in that year on any dwelling unit pursuant to the said section 8.

**10. Bylaws**—In addition to the powers conferred upon the Council by section 401 of the Counties Act 1956, the Council may make such bylaws as it thinks fit for all or any of the following purposes in respect of a community centre:

- (a) Regulating any of the subject-matters of this Act:
- (b) Protecting from damage, injury, or misappropriation any property, whether real or personal, belonging to the Council or any voluntary organisation participating in the conduct of a community centre:
- (c) Regulating the use of community centres and the charges to be made in respect thereof:
- (d) The more effectual carrying out of the objects of this Act.

**11. Community centre district deemed to be a defined part of the County**—A district shall, for the purposes of the Local Authorities Loans Act 1956, be deemed to be a defined part of the County of Otamatea.

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