

## LOCAL LEGISLATION BILL, 1945

### EXPLANATORY NOTES

#### *County Council*

*Clause 2:* Authorizing extension of time for the raising of the Stoke Waterworks Loan, 1938, by the Waimea County Council (I.A. 105/366).—By a poll of ratepayers taken on the 11th May, 1938, the Waimea County Council was authorized to raise a loan of £21,000 to be known as the Stoke Waterworks Loan, 1938, for the purpose of constructing a water reservoir and reticulating water through the Stoke Water-supply Special Rating Area.

Owing to difficulties arising out of the war it was not possible for this work to be proceeded with, and for this reason the loan has not yet been raised. The loan authority has now expired, and the Council desires to have this authority revived and extended for a further term expiring on the 31st March, 1947.

The clause provides accordingly.

#### *City and Borough Councils*

*Clause 3:* Authorizing Auckland City Council to raise a special loan of £34,000 in connection with the establishment of Western Springs Transit Housing Centre (I.A. 103/121/2).—In order to alleviate the acute housing shortage in Auckland and in pursuance of its powers under the Local Authorities (Temporary Housing) Emergency Regulations 1944, the Auckland City Council has taken over the American rest camp at Western Springs, Auckland, and has converted the camp into a transit housing centre. The centre is used for the purpose of housing those persons living under unsuitable conditions who are awaiting State houses or are erecting their own homes. The Council has agreed to pay to the Crown the sum of £28,000 as consideration for the buildings comprising the camp, which are being used for housing purposes. The sum of £6,000 has already been expended by the Council on the provision of roads and paths, and the installation of drainage, water, gas, and electricity services.

The Council now proposes to raise a special loan of £34,000 for the purpose of financing the purchase of the necessary buildings and the provision of the above services. There is some doubt as to the Council's powers to raise the loan in order to meet a liability already incurred and legislation is therefore necessary to authorize the raising of the loan and the refund by the Council of the amount already advanced from its General Account.

This is the purpose of the clause.

*Clause 4:* Empowering the Dunedin City Council to expend moneys in connection with centennial celebrations (I.A. 105/355).—The purpose of this clause is to authorize the Dunedin City Council to appropriate moneys from its General Account from time to time in order to create a fund to be utilized by the Council in celebrating the centennial of the settlement of the Province of Otago and the City of Dunedin, which will take place in the year 1948.

The clause also authorizes the Council to make grants to the Otago Citizens' Association (Inc.), which has been formed with the object of assisting in the celebrations.

*Clause 5: Authorizing Wanganui City Council to grant renewal of certain lease (I.A. 105/374).—*A lessee of the Wanganui City Council through inadvertence omitted to apply for a renewal of his lease within the time specified in the original lease. The lessee now desires to renew his lease and the City Council desires to grant the renewal. The clause provides the necessary authority.

*Clause 6: Authorizing Christchurch City Council to expend moneys in assisting the objects of the Christchurch Expansion and Development Committee (I.A. 105/363).—*When the present Christchurch City Council was elected it was decided to set up an Expansion and Development Committee, the aims of which are to promote any activity that has for its object the expansion and betterment of the city. The general purposes of the Committee are to promote the development of industry, commerce, tourist attractions, and so on in the City of Christchurch. The Committee is composed of representatives of the City Council, the surrounding local authorities, the Chamber of Commerce, the Junior Chamber of Commerce, the Manufacturers' Association, the Tunnel Road Committee, the Domains Board, and the local Beautifying Society. The Committee has held several meetings since its inception, but owing to the fact that the members thereof are unable to devote a great deal of time to the work of the Committee, it has not yet been possible to make much progress in the objects for which it was set up. It is generally felt that until an organiser is appointed no satisfactory progress can be made, and with this object in view the Christchurch City Council has agreed to provide this year a sum of £1,000 providing that such expenditure is authorized by legislation.

The purpose of this clause is to confer the necessary authority on the Christchurch City Council to incur this expenditure.

*Clause 7: Extending authority of Wellington City Council to borrow moneys for purposes of Wellington City Housing Act, 1938 (I.A. 58/21).—*The Wellington City Housing Act, 1938, which was enacted for the purpose of facilitating the erection and renovation of houses in Wellington empowered the Wellington City Council to advance moneys to financial institutions which contemplate lending moneys to prospective owners of houses.

The prospective houseowner is required to provide not less than 10 per cent. of the estimated value of the house and section, the financial institution must provide at least two-thirds, and the Wellington City Council may either advance or guarantee the remainder.

Pursuant to the Act, as amended by section 22 of the Local Legislation Act, 1939, the total amount that may be advanced or guaranteed by the City Council is limited to the sum of £50,000 and authority is given to the Council to raise this sum without a poll of ratepayers. As the housing scheme has been extensively availed of, this sum is not sufficient to meet the requirements of prospective houseowners. The City Council therefore desires to raise the limitation to £250,000 in respect of both guarantees and advances.

The purpose of the clause is to confer on the Council the authority to borrow up to £250,000 for this purpose without taking a poll of ratepayers.

*Clause 8: Empowering Dunedin City Council to make grants to Dunedin Development Council, Incorporated (I.A. 105/354).—*A society incorporated under the Incorporated Societies Act, 1908, and known as the Dunedin Development Council, Incorporated, has been set up in Dunedin with the object of promoting the development of industry, commerce, educational facilities, and tourist attractions and to attract and aid in the establishment of new industries in the city and surrounding boroughs. The personnel of

the Council is comprised of representatives of the Dunedin City Council, the surrounding local authorities, and certain prominent citizens in Dunedin.

The Dunedin City Council is desirous of rendering financial assistance in aid of the purposes for which the society has been established and, with this end in view, proposes to make an annual grant of the sum of £500 to the society for a period of five years. The clause confers the necessary authority on the City Council.

*Clause 9:* Special provision with respect to raising of Waterworks Loan, 1945, by Dannevirke Borough Council (I.A. 105/347).—The Dannevirke Borough Council in December, 1945, made a contract with the Amalgamated Brick and Pipe Co., Ltd., for the lining, by means of the "Tate" process, of the water-mains in the Borough. This work was urgently necessary in view of the unsatisfactory condition of the water-mains, and on that account, and also the fact that the equipment necessary for carrying out this work was at the time about to be transferred to Auckland, the Council decided to allow the work to proceed before obtaining the necessary loan authority. Had the Council not taken this action there would have been a long delay before the contractors could have carried out the work in question. The indications at the time were that this delay might have lasted for a period of years, in which case the Council would have been faced with the prospect of undertaking the more costly work of replacing the water-mains with new pipes. An additional factor which influenced the Council in this connection was the fact that the condition of the water-mains was such that any delay in the renewing process might have resulted in a complete breakdown of the water-supply to the Borough.

After the work had been commenced the Council applied to the Local Government Loans Board for authority to raise a loan of £6,700, being the estimated cost of the work. The Local Government Loans Board sanctioned the loan subject to a poll of ratepayers being in favour of the proposal. In the meantime moneys expended on the work were provided from the Council's District Fund Account. Subsequent to the sanction of the Local Government Loans Board a poll of ratepayers was taken which was substantially in favour of the loan.

In view of the fact that at this stage the work had almost been completed, the Council had no authority to raise the loan in respect of the work done, nor had it any authority to refund its District Fund Account out of the loan-moneys in respect of the advances made from that Account.

The purpose of the clause is to authorize the Council to raise the loan of £6,700 and to authorize it to refund its District Fund Account accordingly.

*Clause 10:* Authorizing remission of rates by Gisborne Borough Council (I.A. 100/11).—The purpose of this clause is to authorize the Gisborne Borough Council to remit rates due and payable by the Y.M.C.A., Gisborne, in respect of the year ending 31st March, 1946. The amount involved is £46 13s. 4d.

*Clause 11:* Conferring special powers on Masterton Borough Council with respect to disposal of lands held for purposes of coal-gas production (I.A. 105/373).—The Masterton Borough Council is the owner of an area of 11 acres 2 roods 2 perches adjoining the Masterton Borough Gasworks which is the balance of an area of land acquired as a site for gasworks purposes but which has never been and is not likely to be used for such purposes. The Council does not require the land for any particular purpose associated with its activities and for some years it has been leased to a market-gardener. The housing shortage in Masterton is very acute and the

Council desires to alleviate the position as far as it possibly can and with this end in view it desires to obtain authority to subdivide and lease or sell such portions of the area as are suitable for residential sites.

The Council's powers with regard to the sale and subdivision of land are limited and the purpose of the clause is to remove any restrictions affecting the disposal of the land as desired by the Council.

*Clause 12:* Provision with respect to advances made by Onehunga Borough Council from its District Fund Account for sanitary works (I.A. 105/350).—By a requisition dated the 16th March, 1942, the Board of Health required the Onehunga Borough Council to carry out certain sanitary works involving at that time an estimated expenditure of the sum of £42,500. These works comprised:—

- (a) The provision of a new reservoir having capacity to hold sufficient water to meet the needs of the Borough for at least three days;
- (b) The laying of additional pipe-lines within the Borough; and
- (c) Improved facilities at the Borough pumping-station.

Pursuant to the terms of the requisition the Borough Council was authorized to apply to the Board of Health for further instructions if that sum was insufficient to complete the works in question. Consequently on the requisition the Council raised a loan for the sum of £42,500. On the 14th November, 1944, the loan-moneys were entirely expended but the works were far from complete at that stage.

The increased cost of the scheme was due to war conditions and resulted principally from the increased costs of materials, the delay which took place in proceeding with the work, and the shortage of labour. In view of the terms of the requisition and the urgency of completing the works, the Council, in anticipation of the raising of an additional loan, carried on with the works which were financed by advances from the District Fund Account. More than £20,000 has already been expended in this way. The Board of Health has now issued a further requisition requiring the completion of the works together with certain additional works and the total additional expenditure is estimated to reach the sum of £40,000. It is therefore proposed to raise a further loan of £40,000 to complete the works.

In view of the fact that the Council has no authority to raise moneys in respect of liabilities already incurred, legislation is necessary to authorize the raising of the loan and also to provide for the Borough Council's District Fund Account to be refunded out of the loan-moneys in respect of the advances made from that Account.

The clause provides accordingly.

*Clause 13:* Validating payment of special grant of £50 by Tauranga Borough Council (I.A. 100/60).—Miss Alice Heron Maxwell is the owner of a property situate in the Borough of Tauranga known as "The Elms." This property is of great historical interest, and in recognition of Miss Maxwell's services in conducting visitors over the property and explaining the historical associations of the buildings and surroundings, the Tauranga Borough Council has paid to Miss Maxwell a grant of £50. The Council has no authority to make this payment, and the clause validates its action in this respect.

*Clause 14:* Validating certain water charges made by Waipawa Borough Council (I.A. 105/367).—Since the constitution of the Borough of Waipawa, the Waipawa Borough Council has levied fixed water charges in respect of the ordinary supply of water to householders. The Council's action in levying fixed charges is contrary to the relevant provisions of the Municipal Corporations Act, 1933, and it is desired to validate such action.

The purpose of the clause therefore, is to validate the charges made during the current financial year as well as in past years since the constitution of the Borough.

*Clause 15:* Validating certain water charges made by Waipukurau Borough Council (I.A. 105/349).—Since the constitution of the Borough of Waipukurau in 1912, the Waipukurau Borough Council has levied fixed water charges in respect of the ordinary supply of water to householders. The Council's action in levying fixed charges is contrary to the relevant provisions of the Municipal Corporations Act, 1933, and it is desired to validate such action.

The purpose of the clause therefore, is to validate the charges made during the current financial year as well as in past years since the constitution of the Borough.

*Clause 16:* Provision with respect to compensation-moneys payable to Geraldine Borough Council (I.A. 105/375).—By a Governor-General's warrant issued on 12th December, 1884, the lands referred to in the clause comprising approximately 3 acres were reserved for a market and endowment in aid of the Town Board funds for the benefit of the Town of Geraldine. On the constitution of the Borough of Geraldine the lands became vested in the Corporation of that Borough for a similar purpose. The lands have never been used for the purposes of a market and recently the Crown took the lands by proclamation, under the Public Works Act, 1928, for housing purposes. The lands are therefore now set apart for the purposes of Part I of the Housing Act, 1919.

The amount of compensation to be paid in respect of the taking of the lands was agreed upon at a sum of £325, and in accordance with section 92 of the Public Works Act, 1928, that sum has been paid to the Public Trustee. In terms of that section the Public Trustee may only apply the compensation-moneys on an order of the Supreme Court for the purposes set out in that section, including the purchase of other lands to be held for the same purposes as affected the lands in respect of which the compensation became payable.

It is obvious, however, that a market-site is quite unnecessary in the Borough of Geraldine, and the Borough Council desires to utilize the compensation moneys for the purpose of purchasing land as a reserve to be used for the purposes of a camping ground. This proposal is in accord with the general principle that moneys of this nature becoming available to a local body should be expended in the purchase of other lands to be held for public purposes.

The clause provides the necessary authority for the Public Trustee to pay the sum of £325 to the Geraldine Borough Council, and for that Council to apply those moneys in the purchase of other lands to be held in trust for municipal purposes.

#### *Road Board*

*Clause 17:* Provision for the constitution of the Taupo Road District as a town district (I.A. 103/159/9).—The Taupo Road District was constituted by section 16 of the Waikato and King-country Counties Act, 1921–22. Since that time the district has rapidly expanded and to-day it is a township requiring to be developed in the future on an urban basis. The powers conferred on the Road Board by the Road Boards Act, 1908, are insufficient to enable the local authority to adequately cater for the requirements of the population and to provide for future expansion and development. The Road Board therefore approached the Government with a view to the status of the road district being altered to that of a town district so that the

powers available under the Town Boards Act, 1908, and the Municipal Corporations Act, 1933, would be available to the local authority of the district. Following on these representations a public meeting at which an officer of the Department of Internal Affairs was present, was held in Taupo and unanimously decided to support the Board in its representations to the Government.

It is agreed that the change of status would be very beneficial to the district, particularly in the post-war years when it is expected that expansion will take place at a rapid rate. The Government, therefore, agreed to promote the necessary legislation to give effect to the desires of the Board, and this clause makes the necessary legislative provision for the issue of an appropriate proclamation declaring the road district to be a town district.

#### *Harbour Boards*

*Clause 18:* Provision with respect to sale of land by Napier Harbour Board to Crown for housing purposes (I.A. 105/340).—Following the earthquake in Napier in 1931, it was agreed between the Napier Harbour Board and the Napier Borough Council that the Borough Council would lease from the Harbour Board certain Harbour Board lands with the right to develop such lands by the provision of roads and streets and other amenities, and then place the land on the market for sale. This was duly carried out and the cost of the development work was charged up to the Harbour Board and was reduced from time to time by the proceeds from the sale of a certain portion of the land and by moneys received from other portions of the land which were leased. At the present time the Harbour Board is still in debt to the Borough Council in respect of the development works referred to.

As a result of negotiations with the Housing Department the Harbour Board has now agreed to sell an area of land amounting to 17 acres 2 roods 35·7 perches, to the Crown for housing purposes. The purchase-price of the area has been fixed at £2,983 10s. 9d. which sum the Board desires to pay to the Borough Council in further reduction of its indebtedness. A portion of the area in question is held by the Board as an endowment under the Napier Harbour Board Act, 1874. The Board's powers with regard to the disposal of these lands are accordingly limited. It has been deemed desirable to remove any restrictions affecting the proposed transactions and the purpose of the clause is therefore to authorize the Board to sell the land to the Crown, to authorize the payment of the sum of £2,983 10s. 9d. by the Crown to the Board, and also to empower the Board to pay this amount to the Napier Borough Council in reduction of the Board's debt to the Council.

*Clause 19:* Authorizing Oamaru Harbour Board to grant certain leases (I.A. 105/173).—The Oamaru Harbour Board is the owner in fee-simple of certain areas of land subdivided into allotments, which have frontages to several streets in Oamaru, but these streets are not public streets and are vested in the Oamaru Harbour Board as private streets or ways.

For some years certain of these allotments have been leased by the Board to certain companies, and these leases have been duly registered in the Lands Registry Office at Dunedin. Upon proceeding to arrange registration of renewal leases and some new leases, the Board was advised by the District Land Registrar that such leases could not be accepted for registration as the allotments in question had no frontage to a public street as required by law.

Since that time the matter has been closely investigated with a view to seeing whether any way out of the difficulty could be found under the existing law. Normally, the proper course would be for the necessary arrangements to be made between the Board and the Oamaru Borough

Council for the streets in question to be dedicated as public streets so that the question of frontages would be automatically solved. Because of certain local factors it is not feasible for this to be done at the present time.

In view of the circumstances set out above, and particularly as the leases have been accepted for registration for some years past, legislation is being provided for the purpose of authorizing the registration of the leases.

This will place the Board and the lessees in the same position as they have been since the lands were first leased by the Board.

*Clause 20:* Authorizing Wanganui Harbour Board to raise a special loan of £15,000 for erection of shed (I.A. 105/352).—The Wanganui Harbour Board has decided to erect a concrete shed on an area of land owned by the Board at Castlecliff, Wanganui, such shed to be used for the storage of quantities of surplus wool which have accumulated owing to lack of shipping arising out of war conditions. The Board has indicated that when this difficulty no longer exists the shed could very usefully be utilized for the general purposes of a wharf shed.

In order to finance the proposal the Board desires authority to raise a special loan, without taking a poll of ratepayers, of the sum of £15,000. The Board has indicated that if the loan is sanctioned the repayment thereof would be secured by the issue of debentures charged against the net revenue payable to the Board for the use of the shed.

It is proposed, pending the raising of the loan, that the Board should be authorized to finance the work by way of overdraft and provision is made to validate any overdraft incurred prior to the passing of the legislation in commencing the work.

The clause confers the necessary powers on the Board along the above lines.

*Clause 21:* Provision with respect to leasing of land by the Tauranga Harbour Board (I.A. 105/378).—By the Tauranga Foreshore Vesting and Endowment Act, 1915, certain lands were vested in the Tauranga Harbour Board for endowment purposes. The Board has also become possessed of certain additional land by reclamation and this land is also available for revenue producing purposes.

In years gone by the Board has granted fairly long-term leases in respect of some of these lands. In other cases the Board has granted short-term occupancies of other lands and has entered into agreements with the licensees to grant long-term leases. In some cases those leases have already been executed. Unfortunately, the Board in granting these leases and tenancies did not comply with the provisions of the Harbours Act, 1923, and the Public Bodies Leases Act, 1908, in that it did not put the leases or licenses up for public auction or call for public tenders. Most of the tenants have erected substantial improvements on the lands in question, and the Board is now concerned to protect the interests of its tenants as there is no provision in the existing leases or licenses for payment of compensation for loss of improvements. The tenants have in all cases been encouraged by the Board to put up substantial buildings on the land, and the Board feels that an injustice would be done to the lessees if it was now required to put the leases up for public auction or public tender, and the present lessees failed to be the successful tenderers.

The legislation now proposed validates the leases already granted by the Board, and authorizes the issue of leases in those cases where an agreement has been made by the Board to grant leases. The Board has fixed a scale of rentals for each section concerned, and the tenants are being requested to

agree to the new rentals as a condition of the leases which the Board has issued or will issue. These new rentals are in accord with the rentals approved by the Land Sales Committee for comparable sections. The Board will, of course, comply in the future with the ordinary leasing provisions as to public auction and public tender.

#### *Electric-power Board*

*Clause 22:* Fixing date of next general election of members of the Auckland Electric-power Board (I.A. 103/12/15).—In accordance with the Auckland Electric-power Board Amendment Act, 1937, the last general election of members of the Auckland Electric-power Board should have been held on a day within the last fifteen days of the month of May, 1942. Owing to the critical situation of the war at that time the election was postponed by Order in Council until the year 1943, and again postponed until the month of May in the year 1944. The election was held in that year on the same day as the municipal and other local body elections in Auckland.

In terms of the Board's own Act the general election of members is to be held at intervals from a predetermined date and under these provisions the next general election of the Board is due to be held in the month of May, 1946. This would mean that the present members of the Board would have held office for a period of two years only, whilst the statutory period of office is at present four years. The task of carrying out an election for this Board is of some magnitude, and in view of the fact that members of the Board have been in office for a period of two years only it is considered that the election should be postponed for a further year, and held in the year 1947. This is in accord with the desires of the Board, which has also suggested that the election should be held in the month of November.

It is proposed that both the Auckland Electric-power Board and the Auckland Transport Board should promote permanent legislation next year for the purpose of placing their elections on a permanent basis for the future and dealing with other aspects of their elections.

The postponement of the election of the Auckland Electric-power Board will give time for these two bodies to go more fully into the question of stabilizing election matters for the future.

#### *Drainage Board*

*Clause 23:* Provision with respect to preparation of first balance-sheet and statements of Auckland Metropolitan Drainage Board (I.A. 105/370).—Section 50 of the Auckland Metropolitan Drainage Act, 1944, provides that before the end of each financial year, the Treasurer of the Auckland Metropolitan Drainage Board shall prepare a yearly balance-sheet and statement of accounts including assets, liabilities, and public debt of the Board.

The Act referred to came into force on the 1st day of February, 1945, and the effect of the above section is that the Board's Treasurer is required to prepare a balance-sheet and statement of accounts for the period of two months commencing on the 1st February, 1945, and ending on the 31st March, 1945.

The Board is desirous of obviating the necessity for the preparation of a balance-sheet and statement of accounts for such a short period, and has accordingly asked for legislative authority to permit the first balance-sheet and statement of accounts under the above Act to cover the period commenced on the 1st February, 1945, and ending on the 31st March, 1946.

The clause contains the necessary provision.



*Fire Board*

*Clause 24:* Validating payment of compassionate allowance by Masterton Fire Board (I.A. 76/53/1).—The purpose of this clause is to validate the payment by the Masterton Fire Board during the financial year ended on the 31st March, 1944, of the sum of £29 15s. 8d. as a compassionate grant to Mrs. E. E. Clark, widow of Mr. T. B. Clark, late Superintendent of the Masterton Fire Brigade.

*Hospital Boards*

*Clause 25:* Authorizing payment by the Southland Hospital Board of an additional sum in respect of a building contract (I.A. 105/362).—The Southland Hospital Board on the 23rd December, 1943, engaged a contractor to carry out additions to the nurses' home at the Southland Hospital, Invercargill. Prior to the making of the contract tenders were called and in submitting his tender the contractor engaged by the Board omitted to include in his price the sum of £2,145 being his estimate for the cost of joinery.

Now that the additions to the nurses' home have been completed the Hospital Board has applied for legislation authorizing the payment to the contractor of the sum of £1,583 in recognition of a claim made by him for payment for the work and expense entailed in connection with the joinery necessary to complete the contract. This sum is lower than the price of the next lowest tender by the sum of £281.

The clause accordingly authorizes the Board to pay to the contractor an additional sum of £1,583.

*Clause 26:* Authorizing Southland Hospital Board to raise a special loan of £37,800 (I.A. 105/361).—In December, 1943, the Southland Hospital Board applied to the Local Government Loans Board for authority to raise a loan of £37,800 for the purpose of carrying out additions to the nurses' home at the Southland Hospital.

At the request of the Health Department, the application was considered by the Local Government Loans Board at a meeting held on the 23rd December, 1943, when a final decision was deferred until certain additional information to be supplied by the Hospital Board was available. The work to be carried out was extremely urgent, and in anticipation of an early decision giving sanction to the loan, the work was commenced.

Owing to delay in the supply of the additional information required by the Local Government Loans Board, the matter was not finalized, and as the work proceeded it became obvious that the loan could not be sanctioned without authorizing legislation.

The work has now been completed, and the Hospital Board has, in part payment of the liabilities incurred, made certain advances from its General Account. The Board has applied for legislative authority to raise the loan of £37,800 to be used for the purpose of meeting the liabilities incurred in connection with the completion of the work, and also to refund its General Account from the proceeds of the loan in respect of advances made from that Account.

The clause confers the necessary authority on the Board.

*Clause 27:* Provision with respect to borrowing by way of bank overdraft by Wellington Hospital Board (I.A. 105/357).—In accordance with a decision of War Cabinet, the Silverstream Hospital has been handed over free of rent for a period of at least five years to the Wellington Hospital Board.

One of the conditions of the transfer was that certain necessary alterations and renovations, together with the provision of equipment, would be a charge on the Wellington Hospital Board. During the financial year ended on 31st March, 1945, the Board placed an item of £10,000 on its estimates for the purpose of financing this work. This sum was not, however, sufficient to provide the full amount required, and in view of the already high levies it was not thought desirable to raise the money by a further increase in these levies. The Board, therefore, financed the work by means of a bank overdraft of £24,000 repayable over a period of four years.

As this sum was in excess of the limits imposed by subsection (2) of section 60 of the Hospitals and Charitable Institutions Act, 1926, legislation is necessary to validate the Board's action. The clause accordingly validates the raising of the sum of £24,000 by way of bank overdraft and makes provision for the reduction of the amount owing by £6,000 annually.

*Affecting Two or More Classes of Public Bodies*

*Clause 28:* Authorizing payment by Heathcote County Council to Christchurch City Council with respect to purchase of "The Sign of the Takahe" (I.A. 103/15/23).—The Christchurch City Council recently purchased the property on which is situated the building known as "The Sign of the Takahe" in the Cashmere Hills. The area was purchased to be set aside as a recreation reserve and to ensure that the building will be retained for the benefit of the people of Canterbury. The property in question is situated in the Heathcote County and when negotiations for its purchase were being made the Heathcote County Council agreed to pay to the Christchurch City Council the sum of £431 19s. 1d. being arrears of rates due in respect of the property, such sum to be regarded as the County Council's contribution to the purchase-price. The County Council has no authority to make this payment and the clause authorizes this action.

*Clause 29:* Validating agreement made by Onehunga Borough Council and Ellerslie Borough Council with respect to water-supply (I.A. 105/371).—The Onehunga Borough Council and the Ellerslie Borough Council have entered into an agreement for the supply of water to the Borough of Ellerslie for a period of twenty-one years.

In view of the provisions of section 256 of the Municipal Corporations Act, 1933, these local authorities had no authority to enter into a contract for the supply of water for a term exceeding three years without obtaining the sanction of a poll of electors.

Legislation is, therefore, necessary to override this section and also section 253 (3) of the above Act which provides that a Borough Council may discontinue such water-supply at any time on three months' notice in writing without being liable to compensation. The clause empowers these local authorities to enter into the agreement in question notwithstanding these provisions.

*Clause 30:* Provision with respect to exchange and sale of lands between the Petone Borough Council and the Petone and Lower Hutt Gas Board (I.A. 105/289).—In order to meet the growing demand in the Hutt Valley brought about by the development of housing and industry in that area, the Petone and Lower Hutt Gas Board is compelled to meet the increasing load on the gas undertaking by installing new and up-to-date plant. In this respect the Board is taking a long range view and the plant to be installed will meet the demand for the next fifteen or twenty years. It became necessary for the Board to purchase further land to cater for the growing demand and to

enable the undertaking to be laid out to the best possible advantage. The additional land required was purchased last year from the Petone Borough Council, but it has now become necessary for the Board to consider the purchase of a further area on which to extend the gas undertaking.

As a result of negotiations between the Gas Board and the Petone Borough Council, the latter Council has agreed to sell to the Gas Board an area of 2 acres 1 rood at present forming part of North Park and which is utilized for recreation purposes. Although this area is utilized for recreation purposes it is actually vested in the Borough Council without any restriction or trusts of any kind.

As part of the consideration for the sale of this area the Gas Board has agreed to transfer to the Borough Council a smaller area of 28 perches fronting on to Bouverie Street which, it is understood, will enable the Council to lay out a grandstand, football gymnasium, and rifle range to better advantage in addition to providing a better area for croquet and bowls.

The two local authorities recognize that it is undesirable to diminish areas available for recreation purposes, but the view of both bodies is that the necessity of urgent extensions to the gas undertaking in order to provide a public service to the community is so important as to justify the present proposal. In addition, it is provided in the legislation that the moneys received by the Council from the sale of the area are to be utilized in the purchase of other lands to be held for recreation purposes.

The clause confers the necessary authority on the two local authorities to effect the proposed sale and exchange of land as indicated in the clause.

#### *Miscellaneous*

*Clause 31:* Authorizing transfer of certain property to the Christchurch Returned Services' Association, Incorporated (I.A. 154/70).—This clause provides for the transfer of the property known as the Christchurch Returned Services' Club from the National War Funds Council to the Christchurch Returned Services' Association, Incorporated. The club building was originally erected by the trustees of the Christchurch Returned Soldiers' Club Building Fund, Incorporated, at a cost of approximately £13,000 raised in the main by public subscription and transfer of funds from the Lady Liverpool Fund. At the time of its erection and in order to effect completion and furnishings the trustees of the Building Fund mortgaged the asset to the extent of £3,000, but this action was subsequently declared to be illegal. As a result of the subsequent consideration of the position it was agreed that the National War Funds Council should repay the mortgage and take over the property. This arrangement was put into legal effect by the provisions of section 4 of the War Funds Amendment Act, 1927. The Council therefore now holds the property as a War Fund within the meaning of the War Funds Act, 1915.

The club will, of course, now require to be kept in operation for some years to come in order to cater for the requirements of returned servicemen. In view of this, discussions have taken place between the National War Funds Council and the Christchurch Returned Services' Association as to the future ownership and control of the club. It has been agreed between the parties that the property should be transferred to the Christchurch Returned Services' Association without any restriction, except that the Association will be required to pay to the Council a sum of £1,750 representing a portion of the mortgage originally taken over by the Council.

The legislation, therefore, gives effect to this arrangement and has been agreed to by all parties concerned.

*Clause 32:* Validating payment made by the Petone and Lower Hutt Gas Board to a contractor (I.A. 105/364).—The Petone and Lower Hutt Gas Board in 1943, let a contract to the Acto Welding Company for the fabrication

and supply of one dumping truck, and the price tendered for the work was £395. When submitting an account to the Board, the Company added an amount of £79 for sales tax which had not been taken into account in the price tendered to the Board. The next lowest tender submitted was for a sum of £565 10s., which sum included sales tax.

The Board is satisfied that a genuine mistake was made by the contractor in submitting his tender and has made an *ex gratia* payment to the company of the sum of £79. This payment was made without lawful authority as a local authority cannot make an *ex gratia* payment of this nature. The purpose of this clause is to validate the Board's action in this respect.

*Clause 33:* Authorizing Blue Mountain Rabbit Board to raise a special loan of £1,100 (I.A. 105/345).—In order to avoid losing the services of a married inspector, the Blue Mountain Rabbit Board has been obliged to acquire an area of land comprising approximately 11 acres and erect thereon a suitable dwellinghouse and provide the usual amenities thereto at a total cost of £1,652. The bulk of the area of 11 acres is intended to be used for grazing purposes and it is considered that this area is a necessary adjunct to the house property. The work was of an urgent nature and was carried out at short notice. The cost of the erection of the dwellinghouse and the improvements amounted to £1,490 and this expenditure was met out of the Board's ordinary revenue. This has resulted in the Board incurring an overdraft in excess of the legal limit.

When the work was complete application was made to the Local Government Loans Board for authority to raise a loan of £1,100 for the purpose of recouping in part the moneys expended. The work having been finalized the Local Government Loans Board could not, of course, sanction the loan. Legislation is necessary to authorize the Board to raise a loan of £1,100 and also to permit the payment of the proceeds of the loan to the Board's General Account for the purpose of recouping that account for a portion of the advances made. The clause provides accordingly.

*Clause 34:* Special provision with respect to rotation of members of Wainui-o-mata Public Hall Trust Board (I.A. 158/179/4).—By a Deed of Trust dated 15th April, 1913, the Wainui-o-mata Public Hall was vested in a number of trustees and the trustees were incorporated under the Religious, Charitable, and Educational Trusts Act, 1908, on the 26th July, 1937, under the title Wainui-o-mata Public Hall Trust Board.

Provision is made in the Deed of Trust for the replacement of trustees on the death or resignation of any member of the Trust Board by election by residents in the district.

In view of the fact that the population of the district has greatly increased during the past few years, it is desired that the constitution of the Trust Board should be made more democratic in order to ensure proper representation of the residents in the district on the Board. The suggestion put forward to give effect to this proposal is that the Deed of Trust be amended to authorize the Board of Trustees to make rules for the retirement, by rotation, of trustees.

Legislation is necessary to give effect to this suggestion, and this is the purpose of the clause.

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Hon. Mr. Parry

## LOCAL LEGISLATION

### ANALYSIS

- |   |  |
|---|--|
| Title.<br>1. Short Title.<br><p style="text-align: center;"><i>County Council</i></p> 2. Authorizing extension of time for the raising of the Stoke Waterworks Loan, 1938, by the Waimea County Council.<br><p style="text-align: center;"><i>City and Borough Councils</i></p> 3. Authorizing Auckland City Council to raise a special loan of £34,000 in connection with the establishment of Western Springs Transit Housing Centre.<br>4. Empowering the Dunedin City Council to expend moneys in connection with centennial celebrations.<br>5. Authorizing Wanganui City Council to grant renewal of certain lease.<br>6. Authorizing Christchurch City Council to expend moneys in assisting the objects of the Christchurch Expansion and Development Committee.<br>7. Extending authority of Wellington City Council to borrow moneys for purposes of Wellington City Housing Act, 1938.<br>8. Empowering Dunedin City Council to make grants to Dunedin Development Council, Incorporated.<br>9. Special provision with respect to raising of Waterworks Loan, 1945, by Dannevirke Borough Council. | 10. Authorizing remission of rates by Gisborne Borough Council.<br>11. Conferring special powers on Masterton Borough Council with respect to disposal of lands held for purposes of coal-gas production.<br>12. Provision with respect to advances made by Onehunga Borough Council from its District Fund Account for sanitary works.<br>13. Validating payment of special grant of £50 by Tauranga Borough Council.<br>14. Validating certain water charges made by Waipawa Borough Council.<br>15. Validating certain water charges made by Waipukurau Borough Council.<br>16. Provision with respect to compensation-moneys payable to Geraldine Borough Council.<br><p style="text-align: center;"><i>Road Board</i></p> 17. Provision for the constitution of the Taupo Road District as a town district.<br><p style="text-align: center;"><i>Harbour Boards</i></p> 18. Provision with respect to sale of land by Napier Harbour Board to Crown for housing purposes.<br>19. Authorizing Oamaru Harbour Board to grant certain leases.<br>20. Authorizing Wanganui Harbour Board to raise a special loan of £15,000 for erection of shed. |
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21. Provision with respect to leasing of land by the Tauranga Harbour Board. <i>Electric-power Board</i>	Affecting Two or More Classes of Public Bodies
22. Fixing date of next general election of members of the Auckland Electric-power Board. <i>Drainage Board</i>	
23. Provision with respect to preparation of first balance-sheet and statements of Auckland Metropolitan Drainage Board. <i>Fire Board</i>	Miscellaneous
24. Validating payment of compassionate allowance by Masterton Fire Board. <i>Hospital Boards</i>	
25. Authorizing payment by the Southland Hospital Board of an additional sum in respect of a building contract.	Affecting Two or More Classes of Public Bodies
26. Authorizing Southland Hospital Board to raise a special loan of £37,800.	
27. Provision with respect to borrowing by way of bank overdraft by Wellington Hospital Board.	
28. Authorizing payment by Heathcote County Council to Christchurch City Council with respect to purchase of "The Sign of Takahe."	
29. Validating agreement made by Onehunga Borough Council and Ellerslie Borough Council with respect to water-supply.	Miscellaneous
30. Provision with respect to exchange and sale of lands between the Petone Borough Council and the Petone and Lower Hutt Gas Board.	
31. Authorizing transfer of certain property to the Christchurch Returned Services' Association, Incorporated. Repeal.	
32. Validating payment made by Petone and Lower Hutt Gas Board to a contractor.	
33. Authorizing Blue Mountain Rabbit Board to raise a special loan of £1,100.	Miscellaneous
34. Special provision with respect to rotation of members of Waimui-o-mata Public Hall Trust Board.	

## A BILL INTITULED

Title. AN ACT to confer certain Powers on certain Public Bodies and to validate certain Transactions.

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

Short Title. 1. This Act may be cited as the Local Legislation Act, 1945.

*County Council*

Authorizing extension of time for the raising of the Stoke Waterworks Loan, 1938, by the Waimea County Council.

2. Whereas by a poll of ratepayers taken on the 10 eleventh day of May, nineteen hundred and thirty-eight, the Waimea County Council (in this section referred to as the Council) was authorized to raise a loan of twenty-one thousand pounds, to be known as the Stoke Waterworks Loan, 1938, for the particular 15 purpose of the construction of a water reservoir and the reticulation of water through the Stoke Water-supply Special Rating Area: And whereas owing to difficulties arising out of the war such construction and reticulation as aforesaid have not been proceeded with, 20 and in consequence thereof the said loan has not been

raised: And whereas under section sixteen of the Local Bodies' Loans Act, 1926, the authority to raise the said loan lapsed on the eleventh day of May, nineteen hundred and forty-three: And whereas it is desirable  
 5 that the authority to raise the said loan be revived and extended for a further period ending on the thirty-first day of March, nineteen hundred and forty-seven: Be it therefore enacted as follows:—

See Reprint  
 of Statutes,  
 Vol. V, p. 368

The authority to raise the said loan granted to the  
 10 Council by the ratepayers at the poll taken on the eleventh day of May, nineteen hundred and thirty-eight, is hereby revived and extended for the period ending on the thirty-first day of March, nineteen hundred and forty-seven.

15 *City and Borough Councils*

3. Whereas by reason of the housing shortage in Auckland, the Auckland City Council (in this section referred to as the Council) has established at Western Springs, Auckland, a Transit Housing Centre with a  
 20 view to providing temporary accommodation for persons who, while erecting their own homes, are living under unsuitable conditions, or for whose accommodation the State Advances Corporation of New Zealand would within a reasonable time make State rental  
 25 houses available: And whereas the Council has acquired from the Crown certain buildings for the erection of portion of the Transit Housing Centre, and in consideration thereof has agreed to pay to the Crown the sum of twenty-eight thousand pounds: And  
 30 whereas it has been necessary for the Council to expend the sum of six thousand pounds in providing roading, paths, and drainage and the installation of water, gas, and electricity supplies at the Transit Housing Centre: And whereas for the purpose of paying or providing  
 35 the said sums the Council proposes to raise a special loan of thirty-four thousand pounds to be known as the Western Springs Temporary Housing Loan, 1944: And whereas the Council has completed all roading, paths, and drainage and the installation of water, gas, and

Authorizing  
 Auckland City  
 Council to raise  
 a special loan  
 of £34,000 in  
 connection  
 with the  
 establishment  
 of Western  
 Springs  
 Transit  
 Housing  
 Centre.

electricity supplies at the Transit Housing Centre and has paid out of its General Account in respect thereof the sum of six thousand three hundred and eight pounds: Be it therefore enacted as follows:—

The Council is hereby authorized to raise a special loan of thirty-four thousand pounds to be known as the Western Springs Temporary Housing Loan, 1944, for the purpose of meeting the payment of the said sum of twenty-eight thousand pounds to the Crown, and for the purpose of refunding to its General Account all moneys, not exceeding the sum of six thousand pounds, already expended by it in carrying out and completing all roading, paths, and drainage and the installation of water, gas, and electricity supplies at the Transit Housing Centre at Western Springs, Auckland.

Empowering the Dunedin City Council to expend moneys in connection with centennial celebrations.

4. It shall be lawful for the Dunedin City Council to expend moneys out of its general revenues for the purpose of providing funds towards celebrating and commemorating in the year nineteen hundred and forty-eight the hundredth anniversary of the settlement of the Province of Otago and the foundation of the City of Dunedin, and in connection with the establishment of a centennial memorial or centennial memorials; and to make grants to the body known as the Otago Centennial Association, Incorporated, for any such purpose.

Authorizing Wanganui City Council to grant renewal of certain lease.

5. Whereas by deed of lease dated the fifth day of February, nineteen hundred and three, registered in the Deeds Register Office at Wellington under Number 91589, the Mayor, Councillors, and Citizens of the City of Wanganui (in this section referred to as the Corporation) leased the lands described in the said deed of lease to Henry James Turner for a term of forty-two years from the first day of June, nineteen hundred and two: And whereas by deed of assignment dated the seventh day of July, nineteen hundred and five, the lease became vested in George Sigley, of Wanganui, Coachbuilder (in this section referred to as the lessee): And whereas by arrangement between the Corporation and the lessee portion of the lands described in the said deed of lease reverted to the Corporation, the lessee retaining the land



referred to in subsection *three* of this section for his own use and occupation: And whereas the lessee inadvertently omitted to take the necessary steps, before the expiry of the lease, to  
5 obtain a surrender of the lease, and to obtain a new lease of the land retained by him as aforesaid: And whereas the Wanganui City Council is desirous of granting to the lessee a new lease of the land retained by him as aforesaid in the form approved by the  
10 Council and providing for perpetual rights of renewal for successive periods of twenty-one years: Be it therefore enacted as follows:—

(1) The Wanganui City Council is hereby authorized and empowered to grant to the lessee a new  
15 lease of the land referred to in subsection *three* of this section for a term of twenty-one years from the date of the expiry of the term of the said deed of lease, registered Number 91589, such new lease to be in the form approved by the Council and to provide for  
20 perpetual rights of renewal for successive periods of twenty-one years.

(2) The Council is hereby authorized and empowered to execute all such deeds and documents and do all such other things as may be necessary for the effectual  
25 granting of the new lease to the lessee.

(3) The land to which this section relates is particularly described as follows:—

All that piece or parcel of land, situate in the City of Wanganui, containing 243 perches, more or less,  
30 being part of Section 29 on a plan of the subdivision of Blocks Numbers 31 and 32 and part of the Block numbered 24, part of the Wanganui Town Belt, deposited in the Deeds Register Office at Wellington as Number 249.

35 **6.** The Christchurch City Council is hereby authorized to expend a sum not exceeding one thousand pounds in or towards the expenses of the Expansion and Development Committee set up by the said Council and formed for the purpose of promoting any activity  
40 having for its object the expansion and betterment of the City of Christchurch.

Authorizing  
Christchurch  
City Council  
to expend  
moneys in  
assisting the  
objects of the  
Christchurch  
Expansion and  
Development  
Committee.

Extending authority of Wellington City Council to borrow moneys for purposes of Wellington City Housing Act, 1938.  
1939, No. 25

Empowering Dunedin City Council to make grants to Dunedin Development Council, Incorporated.

Special provision with respect to raising of Waterworks Loan, 1945, by Dannevirke Borough Council.

See Reprint of Statutes, Vol. V, p. 417

7. Section twenty-two of the Local Legislation Act, 1939, is hereby amended by omitting from subsection eleven and from subsection thirteen the words "fifty thousand pounds", and substituting in each case the words "two hundred and fifty thousand pounds". 5

8. It shall be lawful for the Dunedin City Council to make out of its general revenues an annual grant, for a period of five years, of the sum of five hundred pounds to the society known as the Dunedin Development Council, Incorporated, in furtherance of the objects of the said society as contained in its rules. 10

9. Whereas on the seventh day of March, nineteen hundred and forty-five, the Local Government Loans Board sanctioned the borrowing by the Dannevirke Borough Council (in this section referred to as the Council) of the sum of six thousand seven hundred pounds by a loan to be known as the Waterworks Loan, 1945 (in this section referred to as the loan), for the purpose of financing the cost of cement-lining, by the "Tate" process, certain water-mains of the borough, namely, the twelve-inch, eight-inch, six-inch, and three-inch mains, and certain work incidental thereto: And whereas by a poll of ratepayers taken on the eleventh day of July, nineteen hundred and forty-five, the Council was duly authorized to raise the loan: And whereas in order to avoid delay in the completion of the said works the Council commenced and completed the said works before being authorized to raise the loan and before obtaining the consent of the Governor-General in Council in accordance with section nine of the Local Government Loans Board Act, 1926, to the raising of the loan, and consequently the Council is precluded, without further authority, from raising the loan: And whereas in anticipation of the raising of the loan the Council has expended moneys out of its District Fund Account towards the cost of the said works: Be it therefore enacted as follows:— 15 20 25 30 35

(1) The Council is hereby authorized and empowered to raise the amount of the loan, notwithstanding that the works in respect of which the loan was to have been raised have been completed. 40

(2) The Council may out of the proceeds of the loan refund to its District Fund Account all moneys advanced thereout, whether before or after the passing of this Act, on account of the cost of carrying out and  
5 completing the said works.

10 **10.** Whereas the Gisborne Borough Council (in this section referred to as the Council) is desirous of obtaining authority to remit rates amounting to the sum of forty-six pounds thirteen shillings and four-  
15 pence, being the rates levied by the Council for the year ending on the thirty-first day of March, nineteen hundred and forty-six, and due and payable by the Gisborne and East Coast Young Men's Christian Association (Incorporated) in respect of that piece of  
20 land situated in the Borough of Gisborne, containing one rood and thirty-six perches, more or less, being Lot 1, Deposited Plan No. 3003 of 6A Fitzherbert Street, situated in Fitzherbert Street, in the Borough of Gisborne, and numbered 3228 on the district valuation roll  
for that borough: And whereas the Council has no legal authority to make such remission: Be it therefore enacted as follows:—

Authorizing remission of rates by Gisborne Borough Council.

The Council is hereby authorized to remit the sum of forty-six pounds thirteen shillings and fourpence,  
25 being the amount of the said rates, and to absolve the said association and the said lands from liability in respect thereof.

30 **11.** Whereas the Corporation of the Mayor, Councilors, and Burgesses of the Borough of Masterton is seised of an estate in fee-simple, for the purpose of coal-gas production and incidental purposes, in the land described in subsection *five* of this section: And  
35 whereas the said land is not required for the purposes aforesaid, and it is expedient that the Council of the said Corporation (in this section referred to as the Council) be empowered to sell, lease, or let the said land for the purposes, in the manner, and subject to the conditions set out in this section: Be it therefore enacted as follows:—

Conferring special powers on Masterton Borough Council with respect to disposal of lands held for purposes of coal-gas production.

40 (1) Notwithstanding anything to the contrary in any Act, the Council may sell the said land, or any part or parts thereof, either altogether or in lots, by public auction, public tender, or private contract, or partly by one and partly by another or others of such  
45 modes, and subject to such conditions as to title, time,

or mode of payment of purchase-money, or otherwise, as the Council thinks fit, and with or without grants or reservations of rights-of-way, water or drainage easements, and other rights and privileges of every description in relation to the land sold, or any land remaining unsold, on such terms as the Council thinks fit. 5

(2) Notwithstanding anything to the contrary in any Act, the Council may let or lease the said land, or any part or parts thereof, either altogether or in lots, on the terms set out in sections one hundred and fifty-eight, one hundred and fifty-nine, and one hundred and sixty of the Municipal Corporations Act, 1933, or on the terms set out in subsection two of section nineteen of the Masterton Borough Housing Act, 1945, and with or without grants or reservations of rights-of-way, water or drainage easements, and other rights and privileges of every description, in relation to the land let or leased, or any land remaining unsold, on such terms as the Council thinks fit. 10 15 20

1933, No. 30

1945 (Local),  
No. 7

(3) For any of the purposes of this section, the Council may subdivide the said land, or any part or parts thereof, in such manner as it thinks fit, and may dedicate parts of the said land as public streets, and construct streets thereon. 25

(4) All moneys received by the Council by way of purchase-money on any such sale as aforesaid, or by way of rent on any such letting or leasing as aforesaid, shall, after the payment thereof of all costs and expenses of and incidental to the sale, or, as the case may be, to the letting or leasing, be applied by the Council in accordance with the provisions of section twenty of the Finance Act, 1934; but nothing in this subsection shall apply to any moneys received by the Council by way of interest or repayment of principal under any mortgage to which the Masterton Borough Housing Act, 1945, applies. 30 35

1934, No. 2

(5) The land to which this section relates is particularly described as follows:—

All those parcels of land together containing eleven acres two roods and two perches, more or less, and being all the balance of the land included in certificate of title, Volume 276, folio 280, Wellington Registry, 40

and being part of the Ngaumutawa Block, Block IV, Tiffin Survey District, and comprising parts of Lot 2 on Deposited Plan No. 2911, and other part of the Ngaumutawa Block, part of which land is also delineated in Deposited Plan No. 4875; the said land being  
 5 subject, as to parts thereof, to the right-of-way created by Proclamation No. 3383, and to Fencing Agreement No. K25669; but expressly excluding therefrom the portion thereof bounded towards the north-east by the  
 10 Maka Kaka Weka Stream, towards the north by the land taken by Proclamation No. 3383, and towards the south-west by the land over which a right-of-way is taken by the said Proclamation, which land so excluded is estimated to contain an area of approximately three-  
 15 quarters of an acre.

12. Whereas by a requisition dated the sixteenth day of March, nineteen hundred and forty-two, the Board of Health (in this section referred to as the Board) in pursuance of the powers conferred upon it  
 20 by subsection two of section twenty-two of the Health Act, 1920, required the Onehunga Borough Council (in this section referred to as the Council) to provide within its district certain sanitary works estimated to entail the expenditure of the sum of forty-two thousand  
 25 five hundred pounds, and by the same requisition directed that if the said works could not be completed by the expenditure of the said sum the Council was to apply to the Board for further instructions: And whereas the Council, pursuant to section twenty-four  
 30 of the said Act, raised a loan for the said sum and commenced the construction of the said works: And whereas by reason of increased costs of materials, shortage of labour, and other causes arising out of the war the said sum was insufficient to enable the Council  
 35 to complete the said works and the Council accordingly applied to the Board for further instructions and, at the same time, submitted estimates that the completion of the said works and the construction of additional proposed sanitary works connected therewith would  
 40 cost in the aggregate a further sum of forty thousand pounds: And whereas it was expedient in the public

Provision with respect to advances made by Onehunga Borough Council from its District Fund Account for sanitary works.

See Reprint of Statutes, Vol. VI, p. 1069

interest that while those estimates were under consideration the said works be completed without delay and the labour engaged thereon be not transferred to other national service: And whereas in anticipation of a further requisition by the Board 5 requiring the said works to be completed the Council financed the continuation of the construction of the said works out of moneys advanced from time to time from its District Fund Account: And whereas the Board, by a further requisition made in pursuance of 10 its powers as aforesaid, has required the Council to complete the said works and to construct the said additional works at a total additional expenditure not exceeding the sum of forty thousand pounds, and the Council proposes pursuant to section twenty-four of 15 the said Act to raise a loan for that sum to enable it to comply with the last-mentioned requisition: And whereas pending the raising of the said sum of forty thousand pounds the Council advanced further moneys from its District Fund Account for the completion of 20 the said works: And whereas in order to refund to its District Fund Account the moneys so expended and to complete the works so authorized by the Board it is desirable that the Council should be authorized to raise a special loan for a sum not exceeding forty 25 thousand pounds: Be it therefore enacted as follows:—

(1) The Council is hereby authorized and empowered to raise the said sum of forty thousand pounds by way of special loan, notwithstanding that certain of the works in respect of which the loan was to have been 30 raised have been completed.

(2) The Council shall, out of the proceeds of the loan, refund to its District Fund Account all moneys advanced thereout, whether before or after the passing of this Act, on account of carrying out and completing 35 any portion of the said works.

**13.** Whereas Miss Alice Heron Maxwell, of Mission Street, in the Borough of Tauranga, is the owner of the property situated in the Borough of Tauranga and known as "The Elms": And whereas that property 40 is of great historical interest: And whereas for many years past the said Miss Alice Heron Maxwell has

Validating  
payment of  
special grant  
of £50 by  
Tauranga  
Borough  
Council.

permitted and assisted the public to visit and inspect the property: And whereas in recognition of the generosity and services of the said Miss Alice Heron Maxwell in so doing the Tauranga Borough Council  
5 has, during the financial year ended on the thirty-first day of March, nineteen hundred and forty-five, made to her a grant of fifty pounds: Be it therefore enacted as follows:—

10 The payment by the Tauranga Borough Council out of its District Fund Account of the said sum of fifty pounds to the said Miss Alice Heron Maxwell is hereby validated and declared to have been lawfully made.

15 **14.** Whereas the Waipawa Borough Council (in this section referred to as the Council) has for the year ending on the thirty-first day of December, nineteen hundred and forty-five, and for all the preceding years since its constitution, levied an annual water charge of a fixed sum payable by the owner or occupier of every building in the Borough of Waipawa that is connected  
20 with the Council's water-supply, other than those supplied through a meter: And whereas the said water charges have been levied without authority: And whereas it is desirable that the levying of the said water charges should be validated: Be it therefore  
25 enacted as follows:—

Validating certain water charges made by Waipawa Borough Council.

The said water charges levied by the Council for the year ending on the thirty-first day of December, nineteen hundred and forty-five, and all water charges previously levied by the Council, shall for all purposes  
30 be and be deemed to have been at all times lawfully levied.

35 **15.** Whereas the Waipukurau Borough Council (in this section referred to as the Council) has for the year ending on the thirty-first day of December, nineteen hundred and forty-five, and for all the preceding years since its constitution, levied an annual water charge of a fixed sum payable by the owner or occupier of every building in the Borough of Waipukurau that is connected with the Council's water-supply, other than  
40 those supplied through a meter: And whereas the said

Validating certain water charges made by Waipukurau Borough Council.

water charges have been levied without authority: And whereas it is desirable that the levying of the said water charges should be validated: Be it therefore enacted as follows:—

The said water charges levied by the Council for the year ending on the thirty-first day of December, nineteen hundred and forty-five, and all water charges previously levied by the Council, shall for all purposes be and be deemed to have been at all times lawfully levied. 5

Provision with respect to compensation-moneys payable to Geraldine Borough Council.

**16.** Whereas by a Warrant issued pursuant to section thirty-eight of the Land Act 1877 Amendment Act, 1884, dated the twelfth day of December, eighteen hundred and eighty-four, and published in the *Gazette* of the eighteenth day of that month, the lands described in subsection *three* of this section were reserved for a market and endowment in aid of the Town Board funds for the benefit of the Town of Geraldine: And whereas the said lands subsequently became vested in the Corporation of the Borough of Geraldine for the same purposes: And whereas the lands have now been set apart for the purposes of Part I of the Housing Act, 1919, and compensation-moneys amounting in all to a sum of three hundred and twenty-five pounds in respect of the taking of the said lands have been paid to the Public Trustee pursuant to section ninety-two of the Public Works Act, 1928: And whereas it is desirable to make provision with respect to the payment and expenditure of the said compensation-moneys: Be it therefore enacted as follows:— 10 15 20 25 30

See Reprint of Statutes, Vol. III, p. 798

Ibid., Vol. VII, p. 661

(1) Notwithstanding anything contained in section ninety-two of the Public Works, 1928, the Public Trustee is hereby authorized to pay the said sum of three hundred and twenty-five pounds to the Geraldine Borough Council. 35

(2) The said sum of three hundred and twenty-five pounds shall be applied, after payment thereof of all expenses herein, in the purchase of other lands to be held in trust for municipal purposes.

(3) The lands to which this section relates are particularly described as follows:— 40

Firstly, all that piece of land containing one acre and three roods, more or less, being Town Sections 278, 279, 280, 281, 282, 283, and 284, Block 20, Town of



Geraldine, and being the whole of the land comprised and described in certificate of title, Volume 113, folio 108, Canterbury Registry.

Secondly, all that piece of land containing three  
5 roods, more or less, being Town Sections 268, 269, and 270, Block 20, Town of Geraldine, and being the balance of the land comprised and described in certificate of title, Volume 113, folio 109, Canterbury Registry.

Thirdly, all that piece of land containing one acre,  
10 more or less, being Town Sections 264, 265, 266, and 267, Block 20, Town of Geraldine, and being the land comprised and described in certificate of title, Volume 469, folio 84, Canterbury Registry.

#### *Road Board*

15 17. (1) Notwithstanding anything to the contrary in the Town Boards Act, 1908, or in any other Act, the Governor-General may, by Proclamation, declare the Taupo Road District (in this section referred to as the road district) as described in the Tenth Schedule to  
20 the Waikato and King-country Counties Act, 1921-22, to be a town district under the Town Boards Act, 1908, and that the town district so constituted shall not form part of the County of Taupo.

Provision for the constitution of the Taupo Road District as a town district.

See Reprint of Statutes, Vol. V, p. 333 1921-22, No. 64

25 (2) The Governor-General may make such arrangements and appointments as may be deemed necessary for holding the first election of members of the Board of Commissioners of the town district so constituted, and for the first meeting of the Board.

30 (3) The Taupo Road Board (in this section referred to as the Road Board) shall continue to exist during the period between the constitution of the town district and the date when the first members of the Town Board come into office, and shall then be deemed to be dissolved.

35 (4) Upon the constitution of the town district pursuant to this section the following provisions shall apply:—

40 (a) All the property, real or personal, of the Corporation of the road district shall become the property of the Corporation of the town district:

- (b) All rates payable to the Road Board at the date of the constitution of the town district shall be deemed to be rates payable to the Town Board:
- (c) All liabilities and engagements of the Road Board outstanding at that date shall become liabilities and engagements of the Town Board: 5
- (d) All interest and sinking fund charges of any loan raised by the Road Board shall be paid by the Town Board: 10
- (e) The valuation roll and the electors list or roll in force in the road district shall, for the purposes of the Town Boards Act, 1908, be deemed to be the valuation roll and the electors list or roll of the town district until a new valuation roll and electors list or roll are made: 15
- (f) All by-laws and generally all Acts of authority of the Road Board that are subsisting or in force at the date of the constitution of the town district shall enure and be deemed to be by-laws and acts of the Town Board until altered or revoked in the manner provided by the Town Boards Act, 1908. 25
- (5) Subject to the provisions of this section, all the provisions of the Town Boards Act, 1908, shall apply with respect to the constitution of the town district as aforesaid.

#### Harbour Boards

30

Provision with respect to sale of land by Napier Harbour Board to Crown for housing purposes.

18. Whereas the Napier Harbour Board (in this section referred to as the Board) is registered as proprietor of an estate in fee-simple in all that parcel of land situated in the Provincial District of Hawke's Bay, containing by admeasurement seventeen acres two roods thirty-five perches and seven-tenths of a perch, more or less, being parts of Te Whare-o-Maraenui Block, Ahuriri Lagoon Reserve, Section 13R, Block IV, Heretaunga Survey District, and the old Tutaekuri River-bed, being the Lot numbered 1 on Deposited Plan No. 7116, and being part of the land comprised and described in certificates of title, Volume 59, folio 65, Volume 59, folio 70, Volume 59, folio 71, and 35 40

- Volume 99, folio 93 registered in the office of the District Land Registrar at Napier: And whereas the Board holds part of the said land upon trust under the Napier Harbour Board Act, 1874: And whereas by 5 that Act the lands described therein were deemed to be reserves within the meaning of and subject to be dealt with under the Public Reserves Act, 1854, and are now subject to the provisions of the Public Reserves, Domains, and National Parks Act, 1928: And whereas 10 the Board is desirous of selling the said land to the Crown for the purposes of the Housing Act, 1919: And whereas the Board is desirous of applying the purchase-money in respect of the said land, amounting to the 15 sum of two thousand nine hundred and eighty-three pounds ten shillings and ninepence, in reduction of its debt to the Napier Borough Council (such debt having been incurred in the development of other lands of the Board adjacent to the above-described land): Be it therefore enacted as follows:—
- 20 (1) Notwithstanding anything contained in any Act the Board may sell the said land to the Crown for the purposes of the Housing Act, 1919, freed and discharged from the trusts, reservations, and restrictions affecting the same.
- 25 (2) There may be paid out of the Housing Account to the Board the sum of two thousand nine hundred and eighty-three pounds ten shillings and ninepence, being the amount of the purchase price of the said land.
- 30 (3) The Board may expend the whole of the said sum in repayment to the Napier Borough Council of part of the debt owing by the Board to the Council as aforesaid.
- 35 19. Whereas the Oamaru Harbour Board (in this section referred to as the Board) is registered as proprietor of an estate in fee-simple in the lands described in subsection *three* of this section: And whereas the Board has from time to time granted or agreed to grant leases of the said lands, and may hereafter grant or agree to grant such leases: 40 And whereas portions of the said lands have no frontage to a public street but have frontages to lands vested in the Board for an estate in fee-simple, and used for access purposes, being lands called respectively

1874, No. 36

See Reprint  
of Statutes,  
Vol. VI, p. 1134Ibid.,  
Vol. III, p. 798Authorizing  
Oamaru  
Harbour Board  
to grant  
certain leases.

Clyde Street, Beach Street, the Foreshore Road, and the Lower Breakwater Road, and a private right-of-way abutting on to Itchen Street, a public street in the Town of Oamaru: And whereas doubts have arisen as to whether the leases granted and agreements made as aforesaid are valid, and as to the power of the Board to grant such leases and make such agreements as aforesaid: And whereas it is desirable that such doubts be removed: Be it therefore enacted as follows:—

See Reprint  
of Statutes,  
Vol. VII,  
p. 622

(1) Notwithstanding anything to the contrary in the Public Works Act, 1928, or in any other Act, the Board may lease, and shall be deemed always to have had power to lease, any of the said lands to any person, firm, or corporation for any period not exceeding twenty-one years, notwithstanding that the land so leased has no frontage to a public street.

(2) The District Land Registrar of the District of Otago is hereby empowered and directed to accept for registration any leases of the said lands or parts thereof authorized by this section.

(3) The lands to which this section relates are particularly described as follows:—

Firstly, all that parcel of land, situated in the Provincial District of Otago, containing by admeasurement one hundred and sixty-two acres two roods and twelve poles, more or less, the boundaries whereof commence at a point on the northernmost boundary-line of the parcel of land now or lately vested in the Oamaru Dock Trust, the said point being 520 links, more or less, distant from the northernmost corner of the said parcel of land vested in the Oamaru Dock Trust along the said northernmost boundary-line thereof, proceeding thence in an easterly direction 4080 links, thence in a southerly direction 4335 links, thence in a westerly direction 2835 links, thence in a southerly direction 280 links, thence in a westerly direction 570 links, thence in a north-westerly direction 910 links, thence in a northerly direction 720 links, thence in an easterly direction 138 links, thence in a northerly direction 404 links, thence in a northerly direction 375 links, thence in a northerly direction 710 links, thence in a south-easterly direction 1200 links, thence in a northerly

direction 2280 links, thence in a north-westerly direction 1100 links to the starting point, and being the whole of the land comprised and described in Crown Grant certificate of title, Volume 19, folio 150, Otago Lands Registry.

5 Secondly, all that piece of land, situated in the Town of Oamaru, containing by admeasurement twelve acres one rood thirty-seven poles, more or less, being part of Reserve numbered "A" on the public map of  
10 the said Town, bounded towards the north-north-east by Crown lands 2600 links, towards the south-east by a street-line 800 links, towards the south-west by other part of the said Reserve 2322.2 links, and towards the west-  
15 north-west by a street line 270 links, and being the whole of the land comprised and described in certificate of title, Volume 20, folio 272, Otago Lands Registry.

Thirdly, all that parcel of land, situated in the Town of Oamaru, containing one acre three roods six poles and three-tenths of a pole, more or less, being  
20 portion of a former Railway Reserve, and being also part of the original Oamaru Harbour Board Endowment, and being the whole of the land comprised and described in certificate of title, Volume 220, folio 203, Otago Lands Registry.

25 Fourthly, all those pieces of land, situated partly in the Town of Oamaru and partly in the Oamaru Bay, containing by admeasurement twenty-seven acres three roods thirty-one poles, more or less, as the same are delineated on the plan bordered red on certificate of  
30 title, Volume 181, folio 297, and also delineated or partly delineated on the public map of the said Town deposited in the office of the Chief Surveyor at Dunedin, several of the boundaries of the said parcel of land being more particularly shown on a plan deposited in  
35 the Land Registry Office at Dunedin as Number 285, and on plans of which copies are deposited in the said office with Copy Proclamations Numbers 695 and 1532, and being the whole of the land comprised and described in the said certificate of title, Volume 181, folio 297,  
40 Otago Lands Registry.

Authorizing  
Wanganui  
Harbour Board  
to raise a  
special loan  
of £15,000  
for erection  
of shed.  
See Reprint  
of Statutes,  
Vol. III, p. 625

20. Whereas the Wanganui Harbour Board (in this section referred to as the Board), pursuant to the powers contained in section one hundred and sixty-six of the Harbours Act, 1923, proposes to erect on lands at Castlecliff, Wanganui, vested in the Board, a concrete shed to be used for the storage of surplus wool which has accumulated owing to war conditions, and, when no longer required for that purpose, as a wharf shed: And whereas the Board desires to raise a special loan of fifteen thousand pounds for the purpose of erecting the shed and to meet the preliminary expenses in connection therewith: Be it therefore enacted as follows:—

(1) This section shall be deemed to be a special Act within the meaning of the Harbours Act, 1923.

Ibid.,  
Vol. V, pp. 415,  
360

(2) The Board is hereby authorized, subject to the provisions of the Harbours Act, 1923, the Local Government Loans Board Act, 1926, and the Local Bodies' Loans Act, 1926, to raise, by special resolution, and without taking the steps prescribed by sections nine to thirteen of the last-mentioned Act, a special loan not exceeding the sum of fifteen thousand pounds.

(3) Any moneys borrowed in pursuance of the authority contained in the *last preceding* subsection shall be applied in or towards the payment of the cost of erecting, on lands at Castlecliff, Wanganui, vested in the Board, a concrete shed to be used for the storage of surplus wool which has accumulated owing to war conditions, and, when no longer required for that purpose, as a wharf shed, and in or towards the payment of the preliminary expenses in connection with the erection of the shed.

(4) Notwithstanding anything contained in the Harbours Act, 1923, the Board is hereby authorized to secure the repayment of any moneys borrowed under the authority of this section, with interest thereon, by the issue of debentures charging the net revenue from time to time payable to the Board in respect of the said shed, and the Board is hereby authorized to apply such net revenue accordingly.

Ibid., p. 354

(5) Notwithstanding anything to the contrary in the Local Bodies' Finance Act, 1921-22, the Harbours Act, 1923, or any other Act, the Board may, pending

the raising of the said loan of fifteen thousand pounds, borrow and owe by way of overdraft an amount not exceeding the sum of fifteen thousand pounds, and such overdraft as may at any time be owing by

5 the Board under the authority of this subsection shall not be taken into account in determining the amount that may be borrowed and owed by the Board by way of overdraft under the authority contained in the Local Bodies' Finance Act, 1921-22.

10 (6) Any overdraft incurred by the Board, prior to the passing of this Act, that would have been validly and lawfully incurred if this section had been in force shall be deemed to have been borrowed and owed under the authority of the *last preceding* subsection.

15 **21.** Whereas the Tauranga Harbour Board (in this section referred to as the Board) is registered as proprietor of an estate in fee-simple in certain lands, being part of Allotment 396 of Section 1, Town of Tauranga, containing one acre twenty

Provision with respect to leasing of land by the Tauranga Harbour Board.

20 perches and six-tenths of a perch, more or less, being the whole of the land comprised in certificate of title, Volume 622, folio 260, Auckland Registry; and Lots 1, 2, and 3 on Deposited Plan 23573 of Allotments 343 and 344, Section 1, Town of Tauranga,

25 containing two acres fourteen perches and four-tenths of a perch, more or less, being the whole of the land comprised in certificate of title, Volume 625, folio 234, Auckland Registry: And whereas by the Tauranga Foreshore Vesting and Endowment Act, 1915, certain

1915 (Local), No. 16

30 lands described in the Second Schedule to that Act were vested in the Board: And whereas the Board is entitled to have vested in it certain reclaimed lands adjoining the lands vested in it as aforesaid: And whereas the Board has granted or has agreed to grant

35 leases of certain areas of the said lands without the said leases having been sold by public auction or public tender in accordance with the provisions of the Harbours Act, 1923, and the Public Bodies' Leases Act, 1908: And whereas it is desirable that provision be

40 made as hereinafter appearing: Be it therefore enacted as follows:—

See Reprint of Statutes, Vol. III, p. 568; Vol. IV, p. 1031

(1) Notwithstanding the provisions of the Harbours Act, 1923, or the Public Bodies' Leases Act, 1908, every lease granted by the Board, before the passing

of this Act, in respect of the said lands is hereby declared to be valid and shall be deemed to have been granted in accordance with the provisions of the Public Bodies' Leases Act, 1908.

(2) Where prior to the passing of this Act the Board has agreed to grant a lease of any of the said lands the lease may be granted in accordance with the terms of such agreement and shall be deemed to be granted in accordance with the provisions of the Public Bodies' Leases Act, 1908.

#### *Electric-power Board*

Fixing date of next general election of members of the Auckland Electric-power Board.

1937 (Local), No. 11

22. Notwithstanding anything contained in section thirteen of the Auckland Electric-power Board Amendment Act, 1937, the next general election of members of the Auckland Electric-power Board shall be held on the third Saturday in the month of November in the year nineteen hundred and forty-seven.

#### *Drainage Board*

Provision with respect to preparation of first balance-sheet and statements of Auckland Metropolitan Drainage Board.

1944 (Local), No. 8

23. Whereas pursuant to section fifty of the Auckland Metropolitan Drainage Act, 1944, the treasurer of the Auckland Metropolitan Drainage Board (in this section referred to as the Board) should have prepared a balance-sheet and statements for the period which commenced on the first day of February, nineteen hundred and forty-five (being the date on which the said Act came into operation), and ended on the thirty-first day of March, nineteen hundred and forty-five: And whereas it is deemed expedient that the first balance-sheet and statements of the Board shall be for the period which commenced on the first day of February, nineteen hundred and forty-five, and ends on the thirty-first day of March, nineteen hundred and forty-six: Be it therefore enacted as follows:—

Notwithstanding the provisions of section fifty of the said Act, the first balance-sheet and statements of the Board shall be for the period which commenced on the first day of February, nineteen hundred and forty-five, and ends on the thirty-first day of March, nineteen hundred and forty-six.



*Fire Board*

24. The payment made by the Masterton Fire Board during the year ended on the thirty-first day of March, nineteen hundred and forty-four, of the sum of twenty-nine pounds fifteen shillings and eightpence by way of compassionate allowance to Ellen Elizabeth Clark, of Wellington, widow of Thomas Burton Clark, late Superintendent of the Masterton Fire Brigade, is hereby validated and declared to have been lawfully made.

Validating payment of compassionate allowance by Masterton Fire Board.

*Hospital Boards*

25. Whereas the Southland Hospital Board (in this section referred to as the Board) by a contract made on the twenty-third day of December, nineteen hundred and forty-three, with Carl Augustus Fischer, of Invercargill, Building Contractor (in this section referred to as the contractor), engaged the contractor to execute certain works, being additions to the nurses' home attached to the Southland Hospital at Invercargill: And whereas the contractor had submitted the lowest tender for the said works: And whereas the contractor, in tendering for the said works, omitted to include in the tendered price the cost of joinery amounting to the sum of two thousand one hundred and forty-five pounds: And whereas the price contained in the next lowest tender was higher by the sum of one thousand eight hundred and sixty-four pounds than that of the contractor: And whereas the Board desires to pay to the contractor, in respect of the cost of joinery incurred in completion of the contract, the sum of one thousand five hundred and eighty-three pounds in addition to the moneys payable under the said contract: Be it therefore enacted as follows:—

Authorizing payment by the Southland Hospital Board of an additional sum in respect of a building contract.

The Board is hereby authorized to pay to the contractor in respect of the said works a sum of one thousand five hundred and eighty-three pounds over and above the amount agreed upon in the said contract.

26. Whereas the Southland Hospital Board (in this section referred to as the Board) made application for authority to raise a loan of the sum of thirty-seven thousand eight hundred pounds (in this section

Authorizing Southland Hospital Board to raise a special loan of £37,800.

referred to as the loan) for the purpose of providing funds for the carrying-out of additions to the nurses' home attached to the Southland Hospital at Invercargill and the provision of furnishings and equipment for such additions: And whereas in order to avoid delay in the completion of the said works the Board commenced the works before being authorized to raise the loan, and consequently the Board is precluded without further authority from raising the loan: And whereas it is desirable that provision be made as hereinafter appears: Be it therefore enacted as follows:—

(1) Notwithstanding that the work in respect of which the loan was to have been raised has been completed, the Board may raise the amount of the loan.

(2) The Board may refund to its General Account out of the loan-moneys any sums expended from that account in respect of the said works and for payment of all other liabilities incurred in connection with the completion of the said works.

Provision with respect to borrowing by way of bank overdraft by Wellington Hospital Board. See Reprint of Statutes, Vol. III, p. 748

**27.** (1) The borrowing by the Wellington Hospital Board (in this section referred to as the Board), during the financial year ended on the thirty-first day of March, nineteen hundred and forty-five, of the sum of twenty-four thousand pounds by way of bank overdraft in excess of the limits imposed by subsection two of section sixty of the Hospitals and Charitable Institutions Act, 1926, for the purpose of meeting the cost of alterations, renovations, and equipment of the Silverstream Hospital, is hereby validated, and such moneys are hereby declared to have been lawfully borrowed.

(2) In computing the amount which the Board is empowered and authorized from time to time to borrow by way of bank overdraft under the powers and authorities conferred by subsection two of section sixty of the Hospitals and Charitable Institutions Act, 1926, no account shall be taken of the said sum of twenty-four thousand pounds or any part thereof:

Provided that the Board shall pay in reduction of the said overdraft the sum of six thousand pounds during the year ending on the thirty-first day of March, nineteen hundred and forty-six, and a further sum of six thousand pounds during each subsequent year until it is extinguished.

*Affecting Two or More Classes of Public Bodies*

28. The Heathcote County Council is hereby authorized to pay out of its General Account to the Christchurch City Council the sum of four hundred and 5 thirty-one pounds nineteen shillings and one penny as a contribution towards the cost of the acquisition by the Christchurch City Council of the land and buildings known as "The Sign of the Takahe".
29. Whereas the Onehunga Borough Council and 10 the Ellerslie Borough Council entered into an agreement dated the twenty-seventh day of August, nineteen hundred and forty-five (of which agreement a certified copy is recorded in the Department of Internal Affairs at Wellington as I.A.105/371), whereby the Onehunga 15 Borough Council agreed to supply and the Ellerslie Borough Council agreed to take a supply of water upon the terms and conditions therein set out: And whereas it is desirable to validate the said agreement: Be it therefore enacted as follows:—
- 20 Notwithstanding anything contained in the Municipal Corporations Act, 1933, or any other Act, the Onehunga Borough Council and the Ellerslie Borough Council are hereby and shall be deemed to have been 25 at all times authorized and empowered to enter into the said agreement, which shall be binding on the parties thereto and shall for all purposes have effect according to its tenor.
30. Whereas it is necessary for the Petone and 30 Lower Hutt Gas Board (in this section referred to as the Board) to acquire additional land for the purpose of extending its gasworks: And whereas the only available land adjacent to the gasworks is that described in subsection *one* of this section: And whereas the said land is vested in the Mayor, Councillors, and 35 Burgesses of the Borough of Petone (in this section referred to as the Corporation) and is used for recreation purposes: And whereas the Petone Borough Council (in this section referred to as the Council) has agreed to sell the said land to the Board: And whereas 40 it is part of the consideration for the said agreement

Authorizing payment by Heathcote County Council to Christchurch City Council with respect to purchase of "The Sign of the Takahe."

Validating agreement made by Onehunga Borough Council and Ellerslie Borough Council with respect to water-supply.

1933, No. 30

Provision with respect to exchange and sale of lands between the Petone Borough Council and the Petone and Lower Hutt Gas Board.

that the Board shall sell to the Corporation the land described in subsection *two* of this section: And whereas it is desirable that the transaction hereinbefore described should be authorized: Be it therefore enacted as follows:—

(1) Notwithstanding anything contained in any Act, the Council may sell to the Board, at such price and upon such terms and conditions as to payment and otherwise in all respects as the Council shall think fit, all that piece of land situate in the Borough of Petone, containing two acres one rood two perches and nine-tenths of a perch, more or less, being part of section 6, Hutt District, and being such parts of the lands respectively comprised and described in certificates of title, Volume 93, folio 157, and Volume 356, folio 283, as lie between the boundaries of Lots 5, 6, 7, and 8 on Deposited Plan No. 12629 and a line drawn as follows: Commencing at a point on the south-eastern boundary of Lot 7 on Deposited Plan No. 12629 distant eighty feet from the south-eastern corner of the said allotment, thence parallel with the north-western boundary of Lot 4 on Survey Office Plan No. 18173 to a point on the north-eastern boundary of Lot 8 on Deposited Plan No. 12629; reserving nevertheless any such drainage rights or easements over the whole or any part of the said piece of land, and upon such terms and conditions in all respects, as shall be agreed upon between the Council and the Board.

(2) Notwithstanding anything contained in any Act, the Board may sell to the Corporation, at such price and upon such terms and conditions as to payment and otherwise in all respects as the Board shall think fit, all that piece of land, situate as aforesaid, containing twenty-eight perches and three-tenths of a perch, more or less, being all such part of Lot 7 on Deposited Plan No. 12629 as lies to the south-east of a line drawn from the point of commencement last described, and parallel with the north-western boundary of Lot 4 on Survey Office Plan No. 18173, to the north-eastern boundary of Lot 7 on Deposited Plan No. 12629.

(3) The proceeds of the sale of the land referred to in subsection *one* of this section shall be applied by the Council in or towards the purchase of other land to be held for recreation purposes.

*Miscellaneous*

31. Whereas the land described in subsection three of this section is vested for an estate in fee-simple in the National War Funds Council established under the War Funds Act, 1915, and is held by the Council as a war fund within the meaning of that Act: And whereas there is erected on the said land a building known as the Christchurch Returned Services' Club Building: And whereas it is desirable that the said land and building should be transferred to the Christchurch Returned Services' Association, Incorporated, to be used for the purposes of a Returned Services' Club in accordance with and subject to the rules and constitution of the Association: Be it therefore enacted as follows:—

Authorizing transfer of certain property to the Christchurch Returned Services' Association, Incorporated. See Reprint of Statutes, Vol. VIII, p. 1058

(1) The National War Funds Council is hereby authorized and empowered to transfer the said land, together with the building thereon, to the Christchurch Returned Services' Association, Incorporated, on payment to the Council by the Association of the sum of one thousand seven hundred and fifty pounds.

(2) The said land and building shall be held and administered by the Association for the purposes of a club and the provision of services ancillary thereto in accordance with the rules and constitution of the Association.

(3) The land to which this section relates is particularly described as follows:—

All that parcel of land containing two roods, more or less, situated in the City of Christchurch, being Town Sections 328 and 329, and being more particularly described in conveyance registered Number 126690 (202/707), and being the whole of the land comprised and described in certificate of title, Volume 364, folio 231 (limited as to parcels), Canterbury Registry.

(4) Section four of the War Funds Amendment Act, 1927, is hereby repealed.

Repeal, 1927, No. 10

32. The payment made by the Petone and Lower Gas Board on the eleventh day of May, nineteen hundred and forty-four, of the sum of seventy-nine pounds, to Alwyn Atkinson, carrying on business at Lower Hutt under the style of Acto Welding and

Validating payment made by Petone and Lower Hutt Gas Board to a contractor.

Forging Company, in respect of the supply to the said Board of a dumping truck is hereby validated and declared to have been lawfully made.

Authorizing  
Blue Mountain  
Rabbit Board  
to raise a  
special loan  
of £1,100.

**33.** Whereas the Blue Mountain Rabbit Board (in this section referred to as the Board) has incurred the expenditure of the sum of one thousand six hundred and fifty-two pounds in acquiring an area of land and erecting thereon a dwellinghouse for the use of employees of the Board and in effecting improvements to the said land: And whereas the Board has paid out of its General Account the sum of one thousand four hundred and ninety pounds, being the cost of erecting the said dwellinghouse and effecting the said improvements, and is liable for payment of a further sum of one hundred and sixty-two pounds as purchase-money for the said land: And whereas, in order that the Board's General Account may be partially reimbursed in respect of the amount expended on the erection of the said dwellinghouse and effecting the said improvements, it is expedient that the Board be empowered to raise by way of special loan an amount not exceeding the sum of one thousand one hundred pounds: Be it therefore enacted as follows:—

(1) The Board is hereby authorized, for the purpose of meeting in part the expenditure incurred in erecting the said dwellinghouse and effecting improvements to the said land, to borrow an amount not exceeding the sum of one thousand one hundred pounds by way of special loan under the provisions of the Local Bodies' Loans Act, 1926, by special order, and without taking the steps prescribed by sections nine to thirteen of that Act:

See Reprint  
of Statutes,  
Vol. V, p. 360

Provided that instead of taking such steps as aforesaid the Board shall adopt the procedure laid down in section eighty-eight of the Rabbit Nuisance Act, 1928, and shall comply with all the provisions of that section.

Ibid.,  
Vol. I, p. 273

(2) The Board may pay the proceeds of such loan into its General Account in part repayment of the moneys advanced thereout for the purposes of erecting the said dwellinghouse and effecting the said improvements.

34. Whereas all that piece or parcel of land containing one rood, more or less, situate in Block XVII of the Belmont Survey District, being part of Section 2 of the Wainui-o-mata District, and being the whole of the land comprised in certificate of title, Volume 352, folio 180, Wellington Registry, is now vested in the Wainui-o-mata Public Hall Trust Board (in this section referred to as the Board) upon the trusts set out in a deed of conveyance dated the fifteenth day of April, nineteen hundred and thirteen, and made between John Wakeham of the one part and James Jackson Wood, John Burt Wood, Bertie Richard Rainsford Burdan, Christian Ludvig Jensen, Samson George Breach, James Burrow the Younger, and George Groves Burdan of the other part: And whereas the said deed contains no provision for rotation of trustees comprising the members of the Board, but does contain provision for the election of successors to a trustee dying or resigning: And whereas it is desirable to make provision for the retirement by rotation of members of the Board and to make any person so retiring eligible for re-election: Be it therefore enacted as follows:—
- (1) Notwithstanding the provisions of the said deed the Board may by resolution, on or before the thirty-first day of March, nineteen hundred and forty-six, make such rules as to the retirement by rotation of members of the Board, and the eligibility of retiring members for re-election, as the Board thinks fit.
- (2) From the time of the passing of the resolution the rules so made shall take effect as if they had been incorporated in the said deed of conveyance.

Special provision with respect to rotation of members of Wainui-o-mata Public Hall Trust Board.