

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 22 August 1956

Words struck out by Local Bills Committee are shown in italics within bold brackets or in roman enclosed in panel; words inserted are shown in black or in roman with rule down side.

Mr Cooksley

GREYTOWN TRUST LANDS
[LOCAL BILL]

ANALYSIS

Title	18. Application of income from Trust lands
1. Short Title	19. Leasing powers
2. Interpretation	20. Powers of dedication
	21. Powers of acquisition
<i>Constitution</i>	22. Power of exchange
3. Incorporation and constitution of Trust Board	23. Power to grant easements
	24. Power to accept trusteeships
<i>Electors List and Roll</i>	25. Power to set aside fund for general purposes
4. Electors list	26. Investment of money
5. Objections to list	27. Restriction on alienation of lands
6. Electors roll	28. Public Bodies' Leases Act 1908 to apply
	<i>Borrowing Powers</i>
<i>Elections and Polls</i>	29. Power to borrow money
7. Electors and voting power	
8. Elections and polls	<i>General</i>
9. Periodic retirement of members	30. Officers
10. Annual election of members	31. Management
11. Disqualification for membership	32. No member may vote on matter in which he is interested
12. Cessation of membership	33. Money to be paid into bank
13. Extraordinary vacancies	34. Accounts
	35. Annual statements
<i>Ouster of Office</i>	36. Annual meeting of electors
14. Ouster of office	37. Contracts of Trust Board
	38. Indemnity of members
<i>Trusts and Powers</i>	39. Repeals
15. Vesting of lands	Schedules
16. Issue of titles	
17. Trusts on which lands to be held	

A BILL INTITULED

An Act to consolidate and amend the laws relating to the management of certain trust lands in the Borough of Greytown and in the County of Featherston

BE IT ENACTED by the General Assembly of New Zealand 5
in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Greytown Trust Lands Act 1956.

2. Interpretation—In this Act, unless the context otherwise 10
requires,—

“District” means the Borough of Greytown:

“Elector” means a person whose name appears for the time being as an elector in the electors roll:

“Electors list” means the list compiled pursuant to section 15
four of this Act:

“Electors roll” means the electors roll made and established pursuant to section *six* of this Act, and for the time being in force:

“Financial year” means a year commencing on the first 20
day of April and ending with the succeeding thirty-first day of March:

“Income”, in relation to any property of the Trust Board, includes all income derived in any previous year and not yet applied pursuant to the provisions of this Act: 25

“Member” means a person who is duly confirmed, elected, or appointed by or pursuant to this Act as a member of the Trust Board and is for the time being in office:

“Public notice” means a notice published in some newspaper circulating in the district; and “published”, 30
“publication”, and “publicly notified” have corresponding meanings. A public notice setting forth the object, purport, or general effect of a document shall in any case be a sufficient publication of that document: 35

“Special resolution” means a resolution passed at a special meeting of the Trust Board. For the purposes of this definition, a special meeting is a meeting of which, not less than seven clear days before the time at which such meeting is to be held, there shall have been given 40

to each member written notice, under the hand of the secretary to the Trust Board, specifying the time and place at which the meeting is to be held and the business to be brought before the meeting:

5 “Trust Board” means the corporation of the Greytown Trust Lands Trustees constituted by this Act:

10 “Trust lands” means the lands mentioned in the *First Schedule* to this Act, together with all additional lands (whether within or beyond the district) that may be hereafter acquired by the Trust Board for the purposes of this Act; and includes also all lands (whether within or beyond the district) that may be hereafter acquired by the Trust Board in substitution for lands theretofore included in the Trust lands, and excludes
15 all lands theretofore included in the Trust lands in substitution for which lands are so acquired.

Constitution

3. Incorporation and constitution of Trust Board—

20 (1) There is hereby established for the purposes of this Act a board of trustees, to be called “the Greytown Trust Lands Trustees”, which shall be a body corporate, with perpetual succession and a common seal, and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing or otherwise acquiring, holding, disposing of, and alienating
25 real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

Struck Out

30 (2) The body of persons constituted under the name of “the Greytown Trustees” by the Masterton and Greytown Lands Management Act 1871 or any amendment thereof as subsisting at the passing of this Act shall be the same body of persons as the body corporate as is constituted by this Act, and all existing contracts and engagements of such body of persons shall
35 be enforceable by and against it, and all acts of authority lawfully done by such body of persons pursuant to the Masterton and Greytown Lands Management Act 1871 or any amendment thereof shall enure as if done pursuant to this Act; and all references to the Greytown Trustees or to the
40 Greytown Trust Lands Trustees in any Act, or in any Proclamation or Order in Council, or in any agreement, deed, instrument, will, or other document (whether dated before or after the passing of this Act) shall, unless such construction is inconsistent with the context or the provisions of this Act,
45 be deemed to be references to the body corporate constituted by this Act.

New

(2A) The Trust Board constituted by this Act is hereby declared for all purposes to be the same body of persons as the Greytown Trustees constituted by the Masterton and Greytown Lands Management Act 1871 and subsisting immediately before the passing of this Act. All references to the Greytown Trustees in any Act, Proclamation, Order in Council, or other enactment, or in any contract, deed, instrument, agreement, will, register, title, licence, list, or other document, whether passed or made before or after the passing of this Act, shall, unless inconsistent with the context thereof or with the provisions of this Act, be deemed to be references to the Greytown Trust Lands Trustees. 5 10

(3) The Trust Board shall consist of six members, who shall be elected in the manner hereinafter provided, and who (subject to the provisions of this Act) shall respectively hold office until retirement by rotation in the manner hereinafter provided. 15

(4) All persons holding office immediately before the passing of this Act as members of the Greytown Trustees under the Masterton and Greytown Lands Management Act 1871 shall, until retirement by rotation in the manner hereinafter provided, continue to hold office as members of the body corporate constituted by this Act, and shall be deemed to have been elected to such last-mentioned office on the days on which they respectively were elected as members of the Greytown Trustees constituted by the Masterton and Greytown Lands Management Act 1871. 20 25

(5) The powers of the Trust Board shall not be affected by any vacancy in the membership thereof. 30

Electors List and Roll

4. Electors List—(1) On or before the thirty-first day of January in every year the Trust Board shall make out a list, to be called the electors list, setting forth, in alphabetical order of surnames, the name, occupation, and address of every person, male or female, of the full age of twenty-one years who has resided in the district throughout the six months then last past. For the purposes of this section, a person shall be deemed to reside in the place in which he has his permanent home. 35

(2) The Trust Board shall keep the said list in the office of the Trust Board available for inspection without charge by all persons interested therein, during all office hours up to and including the following fifteenth day of February, and shall on the day following the preparation of the said list, or as soon thereafter as practicable, publicly notify that the said list is so available for inspection. 40 45

5. Objections to list—(1) Any person may [, *in the prescribed time and manner,*] lodge with the Trust Board an objection to the electors list on any of the following grounds:

- 5 (a) That any person whose name is not on the list possesses the necessary qualification at the time when the objection is lodged, and is entitled to have his name inserted in the list:
- (b) That any person whose name is on the list does not possess the necessary qualification at the time when the objection is lodged:
- 10 (c) That the name, occupation, or address of any person is incorrectly inserted in the list.

(2) Every such objection shall be in writing, under the hand of the objector, and shall be addressed to the Trust Board and delivered at the office of the Trust Board not later than the last day on which the electors list is declared to be available for inspection, and a copy thereof shall within the same period be served by the objector on every person affected thereby.

15 (3) Every objection shall be kept at the office of the Trust Board, available for inspection without charge by all persons interested therein, for a period of six days immediately following the last day of the period during which objections are permitted to be lodged.

6. Electors roll—(1) The Trust Board shall from time to time, upon any objection as aforesaid or of its own motion, amend the electors list by adding thereto the name of any person who then in fact possesses the necessary qualification but is not entered thereon, and by erasing therefrom the name of any person who does not then in fact possess the necessary qualification but is entered thereon, and by making therein any necessary corrections in the names, occupations, or addresses of persons entered thereon.

(2) In particular, but without affecting the general operation of the *last preceding* subsection, the Trust Board shall in every year hold a meeting on a day to be appointed by the Trust Board, being not earlier than the twenty-second and not later than the twenty-eighth day of February, of which day not less than three days' public notice shall be given; and shall, at such meeting or any adjournment thereof, hear and determine all such objections, and amend the elector's list by adding or erasing names and making all necessary corrections as aforesaid, to the intent that, so far as may be, the list may correctly set forth the name, occupation, and address of every person then possessing the requisite qualification, and no other person.

45 (3) The electors list, as so amended, shall be authenticated by the signature of three members of the Trust Board, and shall come into force on the first day of April then next

ensuing and become the electors roll, and shall continue in force until a new electors roll shall come into force in like manner.

(4) As soon as practicable after such authentication, copies of the electors roll shall be printed, and any person shall be entitled to a printed copy at a price to be fixed by the Trust Board. 5

Elections and Polls

7. Electors and voting power—(1) Every person whose name appears on the electors roll for the time being in force shall be an elector for the purposes of this Act, and shall be entitled to vote at every poll taken for any election under this Act, and also at every poll taken on any proposal that under this Act is submitted to the votes of the electors. 10

(2) Every elector shall have one vote, and no more, at each poll at which he is entitled to vote. 15

(3) Except where otherwise expressly provided in any case, the majority required to determine any election or carry any proposal shall be a majority of the valid votes cast at the poll.

8. Elections and polls—(1) All elections under this Act, and all polls taken on any proposals submitted under this Act to the votes of the electors, shall, subject to the provisions of this Act, be held and conducted under the provisions in that behalf of the Local Elections and Polls Act 1953, which, so far as applicable and not inconsistent with this Act, are hereby incorporated in this Act. 20 25

(2) Nothing herein shall affect the provisions of the Local Bodies' Loans Act 1926; and all proceedings for the raising of loans by the Trust Board shall, subject to the provisions of this Act, be taken under that Act and not otherwise. 30

(3) Notwithstanding anything to the contrary in the Local Elections and Polls Act 1953 or the Local Bodies' Loans Act 1926,—

(a) An election of members shall be held on the last Thursday in May in every year: 35

(b) The roll to be used for the purpose of any such election or poll shall be the electors roll for the time being in force prepared pursuant to the provisions of this Act.

9. Periodic retirement of members—At every election of members the two members who have been longest in office since they respectively were most recently elected as members shall retire from office, but shall be eligible for re-election; but as among members whose most recent election as members occurred on the same day, those to retire (unless they otherwise agree among themselves) shall be determined by lot. 40 45

10. **Annual election of members**—On the last Thursday in May next after the passing of this Act, and on the same day in every subsequent year, an election of members shall be held at which the electors shall elect two qualified persons to be members in place of the two members retiring on that day pursuant to section *nine* of this Act.

11. **Disqualification for membership**—(1) The following persons shall be incapable of being elected to be, or of being or continuing to be, members, that is to say:

10 (a) Any person whose name does not appear on the electors roll for the time being in force:

(b) An alien:

[(c) *A person of unsound mind.*]

New

15 (cc) A mentally defective person within the meaning of the Mental Health Act 1911:

(d) A bankrupt who has not obtained his order of discharge, or whose order of discharge is suspended for a term not yet expired, or is subject to conditions not yet fulfilled:

20 (e) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon or has served his sentence or otherwise suffered the penalty imposed on him:

Struck Out

(f) Any person holding any office or place of profit under or in the gift of the Trust Board:

(g) A tenant or lessee of the Trust Board and a person to whom the Trust Board is a tenant or lessee, other than a person who falls within this paragraph only in the capacity of a trustee or other representative capacity.

35 (2) If any person while holding office as a member becomes incapable of continuing to hold office under the *last preceding* subsection, his office shall thereby be vacated, and the vacancy so created shall be deemed to be an extraordinary vacancy.

New

40 (3) The Trust Board is hereby declared to be a local authority within the meaning of the Local Authorities (Members' Contracts) Act 1954. That Act is hereby accordingly amended by inserting in Part II of the First Schedule (as amended by the Local Authorities (Members' Contracts) Order 1956), after the reference to the Greymouth High School Board, the following words:

45 "The Greytown Trust Lands 1956, No. (Local)—
Trustees The Greytown Trust
Lands Act 1956."

12. Cessation of membership—A member may resign his office by writing under his hand delivered to the secretary to the Trust Board, and in such case, or in the case of the death, incapacity, or ouster from office of a member, or the absence of a member without the leave of the Trust Board from three consecutive ordinary meetings of the Trust Board, his office shall become vacant, and such vacancy shall be deemed to be an extraordinary vacancy. 5

13. Extraordinary vacancies—(1) In the event of an extraordinary vacancy in the office of a member occurring not less than six months before the date on which such member is due to retire from office pursuant to section *nine* of this Act, the Trust Board shall, by resolution, appoint a person qualified to be elected a member to fill the vacancy. 10

(2) In the event of an extraordinary vacancy in the office of a member occurring less than six months before the date on which such member is due to retire from office pursuant to section *nine* of this Act, the Trust Board may, by resolution, either appoint a person qualified to be elected a member to fill the vacancy, or determine that the vacancy shall not be filled. 15 20

(3) Every person appointed by the Trust Board to fill an extraordinary vacancy in the office of member shall hold office only until the date at which his predecessor (the member whose vacation of office has caused the extraordinary vacancy) would, if he had so long continued to hold office, have been due to retire from office pursuant to section *nine* of this Act. 25

(4) Every resolution of the Trust Board under this section shall have effect according to its tenor, anything to the contrary in the Local Elections and Polls Act 1953 notwithstanding. 30

Ouster of Office

14. Ouster of office—(1) Upon proof in the first instance, by affidavit or otherwise, that a member is or has become incapable under this Act of holding his office, the Magistrate's Court in the district may grant a summons calling upon the person holding that office to show cause why he should not be adjudged to be ousted of the same. 35

(2) If on the return of the 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 him to be ousted of the same, and he shall be ousted of such office accordingly. 40

(3) In any such proceedings the Magistrate's Court may exercise all the powers and authorities that it may exercise in its ordinary jurisdiction in civil cases; and the procedure of that 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 a Magistrate's Court under this section.

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

Trusts and Powers

15 15. Vesting of lands—[On the passing of this Act,] All property, both real and personal, [heretofore vested] vested at the passing of this Act in the Greytown Trustees constituted under the Masterton and Greytown Lands Management Act 1871, and in particular the lands mentioned in the First Schedule to this Act, [shall be deemed to be vested] is hereby vested in the Trust Board subject to all encumbrances, contracts, and equities affecting the same respectively at the passing of this Act and subject to the trusts [of this Act declared] declared by this Act concerning the same respectively.

25 16. Issue of titles—The District Land Registrar for the Land Registration District of Wellington shall after the passing of this Act, on receiving a written application under the seal of the Trust Board, register the Trust Board as proprietor of an estate in fee simple of the Trust lands as set out in the First Schedule to this Act.

30 17. Trusts on which lands to be held—(1) Subject to the express provisions of this Act, the Trust Board shall hold, and shall be deemed always to have held, the Trust lands for purposes of public utility in the district, and the promotion and assistance of such purposes; and, in particular (but without restricting the generality of the purposes aforesaid), for the purposes of assisting general public educational establishments in the district and assisting public libraries in the district, and for the purpose of promoting and fostering in the district, or among persons who are or at some time have been resident within the district, education generally, and the cultivation of and the imparting of knowledge, proficiency, and skill in arts, sciences, and technical subjects (including,

but without restricting the generality of the foregoing provisions, aeronautics, aerostatics, and aerodynamics both practical and theoretical).

(2) For the purposes of this section, an educational establishment or a library shall be deemed to be public if it is available (with or without charge) to the public; and "assisting" shall be deemed to include "establishing".

18. Application of income from Trust lands—The Trust Board may, in every financial year, apply its income from the Trust lands in such manner as the Trust Board shall from time to time decide, to all or any of the following purposes:

- (a) In paying and satisfying all the cost and expense of the conduct and management of the business and affairs of the Trust Board, and in reimbursing to members all travelling and other expenses incurred by them in the course of attending to the business and affairs of the Trust Board, and in paying and satisfying the cost and expense of conducting elections and polls under this Act and generally the cost and expense of the execution of the trusts and powers of this Act:
- (b) For any or all of the purposes mentioned in section *seventeen* of this Act:
- (c) For the purpose of erecting, or assisting in erecting, on lands of the Trust Board (whether within the district or elsewhere), or elsewhere in the district, buildings and other erections designed for any of the purposes aforesaid or designed for use in connection with or incidental to any such purposes:
- (d) For the purpose of improving, maintaining, and keeping in proper order and condition any real or personal property of the Trust Board, and any real or personal property in the district (whether or not the property of the Trust Board) used or designed for use for or in connection with any of the purposes mentioned in this section:
- (e) For the purpose of maintaining and improving the earning capacity, or the use for any of the purposes aforesaid, of any real or personal property of the Trust Board, or of rendering any such property more suitable for the purpose of producing revenue, and, in particular, by the erection of buildings for residential or business purposes, and the addition of improvements and amenities:

(f) For the purpose of forming, constructing, kerbing, and paving streets, roads, service lanes, and ways on lands dedicated or transferred for those purposes by the Trust Board pursuant to section *twenty* of this Act or on any lands of the Trust Board:

(g) In expending 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 fifty pounds in any one financial year.

10 **19. Leasing powers**—The Trust Board shall have power to grant leases and tenancies of the Trust lands and any part or parts of the same.

20. Powers of dedication—(1) The Trust Board shall have power from time to time, with or without requiring any payment or other consideration, to dedicate and transfer portions of the Trust lands for the purpose of widening any streets, roads, access ways, or service lanes:

20 Provided that no such dedication shall be made so as to widen any street or road by a greater width than thirty-three feet.

(2) The Trust Board shall have power from time to time, with or without requiring any payment or other consideration, to dedicate and transfer portions of the Trust lands for the purpose of making new roads, streets, access ways, or service lanes, or extensions of existing roads, streets, access ways, or service lanes; and in particular (but without affecting the generality of the powers conferred by this subsection) for the purpose of improving or using to better advantage any real or personal property of the Trust Board.

30 (3) No money shall be expended in the exercise of any power conferred by this section except out of the revenue of the Trust lands, or out of a fund specially created for the purpose, or out of a general reserve established pursuant to this Act.

35 (4) Money received by way of consideration for the dedication or transfer, as mentioned in this section, of any part of the Trust lands shall be deemed to be income derived from the Trust lands.

40 (5) No power conferred by this section shall be exercised except by or in pursuance of a special resolution.

21. Powers of acquisition—(1) The Trust Board shall have power from time to time to acquire by purchase, by the acceptance of gifts or devises, or otherwise, additional lands for addition to the Trust lands, and all lands so acquired shall thereafter be deemed to be included in the Trust lands for the purposes of this Act. 5

(2) No money shall be expended pursuant to the powers conferred by this section except out of the revenue of the Trust lands, or out of a fund specially created for the purpose, or out of a general reserve established pursuant to this Act, or out of the proceeds from the disposal of Trust lands taken by Proclamation under the Public Works Act 1928. 10

(3) No power conferred by this section shall be exercised except by or in pursuance of a special resolution.

22. Power of exchange—(1) The Trust Board may from time to time exchange Trust lands for other lands in the district which in the opinion of the Trust Board may be used to more advantage: 15

Provided that lands so acquired by exchange must be of a value equivalent to or greater than the Trust land disposed of by way of exchange. 20

(2) No power conferred by this section shall be exercised except by or in pursuance of a special resolution.

23. Power to grant easements—The Trust Board may from time to time grant any easement in, upon, through, over, or under the Trust lands or any part or parts thereof subject to such conditions, and upon such consideration, and subject to the payment of such rent (if any) as the Trust Board shall think fit: 25

Provided that nothing in this section shall be deemed to authorise the Trust Board to grant any easement without such easement being attached or appurtenant to other land. 30

24. Power to accept trusteeships—The Trust Board shall be at liberty from time to time to accept trusteeships for trusts and purposes not inconsistent with the general purposes of this Act, and for such purposes to permit to be or become vested in the Trust Board any real or personal property to be held by the Trust Board upon and subject to the trusts imposed in respect thereof, not being trusts inconsistent with the general purposes of this Act. 35 40

25. Power to set aside fund for general purposes—The Trust Board may from time to time, out of the income from the Trust lands, create, maintain, and add to a fund or funds for any one or more of the purposes of the Trust Board.

5 **26. Investment of money**—The Trust Board may from time to time invest any fund established pursuant to section *twenty-five* of this Act, or any part or parts of any such fund, and all money representing income of the Trust Board from time to time remaining unapplied pending the application thereof in
10 accordance with the trusts and purposes of this Act, in the following manner, that is to say:

- (a) In New Zealand Government securities; or
- 15 (b) On deposit in any bank lawfully carrying on the business of banking in New Zealand, or in the Post Office Savings Bank or in the National Savings Account; or
- 20 (c) On any other form of investment for the time being authorised by law for the investment of trust funds, and the income from such investments shall be credited to the fund to which the investments belong.

27. Restriction on alienation of lands—(1) Save as in this Act expressly authorised, the Trust Board shall have no power of alienation of the Trust lands or any part thereof or any interest therein.

25 (2) Notwithstanding anything to the contrary in the *last preceding* subsection or elsewhere in this Act, the Trust Board shall have power to sell or otherwise dispose of personal property of the Trust Board, and to sell for removal, or otherwise to dispose of buildings, erections, and improvements,
30 being the property of the Trust Board, standing or being upon the Trust lands or any part thereof, whether affixed to the freehold or not.

35 (3) Money received by way of consideration for any sale or other disposal as mentioned in this section shall be deemed to be income of the Trust Board.

28. Public Bodies' Leases Act 1908 to apply—Every power of granting leases or tenancies conferred on the Trust Board by this Act shall confer on the Trust Board power to grant any such lease or tenancy on any terms authorised by the Public
40 Bodies' Leases Act 1908, and for that purpose the Trust Board is hereby declared to be a leasing authority within the meaning and for the purposes of the Public Bodies' Leases Act 1908:

Provided that sections eight and ten and paragraph (d) of subsection one of section twelve of the last-mentioned Act shall not apply to the Trust Board.

Borrowing Powers

29. Power to borrow money—(1) The Trust Board shall have power from time to time to borrow money for any of the purposes of the Trust Board, and every such purpose shall be deemed to be a public work or undertaking within the meaning of the Local Bodies' Loans Act 1926. 5

(2) In respect of every proposal to borrow money pursuant to the powers conferred by subsection *one* of this section, the provisions (so far as applicable) of Part I of the Local Bodies' Loans Act 1926, except the provisions of **paragraph (b) of subsection one of section twenty and** sections twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, and twenty-six thereof, shall apply as though the Trust Board were a local authority and the proposed loan a special loan under that Act, and the provisions so expressed to apply are hereby incorporated in and deemed to form part of this Act: 10 15

Struck out

Provided that a majority of the total valid votes recorded at the poll on any such proposal as aforesaid shall suffice to carry the proposal: 20

Provided [*also*] that for the purpose of securing the repayment of money so borrowed, and the interest thereon, the Trust Board may appropriate and pledge as security its revenues or any part thereof, and no other property. 25

(3) Notwithstanding anything to the contrary in the Local Bodies' Loans Act 1926 or any other enactment, any borrowing by the Trust Board authorised pursuant to that Act may be effected by way of overdraft in a special account to be established by the Trust Board with its bankers without the necessity of issuing any debenture or debentures, or establishing any sinking fund, or appointing sinking fund commissioners. 30 35

(4) In addition to the powers conferred by the foregoing provisions of this section, the Trust Board shall have the powers of borrowing conferred on local authorities by the Local Bodies' Finance Act 1921-22, and the provisions of that Act shall, with any necessary modifications, apply to the Trust Board in all respects as if it were a local authority within the meaning of that Act. 40

New

(5) The Trust Board is hereby declared to be a local authority within the meaning of the Local Government Loans Board Act 1926, and the provisions of that Act shall apply accordingly. 45

General

30. **Officers**—(1) The Trust Board may from time to time appoint or remove a secretary and such other officers as the Trust Board shall think necessary, and may, out of the
 5 revenues of the Trust Board, pay to such persons such salaries, allowances, remunerations, and retainers in respect of their services as shall be thought fit. All officers holding office at the passing of this Act shall continue in office subject to the provisions of this Act.

10 (2) Before any officer entrusted by the Trust Board with the custody or control of money by virtue of his office enters on the duties of his office the Trust Board shall take sufficient security from him for the faithful execution of those duties.

31. **Management**—The Trust Board may from time to
 15 time make regulations for the conduct of business and keeping the minutes thereof, for fixing quorums for meetings, for the appointment of a chairman and fixing his term of office, for the appointment of an auditor and for regulating the manage-
 20 ment of the real and personal property of the Trust Board, and generally for giving effect to the provisions of this Act, and may from time to time add to, amend, and revoke such regulations or any of them, and may from time to time make additional or substituted regulations for the purposes afore-
 25 said.

Struck out

32. **No member may vote on matter in which he is interested**—No member shall take part in any discussion or vote upon any matter coming before the Trust Board in which he has, directly or indirectly, any interest. Every
 30 member who knowingly offends against this section shall be liable to a penalty not exceeding fifty pounds for every such offence, which penalty may be recovered in a summary manner in any Magistrate's Court on information laid by any elector. All penalties recovered under this section shall
 35 be the property of the Trust Board and be paid into the general revenue of the Trust Board.

New

32A. **Member not to vote on question in which he has pecuniary interest**—(1) No member of the Trust Board shall
 40 vote or take part in the discussion of any matter before the Trust Board or any committee of the Trust Board in which he has, directly or indirectly, any pecuniary interest apart from any interest in common with the public.

45 (2) Every member who knowingly offends against this section commits an offence and is liable on summary conviction to a fine not exceeding fifty pounds. The amount of any

fine imposed under this section shall be payable to the Trust Board.

(3) On the conviction of any person under this section his office as a member of the Trust Board shall become vacant, and the vacancy so created shall be deemed to be an extraordinary vacancy. 5

33. Money to be paid into bank—(1) All money belonging to the Trust Board amounting to ten pounds and upwards shall, within seven days after it has been received by the proper officer of the Trust Board, be paid into the account of the Trust Board at such bank as the Trust Board from time to time appoints. 10

(2) No money shall be withdrawn from the bank except by authority of the Trust Board and by cheque signed by the secretary and countersigned by a member of the Trust Board. 15

34. Accounts—(1) The Trust Board shall keep such accounts and keep them in such manner as may be prescribed by the auditor, but so always that—

(a) A General Account shall be kept and credited with all money not required by this Act to be carried to any other account, and debited with the expenditure that is not required by or under this or any other Act to be charged or that is not otherwise properly chargeable against any other account; and 20

(b) Separate accounts shall be kept and credited with all money raised or levied for, or appropriated or allocated to, or held in trust or received for, any special purpose, and debited with expenditure properly chargeable against these accounts; and 25

(c) A Profit and Loss Account shall be kept. 30

(2) The decision of the auditor as to whether or not any expenditure is properly chargeable against any such account as aforesaid shall be final.

35. Annual statements—(1) On or before the fifteenth day of April in each year the Trust Board shall cause to be prepared and sent to the auditor a yearly balance sheet, being an abstract of the accounts above mentioned during the financial year ended with the thirty-first day of March then last past, together with the following statements, namely: 35

(a) A statement of the whole assets and liabilities of the Trust Board at the end of that year: 40

(b) A statement of the public debt of the Trust Board, showing the total debt outstanding under the head of each loan raised, and the sinking fund (if any) in the bank or invested to provide for the repayment of each loan: 45

(c) A statement of the reserves and other real property belonging to the Trust Board, showing the terms, conditions, and rents for which any parts thereof are let on lease or otherwise, and the amounts of the rents in arrear in each case.

(2) The yearly balance sheet and statements shall be audited by the auditor.

(3) The auditor shall return the balance sheet and statements to the Trust Board on or before the ensuing thirtieth day of April, or as soon thereafter as possible, with a certificate and report written and signed thereon. The balance sheet and statements, bearing the certificate and report, shall thereupon be printed, and a copy thereof as so printed shall be deposited in the office of the Trust Board, available for inspection by any elector during ordinary office hours, free of charge, until the holding of the meeting of electors mentioned in section *thirty-six* of this Act. The Trust Board shall furnish a copy of the balance sheet and statements, as so printed, to any elector requiring the same. Public notice shall be given that the balance sheet and statements have been audited and printed, and are available as aforesaid.

36. Annual meeting of electors—For the purpose of receiving the annual report, balance sheet, and statements of account of the Trust Board a meeting of electors shall be held annually at a place to be appointed by the Trust Board, and on a day to be appointed by the Trust Board being not later in any year than the twenty-first day after the receipt by the Trust Board from the auditor of the balance sheet and statements of account, of which meeting, and of the time and place appointed for holding the same, not less than seven clear days' public notice shall be given. At such meeting the chairman for the time being of the Trust Board or, in his absence, a chairman appointed by the meeting shall preside. At such meeting the annual report, balance sheet, and statements of account for the year ended with the preceding thirty-first day of March shall be submitted. At such meeting the auditor for the ensuing year shall be appointed and his remuneration fixed.

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

(2) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith shall, if made by the Board, be in writing under the seal of the Board or in writing signed by two members of the Board on behalf of and by direction of the Board.

(3) Any contract which if made between private persons may be made orally may be similarly made by or on behalf

of the Board by any member acting by direction of the Board, but no oral contract shall be made involving the payment by the Board of a sum exceeding [*ten*] twenty pounds.

(4) Notwithstanding anything in the foregoing provisions of this section, no contract made by or on behalf of the Board shall be invalid by reason only that it is not made in the manner prescribed by this section if it is made pursuant to a resolution of the Board or to give effect to a resolution of the Board. 5

38. Indemnity of members—No member shall be personally liable for any act done or omitted by the Trust Board, or by any member thereof, in good faith in the course of the operations of the Trust Board, or be answerable for the act of any other member, or be answerable for any loss that may arise by reason of any money of the Trust Board being deposited in any bank, or in the hands of any agent or servant of the Trust Board, or for any loss in the execution of any of the trusts or powers declared in this Act, unless the same happens through his own wilful neglect or default. 15

39. Repeals—The enactments mentioned in the *Second* Schedule to this Act are hereby repealed to the extent indicated in that Schedule; and with respect to enactments so repealed the following provisions shall apply, but without limiting or affecting any specific saving provision herein contained: 25

Struck out

(a) All members in office at the passing of this Act shall remain in office until their respective successors are elected or appointed under this Act and come into office:	30
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(b) All Proclamations, Orders in Council, regulations, offices, appointments, resolutions, **contracts**, agreements, leases, licences, lists, rolls, records, documents, and generally all acts of authority that originated under any such enactment and are subsisting or in force at the passing of this Act shall enure for the purposes of this Act as fully and effectually as if they had originated under this Act and accordingly shall, where necessary, be deemed to have so originated: 35

(c) All matters and proceedings commenced under any such enactment, and pending or in progress at the [*coming into operation*] **passing** of this Act, may be continued, completed, and enforced under this Act; and, in particular, all rights of borrowing accrued under any such enactment and not fully exhausted shall continue and may be exercised as though such enactment had not been repealed. 40 45

SCHEDULES

Struck out

FIRST SCHEDULE

TRUST LANDS

Area	Reference to Certificate of Title, Wellington Registry	Description
(1) ^{A. R. P.} 10 3 39.30	508/263 (Limited as to parcels)	Situated partly in the Borough of Greytown and partly in Block VIII, Tiffin Survey District, being Sections 1, 2, 9, 62, 93, 119, 120, and part of Sections 61, 89, 91, 92, and 112, and part of the part marked "Reserve" between Sections 108 and 110 of the Town of Greytown and also part of Section 5, Greytown Small Farm Settlement, and being all the land included in this certificate of title.
(2) 2 0 0	332/252 (Limited as to parcels)	Situating in the Borough of Greytown, being Sections 5 and 7, Town of Greytown, and being all the land included in this certificate of title.
(3) 13 2 27	403/156 (Limited as to parcels)	Situating in the Borough of Greytown, being part Tahorahina Block, and being all the land included in this certificate of title.
(4) 0 1 28.3	157/82	Situating in the Borough of Greytown, being part Section 61, Township of Greytown, and being all the land included in this certificate of title.
(5) 0 0 24.79	332/285 (Limited as to parcels)	Situating in the Borough of Greytown, being part of Section 33, Town of Greytown, and being all the land included in this certificate of title.
(6) 29 3 0.83	336/180 (Limited as to parcels)	Situating partly in the Borough of Greytown and partly in Block XIII, Tiffin Survey District, being part of the Forty-Eight acre Reserve near Greytown, and being also Lots 1 to 20, 22 to 24, 29 to 33, 36 to 50, 56 to 60 (all inclusive), part Lots 21, 25, and 26 on the plan of the Greytown Town Belt, being also Lots 1 to 10 (inclusive) on Deposited Plan No. 17835, and being the balance of the land included in this certificate of title.
(7) 0 2 0	336/92 (Limited as to parcels and title)	Situating in the Borough of Greytown, being part Section 5, Greytown Small Farm Settlement, and being also Lot 8 on a plan deposited in the Deeds Register Office as No. 139, and being all the land included in this certificate of title.
(8) 0 3 9.03	508/262	Situating in the Borough of Greytown, being also Lots 1, 2, 3, 4, and 6 on Deposited Plan No. 10765, and being all the land included in this certificate of title.

Greytown Trust Lands

SCHEDULES

FIRST SCHEDULE

TRUST LANDS

New

(All situated in Block XIII, Tiffin Survey District, Wellington Land District)

Area	Reference to Certificate of Title, Wellington Registry	Description
(1) <small>A. R. P.</small> 10 3 39.30	508/263 (Limited as to parcels)	Situated partly in the Borough of Greytown and partly in the County of Featherston, being Sections 1, 2, 9, 62, 93, 119, 120, and part of Sections 61, 89, 91, 92, and 112, and part of the part marked "Reserve" between Sections 108 and 110, Town of Greytown, and also part of Section 5, Greytown Small Farm Settlement, and being all the land included in this certificate of title.
(2) 2 0 0	332/252 (Limited as to parcels)	Situated in the Borough of Greytown, being Sections 5 and 7, Town of Greytown, and being all the land included in this certificate of title.
(3) 13 2 27	403/156 (Limited as to parcels)	Situated in the Borough of Greytown, being part Tahorahina Block, and being all the land included in this certificate of title.
(4) 0 1 28.3	157/82	Situated in the Borough of Greytown, being part Section 61, Town of Greytown, being also the land comprised in A Plan 2215, and being all the land included in this certificate of title.
(5) 0 0 24.79	332/285 (Limited as to parcels)	Situated in the Borough of Greytown, being part of Section 33, Town of Greytown, and being all the land included in this certificate of title.
(6) 29 2 0.83	336/180 (Limited as to parcels)	Situated partly in the Borough of Greytown and partly in the County of Featherston, being part of the Forty-eight Acre Reserve near Greytown, and being also Lots 1 to 4, part Lots 5 to 26, and part Lots 36 to 50 on the plan of the Greytown Town Belt (part Lots 21, 22, 24, and 25, being more particularly Lots 1 to 11 on Deposited Plan No. 17835), and being the balance of the land included in this certificate of title.
(7) 0 2 0	336/92 (Limited as to parcels and title)	Situated in the Borough of Greytown, being part Section 5, Greytown Small Farm Settlement, and being also Lot 8 on a plan deposited in the Deeds Register Office as No. 139, and being all the land included in this certificate of title.

FIRST SCHEDULE—continued
TRUST LANDS—continued

Area	Reference to Certificate of Title, Wellington Registry	Description
(8) A. R. P. 0 3 9'03	508/262	Situated in the Borough of Greytown, being part Section 60, Town of Greytown, being also Lots 1, 2, 3, 4, and 6 on Deposited Plan No. 10765, and being all the land included in this certificate of title.
(9) 3 0 0	285/140	Situated in the Borough of Greytown, being part Tahorahina 1B Block, being also all the land edged green on Deposited Plan No. 5121, and being all the land included in this certificate of title.

SECOND SCHEDULE
ENACTMENTS REPEALED
Struck out

1871, No. 25—
The Masterton and Greytown Lands Management Act 1871.
1879, No. 15 (Local)—
The Masterton and Greytown Lands Management Act 1871 Amendment Act 1879: Sections 3, 4, 5, 6, 7, and 8.
1883, No. 17 (Local)—
The Masterton and Greytown Lands Management Acts Amendment Act 1883: Sections 2, 5, and 6.
1896, No. 10 (Local)—
The Greytown Trustees Empowering Act 1896.
1901, No. 12 (Local)—
The Greytown Reserves Vesting and Disposal Enabling Act 1901.
1906, No. 34 (Local)—
The Greytown Trustees Empowering Act 1906.
1911, No. 5 (Local)—
The Greytown Town Lands and Hospital Lands Exchange Act 1911.
1927, No. 17 (Local)—
The Greytown Trust Land Trustees Empowering Act 1927.

New

1871, No. 25—
The Masterton and Greytown Lands Management Act 1871.
1879, No. 15 (Local)—
The Masterton and Greytown Lands Management Act 1871 Amendment Act 1879.
1883, No. 17 (Local)—
The Masterton and Greytown Lands Management Acts Amendment Act 1883.
1896, No. 10 (Local)—
The Greytown Trustees Empowering Act 1896.
1927, No. 17 (Local)—
The Greytown Trust Land Trustees Empowering Act 1927.
1943, No. 17—
The Local Legislation Act 1943: Section 32.