

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 14 August 1963

Words struck out by the Local Bills Committee are shown in italics within bold round brackets; words inserted are shown in roman underlined with a double rule.

Mr Douglas

AUCKLAND WAR MEMORIAL MUSEUM MAINTENANCE AMENDMENT

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to amend the Auckland War Memorial Museum Maintenance Act 1928

BE IT 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 War Memorial Museum Maintenance Amendment Act 1963, and shall be read together with and deemed part of the Auckland War Memorial Museum Maintenance Act 1928 (hereinafter referred to as the principal Act).

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2. **Contributions of local authorities**—The principal Act is hereby amended by repealing section 3, as substituted by section 2 of the Auckland War Memorial Museum Maintenance Amendment Act 1953, and substituting the following section: 5

“3. (1) The executive Council or body controlling the affairs of the Institute and Museum (hereinafter referred to as the Council) may in any year, for the purposes of the management, maintenance, support, and development of the Auckland War Memorial Museum in that year resolve to make a levy against the local authorities whose names are set forth in column one of the Schedule to this Act (hereinafter referred to as the contributing authorities) of such amount and in such manner as is hereinafter set forth. 10

“(2) For the purposes of this section, the capital value of rateable property within the district of each contributing authority shall be deemed to be the capital value thereof as on the thirty-first day of March preceding the financial year in which the levy is made, such value being determined under the Valuation of Land Act 1951 and certified as correct by the Valuer-General, and the population of the district of each contributing authority shall be deemed to be that shown in the last population census taken in pursuance of the provisions of the Statistics Act 1955. 15 20

“(3) An adjustment of the capital value of rateable property and of the population of the district of each contributing authority shall be made by multiplying that capital value and that population by the differential factor appropriate to that contributing authority as shown opposite the name of that contributing authority in column two of the Schedule to this Act. 25 30

“(4) The total of the levy to be made by the Council in pursuance of subsection (1) of this section shall not exceed 1/68d. in the pound on the total adjusted capital value of all rateable property within the districts of all the contributing authorities plus threepence per person of the total adjusted population of the districts of all the contributing authorities as such total adjusted capital value and total adjusted population are determined under the provisions of subsection (3) of this section. 35 40

“(5) The total amount of the levy made by the Council under subsection (1) of this section in respect of capital value shall be apportioned between the contributing authorities in the proportion that the adjusted capital value of rateable

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property within the district of each contributing authority bears to the total of the adjusted capital value of all rateable property within the districts of all contributing authorities, and the total amount of the levy made by the Council under

5 the said subsection in respect of population shall be apportioned between the contributing authorities in the proportion that the adjusted population of the district of each contributing authority bears to the total of the adjusted population of the districts of all contributing authorities.

10 “(6) The Council shall, in the resolution referred to in subsection (1) of this section, fix the amount to be levied against each of the contributing authorities, and a copy of the resolution shall be forwarded to each of the contributing

15 year. The relevant amount so levied shall be due and payable by each local authority on the thirtieth day of June next following, and may at the option of the local authority be paid out of its general funds or out of the proceeds of the rate provided for in section 6 of this Act.

20 “(7) In the event of any portion of a district of any of the local authorities named in the Schedule to this Act being constituted as a separate local district (whether or not with the addition of further areas) the local authority of each such newly constituted district shall thereupon become one

25 of the contributing local authorities under subsection (1) of this section and that newly constituted district shall thereupon be deemed to be included as an additional contributing authority in that group of contributing authorities in the Schedule to this Act having the same differential factor as

30 the contributing authority from whose district the district of the new contributing authority was taken, and in the event of the district of the new contributing authority being taken from the districts of more than one of the contributing authorities then in that group having the same differential

35 factor as the contributing authority providing the greatest contribution in area to the district of the new contributing authority.”

3. Repeal—The principal Act is hereby amended by repealing the Schedule and substituting the Schedule set out

40 in the First Schedule to this Act.

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4. Representation of contributing authorities—The contributing authorities shall be entitled to representation on the Council in manner following:

- (a) The Auckland City Council, by the Mayor and three members of the Council appointed triennially by the Council: 5
- (b) The local authorities secondly mentioned in the Second Schedule to this Act, by one member to be elected by and from the members of those local authorities: 10
- (c) The local authorities thirdly mentioned in the Second Schedule to this Act, by six members to be elected by and from the members of those local authorities:
- (d) The local authorities fourthly mentioned in the Second Schedule to this Act, by one member to be elected by and from the members of those local authorities: 15
- (e) The local authorities fifthly mentioned in the Second Schedule to this Act, by one member to be elected by and from the members of those local authorities.

5. First representatives of contributing authorities— 20

(1) The first members of the Council to be appointed and elected pursuant to section 4 of this Act shall be appointed and elected by the contributing authorities therein referred to not later than the twenty-eighth day of February, nineteen hundred and sixty-four, and the provisions of subsection (2) of section 6 of this Act as to the election of subsequent members of the Council by the contributing authorities mentioned in paragraphs (b) to (e) of section 4 of this Act shall apply to the first election. 25

(2) The first members of the Council to be appointed and elected pursuant to section 4 of this Act shall come into office on the first day of March, nineteen hundred and sixty-four. 30

6. Subsequent representatives of contributing authorities—(1) Within four months after the triennial general elections of members of the Councils of boroughs, counties, and town districts, and of the Boards of road districts, are held under the Local Elections and Polls Act 1953— 35

- (a) The Auckland City Council shall appoint three of its members who with the Mayor, shall be members of the Council: 40

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- (b) The members of the contributing authorities secondly mentioned in the Second Schedule to this Act shall elect one member to be a member of the Council:
- 5 (c) The members of the contributing authorities thirdly mentioned in the Second Schedule to this Act shall elect six members to be members of the Council:
- (d) The members of the contributing authorities fourthly mentioned in the Second Schedule to this Act shall elect one member to be a member of the Council:
- 10 (e) The members of the contributing authorities fifthly mentioned in the Second Schedule to this Act shall elect one member to be a member of the Council.
- (2) With respect to every election by contributing
15 authorities pursuant to paragraphs (b), (c), (d), and (e) of subsection (1) of this section, the following provisions shall apply:
- (a) The Secretary of the Council or such other person as
20 the Council may appoint shall be the returning officer for the election, and shall make all necessary arrangements for and conduct the election:
- (b) Each contributing authority shall be entitled to nominate one person for election as a member of the Council:
- 25 (c) Written notice of the date on which the election is to be held shall be sent by post to each contributing authority concerned by the returning officer not less than two calendar months prior to such date and shall be deemed to have been received in due
30 course of post, and the notice shall specify a day (not earlier than one calendar month after the date of the delivery of the notice) by which nominations must be lodged with the returning officer:
- (d) Immediately after the closing date for nominations,
35 the returning officer shall send by post to the contributing authorities concerned notifications of the nominations received:
- (e) Each member of each contributing authority shall have one vote:

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- (f) The candidate in respect of the election by the members of the contributing authorities secondly mentioned in the Second Schedule to this Act, the six candidates in respect of the election by the members of the contributing authorities thirdly mentioned in the Second Schedule to this Act, the candidate in respect of the election by the members of the contributing authorities fourthly mentioned in the Second Schedule to this Act, and the candidate in respect of the election by the members of the contributing authorities fifthly mentioned in the Second Schedule to this Act, who receive the greatest number of votes at each election shall be declared elected: 5 10
- (g) Where there is an equality of votes between candidates and the addition of a vote would entitle any of those candidates to be declared elected, the returning officer shall determine by lot which candidate shall be elected: 15
- (h) If the number of nominations does not exceed the number of vacancies to be filled, the returning officer shall forthwith on the closing of the nominations declare the candidates nominated to be duly elected: 20
- (i) The Council 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. 25
- (3) Every member of the Council appointed or elected under this section shall come into office on the day following that on which he is appointed or elected. 30

7. Appointment, election, and resignation of representatives of contributing authorities—(1) Any member of the Council, whether appointed or elected, may from time to time be reappointed or re-elected, or may at any time resign his office by writing addressed to the Secretary of the Council. 35

(2) Every such member, unless he sooner vacates his office, shall continue to hold office until his successor comes into office. 40

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(3) Every extraordinary vacancy within the meaning of section 2 of the Local Elections and Polls Act 1953 shall be filled in the same manner as in the case of the vacating member, and the member appointed or elected to fill any
5 extraordinary vacancy shall hold office only for the residue of the term of the vacating member:

Provided that, in any case where the extraordinary vacancy occurs within four months before the date fixed for the next triennial general election of members of Councils of boroughs,
10 counties, and town districts and of the Boards of road districts under the Local Elections and Polls Act 1953, the Council may decide either to fill the vacancy in manner hereinbefore provided or not to fill the vacancy.

(4) The powers of the Council shall not be affected by
15 any vacancy in the membership thereof.

8. Governor-General may declare any local authority to be a contributing authority—(1) *(The Governor-General, on the petition of the Council)* The Governor-General, on the advice of the Minister of Internal Affairs given on the
20 petition of the Council and with the consent of the local authority concerned, may from time to time by Order in Council declare any local authority to be a contributing authority for the purposes of this Act and in which group, having regard to the differential factor, the new contributing
25 authority shall be included; and thereafter the provisions of this Act shall apply as if the name of that local authority were included in the Schedule (as set out in the First Schedule to this Act) to the principal Act.

(2) A local authority declared by Order in Council to be
30 a contributing authority pursuant to this section shall be liable for its first contribution on the thirtieth day of June next following the issue of that Order in Council.

(3) No fresh election of representatives shall become
35 necessary by reason only of the issue of an Order in Council under this section.

(4) Section 8 of the Auckland War Memorial Museum Maintenance Amendment Act 1945 is hereby consequentially repealed.

9. Remuneration of President and members—(1) The
40 Council is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) The Council may pay to the President of the Council remuneration by way of fees, salary, or allowances in accordance with the Fees and Travelling Allowances Act 1951, and
45 the provisions of that Act shall apply accordingly.

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(3) The Council may pay to the President and to the members of the Council travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

10. Unauthorised expenditure—The Council may in every financial year expend for purposes not authorised 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 cent of the gross receipts of the Council for that year, nor in any case to more than one hundred and fifty pounds. 5
10

11. Local Authorities Loans Act 1956 to apply—The provisions of the Local Authorities Loans Act 1956 shall, with the necessary modifications, apply to the Council in all respects as if the Council were a local authority within the meaning of that Act: 15

Provided that the Council shall not be entitled to make or levy a special rate as security for any special loan.

12. Council declared a local authority within the meaning of the Local Authorities (Members' Contracts) Act 1954—The Council is hereby declared to be a local authority within the meaning of the Local Authorities (Members' Contracts) Act 1954. 20

13. Superannuation and other benefits for employees—The Council shall be deemed to be a local authority for the purposes of the National Provident Fund Act 1950 and section 6 of the Finance Act (No. 2) 1941. 25

14. Repeals—The following enactments are hereby repealed:

- 1928, No. 19 (Local)—The Auckland War Memorial Museum Maintenance Act 1928, sections 5, 7, and 8.
1931, No. 8 (Local)—The Auckland War Memorial Museum Maintenance Amendment Act 1931.
1945, No. 4 (Local)—The Auckland War Memorial Museum Maintenance Amendment Act 1945, sections 4, 5, and 6.
1953, No. 2 (Local)—The Auckland War Memorial Museum Maintenance Amendment Act 1953.
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SCHEDULES

FIRST SCHEDULE

NEW SCHEDULE IN SUBSTITUTION FOR SCHEDULE TO THE PRINCIPAL ACT

“SCHEDULE

CONTRIBUTING AUTHORITIES

The contributing authorities shall be those named in column one of this Schedule, and the differential factor appropriate to each contributing authority shall be that set opposite its respective name in column 2 of this Schedule:

<i>Column 1</i> Name of Contributing Authority	<i>Column 2</i> Differential Factor
Auckland City Council	1·0
Helensville Borough Council	1·0
East Coast Bays Borough Council	1·0
Takapuna City Council	1·0
Devonport Borough Council	1·0
Northcote Borough Council	1·0
Birkenhead Borough Council	1·0
Henderson Borough Council	1·0
Glen Eden Borough Council	1·0
New Lynn Borough Council	1·0
Newmarket Borough Council	1·0
Mount Albert Borough Council	1·0
Mount Eden Borough Council	1·0
Mount Roskill Borough Council	1·0
Onehunga Borough Council	1·0
One Tree Hill Borough Council	1·0
Ellerslie Borough Council	1·0
Mount Wellington Borough Council	1·0
Howick Borough Council	1·0
Otahuhu Borough Council	1·0
Papatoetoe Borough Council	1·0
Manurewa Borough Council	1·0
Papakura Borough Council	1·0
Manukau County Council	0·9
Waitemata County Council	0·8
Waiuku Borough Council	0·7

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FIRST SCHEDULE—*continued*

Rodney County Council	0·6
(<i>Thames Borough Council</i>)	0·6)
(<i>Te Aroha Borough Council</i>)	.....	.....	.....	.....	0·6)
Huntly Borough Council	.....	.....	.....	.....	0·6
Ngaruawahia Borough Council	.....	.....	.....	.....	0·6
Warkworth Town Council	.....	.....	.....	.....	0·6
Waiheke Road Board	.....	.....	.....	.....	0·4
Whangarei Borough Council	.....	.....	.....	.....	0·4
Hobson County Council	.....	.....	.....	.....	0·3
Putaruru Borough Council	.....	.....	.....	.....	0·2
Te Kuiti Borough Council	.....	.....	.....	.....	0·2
Rotorua City Council	.....	.....	.....	.....	0·2
Kaikohe Borough Council	.....	.....	.....	.....	0·1
Hokianga County Council	.....	.....	.....	.....	0·1
Whangaroa County Council	.....	.....	.....	.....	0·1
Whakatane Borough Council (<i>County Council</i>)	.....	.....	.....	.....	0·1
Kawerau Borough Council	.....	.....	.....	.....	0·1
Kawakawa Town Council	.....	.....	.....	.....	0·1
Taumarunui Borough Council	.....	.....	.....	.....	0·1
Opotiki Borough Council	.....	.....	.....	.....	0·05
Mangonui County Council	.....	.....	.....	.....	0·05
Kaitia Borough Council	.....	.....	.....	.....	0·05
Murupara Borough Council (<i>Town Council</i>)	.....	.....	.....	.....	0·05
Taupo Borough Council	.....	.....	.....	.....	0·05"

SECOND SCHEDULE

Name of Local Authority	Number of Representatives
Firstly mentioned	4
Auckland City Council	
Secondly mentioned	1
Birkenhead Borough Council	
Devonport Borough Council	
East Coast Bays Borough Council	
Helensville Borough Council	
Northcote Borough Council	
Takapuna City Council	
Thirdly mentioned	6
Ellerslie Borough Council	
Glen Eden Borough Council	
Henderson Borough Council	
Howick Borough Council	
Manukau County Council	

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SECOND SCHEDULE—*continued*

Manurewa Borough Council					
Mount Albert Borough Council					
Mount Eden Borough Council					
Mount Roskill Borough Council					
Mount Wellington Borough Council					
Newmarket Borough Council					
New Lynn Borough Council					
Onehunga Borough Council					
One Tree Hill Borough Council					
Otahuhu Borough Council					
Papakura Borough Council					
Papatoetoe Borough Council					
Waitemata County Council					
Fourthly mentioned	.....	.....	.....	.....	1
Hokianga County Council					
Kaikohe Borough Council					
Hobson County Council					
Kaitia Borough Council					
Kawakawa Town Council					
Mangonui County Council					
Rodney County Council					
Warkworth Town Council					
Whangarei Borough Council					
Whangaroa County Council					
Fifthly mentioned	.....	.....	.....	.....	1
Huntly Borough Council					
Kawerau Borough Council					
Ngaruawahia Borough Council					
<u>Murupara Borough Council</u> (<i>Town Council</i>)					
Opotiki Borough Council					
Putaruru Borough Council					
Rotorua City Council					
Taumarunui Borough Council					
Taupo Borough Council					
(<i>Te Aroha Borough Council</i>)					
Te Kuiti Borough Council					
(<i>Thames Borough Council</i>)					
Waiheke Road Board					
Waiuku Borough Council					
Whakatane Borough Council					