

*Mr. Anderton*

AUCKLAND CENTENNIAL MEMORIAL PARK

[LOCAL BILL]

ANALYSIS

Title.	25. Advances by local authorities to meet first year's expenses of Board.
Preamble.	26. Board may borrow in anticipation of revenue.
1. Short Title.	27. Banking and withdrawal of Board moneys.
2. Interpretation.	28. Board may invest funds.
3. Auckland Centennial Memorial Park Board established.	29. Income and revenue.
4. Constitution of Board.	30. Empowering Crown and Auckland City Council to transfer lands for park.
5. First members of Board.	31. Lands to be held by Board as scenic park.
6. Term of office of first members.	32. Powers of Board in relation to park.
7. Election of subsequent members.	33. Power to make levies.
8. Term of office of appointed or elected members.	34. Appeal.
9. Vacancies.	35. Regulations regarding appeals.
10. How vacancies filled.	36. Jurisdiction of Stipendiary Magistrate Court.
11. Ouster of office.	37. Production of documents <i>prima facie</i> evidence.
12. Chairman of Board.	38. When contributing bodies to pay their shares.
13. First meeting.	39. Powers of contributing bodies in regard to payments.
14. Committees.	40. Books of account to be kept.
<i>Proceedings of Board and Committees.</i>	41. Books to be open for inspection to members of Board.
15. Chairman of meetings.	42. Annual audit.
16. Quorum of Board and committees.	43. Accounts to be submitted to Controller and Auditor-General.
17. Questions to be decided by majority of votes.	
18. Proceedings not invalidated by irregularities, &c.	
19. Ordinary and annual meetings.	
20. Allowances to members.	
21. Rules as to proceedings of Board or committees, &c.	
22. Board may appoint officers and servants.	
23. Acting officer.	
24. Board may provide offices.	

44. Abstract of accounts.	53. Members not personally liable for act of default of Board.
45. Board may establish an Imprest Account.	54. Evidence.
46. Unauthorized expenditure.	55. Exemption from rates.
47. Local authorities may contribute to funds of Board.	56. Disposal of Auckland centennial funds.
48. Extensions of time.	57. Preservation of superannuation rights of certain employees.
49. Service of summons, &c.	58. Governor-General may add to contributing bodies.
50. Notice to Board of impending actions.	59. Ascertainment of values and populations of districts.
51. Fines.	Schedules.
52. Contracts of Board, how made.	

## A BILL INTITULED

**Title.** AN ACT to establish a Board to hold and control Lands acquired and to be acquired for the Purposes of a Scenic Park, to be known as the Auckland Centennial Memorial Park, and to prescribe its Powers and Functions. 5

**Preamble.** WHEREAS in connection with the New Zealand centennial celebrations and for the purpose of commemorating the centennial of the Metropolitan District of Auckland it has been arranged to establish a memorial scenic park in and about the Waitakere Ranges near the City of Auckland: And whereas certain funds have been provided for the purchase of land for such purpose by various local authorities in the said metropolitan district, and such funds have been paid to the metropolitan executive of the Auckland Provincial Centennial Council: And whereas for the said purpose the said executive has purchased certain areas of land which have been temporarily vested in His Majesty the King, and other areas have been donated by citizens and transferred to the ~~Auckland City Council~~ *Corporation of the City of Auckland*. And whereas it is desirable that a corporate body should be established in which land acquired for the aforesaid purpose may be vested and which may manage, control, and develop the said scenic park: 10 15 20 25

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 Centennial Memorial Park Act, 1941. 30

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

“ Board ” means the Auckland Centennial Memorial Park Board constituted under this Act:

5 *Struck Out.*

10 “ Local authority ” means the governing body (however designated) of any corporation or institution maintained or supported in whole or in part by grants of public money or by the proceeds of endowments of Crown lands, or empowered by law to levy, claim, receive, or enforce rates, tolls, fees, or fines; and includes the corporation, if any, of which the local authority is the governing authority.

15 *New.*

20 “ Local authority ” means any local authority or public body that for the time being is a local authority within the meaning of the Local Government Loans Board Act, 1926, whether by virtue of section two of that Act or of any Order in Council thereunder, or by virtue of the provisions of any other Act; and, where necessary, includes the corporation, if any, of which the local authority is the governing authority:

25 “ Minister ” means the Minister of Internal Affairs.

3. (1) There ~~shall be~~ *is hereby* established a Board constituted as hereinafter provided.

Auckland Centennial Memorial Park Board established.

30 (2) The Board shall be a body corporate under the name of the Auckland Centennial Memorial Park Board, with perpetual succession and a common seal, and shall be capable of holding real and personal property and of doing and suffering all that bodies corporate may lawfully do and suffer.

35 (3) The Board shall be deemed to be a local authority for the purposes of the Public Works Act, 1928, the Land and Income Tax Act, 1923, *the Local Bodies’ Finance Act, 1921–22, the Local Authorities (Members’ Contracts) Act, 1934,* and the Public Reserves, Domains, and National Parks Act, 1928.

Constitution  
of Board.

4. The Board shall consist of ~~ten~~ *eleven* members, comprising the following persons:—

- (a) The persons for the time being holding the offices of Commissioner of Crown Lands for the District of North Auckland and of Water-works Engineer to the Auckland City Council respectively, who shall be members *ex officio*: 5
- (b) Three persons appointed by the Auckland City Council:
- (c) Three persons elected by the local authorities mentioned in the *First* Schedule hereto: 10
- (d) ~~Two persons~~ *One person* elected by the local authorities mentioned in the *Second* Schedule hereto:

*New.*

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- (e) One person appointed by the Waitemata County Council:
- (f) One person appointed by the Minister.

First members  
of Board.

5. The *first* members of the ~~first~~ Board (other than the persons mentioned in paragraph (a) of the *last* preceding section who shall become members thereof upon the passing of this Act) shall be appointed as follows:— 20

- (i) (a) The appointees of the Auckland City Council shall be appointed by resolution of the Council as soon as may be after the passing of this Act: 25

- (ii) (b) With respect to the election of the members in accordance with paragraphs (c) and (d) of the *last* preceding section, the following provisions shall apply in each case:— 30

(\*) (i) The local authorities concerned shall be entitled to make nominations, and if the nominations exceed the vacancies, an election shall be held in the manner hereinafter prescribed for the election of subsequent members of the Board, but subject to the provisions and modifications ~~of~~ *set out in* the following subparagraphs of this ~~subsection;~~ *paragraph*; 35

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4 (ii) The nominations shall be lodged within sixty days after the passing of this Act with the Town Clerk of the City of Auckland;

5 (e) (iii) The election, if necessary, shall be held on a date to be decided by the said Town Clerk (not being later than thirty days after the closing-date for nomination) and shall be under the control of the Town Clerk, who shall act as returning officer;

10 (d) (iv) The returning officer may proceed to hold the election at any time prior to the expiration of the said period of sixty days after the passing of this Act if he shall then have received the nominations of all the local authorities entitled to make nomination:

New.

20 (c) The appointee of the Waitemata County Council shall be appointed by resolution of the Council as soon as may be after the passing of this Act:

(d) The appointee of the Minister shall be appointed by him as soon as may be after the passing of this Act.

25 6. The first elected and appointed members of the first Board shall hold office until the members first elected and appointed under the next succeeding section come into office.

Term of office of first members.

30 7. (1) In every year in which municipal general elections are held under the Municipal Corporations Act, 1933, or any Act passed in substitution therefor, and in the month of such year following that in which such elections are held:—

Election of subsequent members.

35 (a) The Auckland City Council shall appoint three persons to be members of the Board:

(b) The local authorities mentioned in the First Schedule hereto shall elect three persons to be members of the Board:

40 (c) The local authorities mentioned in the Second Schedule hereto shall elect ~~two persons~~ one person to be ~~members~~ a member of the Board:

*New.*

- (d) The Waitemata County Council shall appoint one person to be a member of the Board:
- (e) The Minister shall appoint one person to be a member of the Board. 5
- (2) With respect to every election by local authorities pursuant to paragraphs (b) and (c) of subsection *one* hereof the following provisions shall apply:—
- (a) The election shall be held on a date to be decided by the Board, and the Board shall make all necessary arrangements for and conduct such election: 10
- (b) Each local authority entitled to vote may nominate one person for election as a member of the Board: 15
- (c) Written notice of the date on which the election is to be held shall be given to each local authority concerned by the Board not less than forty-two days prior to such date, and such notice shall specify a day (not being earlier than twenty-one days after the delivery of the notice) by which nominations must be lodged with the returning officer: 20
- (d) Immediately after the closing-date for nominations the returning officer shall send by post to the local authorities concerned notifications of the nominations received, and each of such local authorities may record its vote by causing to be delivered to the returning officer on or before the day of the election a written intimation of the candidates for whom such local authority desires to vote. Such intimation may be signed by the Mayor, Chairman, Clerk, or Secretary of the local authority: 25
- (e) In the case of an election under paragraph (b) of subsection *one* hereof the voting-powers of the local authorities concerned shall be determined according to the mean proportion of the rateable capital value and population of the districts of such local authorities, and any questions arising as to the relative voting-powers of any local authority shall be settled by the Board. The three candidates in whose favour the greatest aggregate voting-power is cast shall be declared elected: 30 35 40

- (f) In the case of an election under paragraph (c) of subsection *one* hereof the local authorities concerned shall have equal voting-power, and the ~~two~~ candidates *candidate* who receive receives the greatest number of votes shall be declared elected:
- (g) Where two or more candidates receive equal votes the returning officer shall determine the order of preference of such candidates by lot:
- (h) If the number of nominations does not exceed the number of vacancies to be filled the returning officer shall forthwith upon the closing of nominations declare the candidates nominated to be duly elected:
- (i) The Secretary of the Board, or such other person as the Board may appoint, shall be returning officer for the election:
- (j) The Board may make such regulations as it shall think fit (not being inconsistent with this Act) in respect of any matters relating to the conduct of the election which are not herein provided for.
8. (1) Every member of the Board appointed or elected under subsection *one* of the *last preceding* section shall come into office on the day following that on which he is appointed or elected, and, unless his office sooner becomes vacant, shall continue in office until members appointed or elected at the next appointment or election under that subsection come into office.
- (2) Every member appointed or elected to fill any vacancy pursuant to section *ten* hereof shall come into office on the day following that on which he is appointed or elected, and shall hold office only for the residue of the term for which his predecessor was appointed or elected.
9. (1) The office of a member shall become vacant if he—
- (a) Dies; or
- (b) Resigns his office by writing under his hand delivered to the Secretary or Chairman of the Board, or is ousted of his office; or

Term of office of appointed or elected members.

Vacancies.

(c) Becomes of unsound mind; or

*New.*

(cc) Becomes a bankrupt, or makes any composition with any of his creditors for less than twenty shillings in the pound, or makes an assignment of his estate for the benefit of his creditors; or 5

(d) Is convicted on an indictment, or is sentenced by the Supreme Court on a plea of guilty, to any charge of an indictable offence, or is sentenced by the Court for any offence to imprisonment without the option of a fine or to reformatory detention under any Act; or 10

(e) Is absent without leave from four consecutive meetings of the Board; or 15

(f) Accepts any paid office or place of profit under the Board.

(2) Any vacancy occurring under this section shall be deemed an extraordinary vacancy.

How  
vacancies  
filled.

10. In the event of an extraordinary vacancy occurring within six months of the time when the member whose seat has been vacated would have retired the same may be filled by the Board, ~~and in other cases—~~ 20

*New.*

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except where that member was appointed by the Minister. In any case where the member whose seat has been vacated was appointed by the Minister, the vacancy, whenever it may have occurred, may be filled by the Minister. 30  
In all other cases—

(a) If the member whose seat has been vacated was an appointee of the Auckland City Council, the vacancy may be filled by that Council:

(b) If the member whose seat has been vacated was an elected member an election shall be held by the group of local authorities which originally elected such member: 35

*New.*

(c) If the member whose seat has been vacated was an appointee of the Waitemata County Council, the vacancy may be filled by that Council. 40



11. (1) Upon proof in the first instance, by affidavit or otherwise, that any member of the Board is or has become incapable under this Act or any other Act of holding his office, any Magistrate's Court may grant a summons calling upon the person holding such office to show cause why he should not be adjudged to be ousted of the same.

Ouster of office.

(2) If on the return of such summons it appears to the Court, on affidavit or oral evidence on oath, that such person is incapable under this Act of holding the said office, the Court may adjudge such person to be ousted of the same, and such person shall be ousted of such office accordingly.

(3) In any such proceeding the Magistrate's Court may exercise all the powers and authorities which it may exercise in its ordinary jurisdiction in civil cases, and the procedure of such Court shall, so far as applicable, apply generally to proceedings had under this section.

(4) No matter in relation to a disputed election shall be heard by the Magistrate's Court under this section.

(5) No question which may be tried under this section shall be tried in the Supreme Court; and no proceedings in the Magistrate's Court hereunder shall be removable into the Supreme Court, by certiorari or otherwise.

12. (1) The Board shall at its first meeting, and thereafter at its annual meeting in each year, elect one of its members to be Chairman of the Board.

Chairman of Board.

(2) At every meeting for the election of Chairman the Secretary shall preside while the Chairman is being elected or, if there shall be no Secretary, then some person appointed by the Board not being a member of the Board shall so preside, and in case of an equality of votes shall determine the election by lot in such manner as the Board determines.

(3) The Chairman shall come into office on his election and shall hold office until the election of his successor.

(4) The Chairman may resign his office by writing under his hand delivered to the Secretary, and in such case, or in the case of his ceasing from any cause to be a member of the Board, his office shall become vacant, and the Secretary shall forthwith convene a meeting of the Board for the election of a fresh Chairman. 5

(5) The Board may from time to time appoint one of its members to be Deputy Chairman either for a specified period or until the next annual meeting of the Council Board. 10

First meeting.

13. The first meeting of the Board shall be convened by the Town Clerk of the City of Auckland at such time and place as he may appoint, and if no quorum is present within half an hour of the time fixed for the holding of such meeting the same shall stand adjourned from day to day at the same time and place until a quorum is assembled. 15

Committees.

14. (1) The Board may from time to time appoint standing or special committees, and may delegate to such committees any matters for consideration or inquiry or management or regulation, and may delegate to any such committee any of the powers and duties by this Act conferred or imposed upon the Board *except the power to take land under the Public Works Act, 1928, to make a levy on contributing local authorities, to make a by-law, or to institute an action.* The Board may appoint as members of any such committee persons who are not members of the Board. 20 25

(2) Every committee to which any powers or duties are delegated as aforesaid may, without confirmation by the Board, exercise or perform the same in like manner and with the same effect as the Board could itself have exercised or performed the same. 30

(3) Every such committee shall be subject in all things to the control of the Board, and shall carry out all directions, general or special, of the Board given in relation to such committee or its affairs. 35

(4) The Board may from time to time discharge, alter, continue, or reconstitute any committee appointed by it. 40

(5) Every committee shall, unless sooner discharged by the Board, be deemed to be discharged on the coming into office of the members appointed or elected under subsection *one* of section *seven* hereof next after the  
5 appointment of the committee.

*Proceedings of Board and Committees.*

15 **15.** At every meeting of the Board the Chairman (if present), or in his absence the Deputy Chairman (if any) shall be the Chairman. If the Chairman and the  
10 Deputy Chairman (if any) are absent from any meeting of the Board, then such member as the members of the Board then present choose shall be Chairman of such Board meeting.

Chairman of meetings.

15 **16.** (1) A quorum of the Board shall consist of five members.

Quorum of Board and committees.

(2) The Board may fix the quorum of any committee appointed by it, and in default of its so doing the committee may fix the quorum.

20 (3) A meeting shall be duly constituted if a quorum is present thereat, whether voting or not.

25 **17.** (1) All acts of the Board and of any committee, and all questions before the Board or any committee, may be done and decided at a meeting of the Board or committee by the majority of such members of the Board or committee as are present and vote at such meeting.

Questions to be decided by majority of votes.

30 (2) The Chairman of any meeting of the Board or of any committee shall have a deliberative vote, and in case of equality of votes shall have a casting vote also.

35 **18.** No act or proceeding of the Board or of any committee, or of any person acting as a member of the Board, shall be invalidated in consequence of there being a vacancy in the number of the Board at the time of such act or proceeding, or of the subsequent discovery that there was some defect in the election or appointment of any person so acting, or that he was incapable of being such member.

Proceedings not invalidated by irregularities, &c.

40 **19.** (1) The Board shall hold such ordinary meetings at such times and at such places as it from time to time appoints.

Ordinary and annual meetings.

(2) The Chairman or the Secretary shall give the prescribed notice in writing to each of the members of the time and place appointed from time to time for holding ordinary meetings, and the members shall attend such meeting without further notice of each meeting. 5

(3) The Board shall hold an annual meeting in the month of July in each year at the office of the Board.

Allowances  
to members.

**20.** There may be paid to the Chairman and to the members of the Board *or of any committee thereof* out of the funds of the Board all amounts actually and reasonably expended by them in attending meetings of the Board or of any committee thereof, or in transacting any business of the Board pursuant to a resolution of the Board. 15

Rules as to  
proceedings of  
Board or  
committees,  
&c.

**21.** The Board may by resolution, subject to the provisions of this Act, make rules—

- (a) Regulating the proceedings of the Board and any committee and the conduct of meetings thereof respectively, and the right of persons to attend such meetings: 20
- (b) Regulating the adjournment and postponement of meetings of the Board, and the manner in which resolutions may be revoked or altered:
- (c) Directing notices of meetings to be given, and prescribing the form and mode and time of service thereof: 25
- (d) Regulating debates:
- (e) Providing for the calling of special meetings and the notice to be given to members: 30
- (f) Providing the notice to be given to members of extraordinary business to be transacted at any ordinary meeting:
- (g) Directing minutes to be kept of all proceedings of the Board, and prescribing the mode of confirmation, inspection, and custody of same: 35
- (h) Providing for the custody of documents and the custody and use of the common seal, and prescribing the mode and form of attestation thereof: 40

5 Provided that no resolution made or passed under this paragraph shall affect any person acting in good faith, and taking or to take any estate, interest, or advantage under any document having or about to have the common seal affixed thereto:

- (i) Prescribing the powers and duties of officers and servants:
- 10 (j) Prescribing forms of and in connection with any proceedings of the Board:
- (k) Concerning anything incidental to any of the matters hereinbefore referred to.

15 **22.** (1) The Board may by resolution from time to time appoint fit persons to be Secretary, Treasurer, and all such other officers and servants as it thinks necessary for the purposes of carrying out its powers and functions under this Act, and may pay such persons such salaries, wages, and allowances out of the funds of the Board as it thinks fit. Board may appoint officers and servants.

20 (2) No member of the Board shall be capable of holding any such office, *unless without remuneration.*

(3) One person may hold two or more of such offices.

25 **23.** During the absence from duty of any officer of the Board by reason of illness, leave of absence, or other cause the duties and powers of such officer may be performed and exercised by an acting officer appointed by the Board, and any such appointment may be either general or for some occasion only. Acting officer.

30 **24.** The Board may from time to time provide offices with fitting furniture for transacting its business and for the use of its officers. Board may provide offices.

35 **25.** The Auckland City Council and any local authority mentioned in the *First* or *Second* Schedule hereto may out of its general fund contribute by way of advance such sum as it thinks fit towards the expenses that may be incurred by the Board before the end of the financial year in which it is constituted. All moneys advanced by a local authority under this section shall Advances by local authorities to meet first year's expenses of Board.

40 be repayable by the Board on demand, and shall be recoverable by the local authority as a debt due to it by the Board.

*Struck out.*

Board may borrow in anticipation of revenue.

**26.** The Board may in anticipation of its revenue from time to time borrow moneys from its bankers by way of overdraft or from any corporation or person by way of temporary loan, but not exceeding at any time the amount of the estimated income for the current financial year, less the amount of moneys in the hands of the Board at the commencement of the year (if any).

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Banking and withdrawal of Board moneys.

**27.** (1) All moneys ~~received by the Board~~ shall *belonging to the Board amounting to five pounds and upwards shall, within seven days after they have come to the hand of the proper officer of the Board,* be paid into such bank as the Board from time to time appoints to an account to be called the Auckland Centennial Memorial Park Account.

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(2) No money shall be drawn out of the bank except pursuant to a resolution of the Board, and all moneys shall be paid by the Board in cash or by cheque signed by any two of such of the members of the Board as the Board from time to time authorizes to sign cheques, and counter-signed by an officer appointed by the Board for the purpose.

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Board may invest funds.

**28.** The Board may from time to time invest any of its funds not immediately required in any manner in which trustees are authorized by law to invest trust funds.

25

Income and revenue.

**29.** The income and revenue of the Board shall consist of the levies to be paid by local authorities as hereinafter provided, of all rents, fines, fees, or charges received by the Board in accordance with this Act, of any interest received on the Board's funds, and of any donations which may be made to the Board upon revenue account.

30

*Struck out.*

Empowering Crown and Auckland City Council to transfer lands for park.

**30.** (1) His Majesty the King and the Corporation of the City of Auckland are hereby empowered to convey or transfer any lands heretofore vested in him or it respectively for the purposes of the said park to the Board in fee-simple, and are further empowered to convey or transfer to the Board, with or without consideration, any additional or other lands which the Minister of Lands or the said Corporation respectively may agree to transfer.

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*Struck out.*

5 (2) Any conveyance or transfer of land to the Board from His Majesty the King which is signed by the Commissioner of Crown lands for North Auckland on behalf of His Majesty and purports to have been executed under the authority of this Act, shall be valid and effectual.

*New.*

10 30A. His Majesty the King and the Auckland City Council are hereby empowered to grant, convey, or transfer to the Board any lands vested as hereinbefore recited, in him or in the Corporation of the City of Auckland respectively for the purposes of the memorial scenic park, and to grant, convey, or transfer to the Board for the purposes of the park, with or without consideration, such additional or other lands vested in him or in the said Corporation as the Minister of Lands or the Council respectively may agree should be vested in the Board.

Empowering Crown and Auckland City Council to grant and transfer lands for Park.

20 31. All lands *granted, conveyed, or transferred* to the Board pursuant to the *last* preceding section, together with any other lands which may be acquired by the Board, shall be held by the Board for the purposes of a scenic park, to be known as "the Auckland Centennial Memorial Park", as a memorial to commemorate the completion in the year nineteen hundred and forty of the first hundred years of settlement and progress in the Metropolitan District of Auckland.

Lands to be held by Board as scenic park.

*New.*

30 31A. No stamp duty under the Stamp Duties Act, 1923, shall be payable in respect of any grant, conveyance, or transfer of any land to the Board for the purposes of the park.

Transfer of land to Board exempt from stamp duty.

35 32. (1) Subject to the provisions of this Act, the Board may hold, manage, maintain, and develop as a scenic park the lands for the time being vested in it, and for or in connection with that purpose may do all or any of the following things:—

Powers of Board in relation to park.

40 (a) Purchase, accept by way of gift, take ~~under the provisions of~~ *in the manner provided by* the Public Works Act, 1928, or otherwise acquire

land in or in the vicinity of the Waitakere Ranges which the Board may consider it desirable to acquire to extend or form part of the park *or to provide access to the park*, whether or not any such land is contiguous to any area or areas previously acquired by the Board: 5

(b) Erect on any part or parts of the park any monuments, memorials, buildings, or other structures: 10

(c) Grant to any person any easement or right affecting any portion of the park if in the opinion of the Board the grant of such easement or right will not involve the spoliation of the park nor detract from its scenic value: 15

*Struck out.*

<p>(d) Let or lease, upon such terms as it thinks fit, any land held by the Board, the letting or leasing of which would not in the opinion of the Board be undesirable having regard to the purposes for which the lands of the Board are held:</p>	20
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*New.*

<p>(dd) Lease or grant licenses over any land held by the Board in the same manner and to the same extent as a local authority may, pursuant to the Public Reserves, Domains, and National Parks Act, 1928, lease or grant licenses over any public reserve vested in it:</p>	25
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(e) Cut, remove, sell, or dispose of or grant licenses or contracts for the cutting, removal, sale, or disposal of any ti-tree growing in the park, and also any timber-trees therein which may be dead or which, owing to their age or condition, may in the opinion of the Board be dangerous or likely to prove injurious to the forest or bush in the park: 30 35

(f) Provide and operate camps, hostels, or similar amenities:

(g) Provide and operate or grant licenses for the operation of tea and refreshment rooms: 40



- (h) Take all such steps as may be desirable for the purpose of protecting any buildings or bush from damage by fire:
- 5 (i) Provide access to the park within or without the park, and improve any existing access thereto:
- 10 (j) Make such by-laws as it deems necessary or desirable regulating the extent (~~if any~~) to which the public may have access to the park or any part thereof and the conduct of persons frequenting the park, and from time to time to amend or repeal any such by-laws:
- 15 (k) Generally to execute and do all such matters and things as in the opinion of the Board may be desirable for the purpose of maintaining the park as a place of scenic beauty and of providing such facilities as may be calculated, directly or indirectly, to enhance the park as such or advertise its attractions.

*New.*

20 (2) Any by-laws made by the Board shall be made by resolution of the Board, and shall have the seal of the Board duly affixed thereto, and a notice stating the object or purport of the proposed by-laws shall be published in some newspaper circulating in the district in which the park is situate once in each of the four weeks immediately preceding the day on which the by-laws are made.

30 **32A.** Where any person is willing to agree with the Board that his land, or any part thereof, shall, so far as his interest in the land enables him to bind it, be made subject, either permanently or for a specified period, to conditions restricting the development, or use thereof in any manner likely in the opinion of the Board to enhance the park, the Board may, if it thinks fit, enter into an agreement with him or accept a covenant from him to that effect. The Board shall have power to enforce such agreement or covenant against persons deriving title under him in the same manner and to the same extent as if the Board were possessed of or entitled to or interested in adjacent land and as if the agreement or covenant had been expressed to be entered into for the benefit of that adjacent land.

Covenants with owners of land.

Power to  
make levies.

**33.** The Board may from time to time, for the purpose of providing funds for its use in accordance with this Act, make annual levies upon the Auckland City Council and the local authorities mentioned in the *First* Schedule hereto (hereinafter collectively referred to as the contributing bodies), and in respect thereof the following provisions shall apply:—

- (1) (a) Each such levy shall be made by resolution passed at the annual meeting of the Board: 5
- (2) (b) No levy shall exceed in amount the sum which would be yielded by a rate of one one-hundredth of one penny in the pound on the aggregate capital value of all rateable property in the districts over which the contributing bodies have jurisdiction: 10 15
- (3) (c) The amount of the levy shall be charged and assessed to the contributing bodies in proportion to the mean percentage of the rateable capital value and population of the respective districts of such contributing bodies: 20
- (4) (d) Forthwith after the making of the levy the Board shall give written notice to each of the contributing bodies showing the amount assessed against each of such bodies. 25

Appeal.

**34.** If any contributing body is dissatisfied with such assessment or considers the amount of the levy to be unreasonable in all the circumstances, such contributing body may, within twenty-eight days after notice of such assessment has been given to it, appeal to a ~~Judge of the Supreme Court~~ *Magistrate* at Auckland against such assessment. Such appeal shall be commenced by notice of appeal being given to the ~~Registrar~~ *Clerk* of the ~~said~~ *Magistrate's* Court, who shall fix a day for the hearing thereof; and the contributing body appealing shall give notice in writing to the Board and to each of the other contributing bodies stating the date when the same is to be heard and the grounds of such appeal, and thereupon the levy and assessment shall be deemed to be set aside, and the levy and contribution to be paid by every contributing body shall be settled by the ~~said~~ *Judge Magistrate*, whose decision shall be final and binding upon the Board and all the contributing bodies. 30 35 40

35. The ~~said~~ Judge Magistrate shall have power from time to time to make regulations for the conduct of such appeals and the costs thereof.

Regulations regarding appeals.

36. The Board may, notwithstanding that the amount sought to be recovered is in excess of the jurisdiction of ~~any~~ the Magistrate's Court, sue for and recover the amount of any such contribution in ~~any~~ that Court as a debt.

Jurisdiction of Magistrate's Court.

37. The production in any Court of a document purporting to be a copy of the said notice to each contributing body purporting to be under the seal of the Board, shall be *prima facie* evidence of the liability of each contributing body therein mentioned to pay the Board the respective amount therein and thereby shown to be assessed as its contribution to the Board for the purposes of ~~the~~ this Act.

Production of documents *prima facie* evidence.

38. Each contributing body shall within thirty days of receiving the written notice mentioned in ~~subsection~~ ~~four~~ paragraph (d) of section *thirty-three* hereof pay to the Secretary of the Board one-half of the amount of such assessment, and shall pay the other half thereof within six calendar months of the date of receipt of such notice as aforesaid. In case either half is not so paid such contributing body shall be liable to and shall pay interest on any and every amount remaining unpaid until payment thereof at the rate for the time being charged by the bankers of the Board for moneys owing to them by the Board or that would be chargeable if such moneys were owing, as the case may be:

30 Provided that if an appeal against any assessment has been lodged under section *thirty-four* hereof, then the amount fixed by the ~~Court~~ Magistrate shall be substituted for such assessment and payment of one-half thereof shall be made within thirty days from the date of the ~~Court's~~ Magistrate's decision, but

35 interest on such half shall be payable at the rate aforesaid as from the expiration of thirty days from the receipt of the original assessment.

When contributing bodies to pay their shares.

39. Every contributing body, for the purpose of enabling it to make, and making, such payment, shall have the following powers:—

Powers of contributing bodies in regard to payments.

(a) It shall be entitled to pay the amount out of its ordinary revenue or funds:

(b) It shall be entitled to, if it does not pay the same out of its ordinary funds, strike and collect a rate for such an amount in the pound on the rateable value of all rateable property within its district as shall be sufficient to pay the amount of such assessment and interest thereon (if any) and the cost of and incidental to the making and collection thereof, and shall be entitled to make and levy such rate in addition to all rates which it is entitled to make and levy under any other Act, and notwithstanding any provision in any Act limiting or in any way affecting the rating-power of such contributing body.

Books of account to be kept.

40. The Board shall cause books to be provided and kept and true and accurate accounts to be entered therein of all sums of money received and paid under the authority of this Act and of the several purposes for which such sums of money have been received and paid.

Books to be open for inspection to members of Board.

41. Such books shall at all reasonable times be open to the inspection of any member of the Board or of any contributing body or any person appointed by it, who may take copies of or extracts from the same.

Annual audit.

42. The accounts of the Board shall be audited annually by the ~~Controller and Auditor-General.~~

*New.*

Audit Office, which for that purpose shall have all such powers as it has under the Public Revenues Act, 1926, in respect of public moneys.

*Struck out.*

Accounts to be submitted to Controller and Auditor-General.

43. The Board shall, before the end of April in each year, cause the accounts of the Board for the past year, up to and including the last day of March, to be balanced, and also a full and true statement and account of all moneys received and expended by the Board during the past year, and also of all debts owing by and to the Board; and such statement and account, signed by the Chairman and Treasurer of the Board, shall be submitted by such Chairman to the Controller and Auditor-General.

*New.*

5 43A. The Board shall, before the end of April in each year, cause the accounts of the Board for the past year, ended the thirty-first day of March then last past, to be balanced and also full and true statements and accounts of all the moneys received and expended by the Board during the past year, and of the assets and liabilities of the Board at the end of the year, to be prepared; and such statements and accounts, signed  
10 by the Chairman and the Treasurer of the Board, shall be submitted by the Chairman to the Audit Office.

15 44. The Board shall forthwith after such audit make out a full abstract of the accounts for the year as audited, and cause a copy thereof to be submitted to each contributing body. Abstract of accounts.

20 45. (1) The Board may, pursuant to a resolution in that behalf, establish an Imprest Account, which shall, as the Board may determine, be kept in the Post Office Savings-bank or in any other bank within the meaning of the Banking Act, 1908. Board may establish an Imprest Account.

25 (2) The Imprest Account may be held jointly in the names of and be operated on by the Treasurer of the Board and one other person to be appointed in that behalf by the Board, or may, with the express approval in writing of the Audit Office, but not otherwise, be in the sole name of and be operated on by the Treasurer or other approved officer of the Board. Where the Imprest Account is held jointly in the names of the Treasurer and of one other person as aforesaid, such  
30 last-mentioned person shall be either a responsible officer of the Board or a member of the Board.

35 (3) The Board shall from time to time, by resolution, fix the maximum amount that may be held at any time in the Imprest Account, not exceeding seventy-five pounds in any case where the Imprest Account may be operated on by one person acting alone, and not exceeding such amount as the Audit Office may approve in any other case.

40 (4) Moneys in the Imprest Account shall be available only for the payment of ~~casual~~ wages and of emergency expenditure. A statement of all payments made from the Imprest Account shall be submitted to

the Board for approval at its first ordinary meeting thereafter. The payment of moneys out of the Imprest Account for any purpose not hereby authorized shall be deemed to be the misappropriation of the funds of the Board.

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*New.*

(5) The provisions of section *twenty-seven* hereof shall be read subject to the provisions of this section.

Unauthorized  
expenditure.

**46.** The Board may in every financial year out of its funds expend for purposes not authorized by any Act or law for the time being in force any sum or sums not amounting in the whole to more than one per centum of the gross receipts of the Board for that year, *nor in any case to more than fifty pounds.*

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Local  
authorities  
may contribute  
to funds of  
Board.

**47.** (1) Any local authority whose district is situate within the Provincial District of Auckland may from time to time out of its ordinary funds contribute such amounts as it thinks fit towards the funds of the Board in respect of the establishment, maintenance, development, or extension of the park.

20

(2) The *foregoing* subsection shall extend to authorize contributions by the contributing bodies over and above their shares of the levy hereinbefore provided for.

(3) A local authority making a contribution or contributions under the authority of this section shall not be liable to see to the proper expenditure thereof.

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(4) Where a County Council makes any contribution pursuant to this section such contribution may, with the consent of the Councillor or Councillors representing any riding of the county be made wholly or in part out of the separate account of that riding.

30

Extensions  
of time.

**48.** Where anything is omitted to be done or cannot be done at the time required by or under this Act, or is done after such time or is otherwise irregularly done or sufficient provision is not made by or under this Act, the Governor-General may, by Order in Council gazetted at any time before or after the time within which such thing is required to be done, extend such time or may validate anything done after the time required or so irregularly done, or make other provisions for such case as he thinks fit.

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49. Any summons, writ, or other legal proceedings requiring to be served on the Board may be served by being left at the office of the Board, or given personally to the Secretary or Chairman thereof.

Service of summons, &c.

5 50. (1) No action shall be commenced against the Board or any member thereof, or any person acting under the authority, or in the execution or intended execution or pursuance of this Act, for any alleged irregularity, or trespass, or nuisance, or negligence, or for any act or omission whatever, until the expiry of one month after notice in writing specifying the cause of action, the Court in which the action is intended to be commenced, and the name and residence of the plaintiff, and of his solicitor or agent in the matter, has been given by the plaintiff to the defendant.

Notice to Board of impending actions.

(2) Every such action shall be commenced within six months next after the cause of action first arose, whether the cause of action is continuing or not.

*Struck out.*

20 51. All fines recoverable under the provisions of any by-laws made by the Board under this Act shall be the property of the Board.

Fines.

*New.*

25 51A. All fines recoverable under the provisions of any by-laws made by the Board may be recovered in a summary way, and when recovered shall be paid into the Public Account to the credit of the Consolidated Fund and be subject to section thirteen of the Finance Act, 1927 (No. 2).

30 52. (1) Any contract which if made between private persons must be by deed shall, if made by the Board, be in writing under the seal of the Board.

Contracts of Board, how made.

35 (2) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith, may, if made by the Board, be in writing signed on behalf of the Board by some person duly authorized in that behalf.

40 (3) Any contract which if made between private persons may be made ~~verbally~~ orally without writing may be similarly made by or on behalf of the Board, but no oral contract shall be made for any sum exceeding twenty pounds.

Members not personally liable for act of default of Board.

**53.** No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operations of the Board, and no officer of the Board shall be personally liable for any act or default done or omitted to be done in good faith in the course of his authorized duties. 5

Evidence.

**54.** A copy of any resolution of the Board or any committee thereof, certified by the Chairman of the Board to be correct, shall, until the contrary is proved, be sufficient evidence of such resolution in any proceedings under this Act. 10

*Struck out.*

Exemption from rates.

**55.** No property of the Board shall be liable to be rated by any local authority. 15

*New.*

**55A.** Lands belonging to or vested in the Board which are either occupied by it or let by it to a tenant for not more than six months shall be deemed not to be rateable property within the meaning of the Rating Act, 1925, and it is hereby declared that if any such lands as aforesaid are at the time they are acquired by the Board liable for a special rate made as security for any loan the Board shall continue to be liable for the payment of that rate. 20 25

Disposal of Auckland centennial funds.

**56.** (1) Any moneys which the Metropolitan executive of the Auckland Provincial Centennial Council or the Auckland Combined Metropolitan Centennial Memorial Committee may have heretofore expended for or towards the promotion of this Act and matters incidental thereto are hereby declared to have been validly expended. 30

(2) The said Combined Metropolitan Centennial Memorial Committee shall ~~upon the constitution of the Board~~ pay to the Board all moneys held by it and received by it from the said metropolitan executive. 35

(3) The Board shall pay out of such moneys all outstanding costs and charges incurred in connection with the promotion and passing of this Act and the establishment of the Board and the election of the first members thereof, and shall satisfy thereout any 40



commitments which may previously have been undertaken by the said Executive having reference to the establishment of the park.

(4) The balance of the said moneys shall be applied by the Board in or towards the acquisition of land for the extension of the park and the expenses incidental thereto or in or towards the development and improvement of the park.

Struck out.

10 57. In any case in which the Board may employ an officer or servant who immediately prior to his engagement by the Board was employed by a local authority and was a contributor to a superannuation fund established under the Local Authorities Superannuation Act, 15 1908, such officer or servant may elect to remain a contributor to such fund during the term of his employment by the Board, and in such case—

Preservation of superannuation rights of certain employees.

20 (a) The Board shall deduct from the salary of the contributor and pay to the fund through the local authority such amounts as would be deducted therefrom by the local authority as contributions to the fund if the contributor were in the employment of the local authority and in receipt of the salary paid to him by the Board:

25 (b) The Board shall refund to the local authority all amounts (if any) paid into the fund by such local authority by way of subsidy in respect of the contributions of the contributor while in the employment of the Board:

30 (c) The rights of the contributor in relation to the fund shall be determined in all respects as if he were employed by the local authority during the period of his employment with the Board and at the salary paid to him by the Board.

35 58. (1) The Governor-General may from time to time, by Order in Council, on the petition of the Board and with the consent of the local authority concerned, declare any local authority not included in the First Schedule hereto to be a contributing body for the purposes of this Act; and thereafter this Act shall have—operation apply as if the name of such local authority were included in the First Schedule hereto.

Governor-General may add to contributing bodies.

(2) A local authority declared to be a contributing body pursuant to this section shall not be liable to contribute to any levy made by the Board prior to the date of the Order in Council issued hereunder.

(3) No fresh election of members of the Board by the local authorities mentioned in the ~~Second~~ *First* Schedule hereto shall become necessary by reason only of the issue of an Order in Council under this section. 5

Ascertainment  
of values and  
populations  
of districts.

59. (1) Where for the purposes of an election of a member or members of the Board or of the making and apportionment of a levy to be made by the Board it is necessary to ascertain the rateable capital values and populations of the districts of the contributing bodies, such values and populations shall be ascertained as at the thirty-first day of March in the calendar year preceding that in which the election is to be held or the levy is to be made, as the case may be. 10 15

(2) At the request of the Board from time to time there shall, *at the cost of the Board*, be supplied to the Board by the Valuer-General a certificate showing the capital value of all rateable property within the district of each of the contributing bodies as at the ~~31st~~ *thirty-first* day of March in any year, and by the Government Statistician a certificate showing his estimate of the populations thereof as at such date, and such certificates shall be final and conclusive for the purposes of this Act. 20 25

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SCHEDULES.

Schedules.

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*FIRST SCHEDULE.*

THE Mount Albert Borough Council.  
The Mount Eden Borough Council.  
The One-tree Hill Borough Council.  
The Newmarket Borough Council.  
The Ellerslie Borough Council.  
~~The New Lynn Borough Council.~~  
~~The Manukau County Council.~~  
*The Mount Roskill Road Board.*  
The Mount Wellington Road Board.  
The Panmure Township Road Board.

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*SECOND SCHEDULE.*

THE Auckland Harbour Board.  
The Auckland Electric-power Board.  
~~The Waitemata Electric-power Board.~~  
The Auckland Transport Board.