

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]

*House of Representatives, 24th October, 1913.*

## CHRISTCHURCH DOMAINS AMENDMENT BILL.

### REASONS FOR THE BILL.

THE Christchurch Domains Act, 1904, is a public Act, and it was amended by the Christchurch Domains Amendment Act, 1911, a local Act, and the present Board was reconstituted under that last-mentioned Act.

The Amendment of the Act became necessary owing to the abolition of the old Selwyn County, which was subdivided into several new counties.

The old Selwyn County Council, under the principal Act, appointed four persons being members of the Council, and paid an annual subsidy of £350 towards the funds of the Domain Board.

This sum has, since the Amendment Act, ceased to be paid.

The annual revenue of the Board from all other sources, even with the aid of voluntary donations, is quite insufficient to meet the ordinary expenditure which is necessary to properly maintain and improve the Park and Botanic Gardens, comprising about 450 acres.

It is proposed by this Bill to give the Governor power to constitute a district, in which the whole of the City of Christchurch and such parts of the Provincial District of Canterbury which may be considered to derive benefit from the Park and Gardens will be included, and to appoint a Commissioner for this purpose.

The Commissioner will also determine the proportions which the local authorities are to contribute towards the payment of an annual sum, not exceeding £2,500, if required by the Board, for the purpose of maintaining and improving the Park and Gardens.

For the purpose of raising these proportions the Bill gives to the local authorities in the combined district power to levy rates over the whole, or parts, of their districts which may be placed within the combined district.

The Bill has been circulated amongst most of the local authorities immediately adjoining the city, and meetings of representatives of such bodies have been held to discuss the object and details of it.

No objection to the object of the Bill was raised, but only to some details of it, which have been amended pursuant to instructions at the meetings.

Mr. Davey.

CHRISTCHURCH DOMAINS AMENDMENT.

[LOCAL BILL.]

ANALYSIS.

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A BILL INTITULED

AN ACT to amend the Christchurch Domains Act, 1904.

Title.

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

1. This Act may be cited as the Christchurch Domains Amendment Act, 1913, and shall form part of and be read together with the Christchurch Domains Act, 1904 (hereinafter referred to as the principal Act).

Short Title.

2. In this Act the expression—

Interpretation.

“The domains” means the lands known as Hagley Park and Government Domain, referred to in section two of the principal Act; and from and after the passing of this Act the said domains may be called “Hagley Park” and “The Botanic Gardens”:

“The Board” means the Christchurch Domain Board constituted under this Act:

“Combined district” means the districts united in pursuance of section eight of this Act:

“Contributory district” means the district within the jurisdiction of the contributory local authority:

“Contributory local authority” means, with respect to the said combined district, the Council of any borough or the Council of any county the whole or part of which borough or county is within the combined district”:

“Financial year” means a period of twelve months ending on the expiration of the thirty-first day of March.

3. The Christchurch Domains Amendment Act, 1911, is hereby repealed.

Repeal.

Constitution of Board.

4. The Board shall be constituted as follows:—

*New.*

Three persons to be appointed from time to time by the Governor:

Six persons to be appointed from time to time by the Christchurch City Council, of whom the Mayor of Christchurch, *ex officio* for the time being, shall be one: 5

One person to be appointed from time to time by each one of the other contributory local authorities whose proportion of the amount to be contributed as hereinafter provided shall not be less than the annual sum of fifty pounds; or 10

One person by any two or more contributory local authorities each of whose proportions of the said amount shall be less than the annual sum of fifty pounds, but shall in the aggregate amount to not less than fifty pounds, and who may combine together for the purpose of making such appointment. 15

First appointment of members.

5. The appointment of persons under this Act shall be made in the month of April in every fifth year, and the first of such quinquennial appointments shall be made in the month of April, nineteen hundred and *fourteen*; and every person shall, unless he sooner resigns, dies, or vacates his seat, hold office until the appointment of his successor. 20

Vacancies.

6. Where a vacancy occurs by any means other than the effluxion of time, such vacancy shall be filled within one month after the occurrence thereof by some person appointed by the authority or authorities that appointed the vacating member, who shall hold office so long as his predecessor would have held it. 25

Existing Board continued.

7. The members of the Christchurch Domains Board in office on the coming into operation of this Act shall continue to hold office until the first appointment of members of the Board under this Act. 30

Governor may constitute district.

8. (1.) The Governor may, by Order in Council, constitute and declare a certain area of land to be a combined district for the purposes of this Act, and to be called the "Christchurch Domains District." 35

(2.) Such combined district shall include within the limits thereof the City of Christchurch and such other parts of the Provincial District of Canterbury *as are within a radius of ten miles of the principal post-office of the City of Christchurch* as the Governor may see fit to determine. 40

Contributions by local authorities towards expenditure of Board.

9. Every contributory local authority shall be liable to contribute towards the maintenance and improvement of the domains in such sums as may be fixed and determined under subsection *two* of section *ten* hereof. 45

Governor may refer certain questions to Commissioner.

10. (1.) The Governor may from time to time, with a view of determining which other parts of the Provincial District of Canterbury shall be included within the said combined district, and of determining what proportion of the maximum sum hereinafter mentioned would be fair and reasonable to be provided by each of the contributory local authorities, appoint any person to be a Commissioner to inquire and report to him upon any matter which he deems necessary to enable him to determine any such questions as aforesaid; and such Commissioner shall have all the powers of a Commissioner appointed by the Governor in Council under the provisions of the Commissions of Inquiry Act, 1908. 50

(2.) The Governor may from time to time, by warrant under his hand publicly notified and gazetted, fix and determine the proportion of the said sum which shall be provided by each of the contributory local authorities during any financial year, and may, by any subsequent warrant as aforesaid before the commencement of any financial year, if it should become necessary, vary or alter such proportion to be provided and paid during any subsequent financial year.

(3.) All costs, charges, and expenses attending or incidental to the exercise of the powers conferred upon the Governor or upon such Commissioner or other persons, shall be a charge upon the revenues of the Board.

11. (1.) The Board shall, during the month of April in every financial year, or as soon thereafter as may be, make an estimate of the amount which it will require for the improvement and proper maintenance of the domains during the same financial year :

Board to make yearly estimate.

Provided that such amount shall not exceed the sum of two thousand five hundred pounds in any one financial year.

(2.) The amount so required shall be apportioned by the Board by resolution among the contributory local authorities within the combined district in the proportions as fixed and determined by the Governor, by any warrant, under section *ten* hereof, and the amount so apportioned to any contributory local authority shall constitute a debt payable by the Corporation of that authority to the Board, and due on the day appointed by the Board for the payment thereof; and may be recovered by the Board by action in any Court of competent jurisdiction.

Apportionment by Board of amount required.

(3.) The Board shall cause a copy of such resolution, certified as correct by the Chairman for the time being of the Board, to be forwarded separately to each local authority within the limits of whose jurisdiction the said combined district or any part thereof is situate.

(4.) Every such local authority, for the purpose of providing the amount so apportioned by the Board and stated in such resolution, shall forthwith proceed to make, levy, and collect a rate in the part of the said combined district within its jurisdiction as nearly as may be, and with such powers, and the rates shall be payable by and recoverable from such persons, and in such manner in every respect, as if the limits of the jurisdiction of such local authority were coincident with such part or parts of the said district, and as if the rate were to be levied by such local authority for its own purposes, under the powers of rating then by law vested in it :

Local authority to levy rate.

Provided that where the contributory district comprises the whole of any borough or county it shall be lawful for the Council of such borough or county to pay the amount so apportioned to it out of its ordinary funds, without the necessity of levying a rate.

(5.) Where any person is liable to be rated in respect of property lying partly within and partly without the said district, the local authority within whose jurisdiction such property is situate shall deduct from the amount of the rates that would be levied on the property, if it were wholly within the district, such part as it in its absolute discretion thinks fit.

(6.) Every such local authority shall be entitled to retain all reasonable costs and expenses incurred in and about the making, levying, collecting, and recovering the rates, and reasonable remuneration for clerical and other work.

(7.) Such costs, expenses, and remuneration may be the subject of an agreement between the Board and any such local authority, but if any dispute shall arise as to the amount so to be retained or otherwise in relation thereto, the same shall be decided by the Controller and Auditor-General, or some other person to be appointed from time to time by the Governor in that behalf.

*New.*

12. Notwithstanding anything in section two of the principal Act, the portions of the domains now occupied by the Canterbury Museum and the Magnetic Observatory respectively shall not, as long as they are so occupied, be under the control of the Board.

Museum and  
Observatory  
excepted from  
domains.