

LOCAL LEGISLATION BILL, 1950

EXPLANATORY NOTES

County Councils

Clause 2: Authorizing Matamata County Council to make an *ex gratia* payment in respect of a contract (I.A. 105/570).—An agreement dated the 16th January, 1947, was completed between the Matamata County Council and a contracting firm known as McHarrie Brothers whereby the firm agreed to erect a reinforced concrete bridge at Okoroire for the sum of £3,804 18s. 6d. The contract did not include a clause allowing for increases or decreases in the sum payable under the contract to provide for variations in prices of materials purchased by the contractors. The contracting firm was unable to obtain reinforcing steel and cement, with the result that the work, which should have been completed within a few months, was extended over a period of three years. During this period the firm was faced with substantial increases in the cost of materials and also substantial wage increases. As the tender was based on rates ruling at the time it entered into the contract, the firm has suffered a fairly considerable financial loss in completing the work.

The Matamata County Council is desirous of making an *ex gratia* payment to the firm of the sum of £304 14s., the extent of the firm's loss. The Council has no authority to make a payment of this nature, and the purpose of the clause is to provide the necessary authority.

Clause 3: Authorizing Amuri County Council to expend moneys in connection with Canterbury Centennial celebrations (I.A. 105/524).—Section 8 of the Finance Act (No. 2), 1949, authorizes local authorities within the boundaries of the Provincial District of Canterbury to expend moneys in connection with the celebration of the Centennial of the province.

The Amuri County Council wishes to expend moneys for this purpose, but it has been discovered that although Amuri County is in the Canterbury Land District, and was included in the Canterbury Provincial District for the purposes of the New Zealand Centennial Act, 1938, it did not form part of Canterbury Province as it existed before the abolition of provincial government.

Legislation is necessary to remove any legal doubts as to the powers of the Amuri County Council to contribute moneys towards the Centennial celebrations, and this clause provides accordingly.

Clause 4: Validating certain unauthorized expenditure incurred by Wallace County Council (I.A. 105/588).—The Wallace County Council held a ceremony to celebrate the opening of the new County Chambers at Otautau on the 9th September, 1950. This function entailed the expenditure of the sum of £75 over and above the limit of the funds available from the Council's Unauthorized Expenditure Account, and legislative authority is required to validate the expenditure. This clause provides accordingly.

Clause 5: Authorizing Raglan County Council to levy excess separate rates in certain drainage districts (I.A. 105/568).—The Raglan County Council wishes to make and levy in the Ruawaro, Whangape, and Pukekapia Drainage Districts rates for the construction and maintenance of necessary works of a greater amount than the Council is authorized to make and levy.

Public meetings of the ratepayers concerned held in these districts have approved of the action proposed to be taken by the Council, written consents have been received from the greater majority of the ratepayers, and no objections to the excess drainage rates have been lodged with the Council, despite the fact that ratepayers have been individually notified of the proposals. Each rate has been carefully calculated by the Council, and is considered to be the minimum necessary to maintain the present standard of drainage works and to effect essential improvements.

The works involved have already brought about a considerable increase in production and hundreds of acres of valuable pasture are dependent on their proper maintenance and improvement. Specific legislative authority will be required to permit the Council to levy these excess drainage rates, and this clause provides accordingly.

Clause 6: Validating special order made by Raglan County Council consolidating certain special rates (I.A. 105/568).—The Raglan County Council in 1943 made a special order pursuant to the provisions of section 43 of the Finance Act, 1937. This section empowered County Councils to make and levy by special order a consolidated rate in lieu of any special rates made before the date of the passing of that section—namely, the 1st December, 1937.

Certain of the special rates named by the Council in the special order were made and levied after this date, and accordingly should not have been included in the special order.

Legislative authority is now desired to validate the special order, and this clause provides accordingly.

Clause 7: Provision with regard to further extension of period of appointment of Commissioner for County of Matakaoa (I.A. 103/33).—Provision was made by section 10 of the Local Legislation Act, 1932–33, for the appointment of a Commissioner to control the Matakaoa County for a certain period. The Commissioner was appointed in May, 1933, and his term of office has been extended on several occasions by subsequent legislation, the present extension having expired on the 18th November, 1950.

During the period of Commissioner control the powers of the County Council are suspended and are vested in the Commissioner. The two Commissioners who have held office have done excellent work in stabilizing the county's financial position, and the county now seems to be approaching the end of its serious financial difficulties, although the most careful management will still be necessary for several years to come.

It is in the interests of the county that the period of Commissioner control should be extended for a further period of three years, and the County Council has recently expressed itself as being unanimously in favour of this extension, both so that the county finances may be securely consolidated, and also in order to provide some of the leading Maoris in the district with experience in the administration of the county's affairs.

In relation to this second point, it is proposed that the Council should recommend the appointment by the Minister of Internal Affairs of suitably qualified persons to fill any vacancies on the Council, of which there are at present four, on the understanding that these appointees should be members of the Maori community. Maoris now comprise the great majority of the population of the county, and it is essential that their representatives receive experience of county administration in anticipation of the time when the county reverts to normal control.

The purpose of this clause is to extend the period of Commissioner control for a further term of three years until November, 1953, and also to authorize the Minister of Internal Affairs, on the recommendation of the Council, to appoint suitably qualified persons to fill any vacancies on the Council.

Clause 8: Provision with respect to revision of district valuation roll for County of Piako (I.A. 105/610).—An Order in Council was issued on the 29th March, 1950, directing the revision of the District Valuation roll for the County of Piako. In accordance with this Order in Council the revision of the roll was proceeded with, but a large number of objections were received thereto. These objections were duly submitted to the Land Valuation Court for consideration, but prior to consideration by the Court a blanket objection was lodged by the Valuation Department on the grounds that if the original objections were upheld by the Court further revision of values would be desirable to ensure equitable valuation of the properties belonging to ratepayers who did not object to the revision. Negotiations prior to the consideration of the objections were somewhat drawn out, and it was obvious to the Piako County Council that very considerable delay must elapse before the valuation roll could be finalised and the objections disposed of. As this delay was the cause of considerable inconvenience to the Council in the striking of its rates the Council decided that the best course would be to strike its rates on the basis of the valuation roll in force for the financial year ended on the 31st March, 1950. The Council is proceeding to strike its rates on this basis, and it has now applied for legislation validating this action as it is bound by law to levy its rates for the current financial year on the basis of the new revised roll which should date back to the 1st April, 1950.

The purpose of this clause is to validate rates levied and to be levied by the Council on the basis of the previous valuation roll and also to validate the electoral rolls compiled for the purpose of the general election of members of the Council and members of the *ad hoc* local authorities involved.

City and Borough Councils

Clause 9: Provision with respect to certain payments made by Martinborough Borough Council in anticipation of raising of loan moneys (I.A. 105/567).—The Martinborough Borough Council found it necessary to purchase certain plant and materials requisite for carrying out works, for which the Chlorination Plant Loan, 1949, was authorized to be raised, prior to the authorization of the loan on 6th December, 1949, and made payments amounting in all to £628 19s. 7d. for this purpose.

The matter of improving the borough waterworks had been under consideration by the Council since the latter part of 1947, but the Engineer's final estimates for the work were not received until June, 1949. Meanwhile the Council had been advised that the chlorination equipment had to be secured from England and that it was advisable to place an order as soon as possible. This was done, but the equipment came to hand before it had been expected and the suppliers required a progress payment in March, 1949.

Steel pipes were reported to be in short supply, but the Council's Engineer discovered that they could be secured in Wanganui, and advised immediate purchase. An order was placed, and the pipes were delivered in April, 1949.

As the Engineer's final specifications and estimates were not completed until June, 1949, the Council was unaware of what the total cost of the works was likely to be and did not feel that it was in a position to apply for a loan authority.

Legislation is necessary to authorize the Council to reimburse its District Fund Account out of the loan moneys in respect of these payments. This clause provides accordingly.

Clause 10: Authorizing One Tree Hill, Ellerslie, and Mount Roskill Borough Councils to contract with Auckland City Council for the supply of water (I.A. 105/577).—The One Tree Hill, Ellerslie, and Mount Roskill Borough Councils desire to enter into a contract with the Auckland City Council for a period not exceeding twenty-one years for the supply of water.

It is proposed that the period of such contract shall not require to be previously approved by a poll of electors as provided by section 256 of the Municipal Corporations Act, 1933, and, furthermore, that the provisions of section 253 (3) of that Act shall not apply with respect to the supply of water in terms of such contract. These latter provisions allow the Council supplying the water to discontinue such supply without being liable for the payment of compensation on giving three months' notice in writing of its intention. Legislation is necessary to grant the authority required, and this clause provides accordingly.

Clause 11: Authorizing Pukekohe Borough Council to transfer certain land to Pukekohe Kindergarten Association (I.A. 105/573).—The Pukekohe Borough Council wishes to transfer certain land held as a town hall site to the Pukekohe Kindergarten Association.

This land was dedicated to the former Pukekohe Town Board in 1911 as a site for a town hall, but the Council has now acquired a more suitable site in a central position. The land is admirably situated for the kindergarten, which at present functions in a nearby hall.

Legislation is necessary to authorize the Council to transfer the land to the kindergarten association, and this clause provides accordingly.

Clause 12: Provision regarding advances made by Napier City Council from its District Fund Account for sanitary works (I.A. 105/592).—The Marewa area of Napier has long been a problem as far as drainage is concerned, and in 1946 the Napier Borough Council was authorized by section 3 of the Napier Borough (Marewa Area) Empowering Act, 1946, to raise by special order, and without taking a poll of the ratepayers, a loan not exceeding the sum of £65,000 to carry out sanitary works in the area. In December, 1946, the Borough Council was authorized by the Local Government Loans Board to raise a loan of £27,000 (part of the loan of £65,000), to be known as the Marewa Sewerage Loan, 1946. This loan was duly raised and expended on works which were the subject of a requisition issued by the Board of Health, but by reason of unavoidable delays and increased construction costs the loan proved insufficient to complete the works. Because of the urgent nature of the works, and as it was in the public interest to complete them with as little delay as possible, the Council expended the sum of £6,290 out of its District Fund Account in carrying out the works, and may be obliged to expend up to a total of £7,000 altogether.

In order that the City Council may refund to its District Fund Account the moneys so expended, legislation is necessary to authorize the raising of a special loan not exceeding £7,000, this special loan to be deemed part of the loan of £65,000.

This clause provides accordingly.

Clause 13: Validating certain expenditure incurred by Napier City Council in connection with certain celebrations (I.A. 105/595).—The Napier City Council incurred certain unauthorized expenditure amounting to the sum of £671 2s. 2d. in connection with the Seventy-fifth Jubilee celebrations of the Borough of Napier, and the proclamation of Napier as a city. The total amount was incurred during the financial year ended 31st March last, but was paid as to £325 14s. 7d. during that financial year and as to £345 7s. 7d. during the current financial year.

Legislation is necessary to validate this expenditure, and this clause provides accordingly.

Clause 14: Provision with respect to payments from District Fund Account of Tauranga Borough Council (I.A. 100/60).—The late Miss Alice Heron Maxwell was 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 the late 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 her in each of the years ended on the 31st March, 1948, and 31st March, 1949, a grant of £50. During the latter year the Council also expended the sum of £113 in the purchase of Mayoral robes. In addition, the Council is desirous of making a grant of £50 to the Tauranga Hospital Board as a contribution towards the cost of erecting a nurses' recreation hall at the Tauranga Public Hospital. The Council has no authority to make payments of this nature, and the clause validates the payments made and authorizes the proposed contribution towards the erection of the nurses' recreation hall.

Clause 15: Authorizing Levin Borough Council to grant renewal of certain lease to James Percy Munro Bertram, as executor (I.A. 105/591).—The Levin Borough Council is desirous of granting a renewal of an expired lease to J. P. M. Bertram, who is the executor of the estate of the late George Webb. Mr. Webb, who was the lessee of an area of land from the Borough Council, inadvertently omitted to take the necessary steps to obtain a new lease of the land before his death.

Specific legislative authority will be necessary for the Borough Council to grant a renewal of the lease to Mr. Bertram, and this clause provides accordingly.

Clause 16: Authorizing Levin Borough Council to grant renewal of certain lease to Mary Emily Faloon (I.A. 105/590).—A lessee of the Levin Borough Council (M. E. Faloon) inadvertently omitted to apply for a renewal of the lease within the time specified in the original lease. The Borough Council is desirous of granting a renewal of the lease, but it will require specific legislative authority to do so.

This clause provides accordingly.

Clause 17: Provision with respect to revision of farm land roll for Borough of Patea (I.A. 103/2/51).—The Patea Borough Council has revised the rateable values of urban farm land property in the Borough of Patea by making proportionate reductions in these rateable values, and has caused a new farm land roll to be made on the basis of these reductions.

A farm land roll for the borough was, however, already in existence, having come into force for the 1949-50 rating year. Pursuant to the provisions of the Urban Farm Land Rating Act, 1932, when a farm land roll has been made for a district, then the local authority concerned can only levy its rates on the basis of such roll, which remains in force for a period of five years. Legislative authority is therefore necessary to provide that the new farm land roll shall be the farm land roll for the borough in substitution for the roll previously made.

This clause provides accordingly.

Clause 18: Validating certain actions of the Timaru City Council with respect to loan moneys (I.A. 105/604).—In September, 1948, an Order in Council was issued consenting to the raising by the Timaru Borough Council of a loan of £24,500 to be known as the Timaru Streets Improvement Loan, 1944 (issue of £24,500), for the purpose of street improvements in the borough. Prior to the issue of this Order in Council the Council proceeded to borrow as part of the loan the sum of £7,800 and paid this sum into its District Fund Account. In January, 1948, an Order in Council had been issued consenting to the raising by the Council of a loan of £30,000 to be known as the Storm-water Drainage Loan, 1946. One of the conditions to the raising of this loan was that no moneys should be borrowed after the expiration of two years from the date of the Order in Council. The Borough of Timaru was subsequently proclaimed a city, and after the expiration of the period of two years mentioned the City Council borrowed as part of this loan the sum of £4,100.

The position is that these two sums have been illegally borrowed, and legislation is necessary to validate the Council's actions. This is the purpose of the clause.

Clause 19 : Provision with respect to payment of compensation by Port Chalmers Borough Council consequent on closing of municipal gasworks (I.A. 103/203/1).—The Port Chalmers Borough Council wishes to pay compensation to consumers of the municipal gasworks, which have now been closed down. It is proposed to make payments from the Depreciation Fund, which amounts to approximately £800, held by the Public Trustee for the purposes of the gas undertaking, which is no longer required for such purposes. Doubt has arisen as to the authority of the Council to apply these moneys in this way, and specific legislative authority is sought for the payments to be made. The clause provides accordingly.

Clause 20 : Authorizing raising of special loan by Tauranga Borough Council (I.A. 105/575).—Prior to sanction being given to the raising of a loan of £63,700 for the purpose of street improvement within the Borough of Tauranga, the Tauranga Borough Council expended the sum of £7,766 out of its General Account in the purchase of plant and machinery and in undertaking certain of the street works.

The Local Government Loans Board has no authority to sanction that part of the loan which relates to the purposes upon which the sum of £7,766 has been expended. Legislation is now necessary to authorize the Council subject to the consent of a poll of ratepayers to raise a loan of the sum of £7,766 and to pay that amount into its General Account. The clause makes provision accordingly.

Clause 21 : Authorizing Palmerston North City Council to lease certain land (I.A. 105/607).—The Palmerston North City Council intends applying to the Minister of Agriculture for his approval, pursuant to section 16 of the Meat Act, 1939, to the delegation of its powers to establish and maintain an abattoir to the Palmerston North Abattoir By-products Company, Limited. For this purpose the Council desires to lease the lands on which the abattoir is situated to the company. Under the provisions of the Municipal Corporations Act, 1933, the Council in granting a long term lease is required to offer the property by public tender. Such a procedure is not suitable in this case, as the company could not safely tender for the property unless the approval of the Minister of Agriculture could be obtained to the delegation of the Council's powers to the company, while the Minister's approval to the delegation is in turn dependent upon the company obtaining a long term lease of the property. The purpose of the clause, therefore, is to authorize the Council to grant the desired lease of the lands to the company.

Road Boards

Clause 22 : Authorizing Western Waiheke Road Board to pay certain preliminary expenses out of loan moneys (I.A. 105/585).—In October, 1949, a poll of ratepayers was taken on a proposal by the Western Waiheke Road Board to raise a loan of £22,500 for development purposes in a certain portion of its district. The poll was duly carried and steps to raise the loan were subsequently taken. The Board incurred certain expenditure as a necessary outlay preliminary to the raising of the loan, but omitted to state in the voting paper prepared for the poll that it was intended to pay these preliminary expenses out of the loan moneys. The position now is that the Board has no authority to pay this expenditure out of the loan, although it wishes to do so, as the loan was raised for the benefit of a special defined portion of its district, and the Board does not consider it equitable that expenses which were incurred solely for the benefit of a portion of the district should be paid from its general funds. Legislation is necessary to enable these expenses to be paid from the loan moneys, and this is the purpose of the clause.

Clause 23 : Provision with respect to payment of annual allowance to Chairman of Mount Wellington Road Board (I.A. 105/593).—The Mount Wellington Road Board wishes to pay to its Chairman an annual allowance of £200 in respect of the period commenced on the 16th November, 1949, and ending on the 15th November, 1953.

The Mount Wellington Road District has a population of approximately 5,000, and it is likely that it will acquire borough status within the next few years. Hence it is not desired to obtain permanent authority to pay the annual allowance, but it is sought as an interim measure only.

Legislative authority is necessary for the payment of the annual allowance to the Chairman of the Mount Wellington Road Board, and this clause provides accordingly.

Harbour Boards

Clause 24: Validating donation made by Auckland Harbour Board to Auckland Anniversary Regatta Committee (I.A. 105/571).—The Auckland Harbour Board made a donation of the sum of £250 during the financial year ended on 30th September, 1950, to the Auckland Anniversary Regatta Committee on the occasion of the Centennial Regatta held in January, 1950.

Validation of this donation is required to obviate expenditure beyond the statutory limit from the Board's Unauthorized Expenditure Account during the above financial year. The Board has no specific statutory power to make a grant of this nature, and this clause provides for the validation of the donation.

Clause 25: Validating reclamation of certain land by Bluff Harbour Board (I.A. 105/581).—A recent survey of the reclaimed land held by the Bluff Harbour Board has disclosed that the land reclaimed exceeds the area prescribed by the Bluff Harbour Foreshore Reclamation and Leasing and Borrowing Act, 1902. When the 50 ft. wide reclamation wall was constructed in 1910, the contractor placed the inshore toe on the boundary of the area authorized to be reclaimed by the above Act. As a result, the wall extends 50 ft. to seaward of the authorized boundary, and the area of the land reclaimed without authority is 3 roods 17·8 perches.

Legislation is necessary to validate the unauthorized reclamation, and this clause provides accordingly.

Clause 26: Extending purposes for which moneys borrowed under Auckland Harbour Board Loan and Empowering Act, 1946, may be applied (I.A. 58/94).—An agreement has been reached between the Auckland Harbour Board and the Government whereby certain surplus Army stores buildings near the wharves at Auckland have been purchased by the Auckland Harbour Board. The Harbour Board has not the necessary funds in hand to complete the purchase of these buildings. Under the Auckland Harbour Board Loan and Empowering Act, 1946, the Board was authorized to borrow the sum of £1,500,000 for the purpose of constructing certain harbour works which were set out in the Schedule to the Act. The Board now desires to utilize part of the moneys which it is authorized to borrow under the Act in purchasing the buildings in question. The purpose of this clause is to provide the necessary authority to enable the Board to do so.

Clause 27: Amending purposes for which moneys borrowed under Lyttelton Harbour Board Loan Act, 1949, may be applied (I.A. 58/118).—By the Lyttelton Harbour Board Loan Act, 1949, the Lyttelton Harbour Board is authorized to borrow up to £80,000 for the purpose of acquiring the lands described in the Schedule to the Act and erecting thereon a Waterfront Industry Building. At the time this legislation was enacted it was appreciated that the lands proposed to be purchased were not the most suitable site on which to erect this building, but seemed to be the best available under existing circumstances. Recently, however, certain land already vested in the Board has become available on which to erect this building. This land is much more suitable for the purpose, and the Board is desirous of erecting the building thereon and of applying the moneys which it is authorized to borrow under the Lyttelton Harbour Board Loan Act, 1949, in the erection of the building only. Legislation is necessary for this purpose, and the clause provides accordingly.

Clause 28: Authorizing Oamaru Harbour Board to raise special loan of £12,000 (I.A. 105/611).—The Oamaru Harbour Board desires to raise a loan not exceeding the sum of £12,000 for the purpose of financing certain urgent dredging operations which are necessary to keep the Oamaru Harbour open for coastal shipping. Pursuant to the Harbours Act, 1950, the Board may only borrow moneys under the authority of a special Act. In the circumstances application has been made for legislation enabling the raising of an amount not exceeding £12,000, which will be secured by means of an increase in the Boards' dues. The clause makes provision for the raising of a special loan accordingly.

Electric Power Boards

Clause 29: Validating certain actions of the Golden Bay Electric Power Board with respect to loan moneys (I.A. 105/578).—In 1947 consent was given by Order in Council to the raising by the Golden Bay Electric Power Board of a loan of £7,000 to be known as the Collingwood Reticulation Loan No. 2, 1946. One of the conditions imposed by the Order in Council was that no moneys should be borrowed after the expiration of two years from the date thereof. The Board did not, however, raise the loan until after the expiration of the period of two years laid down. In 1949 the Local Government Loans Board sanctioned the borrowing by the Board of a further loan of £6,000 to be known as the Reticulation Loan, 1949. The Board proceeded to raise the sum of £2,000 as part of this loan without first obtaining the consent of the Governor-General in Council in accordance with the provisions of the Local Government Loans Board Act, 1926. The position is that the first loan and the sum of £2,000 have been illegally borrowed. Legislation is necessary to validate the actions of the Board in this respect, and this is the purpose of the clause.

Clause 30: Authorizing Otago Central Electric Power Board to raise a special loan of £5,000 (I.A. 105/598). The Otago Central Electric Power Board intends making application to the Local Government Loans Board for authority to raise a loan of £75,000 for the purpose of constructing the Fraser River Power Station, but in the meantime a transformer for connection to the existing line has been found to be urgently required and has been ordered and delivered without prior sanction having been given by the Local Government Loans Board to the raising of the principal loan. The cost of the transformer, amounting to £5,000, has been paid by the Board out of its Power Fund Account, and authority is now sought to raise a special loan of this amount for the purpose of refunding the Power Fund Account.

This clause provides accordingly.

River Board

Clause 31: Provision with respect to levying of rates in portion of the Waimatuku River District (I.A. 105/596).—The Waimatuku River District comprises part of the County of Wallace and part of the County of Southland. The Wallace County has recently been revalued, and the revaluations of properties show a substantial increase over those previously fixed. The Southland County has not, however, been revalued as yet. The Waimatuku River Board thus finds itself in the position of having the values of properties in the two parts of its district out of proportion. The rates levied by the Board on the basis of the valuations existing prior to the revaluation of the Wallace County were adequate to meet the expenses of the Board, and the Board does not consider it equitable that one portion of its district should provide the greater part of the revenue required, especially as there is no substantial difference in the benefits derived by the properties in either county from the works undertaken by the Board.

The Board is desirous of obtaining authority to enable it to levy its rates over that portion of its district situated within the Wallace County on the basis of the values existing prior to the revaluation of the county until the Southland County is also revalued. The clause provides accordingly.

Fire Boards

Clause 32: Validating certain agreements made between North Shore Fire Board and the Crown (I.A. 76/76/5).—When the North Shore Fire Board was constituted in pursuance of a final scheme promulgated by the Local Government Commission in March, 1948, it was recommended that the Board should assume the responsibility for the fire protection of the Devonport Naval Base. It was also recommended that the Government should be responsible for all costs other than those normally required for the protection of civilian property in the fire district.

The Crown has now entered into agreements with the North Shore Fire Board along the lines of these recommendations, providing for the protection of the Devonport Naval Base and the Kauri Point Naval Armament Depot.

This clause is designed to validate any irregularities which may have arisen through the Board entering into these agreements.

Clause 33: Validating certain unauthorized expenditure incurred by Auckland Metropolitan Fire Board (I.A. 76/116).—The Auckland Metropolitan Fire Board incurred certain unauthorized expenditure amounting to the sum of £41 16s. in connection with a social function held in honour of four employees who were retiring after long and faithful service. This led to the Board's unauthorized expenditure limit of £25, as laid down by the Fire Brigades Amendment Act, 1932, being exceeded by the sum of £24 1s. 3d. That this unauthorized expenditure limit of £25 was too low has now been recognized with the passing of the Fire Services Act, 1949, which provides for an unauthorized limit of up to £50 for Urban Fire Authorities during the present and subsequent financial years. Provision is also made for the Fire Service Council to make grants to brigades under the control of Urban Fire Authorities for social purposes.

Legislation is necessary to validate the expenditure incurred on this function, and this clause provides accordingly.

Hospital Boards

Clause 34: Validating raising of certain loan moneys by Dannevirke Hospital Board (I.A. 105/562).—In 1945 the Dannevirke Hospital Board resolved to raise a loan of the sum of £3,000 to be known as the Boiler House Loan, 1945. The sanction of the Local Government Loans Board was duly received and the necessary Order in Council was issued on 3rd April, 1946.

Owing to the shortage of labour and materials, the manufacture of the boiler and its subsequent installation was delayed until 1948. Treasury advised the Hospital Board that moneys could not be legally borrowed after 3rd April, 1948, as the authority contained in the above-mentioned Order in Council expired on that date.

The Secretary of the Hospital Board requested that a further Order in Council be issued reviving the authority for a further period. Treasury advised that this would be done, but the Secretary of the Hospital Board omitted to wait for confirmation of this step and proceeded with the raising of the loan without having secured the necessary authority to do so. Legislation is necessary to validate the raising of the loan after the expiry of the authorizing Order in Council, as it is not possible to issue a retrospective Order in Council. This clause provides accordingly.

Clause 35: Authorizing Waikato Hospital Board to divert certain compensation moneys held for endowment purposes (I.A. 105/569).—An area of the Waikato Hospital Board's endowment lands was taken by the Minister of Works for housing purposes in January of this year. Pursuant to the provisions of section 92 of the Public Works Act, 1928, the Board is required to hold the compensation moneys paid for the area in question for the purpose of the purchase of further lands to be held as an endowment.

The Board is, however, unable to purchase suitable land for this purpose, and desires to utilize the moneys, amounting to the sum of £288, for the purpose of reducing a debt owing to the Public Trustee.

The debt in question comprises a mortgage held over the remainder of the Board's endowment lands.

The Board has no authority to utilize the compensation moneys as desired, and the purpose of the clause is to confer this authority on the Board.

Affecting Two or More Classes of Public Bodies

Clause 36 : Authorizing Hutt County Council and Wellington Hospital Board to enter into an agreement for the supply of water (I.A. 105/600).—The Hutt County Council and the Wellington Hospital Board wish to enter into an agreement for the supply of water, the Hospital Board proposing to supply water from its reservoir situated at the Macarthy Home, Belmont, for the benefit of residents of the county in the vicinity.

There is some doubt as to the powers of either authority to enter into such an agreement, and this clause provides the necessary legislative authority.

Clause 37 : Special provisions with regard to reclamation of certain lands by Auckland City Council (I.A. 58/126).—The Auckland City Council has for some years past been engaged in the construction of an extension of a street known as Meola Road. This work has been almost completed, but it has come to the Council's notice that the legalization of the portion of the street across certain tidal lands has not been finalized and that no Order in Council under section 175 of the Harbours Act, 1950 has ever been issued to authorize the reclamation of these tidal lands.

This clause is designed to validate the reclamation work carried out by the Council in constructing the Meola Road Extension ; to authorize the Council to reclaim certain small areas on the landward side of the road line which have been cut off from the sea through the construction of the road ; and to authorize the Auckland Harbour Board, in which these latter reclaimed lands will automatically be vested, to transfer certain of these lands to the Auckland City Council, and the remainder to the Crown for inclusion in the adjoining asylum endowment.

Clause 38 : Authorizing Timaru City Council to contribute towards the cost of improving a roadway and to make payments to Timaru Harbour Board in respect thereof (I.A. 105/594).—Certain land which runs from Strathallan Street in the City of Timaru to the southern approach to Caroline Bay is vested partly in the Timaru Harbour Board and partly in the Crown and is used for the purpose of a roadway. This roadway is becoming very much used by the public, particularly in the summer season, and it is most desirable that it should be improved by tar-sealing, &c. The Timaru Harbour Board proposes to undertake these improvements and has approached the Timaru City Council for a contribution towards the cost. The Council is desirous of making a contribution, but as the land is not vested in the Council it has no power to do so. This clause provides the necessary authority for the Council to make the contribution desired.

Clause 39 : Vesting certain lands held by the Otago Hospital Board in the Plunket Society and in the Corporation of the City of Dunedin (I.A. 105/589).—The Otago Hospital Board wishes to vest certain land in the Royal New Zealand Society for the Health of Women and Children (Incorporated) as a site for Plunket rooms, and at the same time to transfer an additional small area of land to the Dunedin City Corporation for street widening purposes. It is not intended that any consideration should pass to the Board from either the Society or the Corporation, and as the Board has no power to dispose of the lands other than by way of sale, specific legislative authority is required.

This clause provides accordingly.

Miscellaneous

Clause 40: Validating payment of compassionate allowance by Ohai Railway Board (I.A. 105/566).—The purpose of this clause is to validate the payment by the Ohai Railway Board of a compassionate allowance of £500 to the widow of Mr. A. W. Rodger, late Clerk and General Manager of the Board, in recognition of his services to the Board over long period.

Clause 41: Authorizing Hurunui Rabbit Board to pay certain sums to various other Rabbit Boards (I.A. 105/587).—The Hurunui Rabbit Board wishes to pay certain sums to the Pahau, Amuri, Cheviot, Culverden, Hanmer, Waitohi, and Motunau Rabbit Boards.

The first six of these rabbit districts have been newly constituted from areas previously forming part of the Hurunui Rabbit District, and the proposed grants are for the purpose of assisting the finances of the new Boards. In the case of the Motunau Rabbit District, an area which was excluded from the Hurunui Rabbit District in September, 1949, was added to the former district in January, 1950, and a grant is also proposed in this instance. The amount of each grant has been determined according to the area of each district concerned.

Although the Rabbit Nuisance Act, 1928, contains a provision for the transfer of funds where the boundaries of contiguous rabbit districts are altered, there is no legislative authority to make the grants as proposed above. This clause provides accordingly.

Clause 42: Provision with respect to certain contracts of Ohai Railway Board (I.A. 105/572).—The Ohai Railway Board Amendment Act, 1943, provides that notwithstanding the provisions of the Local Authorities (Members' Contracts) Act, 1934, members of the Board may have an interest in contracts for the supply of coal to the Board if the conditions prescribed therein are complied with. One of these conditions is that contracts for amounts in excess of £100 must be by public tender. Tenders have been called in the past and the mines in the district have by arrangement all tendered and supplied on a roster basis. In 1948 the Government took over all mines in the district, except the mine of the Linton Coal Company, Limited. As there was only one mine in the district in addition to those owned by the State, contracts were completed with the company and the State without the formality of tenders being called as required by the Ohai Railway Board Amendment Act, 1943. As a result a member of the Board who is a small shareholder in the Linton Coal Company, Limited, has been disqualified under the provisions of the Local Authorities (Members' Contracts) Act, 1934, from membership of the Board. The member concerned has been disqualified purely as a result of a technical breach of the provisions of the Ohai Railway Board Amendment Act, 1943, and the purpose of the clause is to validate the actions of the Board in this respect, and thus enable the member to retain his seat on the Board.

Clause 43: Authorizing Omarama Rabbit Board to raise a special loan of £5,000 (I.A. 105/574).—The Omarama Rabbit Board wishes to raise a special loan of £5,000 for the purpose of refunding to its General Account moneys expended thereout in connection with the purchase and erection of four prefabricated houses for the use of its employees.

When the Board entered into a commitment to purchase these houses it believed that the necessary payment could be made from its General Account, and that the General Account could be reimbursed when loan moneys were raised. This, of course, is incorrect, in that the Local Government Loans Board cannot sanction the raising of a loan to recoup the Board's General Account in respect of any expenditure already made thereout.

Specific legislative authority is required to permit the Omarama Rabbit Board to raise a special loan, and this clause provides accordingly.

Clause 44 : Authorizing Christchurch Tramway Board to expend moneys in publicizing a loan proposal (I.A. 105/532).—Pursuant to section 7 of the Christchurch Tramway District Amendment Act, 1932–33, the annual amount which the Christchurch Tramway Board is authorized to expend in publicizing a loan proposal is limited to the sum of £100. The Board proposes raising a loan of £950,000 in the near future for the purpose of carrying out extensive modernization works. It is considered that the expenditure of the sum of £100 in publicizing a major loan of this nature is entirely inadequate, and the Board is desirous of expending sufficient moneys to ensure that the public are fully informed with regard to its proposals. In the circumstances, it is desired to expend the sum of £1,000 in publicizing the proposed loan, and the purpose of the clause is to authorize the expenditure of this amount.

Clause 45 : Authorizing increase in maximum rate that may be levied by Christchurch Tramway Board for year ending on 31st March 1952 (I.A. 58/114).—The Christchurch Tramway District Amendment Act, 1949, authorized the Christchurch Tramway Board to increase the maximum rate that may be levied by the Board during the year ending on the 31st March, 1951, from 3d. in the pound on the annual value to 6d. in the pound and from $\frac{3}{16}$ d. in the pound on the capital value to $\frac{3}{8}$ d. in the pound. In view of the uncertainty as to the continued existence of the Board, the authority to increase the maximum was restricted to the one year. The district of the Board was subsequently revalued and the Board found that it was not necessary to exceed the previous rating limits and accordingly proceeded to levy its rates for the year ending on the 31st March, 1951, on the old basis. In order to meet increased operating costs in the future, however, it will be necessary for the Board to levy rates in excess of the present maximum, and for this reason the Board is desirous of having the authority to increase the maximum rate extended for a further year. This is the purpose of the clause.

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

24th November, 1950

Hon. Mr. Bodkin

LOCAL LEGISLATION

ANALYSIS

Title.	
1. Short Title.	
<i>County Councils</i>	
2. Authorizing Matamata County Council to make an <i>ex gratia</i> payment in respect of a contract.	10. Authorizing One Tree Hill, Ellerslie, and Mount Roskill Borough Councils to contract with Auckland City Council for the supply of water.
3. Authorizing Amuri County Council to expend moneys in connection with Canterbury Centennial celebrations.	11. Authorizing Pukekohe Borough Council to transfer certain land to Pukekohe Kindergarten Association.
4. Validating certain unauthorized expenditure incurred by Wallace County Council.	12. Provision regarding advances made by Napier City Council from its District Fund Account for sanitary works.
5. Authorizing Raglan County Council to levy excess separate rates in certain Drainage Districts.	13. Validating certain expenditure incurred by Napier City Council in connection with certain celebrations.
6. Validating special order made by Raglan County Council consolidating certain special rates.	14. Provision with respect to payments from District Fund Account of Tauranga Borough Council.
7. Provision with regard to further extension of period of appointment of Commissioner for County of Matakaoa. Repeal.	15. Authorizing Levin Borough Council to grant renewal of certain lease to James Percy Munro Bertram, as executor.
8. Provision with respect to revision of District Valuation Roll for County of Piako.	16. Authorizing Levin Borough Council to grant renewal of certain lease to Mary Emily Faloon.
<i>City and Borough Councils</i>	
9. Provision with respect to certain payments made by Martinborough Borough Council in anticipation of raising of loan moneys.	17. Provision with respect to revision of farm land roll for Borough of Patea.
	18. Validating certain actions of the Timaru City Council with respect to loan moneys.
	19. Provision with respect to payment of compensation by Port Chalmers Borough Council consequent on closing of municipal gasworks.

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| <p>20. Authorizing raising of special loan by Tauranga Borough Council.</p> <p>21. Authorizing Palmerston North City Council to lease certain land.</p> <p style="text-align: center;"><i>Road Boards</i></p> <p>22. Authorizing Western Waiheke Road Board to pay certain preliminary expenses out of loan moneys.</p> <p>23. Provision with respect to payment of annual allowance to Chairman of Mount Wellington Road Board.</p> <p style="text-align: center;"><i>Harbour Boards</i></p> <p>24. Validating donation made by Auckland Harbour Board to Auckland Anniversary Regatta Committee.</p> <p>25. Validating reclamation of certain land by Bluff Harbour Board.</p> <p>26. Extending purposes for which moneys borrowed under Auckland Harbour Board Loan and Empowering Act, 1946, may be applied.</p> <p>27. Amending purposes for which moneys borrowed under Lyttelton Harbour Board Loan Act, 1949, may be applied.</p> <p>28. Authorizing Oamaru Harbour Board to raise special loan of £12,000.</p> <p style="text-align: center;"><i>Electric Power Boards</i></p> <p>29. Validating certain actions of the Golden Bay Electric Power Board with respect to loan moneys.</p> <p>30. Authorizing Otago Central Electric Power Board to raise a special loan of £5,000.</p> <p style="text-align: center;"><i>River Board</i></p> <p>31. Provision with respect to levying of rates in portion of the Waimatuku River District.</p> <p style="text-align: center;"><i>Fire Boards</i></p> <p>32. Validating certain agreements made between North Shore Fire Board and the Crown.</p> | <p>33. Validating certain unauthorized expenditure incurred by Auckland Metropolitan Fire Board.</p> <p style="text-align: center;"><i>Hospital Boards</i></p> <p>34. Validating raising of certain loan moneys by Dannevirke Hospital Board.</p> <p>35. Authorizing Waikato Hospital Board to divert certain compensation moneys held for endowment purposes.</p> <p style="text-align: center;"><i>Affecting two or More Classes of Public Bodies</i></p> <p>36. Authorizing Hutt County Council and Wellington Hospital Board to enter into an agreement for the supply of water.</p> <p>37. Special provisions with regard to reclamation of certain lands by Auckland City Council.</p> <p>38. Authorizing Timaru City Council to contribute towards cost of improving a roadway and to make payments to Timaru Harbour Board in respect thereof.</p> <p>39. Vesting certain lands held by the Otago Hospital Board in the Plunket Society and in the Corporation of the City of Dunedin.</p> <p style="text-align: center;"><i>Miscellaneous</i></p> <p>40. Validating payment of compassionate allowance by Ohai Railway Board.</p> <p>41. Authorizing Hurunui Rabbit Board to pay certain sums to various other Rabbit Boards.</p> <p>42. Provision with respect to certain contracts of Ohai Railway Board.</p> <p>43. Authorizing Oamaru Rabbit Board to raise a special loan of £5,000.</p> <p>44. Authorizing Christchurch Tramway Board to expend moneys in publicizing a loan proposal.</p> <p>45. Authorizing increase in maximum rate that may be levied by Christchurch Tramway Board for the year ending on 31st March, 1952.</p> |
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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 of the same, as follows:—

1. This Act may be cited as the Local Legislation Act, 1950. Short Title.

County Councils

2. Whereas by an agreement dated the sixteenth day of January, nineteen hundred and forty-seven, made between McHarrie Brothers of Hamilton, bridge builders (in this section referred to as the contractors), of the one part, and the Chairman, Councillors, and Inhabitants of the County of Matamata (in this section referred to as the Council), of the other part, the contractors agreed with the Council to execute and complete the construction of a reinforced bridge over the Oraka Stream at Okoroire: And whereas, owing to increased costs incurred in respect of increased wages and cost of materials, and other circumstances beyond their control causing delay in completion of the work, the contractors suffered considerable loss: And whereas the Council in the circumstances is desirous of making a payment of three hundred and four pounds fourteen shillings to the contractors: Be it therefore enacted as follows:—

Authorizing Matamata County Council to make an *ex gratia* payment in respect of a contract.

The Council is hereby empowered to pay the sum of three hundred and four pounds fourteen shillings to the contractors by way of compensation in respect of the loss incurred by the contractors in respect of the completion of the said works.

3. The Amuri County Council is hereby authorized and empowered to expend moneys out of its General Account for the purpose of celebrating and commemorating the hundredth anniversary of the settlement of Canterbury, and in connection with the establishment of a centennial memorial or centennial memorials, and, for any such purpose, to make grants to the body known as the Canterbury - New Zealand Centennial Association, Incorporated.

Authorizing Amuri County Council to expend moneys in connection with Canterbury Centennial celebrations.

4. The expenditure by the Wallace County Council during the financial year ending on the thirty-first day of March, nineteen hundred and fifty-one, of the sum of seventy-five pounds for the purpose of meeting expenses incurred in connection with the functions held

Validating certain unauthorized expenditure incurred by Wallace County Council.

at the opening of the new Wallace County offices, is hereby validated and declared to have been lawfully incurred.

Authorizing
Raglan County
Council to
levy excess
separate rates
in certain
Drainage
Districts.
See Reprint
of Statutes,
Vol. V, p. 241

5. Whereas the Raglan County Council (in this section referred to as the Council) has, pursuant to section one hundred and sixty-eight of the Counties Act, 1920, constituted the Ruawaro, Whangape, and Pukekapia Drainage Districts to be districts for the purpose of the construction and maintenance of drainage works therein: And whereas the Council desires to make and levy, in the said districts, rates for the construction and maintenance of necessary drainage works of a greater amount than the Council is authorized to make and levy: And whereas it is desirable to authorize the Council to make and levy rates in accordance with this section: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary in any Act, the Council is hereby authorized to make and levy in the Ruawaro, Whangape, and Pukekapia Drainage Districts, for the years ending on the thirty-first day of March, nineteen hundred and fifty-one, and on the thirty-first day of March, nineteen hundred and fifty-two, separate rates, based on the unimproved value, on the lands classified in accordance with section one hundred and seventy-three of the Counties Act, 1920, not exceeding the following amounts:—

- (a) In the Ruawaro Drainage District: On the lands so classified as " A " lands, four shillings in the pound, on the lands so classified as " B " lands, two shillings and eightpence in the pound, and on the lands so classified as " C " lands, one shilling and fourpence in the pound. 30
- (b) In the Whangape Drainage District: On the lands so classified as " A " lands, one shilling and fourpence in the pound, on the lands so classified as " B " lands, eightpence in the pound, and on the lands so classified as " C " lands, fourpence in the pound. 35
- (c) In the Pukekapia Drainage District: On the lands so classified as " A " lands, three shillings and fourpence in the pound, on the lands so classified as " B " lands, one shilling and eightpence in the pound, and on the lands so classified as " C " lands, tenpence in the pound. 45

6. Whereas the Raglan County Council (in this section referred to as the Council) pursuant to the provisions of section forty-three of the Finance Act, 1937, by special order made on the twelfth day of February, 5 **nineteen hundred and forty-three**, and published in the *Gazette* of the twentieth day of May, nineteen hundred and forty-three (in this section referred to as the special order), abolished the special rates set out in the special order and instead of those rates made and levied an 10 annually recurring rate on a uniform basis over the whole of the rateable property of the County of Raglan: And whereas the powers conferred by the said section forty-three of the Finance Act, 1937, may only be exercised in respect of special rates made before the first day of 15 December, nineteen hundred and thirty-seven: And whereas certain special rates intended as security for the repayment of the following loans—namely, the Roads, Bridges, and Drainage Loan; the Workers' Dwelling Loan, 1938; the Rural Housing Loan, 1940; the Port 20 Waikato Camping Ground Loan and the Kopua Camping Ground Loan—were all made and levied after the first day of December, nineteen hundred and thirty-seven, and accordingly should not have been included in the special order: And whereas it is desirable that the special order 25 should be validated: Be it therefore enacted as follows:—

Validating special order made by Raglan County Council consolidating certain special rates.

1937, No. 17

30 The special order is hereby validated and the said special rates shall be deemed to have been lawfully included in the special order, which shall accordingly take effect according to its tenor.

7. (1) Subsection eleven of section ten of the Local Legislation Act, 1932–33, as amended by section two of the Local Legislation Act, 1946, and section two of the Local Elections and Polls Amendment Act, 1950, is 35 hereby further amended by omitting the words “nineteen hundred and fifty” and substituting the words “nineteen hundred and fifty-three.”

Provision with regard to further extension of period of appointment of Commissioner for County of Matakaoa.

1932, No. 47

1946, No. 39

1950, No. 30

Repeal.

(2) Section two of the Local Legislation Act, 1946, is hereby repealed.

(3) Until the next election of councillors of the County of Matakaoa is held, the Minister of Internal Affairs may, on the recommendation of the Council of that county, appoint any qualified person to fill any

vacancy in the office of Councillor of the county, and every person so appointed shall hold office in all respects as if he had been duly elected to fill the vacancy.

(4) This section shall be deemed to have come into force on the eighteenth day of November, ~~nineteen~~ 5 hundred and fifty.

Provision with respect to revision of District Valuation Roll for County of Piako.

See Reprint of Statutes, Vol. VII, p. 1036

8. Whereas the district valuation roll for the district of Piako County was revised as at the thirty-first day of March, nineteen hundred and fifty: And whereas certain objections to the valuations therein were made 10 pursuant to section fourteen of the Valuation of Land Act, 1925, and it was apparent that considerable time would elapse before these objections could be disposed of: And whereas the Piako County Council (in this section referred to as the Council) has made and levied 15 certain rates and proposes to make and levy certain other rates for the year commenced on the first day of April, nineteen hundred and fifty, and ending on the thirty-first day of March, nineteen hundred and fifty-one, at stated amounts in the pound on the rateable values of the 20 rateable property as appearing on the valuation roll for the district of Piako County in force immediately before the thirty-first day of March, nineteen hundred and fifty, and will demand and collect special rates on the same basis: And whereas, in the preparation of 25 the rolls of electors of the ridings of the said county and the roll of electors of the Hauraki Catchment District, for the purposes of the general elections held in the month of November in the year nineteen hundred and fifty, the said valuation roll in force immediately 30 before the thirty-first day of March, nineteen hundred and fifty, was used in assessing the number of votes to which each elector was entitled: And whereas doubts have arisen as to the validity of the rates made and levied, or which the Council purported to make and levy, 35 or proposes to make and levy, in respect of the period commenced on the first day of April, nineteen hundred and fifty, and ending on the thirty-first day of March, nineteen hundred and fifty-one, and as to the validity of the special rates levied or to be levied in respect of that 40 period, and as to the validity of the rolls of electors prepared for the purposes of the aforesaid elections: Be it therefore enacted as follows:—

(1) The rates made and levied, or which the Council purported to make and levy or proposes to make and 45 levy, for the said period ending on the thirty-first day

of March, nineteen hundred and fifty-one, shall be valid and shall be deemed to have been or to be lawfully made and levied.

5 (2) The special rates payable to the Council based on the valuation roll in force immediately before the thirty-first day of March, nineteen hundred and fifty, and payable during the year ending on the thirty-first day of March, nineteen hundred and fifty-one, shall be valid, and when demanded by the Council shall be
10 deemed to have been lawfully demanded.

(3) The rolls of electors of the ridings of Piako County or parts thereof used for the purposes of the general elections of Councillors of the said County and of members of the Hauraki Catchment Board held in the
15 month of November, nineteen hundred and fifty, are hereby declared to be and to have been valid rolls of electors for the purposes of those elections.

City and Borough Councils

9. Whereas by an Order in Council made on the
20 sixth day of December, nineteen hundred and forty-nine, consent was given to the raising by the Martinborough Borough Council (in this section referred to as the Council) of a loan of two thousand four hundred pounds, to be known as the Chlorination Plant Loan, 1949 (in this
25 section referred to as the loan), to provide water works for the chlorination of the Martinborough Borough water supply: And whereas it was necessary to purchase certain plant and materials for the purpose of carrying out the works for which the loan was authorized to be
30 raised prior to the authorization of the loan: And whereas payments on account of the purchase of the said plant and materials, amounting in all to the sum of six hundred and twenty-eight pounds nineteen shillings and sevenpence, have been made from the Council's District
35 Fund Account in anticipation of the authorization of the loan: And whereas it is expedient that the Council should be authorized to reimburse its District Fund Account out of the loan moneys: Be it therefore enacted as follows:—

40 The Council is hereby authorized and empowered to refund to its District Fund Account, out of the proceeds of the loan, the said sum of six hundred and twenty-eight pounds nineteen shillings and sevenpence.

Provision with respect to certain payments made by Martinborough Borough Council in anticipation of raising of loan moneys.

Authorizing
One Tree Hill,
Ellerslie, and
Mount Roskill
Borough
Councils to
contract with
Auckland City
Council for
the supply
of water.

10. (1) Notwithstanding anything to the contrary in section two hundred and fifty-six of the Municipal Corporations Act, 1933, the One Tree Hill, Ellerslie, and Mount Roskill Borough Councils are hereby authorized to contract with the Auckland City Council for such supply of water as each Borough Council may require for all purposes for a period not exceeding twenty-one years without the period of any such contract being previously approved by a poll of electors. 5

1933, No. 30

(2) While any such contract is in force the provisions of subsection three of section two hundred and fifty-three of the Municipal Corporations Act, 1933, shall not apply with respect to the supply of water in terms of the contract. 10

Authorizing
Pukekohe
Borough
Council to
transfer certain
land to
Pukekohe
Kindergarten
Association.

11. Whereas the land described in subsection *two* of this section was dedicated by Thomas Kennelly, late of Pukekohe, to the Corporation of the Town District of Pukekohe, for the purposes of a reserve for a site for a town hall: And whereas the said land is no longer required for that purpose and it is desirable that authority be given for the land to be transferred and used for kindergarten purposes: Be it therefore enacted as follows:— 15 20

(1) The Pukekohe Borough Council, as successor to the Pukekohe Town Board, is hereby authorized and empowered to transfer, for such consideration as it may think fit, to the Pukekohe Kindergarten Association the land described in subsection *two* of this section. 25

(2) The land to which this section relates is more particularly described as follows:— 30

All that piece of land in the North Auckland Land District, situated in Block XV, Drury Survey District, containing by admeasurement one rood, more or less, being Lot 21, as shown on the plan numbered 7278, deposited in the Auckland Land Registry Office, being portion of Allotment 73 of Section 1, of the Parish of Pukekohe, and being the whole of the land comprised and described in certificate of title, Volume 191, folio 275, Auckland Registry. 35

12. Whereas by section three of the Napier Borough (Marewa Area) Empowering Act, 1946 (in this section referred to as the Act), the Napier Borough Council (in this section referred to as the Council) was authorized
- 5 to raise by special order a sum not exceeding sixty-five thousand pounds by way of special loan or loans under the Local Bodies' Loans Act, 1926, without taking the steps prescribed by sections nine to thirteen of that Act, for the purpose of enabling the Council to carry out
- 10 certain works: And whereas the Council was by Order in Council made on the fourth day of December, nineteen hundred and forty-six, pursuant to the provisions of the Local Government Loans Board Act, 1926, authorized to raise a loan of twenty-seven thousand pounds, to be
- 15 known as the Marewa Sewerage Loan, 1946 (in this section referred to as the loan), as part of the said loan of sixty-five thousand pounds, and the loan has been fully raised and expended: And whereas the works for which the loan was raised have been partly carried out and are
- 20 in course of completion in compliance with a requisition issued by the Board of Health pursuant to the provisions of subsection two of section twenty-two of the Health Act, 1920: And whereas by reason of unavoidable delays and increased costs the loan has proved insufficient to complete the said works, and the Council has paid, in addition to the proceeds of the loan, a sum of six thousand two hundred and ninety pounds out of its District Fund Account in carrying out the said works and is desirous of expending further moneys in respect of the
- 25 said works: And whereas in order to refund to its District Fund Account the moneys so expended and to be expended in the completion of the said works it is desirable that the Council should be authorized to raise a special loan not exceeding seven thousand pounds: Be
- 30 it therefore enacted as follows:—
- (1) The Napier City Council is hereby authorized and empowered, by special order, to raise the sum of seven thousand pounds by way of special loan pursuant to the provisions of the Local Bodies' Loans Act, 1926, without
- 40 taking the steps prescribed by sections nine to thirteen of that Act and notwithstanding that certain of the works in respect of which the said loan is to be raised have been completed.

Provision regarding advances made by Napier City Council from its District Fund Account for sanitary works.

1946 (Local), No. 12

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

See Reprint of Statutes, Vol. VI, p. 1070

(2) The Napier City Council shall, out of the proceeds of the said loan of seven thousand pounds when raised, refund to its District Fund Account all moneys advanced or paid thereout, whether before or after the passing of this Act, on account of carrying out and completing any portion of the said works. 5

(3) The said loan of seven thousand pounds shall be deemed to be part of the sum of sixty-five thousand pounds which the Council was authorized to borrow pursuant to section three of the Act. 10

Validating certain expenditure incurred by Napier City Council in connection with certain celebrations.

13. The expenditure incurred by the Napier City Council during the financial year ended on the thirty-first day of March, nineteen hundred and fifty, in connection with the celebration of the seventy-fifth anniversary of the establishment of the Borough of Napier and also in the celebration of the proclamation of the said borough as a city, amounting to the sum of six hundred and seventy-one pounds two shillings and twopence, and the payment of the said sum by payments amounting to the sum of three hundred and twenty-five pounds fourteen shillings and sevenpence during the financial year ended on the thirty-first day of March, nineteen hundred and fifty, and by payments amounting to the sum of three hundred and forty-five pounds seven shillings and sevenpence during the financial year ending on the thirty-first day of March, nineteen hundred and fifty-one, are hereby validated and declared to have been lawfully incurred and made. 15 20 25

Provision with respect to payments from District Fund Account of Tauranga Borough Council.

14. Whereas the Tauranga Borough Council (in this section referred to as the Council) has made certain payments without authority from its District Fund Account: And whereas the Council is desirous of making a further payment from the said Account: And whereas it is desirable to make appropriate provision in that behalf: Be it therefore enacted as follows:— 30 35

(1) The payments made by the Council from its District Fund Account of the sum of fifty pounds to the late Alice Heron Maxwell, of Mission Street, in the Borough of Tauranga, during each of the years ended on the thirty-first day of March, nineteen hundred and forty-eight, and the thirty-first day of March, nineteen hundred and forty-nine, as a grant in recognition of her services in permitting and assisting the public to visit her property known as "The Elms", and of the sum of one 40

hundred and thirteen pounds during the year ended on the thirty-first day of March, nineteen hundred and forty-nine, for the purchase of mayoral robes for the use of the Mayor of the Borough of Tauranga, are hereby validated and declared to have been lawfully made.

(2) The Council is hereby authorized to pay to the Tauranga Hospital Board from its District Fund Account the sum of fifty pounds as a contribution towards the cost of erecting a nurses' recreation hall at the Tauranga Public Hospital.

15 **15.** Whereas by memorandum of lease dated the fourteenth day of August, nineteen hundred and twenty-nine, and registered in the Land Registry Office at Wellington as Number 18277, the Mayor, Councillors, and Burgesses of the Borough of Levin leased the land described in subsection *four* of this section to Albert Edward Standen, of Levin, builder, for a term of twenty-one years from the first day of April, nineteen hundred and twenty-nine, with a perpetual right of renewal for further terms of twenty-one years: And whereas by a memorandum of transfer registered in the Land Registry Office at Wellington as Number 244332, the said Albert Edward Standen transferred all his estate and interest in the aforesaid memorandum of lease and in the land affected thereby to Reginald James Humphrey Hollis, of Levin, railway clerk: And whereas by a memorandum of transfer registered in the Land Registry Office at Wellington as Number 258988, the said Reginald James Humphrey Hollis transferred all his estate and interest in the aforesaid memorandum of lease and in the land affected thereby to George Webb, of Levin, farmer: And whereas the said George Webb died on or about the twenty-eighth day of June, nineteen hundred and fifty, and probate of his will was granted to James Percy Munro Bertram, of Levin, solicitor, as executor: And whereas before his death the said George Webb inadvertently omitted to take the necessary steps before the expiry of the said memorandum of lease to obtain a new lease of the said land: And whereas the Levin Borough Council (in this section referred to as the Council) is desirous of granting to the said James Percy Munro Bertram as executor of the estate of the said George

Authorizing
Levin Borough
Council to
grant renewal
of certain
lease to James
Percy Munro
Bertram, as
executor.

Webb, deceased, a new lease of the land previously vested in the said George Webb in a form approved by the Council and providing for perpetual rights of renewal for successive periods of twenty-one years: Be it therefore enacted as follows:—

(1) The Council is hereby authorized and empowered to grant to the said James Percy Munro Bertram, as executor of the estate of the said George Webb, deceased, a new lease of the land previously held by the said George Webb, as lessee, for a term of twenty-one years from the date of the expiry of the term of the said memorandum of lease registered Number 18277.

(2) Any such new lease shall be in a form approved by the Council and shall provide for perpetual rights of renewal for successive periods of twenty-one years.

(3) 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 granting of the new lease to the said James Percy Munro Bertram.

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

All that parcel of land containing one rood, more or less, situate in the Borough of Levin, being Section 10, Block V, on the plan of the Borough of Levin, and being part of the land comprised and described in certificate of title, Volume 190, folio 41, Wellington Registry.

Authorizing
Levin Borough
Council to
grant renewal
of certain
lease to
Mary Emily
Faloon.

16. Whereas by memorandum of lease dated the second day of December, nineteen hundred and twenty-nine, and registered in the Land Registry Office at Wellington as Number 18444, the Mayor, Councillors, and Burgesses of the Borough of Levin leased the land described in subsection *four* of this section to Mary Emily Faloon for a term of twenty-one years from the fourteenth day of March, nineteen hundred and twenty-nine, with a perpetual right of renewal for further terms of twenty-one years: And whereas the said Mary Emily Faloon inadvertently omitted to take the necessary steps before the expiry of the said memorandum of lease to obtain a new lease of the said land: And whereas the Levin Borough Council (in this section referred to as the Council) is desirous of granting to the said Mary Emily Faloon a new lease of the land previously vested

in the said Mary Emily Faloon in a form approved by the Council and providing for perpetual rights of renewal for successive periods of twenty-one years: Be it therefore enacted as follows:—

5 (1) The Council is hereby authorized and empowered to grant to the said Mary Emily Faloon a new lease of the land previously held by her as lessee for a term of twenty-one years from the date of the expiry of the term of the said memorandum of lease registered
10 Number 18444.

(2) Any such new lease shall be in a form approved by the Council and shall provide for perpetual rights of renewal for successive periods of twenty-one years.

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

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

20 All that parcel of land containing one rood, more or less, situated in the Borough of Levin, being Section 3, Block V, on the plan of the Township of Levin, and being part of the land comprised and described in certificate of title, Volume 190, folio 41, Wellington Registry.

25 17. Whereas pursuant to the provisions of the Urban Farm Land Rating Act, 1932, a farm land roll for the Borough of Patea came into force on the first day of April, nineteen hundred and forty-nine: And whereas by subsection three of section seventeen of the said
30 Act it is provided that any such farm land roll shall continue in force for a period of five years: And whereas the Patea Borough Council (in this section referred to as the Council) has deemed it expedient to revise the rateable values of urban farm land in the said Borough and has caused a new farm land roll to be made which
35 it is desired should have effect as on the first day of April, nineteen hundred and fifty, in substitution for the farm land roll which came into force on the first day of April, nineteen hundred and forty-nine: Be it therefore
40 enacted as follows:—

Notwithstanding anything to the contrary in the Urban Farm Land Rating Act, 1932, the farm land roll which was signed by two members of the Council on the fifteenth day of August, nineteen hundred and fifty,

Provision with respect to revision of farm land roll for Borough of Patea.
1932, No. 20

shall be the farm land roll for the Borough of Patea, and shall be deemed to have come into force on the first day of April, nineteen hundred and fifty, in substitution for the farm land roll for the said borough which came into force on the first day of April, nineteen hundred and forty-nine. 5

Validating
certain actions
of the Timaru
City Council
with respect to
loan moneys.

18. Whereas by Order in Council made on the fifteenth day of September, nineteen hundred and forty-eight, consent was given to the raising by the Timaru Borough Council (in this section referred to as the Council) of a loan of twenty-four thousand five hundred pounds to be known as the Timaru Streets Improvement Loan, 1944 (issue of £24,500) (in this section referred to as the proposed loan), for the purpose of street and footpath sealing and other incidental purposes: And whereas, prior to the issue of the said Order in Council, the Council borrowed as part of the proposed loan sums amounting in all to seven thousand eight hundred pounds and paid the said sum into its District Fund Account: And whereas, consequent on the issue of the said Order in Council, the Council paid the said sum of seven thousand eight hundred pounds from its District Fund Account to the Timaru Borough Council Streets Improvement Loan 1944 Account for the purposes of the proposed loan: And whereas by an Order in Council made on the fourteenth day of January, nineteen hundred and forty-eight, consent was given to the raising by the Council of a loan of thirty thousand pounds to be known as the Stormwater Drainage Loan, 1946 (in this section referred to as the loan), subject to the determinations as to borrowing and repayment set forth in the said Order in Council, one of those determinations being that no moneys should be borrowed under the consent after the expiration of two years from the date of the Order in Council: And whereas the Timaru City Council as successor to the Council, borrowed as part of the loan, after the expiration of the said period of two years, moneys amounting in all to the sum of four thousand one hundred pounds: And whereas it is desirable that the aforesaid actions should be validated: Be it therefore enacted as follows:— 40

(1) The action of the Council in borrowing sums amounting in the aggregate to seven thousand eight hundred pounds as part of the proposed loan before the making of the Order in Council dated the fifteenth day 45

of September, nineteen hundred and forty-eight, is hereby validated and the said sum shall be deemed to have been lawfully borrowed, and the payment by the Council from its District Fund Account to the Timaru Borough Council Streets Improvement Loan 1944 Account of the said sum of seven thousand eight hundred pounds is hereby validated and declared to have been lawfully made.

(2) The action of the Timaru City Council in borrowing moneys amounting in all to the sum of four thousand one hundred pounds, as part of the loan, after the expiration of the period of two years specified in the Order in Council dated the fourteenth day of January, nineteen hundred and forty-eight, is hereby validated and the said sum shall be deemed to have been lawfully borrowed.

19. Whereas until the thirty-first day of July, nineteen hundred and fifty, the Port Chalmers Borough Council (in this section referred to as the Council) carried on the undertaking of manufacturing and supplying gas: And whereas pursuant to section one hundred and seventeen of the Municipal Corporations Act, 1933, the Council duly established and maintained a Depreciation Fund in respect of the said undertaking: And whereas the Public Trustee is the sole Commissioner of the said Depreciation Fund and now holds the moneys comprising the said Fund: And whereas, as from the thirty-first day of July, nineteen hundred and fifty, the Council has permanently terminated the said undertaking and accordingly the said Depreciation Fund is no longer required for the purpose for which it was established and maintained: And whereas the Council is desirous of making to its former gas consumers some reimbursement in respect of expenses incurred by them by reason of the termination of the said undertaking and is desirous of applying in whole or in part the moneys now standing to the credit of the said Fund for that purpose: And whereas some doubt has arisen as to the authority of the Council to make any such payments: Be it therefore enacted as follows:—

(1) The Public Trustee is hereby directed and empowered to pay to the Council the whole of the moneys in the said Depreciation Fund, and upon any such payment the Public Trustee shall not be responsible for the further application thereof.

Provision with respect to payment of compensation by Port Chalmers Borough Council consequent on closing of municipal gasworks. 1933, No. 30

(2) The Council is hereby empowered to pay from any such moneys to any person supplied by it with gas up to the time of the termination of the said undertaking by the Council such sums as the Council in its discretion may determine.

(3) Any moneys paid to the Council under subsection *one* of this section and not applied in the manner authorized by subsection *two* of this section shall be applied by the Council in partial repayment of the Port Chalmers Borough Conversion Loan, 1934.

Authorizing raising of special loan by Tauranga Borough Council.

20. Whereas the Tauranga Borough Council (in this section referred to as the Council) has made application to the Local Government Loans Board for authority to raise a loan of sixty-three thousand seven hundred pounds to be known as the Streets Improvement Loan, 1949 (in this section referred to as the proposed loan), for the purpose of street improvements within the Borough of Tauranga: And whereas, in anticipation of sanction being given to the raising of the proposed loan, the Council has expended out of its General Account in the purchase of plant and machinery and upon certain street works moneys amounting in the aggregate to the sum of seven thousand seven hundred and sixty-six pounds: And whereas the Local Government Loans Board has no authority to sanction that part of the proposed loan which relates to the purposes upon which the said sum has been expended: And whereas it is desirable to authorize the Council to raise a loan of seven thousand seven hundred and sixty-six pounds for the purpose of recouping its General Account in respect of the moneys advanced thereout as aforesaid: Be it therefore enacted as follows:—

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

The Council is hereby authorized to borrow by way of special loan under the Local Bodies' Loans Act, 1926, an amount not exceeding the sum of seven thousand seven hundred and sixty-six pounds for the purpose of refunding to its General Account all moneys advanced thereout in the purchase of the said plant and machinery and upon the said works.

Authorizing Palmerston North City Council to lease certain land.
1939, No. 19

21. Whereas the Palmerston North City Council (in this section referred to as the Council) has for some years maintained an abattoir on certain land vested in the Council and described in subsection *two* of this section: And whereas, pursuant to section sixteen of the

Meat Act, 1939, the Council intends applying to the Minister of Agriculture for his approval to the delegation of its power to establish and maintain the said abattoir to the Palmerston North Abattoir By-Products Company, Limited, a company duly incorporated under the Companies Act, 1933, and having its registered office in Palmerston North (in this section referred to as the company): And whereas the Council desires to lease the said land or parts thereof to the company so as to enable the company to undertake the business of an abattoir and boiling down works thereon: Be it therefore enacted as follows:—

1933, No. 29

(1) Notwithstanding anything to the contrary in any Act, the Council is hereby empowered to grant a lease to the company of the land described in subsection *two* of this section, or such part or parts thereof as may from time to time be required by the company, for the purposes aforesaid, at such rental, and upon and subject to such terms and conditions, including the right of renewal, as may be agreed on by the Council and the company, and in granting the said lease it shall not be necessary for the Council to comply with the provisions of paragraph (*a*) of section one hundred and fifty-nine of the Municipal Corporations Act, 1933.

1933, No. 30

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

All those parcels of land in the Wellington Land District, City of Palmerston North, containing together twenty acres two roods nineteen perches and one tenth of a perch, more or less, being parts of Section 361, City of Palmerston North, and being all the land comprised in certificates of title, Volume 152, folio 223, Volume 165, folio 4, Volume 301, folio 70, and Volume 305, folio 72, Wellington Registry.

35 *Road Boards*

22. Notwithstanding anything to the contrary in the Local Bodies' Loans Act, 1926, the Western Waiheke Road Board is hereby authorized and empowered to pay out of the New Area Development Loan, 1949, the sum of one hundred and sixty-six pounds and threepence being expenses incurred in meeting engineering, legal, and advertising charges as a preliminary to the raising of the said loan.

Authorizing
Western
Waiheke Road
Board to pay
certain
preliminary
expenses out
of loan moneys.
See Reprint
of Statutes,
Vol. V, p. 360.

Provision with respect to payment of annual allowance to Chairman of Mount Wellington Road Board. See Reprint of Statutes, Vol. V, p. 281

23. (1) Notwithstanding anything to the contrary in the Road Boards Act, 1908, or in any other Act, the Mount Wellington Road Board is hereby authorized to pay to its Chairman an annual allowance not exceeding two hundred pounds in respect of the period commenced on the sixteenth day of November, nineteen hundred and forty-nine, and ending on the fifteenth day of November, nineteen hundred and fifty-three, and any such payment made before the passing of this Act is hereby validated.

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(2) No alteration in the amount of such allowance shall take effect during the term of office of any Chairman.

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(3) For the purposes of this section a person re-elected as Chairman shall be considered a new Chairman.

(4) The receipt of an allowance under this section shall not constitute or be deemed to have constituted a cause of disqualification under section thirty of the Road Boards Act, 1908.

15

Harbour Boards

Validating donation made by Auckland Harbour Board to Auckland Anniversary Regatta Committee.

24. The payment made by the Auckland Harbour Board during the financial year ended on the thirtieth day of September, nineteen hundred and fifty, of the sum of two hundred and fifty pounds by way of special donation to the Auckland Anniversary Regatta Committee on the occasion of the Centennial Regatta held on the twenty-eighth and thirtieth days of January, nineteen hundred and fifty, is hereby validated and declared to have been lawfully made.

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25

Validating reclamation of certain land by Bluff Harbour Board. 1902 (Local), No. 28

25. Whereas the Bluff Harbour Board (in this section referred to as the Board) was, by the Bluff Harbour Foreshore Reclamation and Leasing and Borrowing Act, 1902, authorized to reclaim from the waters of Bluff Harbour certain parcels of land described in the First Schedule to the said Act: And whereas, without the knowledge or authority of the Board, the reclamation wall built for the purpose of reclaiming part of the land authorized by the said Act to be reclaimed was erected so that the landward side of the wall was on the boundary of the land so authorized to be reclaimed, with the result that the land described in subsection *two* of this section was reclaimed without authority: And whereas it is desirable that the action of the Board in reclaiming the said land in excess of that authorized should be validated: Be it therefore enacted as follows:—

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(1) The Board shall be deemed to have been authorized by the Bluff Harbour Foreshore Reclamation and Leasing and Borrowing Act, 1902, to reclaim from the waters of Bluff Harbour the land described in subsection *two* of this section, and the provisions of that Act shall apply and be deemed at all times to have applied to the said land as if a description thereof had been included in the First Schedule to the said Act.

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

All that parcel of land adjoining Section 6, Block 23, Town of Campbelltown, containing three roods seventeen perches and eight tenths of a perch, more or less, and shown on a plan marked M.D. 9082 deposited in the office of the Minister of Marine, at Wellington, and thereon bordered pink.

(3) This section shall be deemed to be a special Act within the meaning of the Harbours Act, 1950.

26. Whereas by the Auckland Harbour Board Loan and Empowering Act, 1946, the Auckland Harbour Board was empowered to borrow the sum of one million five hundred thousand pounds to be applied and expended in the construction of the harbour works and for the other purposes specified in the Schedule to the said Act: And whereas the said Board has agreed to purchase from the Crown buildings and equipment formerly used as Government stores at Auckland, and it is expedient that the provisions of the said Act be extended to provide for the said purchase: Be it therefore enacted as follows:—

The Schedule to the Auckland Harbour Board Loan and Empowering Act, 1946, is hereby amended by adding the words “ Purchase of buildings situated at Halsey Street, Jellicoe Street, French Street, and Kings Drive in the City of Auckland, and plant and equipment in the said buildings ”.

27. Whereas by the Lyttelton Harbour Board Loan Act, 1949, the Lyttelton Harbour Board (in this section referred to as the Board) is authorized to borrow any sum or sums of money not exceeding in the whole the sum of eighty thousand pounds, and to apply the moneys so borrowed in and about the acquisition of the lands described in the Schedule to the said Act and the erec-

1950, No. 34

Extending purposes for which moneys borrowed under Auckland Harbour Board Loan and Empowering Act, 1946, may be applied.

1946 (Local), No. 6

Amending purposes for which moneys borrowed under Lyttelton Harbour Board Loan Act, 1949, may be applied.

1949 (Local), No. 5

tion on the lands of a Waterfront Industry Building: And whereas, the Board, instead of acquiring the said lands, now desires to erect the said building on certain land vested in the Board and to apply any moneys borrowed or to be borrowed under the authority of the said Act in the erection of the said building: Be it therefore enacted as follows:—

(1) Notwithstanding anything to the contrary in the Lyttelton Harbour Board Loan Act, 1949, or in any other Act, it shall be lawful for the Board to erect a Waterfront Industry building on the land described in subsection *two* of this section and to apply any moneys borrowed, or to be borrowed, under the authority of the said Act in the erection of the said building on that land.

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

All that area in the Canterbury Land District containing one rood twenty-five perches and seventeen hundredths of a perch, more or less, being Part of Reserve 1242, situated in Block IV, Halswell Survey District, and being part of the land comprised in certificate of title, Volume 149, folio 132, Canterbury Registry, and more particularly bounded as follows: commencing at the most northerly corner of the area, thence by a straight line bearing south-easterly $153^{\circ} 16' 30''$, a distance of 357.3 links; thence by a straight line bearing south-westerly $243^{\circ} 16' 30''$, a distance of 114 links, thence by a straight line bearing north-westerly $333^{\circ} 16' 30''$, a distance of 357.3 links, and thence by a straight line bearing north-easterly $63^{\circ} 16' 30''$, a distance of 114 links, to the commencing point.

Authorizing
Oamaru
Harbour
Board to raise
special loan
of £12,000.

28. (1) The Oamaru Harbour Board is hereby authorized to borrow an amount not exceeding the sum of twelve thousand pounds by way of special loan for the purpose of carrying out dredging work in and about the harbour of the Port of Oamaru.

(2) This section shall be deemed to be a special Act within the meaning of the Harbours Act, 1950.

Electric Power Boards

29. Whereas by an Order in Council made on the twenty-seventh day of August, nineteen hundred and forty-seven, consent was given to the raising by the Golden Bay Electric Power Board (in this section referred to as the Board) of a loan of seven thousand pounds, to be known as the Collingwood Reticulation Loan No. 2, 1946 (in this section referred to as the loan), subject to the determinations as to borrowing and repayment set forth in the Order in Council, one of those determinations being that no moneys should be borrowed under the said consent after the expiration of two years from the date of the order in Council: And whereas the Board did not raise the loan until after the expiration of the said period of two years: And whereas on the twenty-fifth day of August, nineteen hundred and forty-nine, the Local Government Loans Board sanctioned the borrowing by the Board of the sum of six thousand pounds by a loan to be known as the Reticulation Loan, 1949 (in this section referred to as the proposed loan): And whereas the Board borrowed, for the purposes of the proposed loan, on the twenty-fourth day of November, nineteen hundred and forty-nine, the sum of one thousand pounds, and on the twenty-seventh day of February, nineteen hundred and fifty, a further sum of one thousand pounds, comprising in all the sum of two thousand pounds: And whereas, contrary to the provisions of section three of the Local Government Loans Board Act, 1926, the consent of the Governor-General in Council, in accordance with sections ten and eleven of that Act, to the raising of the proposed loan was not first obtained: And whereas it is desirable that the actions of the Board should be validated: Be it therefore enacted as follows:—

(1) The action of the Board in raising the loan after the expiration of the period of two years specified in the said Order in Council is hereby validated and the said moneys shall be deemed to have been lawfully borrowed.

(2) The action of the Board in borrowing the sum of two thousand pounds without the prior consent of the Governor-General in Council is hereby validated, and the said moneys shall be deemed to have been lawfully

Validating certain actions of the Golden Bay Electric Power Board with respect to loan moneys.

See Reprint of Statutes, Vol. V, p. 415.

borrowed, and the Board is hereby authorized to issue securities in respect thereof dating from the uplifting by the Board of the first instalment of the said moneys.

Authorizing
Otago Central
Electric Power
Board to raise
a special loan
of £5,000.

30. Whereas the Otago Central Electric Power Board (in this section referred to as the Board) is desirous of making application to the Local Government Loans Board for authority to raise a loan of the sum of seventy-five thousand pounds for the purpose of constructing the Fraser River Power Station: And whereas the transformer for connection to the existing line was urgently required and was ordered and delivered prior to sanction being given to the raising of the said loan: And whereas, in anticipation of sanction being given to the raising of the said loan, the Board paid the cost of the said transformer, amounting to the sum of five thousand pounds, out of its Power Fund Account: And whereas the Local Government Loans Board has no authority to sanction that part of the loan relating to the cost of the said transformer: And whereas it is desirable to authorize the Board to raise a loan amounting to the sum of five thousand pounds for the purpose of refunding to its Power Fund Account such moneys as have been advanced thereout as aforesaid: Be it therefore enacted as follows:—

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

(1) The Board is hereby authorized to borrow an amount not exceeding the sum of five thousand pounds by way of special loan under the Local Bodies' Loans Act, 1926, for the purpose of refunding to its Power Fund Account all moneys advanced thereout towards the purchase and installation of the said transformer.

(2) The Board is hereby authorized out of the proceeds of the said special loan, when raised, to refund to its Power Fund Account all moneys advanced thereout for the purposes for which the said special loan is to be raised.

River Board

Provision with
respect to
levying of rates
in portion of
the Waimatuku
River District.
See Reprint
of Statutes,
Vol. VII,
p. 1034

31. Whereas the Waimatuku River District comprises lands situate in both the County of Southland and the County of Wallace: And whereas, pursuant to section eight of the Valuation of Land Act, 1925, the district valuation roll for the County of Wallace has been revised by the Valuer-General as at the thirty-first day of March, nineteen hundred and fifty, but the district valuation

roll for the County of Southland has not as yet been so revised: And whereas the Waimatuku River Board (in this section referred to as the Board) has, in respect of certain lands within its district, being those lands situate
5 within the County of Wallace, levied its rates for the year ending on the thirty-first day of March, nineteen hundred and fifty-one, in accordance with the values of the said lands which appeared on the valuation roll of the County of Wallace prior to the revision of the said
10 roll as aforesaid: And whereas doubts have arisen as to the validity of the said rates and it is desirable that the Board should be empowered to levy its rates on such of the lands within the County of Wallace as are within the district of the Board in the manner aforesaid
15 until the valuation roll for the County of Southland is likewise revised: Be it therefore enacted as follows:—

(1) The rates levied by the Board for the year ending on the thirty-first day of March, nineteen hundred and fifty-one, shall be deemed to have been lawfully made and
20 levied, and shall not be invalidated by reason of the said rates having been levied on certain lands within its district, being lands situate within the County of Wallace, in accordance with the values of the said lands appearing on the valuation roll for the County of Wallace prior to
25 the revision of that roll as at the thirty-first day of March, nineteen hundred and fifty.

(2) Until the valuation roll now in force for the County of Southland is revised pursuant to section eight of the Valuation of Land Act, 1925, the Board may levy
30 its rates upon the lands mentioned in subsection *one* of this section in accordance with the values of the said lands which appeared on the valuation roll for the County of Wallace immediately prior to the revision of that roll as at the thirty-first day of March, nineteen
35 hundred and fifty.

Fire Boards

32. Whereas the North Shore Fire Board (in this section referred to as the Board) and the Crown entered into two agreements both dated the tenth day of October,
40 nineteen hundred and forty-nine, whereby the Board agreed to undertake the protection from fire of properties in or adjacent to the North Shore Fire District owned by the Crown and known as the Devonport Naval Base and

Validating
certain
agreements
made between
North Shore
Fire Board and
the Crown.

the Kauri Point Naval Armament Depot, upon the terms and conditions therein set out: And whereas doubts have arisen as to the validity of the said agreements and it is desirable to validate the said agreements: Be it therefore enacted as follows:—

1949, No. 18

Notwithstanding anything in the Fire Services Act, 1949, or in any other Act, the Board shall be deemed to have been at all times authorized and empowered to enter into the said agreements, which are hereby validated and shall for all purposes have effect according to their tenor. 10

Validating certain unauthorized expenditure incurred by Auckland Metropolitan Fire Board.

33. The expenditure by the Auckland Metropolitan Fire Board during the financial year ended on the thirty-first day of March, nineteen hundred and fifty, of the sum of forty-one pounds sixteen shillings for the purpose of meeting expenses incurred in connection with a social function held in honour of four employees who were retiring, is hereby validated and declared to have been lawfully incurred. 15

Hospital Boards

Validating raising of certain loan moneys by Dannevirke Hospital Board.

34. Whereas by Order in Council made on the third day of April, nineteen hundred and forty-six, consent was given to the raising by the Dannevirke Hospital Board (in this section referred to as the Board) of a loan of three thousand pounds, to be known as the Boiler House Loan, 1945 (in this section referred to as the loan), subject to certain terms and conditions: And whereas one of the said terms and conditions was that no moneys should be borrowed after the expiration of two years from the date of the said Order in Council: And whereas the loan was raised by the Board at a date subsequent to the expiration of the said period of two years: And whereas it is expedient that the action of the Board in raising the loan should be validated: Be it therefore enacted as follows:— 20 25 30

The action of the Board in raising the loan after the expiration of the period specified by the said Order in Council is hereby validated, the moneys received by the Board in respect thereof shall be deemed to have been lawfully borrowed, and the debentures issued in respect thereof shall be deemed to have been lawfully executed and issued by the Board and shall have full force and effect according to their tenor. 35 40

35. Whereas by Proclamation published in the *Gazette* of the twenty-fifth day of January, nineteen hundred and fifty, Allotment Number 216 of the Town of Cambridge East (in this section referred to as the said land) which
 5 was vested in the Waikato Hospital Board (in this section referred to as the Board) as an endowment in aid of the Board's funds, was taken for a public work by the Minister of Works: And whereas the compensation agreed to be paid for the taking of the said land, amount-
 10 ing to the sum of two hundred and eighty-eight pounds, was paid into the Public Trust Office and is now held by the Public Trustee under section ninety-two of the Public Works Act, 1928: And whereas the Board is unable to purchase any land suitable for an endowment: And
 15 whereas the Board is indebted to the Public Trustee in the sum of approximately eight thousand and fifteen pounds three shillings and twopence: And whereas it is desirable that the said sum of two hundred and eighty-eight pounds should be applied in reduction of the moneys owing by
 20 the Board to the Public Trustee: Be it therefore enacted as follows:—

Authorizing
 Waikato
 Hospital Board
 to divert
 certain
 compensation
 moneys held
 for endowment
 purposes.

See Reprint
 of Statutes,
 Vol. VII,
 p. 661

The Public Trustee is hereby authorized and directed to apply the said sum of two hundred and eighty-eight pounds, or such other sum as may be in the hands of the
 25 Public Trustee as compensation for the taking of the said land, in reduction of the moneys owing by the Board to the Public Trustee.

Affecting Two or More Classes of Public Bodies

30 36. Whereas the Wellington Hospital Board (in this section referred to as the Board) maintains a reservoir or storage tank for water on premises belonging to the Board and comprising the institution under the control of the Board known as the Macarthy Home, situated at Belmont, near Wellington: And whereas the Hutt County
 35 Council (in this section referred to as the Council) has applied to the Board to supply water to the Council from the said reservoir or storage tank: And whereas doubts have arisen as to the powers of the Board and of the Council to enter into an agreement for the supply of
 40 water as aforesaid: Be it therefore enacted as follows:—

Authorizing
 Hutt County
 Council and
 Wellington
 Hospital Board
 to enter into
 an agreement
 for the supply
 of water.

The Board and the Council are hereby authorized to enter into an agreement for the supply of water to the

Council from the said reservoir or storage tank maintained by the Board upon such terms and conditions as may be mutually agreed upon between the Board and the Council.

Special provisions with regard to reclamation of certain lands by Auckland City Council.

37. Whereas on the sixteenth day of February, nineteen hundred and thirty-one the Governor-General in Council, under the provisions of section one hundred and seventy-one of the Harbours Act, 1923, approved plans of bridges and a roadway which the Auckland City Council (in this section referred to as the Council) proposed to construct on and over certain tidal lands forming the bed of the Waitemata Harbour, near Meola and Motions Creeks: And whereas the Council commenced the construction of the said bridges and roadway and the same are almost completed: And whereas no Order in Council under the provisions of section one hundred and sixty-eight of the said Act has ever been made: And whereas, in the course of the construction of the said bridges and roadway, other areas of tidal lands have been cut off from the sea, and it is the intention of the Council to reclaim those other areas from the waters of the said harbour in the course of the work of the said construction: And whereas all the said tidal lands affected by the work of the said construction are vested in the Auckland Harbour Board (in this section referred to as the Board) and the Board is desirous of transferring to the Council without consideration certain of the said lands and also of transferring to His Majesty the King, without consideration, the remainder of the said lands: And whereas it is expedient to validate the reclamation heretofore carried out by the Council and to empower the Council to carry out further reclamations and also to empower the Board to transfer certain of the said lands to the Council and the remainder of the said lands to His Majesty the King: Be it therefore enacted as follows:—

(1) Notwithstanding the provisions of sections one hundred and seventy-five and one hundred and seventy-eight of the Harbours Act, 1950, the reclamation heretofore carried out by the Council within all those areas containing together two acres two roods thirty-five perches, more or less, being land below mean high water mark, Auckland, delineated on a plan marked M.D. 9135, deposited in the Head Office of the Marine Department,

at Wellington, and thereon coloured yellow (Auckland Survey Office plan numbered 36395), is hereby validated in all respects as though the provisions of those sections had been duly complied with and the necessary authority and sanction had been duly given prior to the commencement of the said construction work and reclamation of the said land.

(2) The Council is hereby empowered to reclaim from the sea all that area containing two perches, more or less, being land below mean high water mark, Auckland, delineated on the said plan marked M.D. 9135, and thereon coloured sepia.

(3) The Council is hereby empowered to reclaim from the sea all those areas containing together one acre three perches, more or less, being land below mean high water mark, Auckland, delineated on the said plan marked M.D. 9135 and thereon coloured blue.

(4) Notwithstanding anything to the contrary in any Act the Board is hereby empowered to transfer without consideration, firstly, the lands referred to in subsection *one* and in subsection *two* of this section to the Corporation of the City of Auckland, and, secondly, the lands referred to in subsection *three* of this section to His Majesty the King.

38. Whereas certain land from Strathallan Street in the City of Timaru to the southern approach to Caroline Bay is vested partly in the Timaru Harbour Board (in this section referred to as the Board), and partly in His Majesty the King and is used for the purpose of a roadway: And whereas the Board intends to undertake certain works upon the said land for the purpose of effecting improvements in the said roadway: And whereas the Board has requested the Timaru City Council (in this section referred to as the Council) to contribute towards the cost of the improvements in the said roadway: And whereas the Council is desirous of contributing towards the cost of the said improvements but has no power so to do: Be it therefore enacted as follows:—

The Council is hereby authorized and empowered to contribute towards the cost of effecting improvements in the said roadway and to pay to the Board such sum or sums as the Council shall think fit in and towards the improvements in the said roadway.

Authorizing
Timaru City
Council to
contribute
towards cost
of improving
a roadway and
to make
payments to
Timaru
Harbour
Board in
respect thereof.

Vesting
certain lands
held by the
Otago
Hospital Board
in the Plunket
Society and in
the Corporation
of the City of
Dunedin.

39. Whereas by Proclamation dated the fifth day of May, nineteen hundred and forty-eight, and published in the *Gazette* of the thirteenth day of May of that year, the lands firstly and secondly described in subsection *three* of this section, and other lands, were taken for a maternity home and vested in the Otago Hospital Board (in this section referred to as the Board): And whereas it is desirable that the land firstly described in subsection *three* of this section should be vested in the Royal New Zealand Society for the Health of Women and Children (Incorporated) as a site for Plunket rooms, and that the land secondly described in subsection *three* of this section should be vested in the Mayor, Councillors, and Citizens of the City of Dunedin for the purpose of a street: And whereas the Board has no power to dispose of the said lands other than by way of sale: Be it therefore enacted as follows:—

(1) The vesting of the lands firstly and secondly described in subsection *three* of this section in the Board is hereby cancelled and the said land firstly described in the said subsection is hereby vested in the Royal New Zealand Society for the Health of Women and Children (Incorporated) for an estate in fee simple as a site for Plunket rooms, and the land secondly described in subsection *three* of this section is hereby vested in the Mayor, Councillors, and Citizens of the City of Dunedin for an estate in fee simple for the purpose of a street.

(2) The District Land Registrar for the Land Registration District of Otago is hereby authorized and directed to make such entries in the register books, to issue such certificates of title, and to do all such things as may be necessary to give effect to the provisions of this section.

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

Firstly, all that piece of land in the City of Dunedin, Township of Linden, containing by admeasurement ten perches and ninety-five hundredths of a perch, more or less, being part of Lot 17, Deeds Plan 85, being part Section 2, Block III, Upper Kaikorai Survey District, and being part of the land comprised and described in certificate of title, Volume 329, folio 230, Otago Registry.

Secondly, all that piece of land in the City of Dunedin, Township of Linden, containing by admeasurement eighty-six hundredths of a perch, more or less, being part of the said Lot 17, Deeds Plan 85, being part Section 2, Block III, Upper Kaikorai Survey District, and being part of the land comprised and described in the said certificate of title, Volume 329, folio 230, Otago Registry.

As the same are more particularly delineated in the plan numbered 11410, deposited in the office of the Chief Surveyor at Dunedin, and thereon coloured red and blue respectively.

Miscellaneous

40. The payment made by the Ohai Railway Board during the year ended on the thirty-first day of March, nineteen hundred and fifty, of the sum of five hundred pounds to Jessie Bryce Rodger, of Invercargill, widow of Alexander Wyllie Rodger, deceased, the late clerk of the said Board, by way of compassionate allowance and in recognition of the services rendered by the said Alexander Wyllie Rodger to the said Board, is hereby validated and declared to have been lawfully made.

Validating
payment of
compassionate
allowance by
Ohai Railway
Board.

41. Whereas by Order in Council made on the fourteenth day of September, nineteen hundred and forty-nine, the boundaries of the Hurunui Rabbit District were altered and redefined: And whereas by Orders in Council made on the fourteenth day of September, nineteen hundred and forty-nine, the Pahau, Amuri, Cheviot, Culverden, Hanmer, and Waitohi Rabbit Districts were constituted and the boundaries of the areas respectively comprised therein were defined and declared rabbit districts: And whereas the said areas comprised areas excluded from the Hurunui Rabbit District by the first recited Order in Council: And whereas by an Order in Council made on the twenty-fifth day of January, nineteen hundred and fifty, the boundaries of the Motunau Rabbit District were altered and redefined to include an area which, prior to the fourteenth day of September, nineteen hundred and forty-nine, formed part of the Hurunui Rabbit District: And whereas the Hurunui Rabbit Board, for the purpose of assisting the other Rabbit Boards hereinbefore mentioned, is desirous

Authorizing
Hurunui
Rabbit Board
to pay certain
sums to
various other
Rabbit Boards.

of paying out of its funds certain sums to those Boards, and it is desirable that the expenditure should be authorized: Be it therefore enacted as follows:—

The Hurunui Rabbit Board is hereby authorized and empowered to pay out of its funds to the Pahau Rabbit Board the sum of three hundred and eighty-two pounds, to the Amuri Rabbit Board the sum of four hundred and forty-five pounds, to the Cheviot Rabbit Board the sum of one thousand and twenty-two pounds, to the Culverden Rabbit Board the sum of four hundred and eighty-three pounds, to the Hanmer Rabbit Board the sum of one hundred and fifty-two pounds, to the Waitohi Rabbit Board the sum of four hundred and seventy-two pounds, and to the Motunau Rabbit Board the sum of one hundred and eighteen pounds.

Provision with respect to certain contracts of Ohai Railway Board. 1943 (Local), No. 8 1934, No. 17

42. Notwithstanding anything to the contrary in the Ohai Railway Board Amendment Act, 1943, or in any other Act, the provisions of the Local Authorities (Members' Contracts) Act, 1934, shall be deemed not to have applied to any contracts made after the thirty-first day of March, nineteen hundred and forty-eight, between the Ohai Railway Board and the Linton Coal Company, Limited, for the supply of coal for use by the Board, and the said contracts are hereby validated and declared to have been lawfully made.

Authorizing Omarama Rabbit Board to raise a special loan of £5,000.

43. Whereas the Omarama Rabbit Board (in this section referred to as the Board) expended the sum of four thousand nine hundred and nineteen pounds nineteen shillings and one penny out of its General Account in acquiring a piece of land, erecting dwellings thereon, and effecting improvements thereto (in this section referred to as the said works) for the use of employees of the Board: And whereas, in order that the Board may reimburse its General Account in respect of the moneys expended in carrying out the said works it is expedient that the Board be empowered to raise by way of special loan a sum not exceeding five thousand pounds: Be it therefore enacted as follows:—

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

(1) The Board is hereby authorized and empowered to borrow by way of special loan under the Local Bodies' Loans Act, 1926, by resolution, and without taking the steps prescribed by sections nine to thirteen of that Act, an amount not exceeding the sum of five

thousand pounds for the purpose of refunding to its General Account all moneys used for the purpose of the said works.

(2) The Board is hereby authorized out of the proceeds of the said loan when raised to refund to its General Account such moneys as may have been advanced thereout for the purposes for which the said loan is to be raised.

10 **44.** Notwithstanding anything in section seven of the Christchurch Tramway District Amendment Act, 1932-33, the Christchurch Tramway Board may, out of its General Account, expend a sum not exceeding one thousand pounds in placing before the ratepayers and the public, by advertisement, circular, or any other means, its views on a proposal to raise a special loan, known as the Modernization Loan, 1950, which said proposal is to be submitted to a poll of the ratepayers of the Christchurch Tramway District.

Authorizing Christchurch Tramway Board to expend moneys in publicizing a loan proposal. 1932 (Local), No. 14

20 **45.** Notwithstanding anything to the contrary in section forty of the Christchurch Tramway District Act, 1920, the Christchurch Tramway Board may, in respect of the year ending on the thirty-first day of March, nineteen hundred and fifty-two, make and levy, pursuant to that section, a general rate not exceeding sixpence in the pound on the annual value of rateable property, or three eighths of a penny in the pound on the capital value of rateable property.

Authorizing increase in maximum rate that may be levied by Christchurch Tramway Board for the year ending on 31st March, 1952. 1920 (Local), No. 15