

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

*House of Representatives,
23rd February, 1933.*

Mr. Savage.

AUCKLAND CITY EMPOWERING

[LOCAL BILL.]

ANALYSIS.

Title.	4. Power to exercise functions, &c., of a Domain Board without calling special meetings, and by-laws of the City of Auckland to apply to domains.
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3. Power to declare certain private streets and ways public streets, and to raise a special loan.	Schedules.

A BILL INTITLED

AN ACT to authorize the Auckland City Council to raise a Special Loan in connection with Roading Access to the Old Railway-station Site at Auckland; to authorize the said Council to declare certain Streets in the Avondale District to be Public Streets and to exercise certain Powers in relation thereto; to facilitate the exercise by the said Council of its Powers as a Domain Board; to authorize the said Council to adopt the System of Voting at Elections by the Marking of a Cross; to enable the said Council to grant a Lease to the Auckland Education Board of certain Lands; and to authorize the said Council to purchase Tram-car or Omnibus Passes for the free Use by the Mayor and Councillors.

No. 27—3.

Preamble.

WHEREAS the Auckland City Council (hereinafter referred to as the Council) has agreed with the Minister of Railways (hereinafter referred to as the Minister) to acquire certain land for the purpose of making and forming a new street or streets in connection with the subdivision of certain railway land of the Crown at Auckland known as the old railway-station site : And whereas for the purpose of carrying out such works the Council desires to raise a sum not exceeding twenty-five thousand pounds by way of special loan : And whereas the piece of land known as Block 76, Avondale South, was subdivided in eighteen hundred and fifty-eight into lots, and certain private streets were laid out therein but such streets have never been formed or dedicated, and it is not now possible to ascertain the correct position of the boundaries of the said lots and private streets, and it is desirable to redefine such boundaries and to give the Council power to take over the said streets and to exercise certain powers in relation thereto : And whereas the Council has been at different times appointed the Domain Board of various public domains in or near the City of Auckland, and it is desirable to authorize the Council to transact the business and affairs of such domains as a Council and without convening and holding special meetings as such respective Domain Boards : And whereas it is desirable to authorize the Council to adopt for elections and polls in the City of Auckland the system of voting by marking a cross instead of by striking out names or words : And whereas the Council desires to grant to the Education Board of the District of Auckland a lease of certain land in the City of Auckland at a nominal rent for the purpose of assisting technical education and it is desirable to enable it to do so : And whereas the Council is desirous of purchasing tramway and omnibus passes or tickets for the free use by the Mayor and Councillors of the City of Auckland :

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

Short Title.

1. This Act may be cited as the Auckland City Empowering Act, 1932-33.

2. For the purpose of enabling the Council to acquire land for and to form and complete a new street or streets in connection with the subdivision of the old railway-station site at Auckland the Council may, by special order, raise a sum not exceeding twenty-five 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.

Authorizing Auckland City Council to raise £25,000 by special order.

3. (1) It shall be lawful for the Council from time to time, by special order, to exercise all or any of the following powers in relation to the land described in the *First Schedule* hereto :—

Power to declare certain private streets and ways public streets, and to raise a special loan.

(a) To declare all or any of the private streets and ways laid out in or through the said land, and shown coloured pink on the plan mentioned in the said *First Schedule*, to be public streets, whereupon the same shall vest in the Corporation of the City of Auckland :

(b) To recognize and adopt the widths and locations of the streets referred to in paragraph (a) hereof to be as shown on the plan mentioned in the *First Schedule* hereto, the said widths and locations being more particularly delineated on standard survey plans, approved by the Surveyor-General and lodged at the Auckland Survey Office under numbers standard plans 357, 358, 360, 361, and 362 :

(c) To raise a special loan or loans under the provisions of the Local Bodies' Loans Act, 1926, but without taking the steps described in sections nine to thirteen of that Act, for a total sum not exceeding fourteen thousand pounds, for the purpose of forming and completing the said streets or any of them, and paying all costs of and incidental to the carrying-out of the powers granted by this section. Any such loan may be raised in and over the whole of the City of Auckland, or may be raised in and over a defined area only with the consent, testified by their signatures in writing, of a majority of the ratepayers in such area the capital value of whose properties as appearing on the valuation roll of the district is collectively greater than

the capital value of the properties of those ratepayers who do not so consent to the establishment of such area.

(2) The provisions of sections one hundred and eighty and one hundred and eighty-seven of the Municipal Corporations Act, 1920, shall not apply to the said streets. 5

(3) The District Land Registrar at Auckland shall make all necessary amendments to any titles heretofore issued for the whole or portions of the said lands to make the same correspond with the official plans mentioned in paragraph (b) of subsection *one* hereof. 10

(4) No building or part of a building shall at any time be erected on the land fronting the said streets within a distance of thirty-three feet from the centre-lines of the said streets. The District Land Registrar at Auckland shall endorse on the titles of all land affected a memorandum that such land is subject to the above building-line condition. 15

Power to exercise functions, &c., of a Domain Board without calling special meetings, and by-laws of the City of Auckland to apply to domains.

4. Notwithstanding anything contained in the Public Reserves, Domains, and National Parks Act, 1928, or in any other Act, if and when the Council has been or may be hereafter appointed as a Domain Board, or is otherwise the controlling authority of any domain, it shall be and shall be deemed to have been lawful for the Council to exercise and carry out all the functions, rights, and powers which as such Domain Board or authority it is or was entitled to exercise or carry out in the name of the Auckland City Council and by resolutions and proceedings of the Council without being called together or sitting as a Domain Board or other controlling authority, and the by-laws made by the Council, whether before or after the passing of this Act, shall, unless a contrary intention appears in any such by-law, extend and apply to any domain of which the Council is the Domain Board or controlling authority : 20 25 30 35

Provided that such by-laws shall have no force or effect in respect of any such domain unless and until they have been approved by the Minister of Lands and published in accordance with the requirements of section fifty-six of the Public Reserves, Domains, and National Parks Act, 1928 : 40

Provided further that the Council shall keep separate accounts for each such domain as aforesaid and expend the moneys accruing therefrom as required by law.

5. (1) Notwithstanding the provisions of section five of the Local Elections and Polls Amendment Act, 1926, it shall be lawful for the Council from time to time by resolution to determine that at elections for Mayor and
5 Councillors of the City of Auckland, and at polls taken by the Council, the method of voting shall be by marking a cross in a square opposite to the name of the candidate for whom or the proposal for which the voter desires to vote and not by striking out the names of candidates or
10 words.

Voting by cross may be used at local elections in Auckland.

(2) While any such resolution of the Council remains in force, any local authority or public body any of whose members are elected wholly or partly by electors or rate-payers of the City of Auckland may by resolution deter-
15 mine that at all elections of members of such local authority or body and at all polls taken by it the method of voting shall be as determined by such resolution.

(3) While any such resolution remains in force—

(a) The forms numbered five and six in the First
20 Schedule to the Local Elections and Polls Act, 1925, shall, for the purposes of this Act, be deemed not to have been repealed, and the voting-papers to be used at every election or poll to which such resolution applies shall be
25 in such one of those forms as the case may require instead of in the form numbered one or the form numbered two in the Schedule to the Local Elections and Polls Amendment Act, 1926 :

30 Provided that every such voting-paper shall have a counterfoil, and shall have printed on the back thereof and on the counterfoil respectively the matter contained in the form numbered three in the Schedule to the Local
35 Elections and Polls Amendment Act, 1926.

(b) Section twenty-five of the Local Elections and Polls Act, 1925, shall apply to any such election or poll as if it had not been amended by
40 section eight of the Local Elections and Polls Amendment Act, 1926.

6. It shall be lawful for the Council, without putting the same up to public auction or public tender, from time to time to grant to the Education Board of the District of Auckland a lease or leases of the whole or any

Power to grant new leases to the Education Board.

portion of the land described in the *Second* Schedule hereto at such rentals and upon such terms as may be agreed on between the Council and the said Board :

Provided that the term of any such lease shall not exceed forty-two years, and shall continue only for so long as the land comprised therein is actually occupied and used for the purposes of buildings, playgrounds, or any other purpose connected with the functions of a technical school or college or other educational institution conducted by the Board or some other public body approved by the Council. 5 10

Power to purchase tramway and omnibus passes.

7. It shall be lawful for the Council from time to time to purchase and pay for passes or tickets entitling the Mayor and Councillors of the City of Auckland, for so long as they shall respectively hold office as such, to travel free on any tram-car, operated by the Auckland Transport Board or its successor, and on any omnibus service running between the City of Auckland and the suburb or locality where the Mayor or such Councillor resides : 15 20

Provided that the amount which may be expended by the Council in any one financial year hereunder in respect of any one individual shall not exceed ten pounds.

Schedules.

SCHEDULES.

FIRST SCHEDULE.

ALL that area of land in the North Auckland Land District, comprising 76 acres 3 roods 22 perches, more or less, situated in Blocks III and IV, Titirangi Survey District, and being Allotment 76 of the Parish of Titirangi: as the same is shown edged green on a plan deposited in the office of the Chief Surveyor, Auckland, numbered 27059 (blue).

SECOND SCHEDULE.

ALL that area of land in the North Auckland Land District, comprising 3 roods 26 perches, more or less, situated in Block VIII, Rangitoto Survey District, being Lots 23 to 31 and 33 to 37 (all inclusive) of Allotment 5 of Section 13 of the City of Auckland, as shown coloured pink on a plan deposited in the office of the Chief Surveyor, at Auckland, numbered 27105 (blue).