

Mr. Massey.

FRANKLIN AND MANUKAU COUNTIES.

LOCAL BILL.

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A BILL INTITULED

AN ACT to constitute Franklin and Manukau Counties.

Title.
Preamble.

WHEREAS by subsection one of section two of the Counties Amendment Act, 1910, it was enacted, *inter alia*, that the Governor might, by Proclamation, declare that on a day named in the Proclamation (being not sooner than the first day of April, nineteen hundred and eleven), the Counties Act, 1908, should be revived in the County of Manukau, and that on the day so named the last-mentioned Act should be revived accordingly: And whereas by subsection nine of section two of the Counties Amendment Act, 1910, it was further enacted that the Governor in Council might, by notice in the *Gazette*, suspend the operation of said section two for a period not exceeding twelve months after the first day of April, nineteen hundred and eleven, in the said County of Manukau, on the petition of a majority of the local authorities (other than Borough Councils) within that county: And whereas the Governor in Council suspended the operation of section two of the Counties Amendment Act, 1910, for a period not exceeding twelve months from the first day of April, nineteen hundred and eleven, in the said County of Manukau, on the petition of a majority of the local authorities (other than Borough Councils) within that county: And whereas it is desirable to provide that portion of the said County of Manukau shall be formed into a new county to be called "The County of Franklin":

BE IT THEREFORE 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 Franklin and Manukau Counties Act, 1911.
- 2. The County of Franklin is hereby constituted. It shall comprise that portion of the County of Manukau particularly described in the *First* Schedule hereto.

Short Title.
County of Franklin constituted.

Boundaries of
County of Manukau
altered.

3. The boundaries of the County of Manukau are hereby altered accordingly, and the County of Manukau shall from henceforth comprise the area mentioned in the *Second* Schedule hereto.

Arrangement of
assets and liabilities
between the two
counties.

4. The Council of each of the said counties respectively and the several and respective Road Boards and Town Boards in each such county may agree in writing as to what portion of the property (including uncollected rates, if any) belonging to such Road Boards and Town Boards respectively shall vest in the Corporation of the county and what portion of the liabilities (if any) of such Road Boards and Town Boards respectively shall be discharged by the Council; and every such agreement shall be final and binding upon the parties thereto. 5 10

Controller and
Auditor-General to
make award if
failure by either
party affected.

5. If within two months after the first election of each Council respectively any such Council and any such Road Board or Town Board shall have failed to enter into such agreement, the Controller and Auditor-General, or such other person as the Governor appoints, shall, upon the application of the Council affected, hold an inquiry and shall make an award as to the several matters mentioned in section *four* hereof. 15

Extent of inquiry
and award.

6. Any such award may provide for all or any of the matters included in the subject for inquiry, and may declare in whom any property shall be vested, and by whom any moneys shall be paid, or other acts or things done, including the payment by either party of the whole or any part of the expenses of such inquiry; and the person making such award may make and give such directions generally as may be necessary for giving full effect to the objects of the inquiry. 20 25

Award deemed to
be final.

7. Every such award shall be final and shall from the date thereof have the operation of and be enforceable as and be held to be a judgment of the Supreme Court of New Zealand. 30

Property to vest in
county after
constitution
thereof.

8. All property, real or personal, allotted to any county by any such agreement or any award shall be deemed to have vested in the Corporation thereof on and after the date of the constitution of such county.

Jurisdiction within
the various
Counties.

9. From and after the coming into operation of this Act no local body other than the respective Councils of the said counties shall within the limits of each such county exercise any jurisdiction or authority— 35

(a.) Over any roads; or

(b.) Over or in relation to any matter or thing;

in respect of which jurisdiction is conferred upon County Councils under any Act. 40

Member of
Auckland Harbour
Board to be elected
from both counties
jointly.

10. The provision in the Harbours Amendment Act, 1910, that the electors of the County of Manukau shall return one member to the Auckland Harbour Board is hereby repealed. In lieu thereof it is hereby enacted that the electors of the Counties of Manukau and Franklin shall henceforth jointly return one member to such Harbour Board, and the said counties shall be a combined district for the purposes of such last-mentioned Act. This provision shall not take effect until the date of the first election after the passing of this Act of a member to such Board. 45 50

11. This Act shall come into operation on the first day of April, nineteen hundred and *twelve*, and on such date the Counties Act, 1908, and its amendments shall be revived and applied in the said Counties of Manukau and Franklin.

Date of Act coming into force.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

THE County of Manukau as at present existing shall be divided into two divisions by the following dividing-line, namely: a line commencing at a point on the Manukau Harbour where the common boundary between the Papakura Town District and the Drury District touches the Manukau Harbour, thence by the said common boundary to the north-west corner of Lot 9 of Block XV, Otahuhu Survey District; thence by the north-west and north-east boundaries of the Drury Road District to the boundary of the Hunua Road District; thence by the common boundary of the Wairoa and Hunua Road Districts to the point where the boundary of the Mangatawhiri outlying district impinges upon the eastern boundary of the Hunua Road District; thence by the common boundary of that outlying district and the Wairoa Road District to the sea. The southern of such divisions shall constitute the County of Franklin.

SECOND SCHEDULE.

THE County of Manukau shall from henceforth comprise the northern of the two divisions mentioned in the First Schedule hereto.

By Authority: JOHN MACKAY, Government Printer, Wellington.—1911.