

LOCAL LEGISLATION BILL

EXPLANATORY NOTE

City and Borough Councils

Clause 2 changes the purpose of, and authorises the sale or lease of, certain land vested in the Otahuhu Borough Corporation.

In 1945 the Otahuhu Borough Council acquired an area of land for a town hall site. The reservation as a town hall site over part of the land was cancelled in the Local Legislation Act 1956.

The balance of the land is not required for a town hall site and this clause cancels the reservation for that purpose.

A Senior Citizens' Centre has been built on part of the land and the Borough Council wishes to sell the other part. Accordingly this clause validates the erection of the Senior Citizens' Centre on part of the land and authorises the sale or lease of the other part.

Clause 3 validates a refund by the Waiuku Borough Council to its District Fund Account from loan money. Before the Council obtained consent to raise its Water Supply Improvement (Colombo Road) Loan in 1965, it incurred expenditure of \$6,156.60 on water supply work. When the authority for the loan was obtained and the loan raised the Board refunded the sum to its District Fund Account. As the Board had no authority to make such a refund, this clause validates it.

Clause 4 validates and authorises the loan of certain funds by the Dargaville Borough Council to Dargaville Milk Treatment Corporation Limited, in which the Council is the major shareholder. The Borough Council lent, from funds amounting to \$7,500.81 received from the New Zealand Milk Board, the sum of \$5,900 to the Dargaville Milk Treatment Corporation Limited for the equipping of a new milk treatment station at Dargaville, but had no authority to do so. The Council also wishes to advance the remainder of the funds, together with interest, to the Corporation. Validating and authorising legislation is therefore necessary, and this clause provides accordingly.

Clause 5 validates an agreement between the Greytown Borough Council and Frederick Atkinson Hobson. The Council agreed to purchase from Mr Hobson for \$3,344 an area of land for a new civic centre for Greytown. The agreement provided for the purchase price to be paid by a deposit of \$1,600 payable on 22 December 1966 and then by instalments of \$896 and \$848 payable on 22 December 1967 and 22 December 1968, respectively. The Council had no authority to enter into such an agreement without first obtaining the consent of the Minister of Internal Affairs to the purchase by instalments. Validating legislation is therefore necessary and this clause provides accordingly.

No. 126—1

Clause 6 authorises the expenditure of certain money by the Cromwell Borough Council for the purposes of a new civic chamber. The Council holds certain money derived from the sale of land under section 150 of the Municipal Corporations Act 1954 in trust, in terms of that section for the purchase of other land to be held for the same purposes as the land disposed of. The Council already holds adequate land for reserves and it is not anticipated that it will be necessary to buy further land.

As the money held by the Council is not required for the purchase of further land the Council desires to use a portion of the money to provide new offices for itself in a memorial hall which the Council administers. Legislation is necessary to enable this to be done and the clause provides accordingly.

Clause 7 declares an area of land in the City of New Plymouth to be a street. There is an area of land in excess of 8 acres in the City of New Plymouth which is zoned for residential purposes. There is, however, only one feasible means of access from an existing street to the land, but as this is not the required width of 40 ft for its full length it is not possible to subdivide the land. This clause declares the strip of land giving access to the subdivision to be a street, notwithstanding that it is less than the legal width.

Clause 8 validates a refund by the Otorohanga Borough Council to its District Fund Account from loan money. Before the Council obtained consent to raise a Staff Housing Loan in 1966, it incurred expenditure of \$8,000. When the authority for the loan was obtained and the loan raised the Council refunded the sum to its District Fund Account. As the Council had no authority to make such a refund, legislation is required to validate the action and this clause provides accordingly.

Clause 9 removes doubts as to the validity of rates assessments issued by the Napier City Council. The doubts were caused by a misprint of the date before which the early payment discount could be claimed.

Clause 10 authorises the Wellington City Council to apply money held in its Mortgage Insurance Fund for the purpose of housing. The Council is at present developing an area of land for housing, part of which is to be developed as high density housing. Developers will proceed with the erection of high density housing if the Council will purchase any houses not sold within 4 months after the date of availability for sale. The Council wishes to use part of the money in its Mortgage Insurance Fund to meet the cost of any purchases it may be required to make and this clause provides accordingly.

County Council

Clause 11 validates a refund by the Whangarei County Council to its County Fund Account from loan money. Before the Council obtained consent to raise its Bridge Loan in 1967 it incurred expenditure of \$15,289.94. When the authority for the loan was obtained and the loan raised the Council refunded the sum to its County Fund Account. As the Council had no authority to make such a refund, legislation is required to validate the action and this clause provides accordingly.

Harbour Boards

Clause 12 amends the Nelson Harbour Board and Nelson City Empowering Act 1961. That Act authorised the Board to borrow \$420,000 to carry out the harbour works specified in the Schedule to the Act. The Board overspent on items 2 and 4 in the Schedule to the extent of \$929.16 and \$654 respectively, and now wishes to reduce the amount to be spent on item 5 to allow for this over-expenditure to be accommodated within the limit of \$420,000.

This clause makes an appropriate amendment to the Schedule of works contained in the Act.

Clause 13 validates certain expenditure incurred by the Marlborough Harbour Board. The 1967 conference of the New Zealand Harbours Association, held in Blenheim, cost the Marlborough Harbour Board more than it was able to meet from its unauthorised expenditure allowance. The excess expenditure involved was \$443.57 and legislation is required to validate this.

Clause 14 amends the Otago Harbour Board Empowering Act 1965 and validates a refund by the Otago Harbour Board to its Harbour Fund Account from loan money.

The Otago Harbour Board Empowering Act 1965 authorised the Board to raise a loan of \$5,812,000 to carry out the works specified in the Schedule to the Act. The Board is now approaching the final stage of the construction of these works, and it wishes to make certain adjustments to the Schedule to the Act to cover alterations in costs and priorities. The clause repeals the Schedule and substitutes a new one.

In addition, the clause validates the refund by the Board of \$26,180.17 to its Harbour Fund Account from the proceeds of a loan.

Clause 15 authorises the Lyttelton Harbour Board to make a refund to its Harbour Fund Account from loan money. The Lyttelton Harbour Board Loan and Empowering Act 1962 authorised the Lyttelton Harbour Board to borrow \$5,000,000 to carry out the works set out in the Schedule to the Act. However, the Board expended from its Harbour Fund Account the sum of \$100,000 to carry out part of this work and now wishes to refund the sum to its Harbour Fund Account out of loan money, but has no authority to do so.

Since this amount has been spent the Board has obtained authority to raise a loan of \$300,000 known as the Inner Harbour Modernisation Loan (No. 2) 1968 to carry out certain other portions of the works. The Board wishes to use part of this loan money to refund the sum expended from its Harbour Fund Account and this clause provides accordingly.

Clause 16 authorises the Wellington Harbour Board to refund to its Harbour Fund Account from loan money. The Wellington Harbour Board Loan and Empowering Act 1967 authorised the Board to raise \$6,200,000 to carry out the works set out in the Third Schedule to that Act. The Act also authorised the expenditure of money borrowed under certain other Acts. However, the Board expended from its Harbour Fund Account the sum of \$147,000 to carry out part of this work and now wishes to refund the sum to its Harbour Fund Account, out of the proceeds of loans raised or money authorised to be spent on the works, but has no authority to do so. This clause provides accordingly.

Clause 17 amends the Wellington Harbour Board Loan and Empowering Act 1967. Section 11 (1) of that Act authorised the Board to expend the sum of \$551,272 towards the Thorndon Wharf development. The Board has changed its plans for the development of the harbour, and now wishes to apply this money, or such part of it as the Board determines, to either the Thorndon Wharf development or Taranaki Street Wharf development. Statutory authority is necessary to enable the Board to do this and the clause provides accordingly.

Clause 18 extends the area of reclamation in respect of which the Wellington Harbour Board may borrow and expend money.

The Wellington Harbour Board Loan and Empowering Act 1967 authorises the Harbour Board to borrow and expend the sum of \$5,911,272 on reclaiming an area of approximately 21 acres and other works in connection with the Thorndon Wharf development. In addition, that Act authorised the reclamation of a further 7 acres 1 rood 16.1 perches which also formed part of this development. The latter area was, however, not included in the loan authority and the Harbour Board now wishes it to be so.

In addition, the Board recently obtained authority to extend the reclamation by a further 6 acres and 8 perches and wishes to have this further area included in the loan authority also.

This clause provides accordingly.

Miscellaneous Provisions

Clause 19 validates and authorises the making and levying of a general rate by the Saddle Hill Pest Destruction Board and makes provision with respect to representation on the Board.

Before 1 August 1968, the District of the Saddle Hill Pest Destruction Board comprised the whole of the district of Peninsula County and part of Taieri County. On that date the County of Peninsula was abolished and now forms part of the City of Dunedin. Section 29 of the Agricultural Pests Destruction Act 1967 provides that any borough lying within any pest destruction district shall be deemed not to form part of that district. On 29 May 1968 the Board made a general rate to be levied over its district, as it then existed. Legislation is required to allow the Board to levy this rate in respect of those rateable properties which were in the County of Peninsula but which are now included in the City of Dunedin.

At the request of the Dunedin City Council the Board will continue its operations in that portion of the city which was formerly within the Board's district, and it is desirable that the City Council be represented on the Board. Legislation is necessary to allow this and the clause provides accordingly.

Clause 20 authorises the South Canterbury Catchment Board to raise a special loan. The Board expended the sum of \$22,000 out of its Loan Interest Account to repay outstanding debentures issued in respect of the Board's Orari - Waihi - Temuka Loan 1956. The Board wishes to refund this sum to its Loan Interest Account from a special loan raised for the purpose. The Local Authorities Loans Board has no authority to authorise loans for such payments already made or for the reimbursement of the Loan Interest Account. Legislation is therefore required to give the Board the necessary authority. The clause also provides that the special loan may be raised without the prior consent of the ratepayers.

Clause 21 validates a refund by the Waipawa Hospital Board to its General Account from loan money. Before the Board obtained consent to raise its Hospital Works Loan in 1966, it incurred expenditure of \$6,622.23. When the authority for the loan was obtained and the loan raised the Board refunded the sum to its General Account. As the Board had no authority to make such a refund, this clause validates it.

Clause 22 validates a refund by the Waitomo Electric Power Board to its Power Fund Account from loan money. Before the Board obtained consent to raise its Housing Loan 1966, it incurred expenditure of \$8,000 in the purchase of a house. When the authority for the loan was obtained and the loan raised the Board refunded the sum to its Power Fund Account. As the Board had no authority to make such a refund, this clause validates it.

Clause 23 validates payments made by the Hutt Valley and Bays Fire Board to Garry Edward Williams and Maurice Edward Reynolds. On 21 March 1963, Messrs Williams and Reynolds, firemen employed by the Board, were injured while attending a gorse fire and they subsequently brought actions against the Board in respect of the injuries sustained. The actions were unsuccessful as such actions were at that time barred by section 46 of the Fire Services Act 1949. (This section has since been amended.) The Board nevertheless paid to Messrs Williams and Reynolds the amounts of \$3,330.80 and \$738.50, respectively, as voluntary payments with a denial of liability. The Board had no authority to make such payments and legislation is necessary to validate them.

Clause 24 authorises the Wairoa Electric Power Board to make a refund to its Power Fund Account from loan money. Before the Board obtained authority to raise the Reticulation Loan 1968 of \$40,000 it expended out of its Power Fund Account, for purposes for which the loan was to be raised, the sum of \$24,075. The Board now wishes to refund this amount to its Power Fund Account from the proceeds of the loan, but has no authority to do so. This clause will authorise the refund.

Clause 25 validates a notice given under the Kaituna River District Amendment Act 1961. The Tauranga County Council (which is the River Board for the Kaituna River District) was required by that Act to give public notice of the classification of land for rating purposes within 14 days after the date the Act came into force, but did not do so. Notice was subsequently given within 44 days. Doubts have arisen as to the effect of the delay in giving notice and the Council wishes these doubts to be removed. This clause provides accordingly and confirms the classifications made.

It is also provided that the clause shall have no effect on any proceedings commenced in any Court before the passing of the clause.

Clause 26 validates the payment by the Wanganui Pest Destruction Board of an honorarium. Section 31 of the Local Legislation Act 1965 authorised the Wanganui Pest Destruction Board to pay, during the financial year ended with 31 March 1966, the sum of \$200 by way of honorarium to the Chairman of the Board's Supply Committee. However, the Board did not pay the amount until 20 July 1966, by which time the authority to make the payment had lapsed. The Board now wishes to validate the payment and this clause provides accordingly.

The Board also paid to the Chairman an honorarium of \$150 for the financial year ended with 31 March 1967 but had no authority to make this payment. The clause also validates this payment.

Clause 27 amends section 32 of the Local Legislation Act 1965.

That section provides for the appointment of four Manukau City ratepayers to the Ararimu Pest Destruction Board. The provision expired on 12 October 1968 and this clause extends the period during which the provision will continue to 15 October 1971.

Hon. Mr Seath

LOCAL LEGISLATION

ANALYSIS

Title	
1. Short Title	<i>County Council</i>
<i>City and Borough Councils</i>	11. Validating refund by Whangarei County Council to County Fund Account from loan money
2. Changing purpose of, and authorising sale or lease of, certain land vested in Corporation of Borough of Otahuhu	<i>Harbour Boards</i>
3. Validating refund by Waiuku Borough Council to District Fund Account from loan money	12. Amending Nelson Harbour Board and Nelson City Empowering Act 1961
4. Validating and authorising loan of certain funds by Dargaville Borough Council to Dargaville Milk Treatment Corporation Limited	13. Validating certain expenditure incurred by the Marlborough Harbour Board
5. Validating agreement between the Greytown Borough Council and Frederick Atkinson Hobson	14. Amending Otago Harbour Board Empowering Act 1965 and validating refund by Otago Harbour Board to its Harbour Fund Account from loan money
6. Authorising expenditure of certain money by Cromwell Borough Council for purposes of a new civic chamber	15. Authorising refund by Lyttelton Harbour Board to Harbour Fund Account from loan money
7. Declaring an area of land in the City of New Plymouth to be street	16. Authorising refund by Wellington Harbour Board to Harbour Fund Account from loan money
8. Validating refund by Otorohanga Borough Council to District Fund Account from loan money	17. Amending Wellington Harbour Board Loan and Empowering Act 1967
9. Validating rates made and levied by Napier City Council	18. Extending area of reclamation in respect of which Wellington Harbour Board may borrow and expend money
10. Authorising Wellington City Council to apply money held in its Mortgage Insurance Fund for the purpose of housing	

Miscellaneous Provisions

- | | |
|--|--|
| <p>19. Validating and authorising the making and levying of general rate by Saddle Hill Pest Destruction Board and making provision with respect to representation on the Board</p> <p>20. Authorising South Canterbury Catchment Board to raise a special loan</p> <p>21. Validating refund by Waipawa Hospital Board to General Account from loan money</p> <p>22. Validating refund by Waitomo Electric Power Board to Power Fund Account from loan money</p> | <p>23. Validating payment by Hutt Valley and Bays Fire Board to Garry Edward Williams and Maurice Edward Reynolds</p> <p>24. Authorising refund by Wairoa Electric Power Board to Power Fund Account from loan money</p> <p>25. Validating notice given under Kaituna River District Amendment Act 1961</p> <p>26. Validating payment by Wanganui Pest Destruction Board of an honorarium</p> <p>27. Amending section 32 of the Local Legislation Act 1965</p> |
|--|--|

A BILL INTITULED

An Act to confer certain powers on certain public bodies and to authorise and validate certain transactions and other matters

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

1. Short Title—This Act may be cited as the Local
Legislation Act 1968.

City and Borough Councils 10

2. Changing purpose of, and authorising sale or lease of, certain land vested in Corporation of Borough of Otahuhu—
Whereas the land described in subsection (3) of this section is
vested in the Mayor, Councillors, and Citizens of the Borough
of Otahuhu (in this section referred to as the Corporation) 15
under the Public Works Act 1928 for a town hall: And where-
as the said land is not required for the purpose of a town hall:
And whereas the Corporation has erected a Senior Citizens'
Centre on Lot 2, Deposited Plan 58902 and wishes to sell 20
the other part of the land: Be it therefore enacted as follows: 20
(1) The reservation for a town hall over the land described
in subsection (3) of this section is hereby cancelled and the
land shall be vested in the Corporation for municipal purposes
in respect of Lot 1, Deposited Plan 58902, and for the purposes
of a Senior Citizens' Centre in respect of Lot 2 on that plan; 25
and the Corporation may sell, exchange, or lease Lot 1,
Deposited Plan 58902 or any part of it and any building or
buildings now or hereafter erected on it in accordance with
Part XIII of the Municipal Corporations Act 1954.

(2) The erection on Lot 2, Deposited Plan 58902 of a building used as a Senior Citizens' Centre and the use of the building for that purpose are hereby validated and declared to have been lawful.

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

All that piece of land containing 1 rood 33.9 perches, more or less, situated in the Borough of Otahuhu, being Lots 1 and 2, Deposited Plan 58902, and being also part of the land
10 comprised and described in certificate of title, Volume 854, folio 164, and all of the land comprised and described in certificate of title, Volume 697, folio 255, North Auckland Registry.

3. Validating refund by Waiuku Borough Council to District Fund Account from loan money—Whereas before the
15 Waiuku Borough Council (in this section referred to as the Council) obtained authority to raise a loan of \$7,000 to be known as the Water Supply Improvement (Colombo Road) Loan 1965 (in this section referred to as the loan), the Council
20 expended out of its District Fund Account for certain purposes for which the loan was to be raised the sum of \$6,156.60: And whereas when that authority had been obtained and the loan raised the Council refunded to its District Fund Account out of the proceeds of the loan the sum of \$6,156.60 but had
25 no authority to do so: And whereas it is desirable to validate the refund: Be it therefore enacted as follows:

The action of the Council in refunding the sum of \$6,156.60 to its District Fund Account out of the proceeds of the loan is hereby validated and declared to have been lawful.

4. Validating and authorising loan of certain funds by Dargaville Borough Council to Dargaville Milk Treatment Corporation Limited—Whereas the Dargaville Borough Council (in this section referred to as the Council) received from
30 the New Zealand Milk Board (in this section referred to as the Board) funds derived from excess funds paid by milk consumers amounting to \$7,500.81: And whereas the Council agreed with the Board that those funds would be held and reserved as additional capital for equipping a new milk treatment station at Dargaville: And whereas the Council has lent
35 the sum of \$5,900 for that purpose to the Dargaville Milk Treatment Corporation Limited (in this section referred to as the Corporation): And whereas the Council desires to lend
40

the remainder of the funds, together with interest earned on their investment, to the Corporation: And whereas the Council has no power to make such loans and it is desirable to validate and authorise them: Be it therefore enacted as follows:

(1) The action of the Council in lending the sum of \$5,900 to the Corporation is hereby validated and declared to have been lawful.

(2) The Council is hereby authorised to lend to the Corporation the remainder of the sum paid to it by the Board, together with the interest earned thereon, for the purpose of equipping the milk treatment station of the Corporation for such term or terms and at such rate or rates of interest as the Council thinks fit.

5. Validating agreement between the Greytown Borough Council and Frederick Atkinson Hobson—Whereas the Mayor, Councillors, and Citizens of the Borough of Greytown (in this section referred to as the Corporation) on the 30th day of December 1966 agreed with Frederick Atkinson Hobson of Greytown, labourer (in this section referred to as the vendor) to purchase the land described in subsection (3) of this section from the vendor: And whereas the purchase price of \$3,344 was, in terms of the agreement, to be paid by a deposit of \$1,600 on the 22nd day of December 1966, by the payment of an instalment of \$896 on the 22nd day of December 1967, and by the payment of a final instalment of \$848 on the 22nd day of December 1968: And whereas the Corporation did not obtain the consent of the Minister of Internal Affairs to the method of payment for the land as required by section 165 of the Municipal Corporations Act 1954: And whereas doubts have arisen as to the validity of the agreement: And whereas it is desirable that the agreement and the actions of the Corporation in making the payments as aforesaid be validated: Be it therefore enacted as follows:

(1) Notwithstanding anything in any Act or rule of law, the agreement (a copy of which is held by the Department of Internal Affairs on file 105/920) between the Corporation and the vendor whereby the Corporation is to purchase the land described in subsection (3) of this section from the vendor is hereby validated and confirmed, and the Corporation shall be deemed to have at all times been authorised and empowered to enter into and execute the agreement which shall be binding on the parties thereto and shall for all purposes, without further authority than this section, be effective according to its tenor.

5

10

15

20

25

30

35

40

45

(2) The actions of the Corporation in making the payments of \$1,600 and \$896 as aforesaid are hereby validated and declared to have been lawful.

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

10 All that piece of land in the Wellington Land District, situated in the Borough of Greytown, containing 1 rood 37.3 perches, more or less, being part Section 47, Town of Greytown, being Lot 2 on Deposited Plan 10303, and being also all the land comprised and described in certificate of title, Volume 474, folio 194, Wellington Land Registry.

6. Authorising expenditure of certain money by Cromwell Borough Council for purposes of a new civic chamber—

15 Whereas the Cromwell Borough Council (in this section referred to as the Council) holds certain money derived from the sale of land in its Land Sales Account: And whereas the Council is required, under section 150 of the Municipal Corporations Act 1954, to expend that money in the purchase of other land to be held for the same purposes as the land
20 sold: And whereas the Council wishes to provide new offices for itself in a memorial hall which the Council administers: And whereas it is desirable to authorise the Council to use part of the money in the Land Sales Account in providing the offices: Be it therefore enacted as follows:

25 Notwithstanding anything to the contrary in section 150 of the Municipal Corporations Act 1954, the Council is hereby authorised and empowered to expend from its Land Sales Account, towards the provision of new offices for the Council, an amount not exceeding \$3,200.

30 **7. Declaring an area of land in the City of New Plymouth to be street—**

35 Whereas an area of land in the City of New Plymouth is zoned under the district planning scheme for residential use: And whereas the only means of access to the land from an existing street is that part of the land described in subsection (3) of this section (in this section referred to as the proposed street): And whereas the width of the proposed street is 33 ft: And whereas the New Plymouth City Council is of the opinion that the proposed street, notwithstanding its narrow width, is adequate for present and future traffic, and
40 for the maintenance of water, sewerage, and other services, and desires that it be declared street: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in the Municipal Corporations Act 1954 or in any other Act, the land described in subsection (3) of this section is hereby declared to be a street vested in the Mayor, Councillors, and Citizens of the City of New Plymouth freed and discharged from all encumbrances, easements, and other restrictions affecting it immediately before the commencement of this Act. 5

(2) The District Land Registrar for the Taranaki Land District is hereby authorised to make such entries in the register books and do all such other things as may be necessary to give effect to the provisions of this section. 10

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

All that piece of land in the Taranaki Land District, situated in the City of New Plymouth, containing 1 rood 19.4 perches, more or less, being part Lot 1 on Deposited Plan 390 and being Part Section E, New Plymouth Town Belt, and being also part of the land comprised and described in certificate of title, Volume 236, folio 4, Taranaki Land Registry, being more particularly defined and shown edged red on Survey Office Plan numbered 9983 lodged in the office of the Chief Surveyor at New Plymouth. 15 20

8. Validating refund by Otorohanga Borough Council to District Fund Account from loan money—Whereas, before the Otorohanga Borough Council (in this section referred to as the Council) obtained consent to raise a loan of \$8,000 to be known as the Staff Housing Loan 1966 (in this section referred to as the loan) the Council expended out of its District Fund Account for certain purposes for which the loan was to be raised the sum of \$8,000: And whereas when that consent had been obtained and the loan raised the Council refunded to its District Fund Account out of the proceeds of the loan the sum of \$8,000, but had no authority to do so: And whereas it is desirable to validate the refund: Be it therefore enacted as follows: 25 30 35

The action of the Council in refunding the sum of \$8,000 to its District Fund Account out of the proceeds of the loan is hereby validated and declared to have been lawful.

9. Validating rates made and levied by Napier City Council—Whereas on the 22nd day of May 1968 the Napier City Council (in this section referred to as the Council), by resolution, made and levied rates for the year ending on the 5 31st day of March 1969: And whereas on the 14th day of August 1968 the Council delivered to the occupiers of the land in respect of which the rates were made and levied rates assessments as provided by the Rating Act 1967: And whereas doubts have arisen as to the validity of the said rates 10 assessments: Be it therefore enacted as follows:

(1) The rates assessments delivered by the Council to the occupiers of the land in respect of rates made and levied by the Council as aforesaid are hereby validated and declared to have been lawfully delivered; and the said rates are hereby 15 declared to have been lawfully made and levied.

(2) The said rates are hereby declared to have become due and payable on the 14th day of August 1968, and an additional charge of 10 percent will be added to all the said rates unpaid after the 14th day of February 1969.

(3) The date on or before which every ratepayer was entitled to be allowed a discount of $2\frac{1}{2}$ percent of so much of the amount of the said rates paid by him by such date pursuant to the Rating Act 1967 is hereby declared to have been the 20 13th day of September 1968.

10. Authorising Wellington City Council to apply money held in its Mortgage Insurance Fund for the purpose of housing—Whereas the Wellington City Council (in this section referred to as the Council) has established a fund for mortgage insurance purposes pursuant to section 345 of the 30 Municipal Corporations Act 1954 (in this section referred to as the Act): And whereas the credit balance in that fund is in excess of the Council's contingent liabilities pursuant to the Act: And whereas the money held in the fund may be lawfully applied only as an insurance to the Council against losses 35 arising out of mortgages to which the provisions of sections 337 to 343 of the Act apply: And whereas it is desirable to authorise the Council to apply for housing purposes so much of the money held in the fund as from time to time exceeds the amount representing the Council's contingent liabilities as 40 aforesaid: Be it therefore enacted as follows:

Notwithstanding anything in section 345 of the Municipal Corporations Act 1954 or in any other Act or in any rule of law, the Council is hereby authorised to apply so much of the money held in its Mortgage Insurance Fund as from time to time exceeds the amount representing the Council's contingent liabilities pursuant to the said section 345 for the purpose of housing in terms of Part XXIV of the Act. 5

County Council

11. Validating refund by Whangarei County Council to County Fund Account from loan money—Whereas, before the Whangarei County Council (in this section referred to as the Council) obtained consent to raise a loan of \$76,000 to be known as the Bridge Loan 1967 (in this section referred to as the loan), the Council expended out of its County Fund Account for certain purposes for which the loan was to be raised the sum of \$15,289.94: And whereas when that consent had been obtained and the loan raised the Council refunded to its County Fund Account out of the proceeds of the loan the sum of \$15,289.94, but had no authority to do so: And whereas it is desirable to validate the refund: Be it therefore enacted as follows: 10 15 20

The action of the Council in refunding the sum of \$15,289.94 to its County Fund Account out of the proceeds of the loan is hereby validated and declared to have been lawful.

Harbour Boards

12. Amending Nelson Harbour Board and Nelson City Empowering Act 1961—The Nelson Harbour Board and Nelson City Empowering Act 1961 is hereby amended by repealing the Schedule, and substituting the following Schedule: 25 30

"SCHEDULE

HARBOUR WORKS

1. Extension of swinging basin and reclamation of tidal lands delineated on plan aforesaid:	\$
(a) Construction of retaining walls	70,000.00
(b) Operation of suction dredger over two years	116,000.00
2. Further construction of roads and essential services on reclaimed land	90,929.16
3. Construction of further berthage on the northern face of the reclamation known as Kingsford Quay, 220 feet	124,000.00
4. Construction of navigation aids and beacons	6,654.00
5. Construction of a tug and launch jetty	12,416.84
	<hr/>
	\$420,000.00"
	<hr/>

13. **Validating certain expenditure incurred by the Marlborough Harbour Board**—The expenditure by the Marlborough Harbour Board during the financial year ended on the 30th day of September 1967 of the sum of \$443.57 in connection with the 1967 annual conference of the New Zealand Harbours Association is hereby validated and declared to have been lawfully incurred.

14. **Amending Otago Harbour Board Empowering Act 1965 and validating refund by Otago Harbour Board to its Harbour Fund Account from loan money**—(1) The Otago Harbour Board Empowering Act 1965 (in this section referred to as the Act) is hereby amended by repealing the Schedule, and substituting the following Schedule:

“SCHEDULE

HARBOUR WORKS FOR WHICH BORROWING IS AUTHORISED

Construction of new oil wharf and incidental dredging; construction of new transit sheds and cargo platform at Dunedin; recondition Victoria Wharf, Dunedin; purchase and erection of wharf cranes at Dunedin; construction of new wharf to replace Export Wharf, Port Chalmers, and incidental dredging, also removal of Bowen Pier; construction of transit sheds and cargo platform at Port Chalmers; purchase of land, compensation to tenants, and cost of reclamation for new wharf at Port Chalmers; purchase and erection of wharf cranes at Port Chalmers; extend and recondition George Street pier, Port Chalmers; contingencies \$5,812,000.”

(2) The refund of \$26,180.17 by the Otago Harbour Board to its Harbour Fund Account out of the proceeds of any loan raised under section 4 of the Act, being the total sum expended from that Account before the passing of this section on the construction of a new oil wharf and incidental dredging and the purchase and erection of wharf cranes at Dunedin, being works referred to in the Schedule to the Act (as substituted by subsection (1) of this section), is hereby validated and declared to have been lawful.

15. **Authorising refund by Lyttelton Harbour Board to Harbour Fund Account from loan money**—Whereas the Lyttelton Harbour Board Loan and Empowering Act 1962 (in this section referred to as the Act) authorised the Lyttelton Harbour Board (in this section referred to as the Board) to borrow the sum of \$5,000,000 to be applied for the purpose of carrying out the works specified in the Schedule to the Act (as

substituted by section 33 of the Local Legislation Act 1966):
 And whereas the Board has expended out of its Harbour Fund
 Account the sum of \$100,000 in carrying out certain portions
 of the works specified in the Schedule to the Act: And whereas
 the Board has since obtained authority to raise a loan of 5
 \$300,000 known as the Inner Harbour Modernisation Loan
 (No. 2) 1968 (in this section referred to as the loan) for the
 purpose of carrying out certain other portions of the works
 specified in the Schedule to the Act: And whereas it is desir-
 able to authorise the Board to refund the said sum of \$100,000 10
 to its Harbour Fund Account out of the proceeds of the loan:
 Be it therefore enacted as follows:

The Board is hereby authorised to refund the sum of
 \$100,000 to its Harbour Fund Account out of the proceeds of
 the loan. 15

**16. Authorising refund by Wellington Harbour Board to
 Harbour Fund Account from loan money**—Whereas before
 the Wellington Harbour Board (in this section referred to as
 the Board) obtained authority under the Wellington Harbour
 Board Loan and Empowering Act 1967 to apply money and to 20
 raise loans for the reclamation of an area of approximately 6
 acres and the construction of perimeter breastwork and other
 associated works forming part of the Taranaki Street Wharf
 Development, being the work referred to in item 1 of the Third
 Schedule to the Wellington Harbour Board Loan and Em- 25
 powering Act 1967 (in this section referred to as the works),
 the Board expended out of its Harbour Fund Account on the
 works the sum of \$147,000: And whereas authority to apply
 money and raise loans for the works has since been obtained
 and it is desirable to authorise the Board to refund the said 30
 sum so expended to its Harbour Fund Account out of the
 proceeds of the said money or loans: Be it therefore enacted
 as follows:

The Board is hereby authorised to refund the sum of
 \$147,000 to its Harbour Fund Account out of money author- 35
 ised to be applied or loans raised for the purpose of the works.

**17. Amending Wellington Harbour Board Loan and Em-
 powering Act 1967**—Subsection (1) of section 11 of the
 Wellington Harbour Board Loan and Empowering Act 1967
 is hereby amended by inserting, after the words “part of the 40
 Thorndon Wharf development”, the words “and the harbour
 work specified in item 1 of the said Third Schedule, being part
 of the Taranaki Street Wharf development, in such propor-
 tions as the Board may determine,”.

18. Extending area of reclamation in respect of which Wellington Harbour Board may borrow and expend money—

Whereas by sections 4 and 7 of the Wellington Harbour Board Loan and Empowering Act 1967 (in this section referred to as the Act) the Wellington Harbour Board (in this section referred to as the Board) had vested in it for an estate in fee simple, and was authorised to reclaim, the area of land containing 28 acres 1 rood 16.1 perches comprised and described in item 2 of the Second Schedule to the Act: And whereas the Act authorises the Board to expend in and towards the construction of the harbour work specified in item 3 of the Third Schedule to the Act the total sum of \$5,911,272: And whereas the said harbour work includes the reclamation of an area of approximately 21 acres (being part of the 28 acres 1 rood 16.1 perches hereinbefore referred to): And whereas the Board has been authorised, pursuant to section 185 of the Harbours Act 1950, to reclaim from the Wellington Harbour a further area of land containing 6 acres and 8 perches, shown coloured red on plan M.D. 13109 deposited in the office of the Marine Department at Wellington, which land also forms part of the said harbour work: And whereas the total area of the reclamation required for the said harbour work is now 34 acres 1 rood 24.1 perches: And whereas authority to expend the said sum of \$5,911,272 is restricted to the said area of approximately 21 acres and it is desirable to extend that authority to expend that money to the total area of 34 acres 1 rood 24.1 perches: Be it therefore enacted as follows:

Notwithstanding anything to the contrary in the Act, the Board may expend the said sum of \$5,911,272 or any part of that sum in and towards the reclamation of an area of 34 acres 1 rood 24.1 perches of land (being the area of land containing 28 acres 1 rood 16.1 perches comprised and described in item 2 of the Second Schedule to the Act plus the area of land containing 6 acres and 8 perches shown coloured red on plan M.D. 13109 deposited in the office of the Marine Department at Wellington) and other associated works forming part of the Thorndon Wharf development.

Miscellaneous Provisions

19. Validating and authorising the making and levying of general rate by Saddle Hill Pest Destruction Board and making provision with respect to representation on the Board—Whereas by Order in Council made on the 20th day of May 1968 the district of the County of Peninsula was

united with the district of the City of Dunedin to form one undivided borough under the name of the City of Dunedin (in this section referred to as the city) and the council of that county was dissolved on and from the 1st day of August 1968: And whereas before inclusion in the city, the district of the County of Peninsula was included in the pest destruction district of the Saddle Hill Pest Destruction Board (in this section referred to as the Board): And whereas on the 29th day of May 1968 the Board made a general rate (in this section referred to as the rate) to be levied, on all rateable property within its district, for the year ending on the 31st day of March 1969: And whereas section 29 of the Agricultural Pests Destruction Act 1967 provides that any borough lying wholly or in part within any pest destruction district shall be deemed not to form part of that district: And whereas it is desirable that the rate be levied for the year ending on the 31st day of March 1969 throughout the Board's district as it existed on the date the rate was made notwithstanding that the part of the city that was the County of Peninsula does not now form part of that district: And whereas it is also desirable to provide that the city be represented on the Board: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in the Agricultural Pests Destruction Act 1967 or in any other Act, the Board shall be deemed to have been authorised to levy the rate made by the Board on the 29th day of May 1968 for the year ending on the 31st day of March 1969 on all rateable property within the district of the Board as that district existed on the 29th day of May 1968, and all actions of the Board before the commencement of this section with respect to the making and levying of the rate are hereby validated and declared to have been lawful.

(2) Notwithstanding anything to the contrary in the Agricultural Pests Destruction Act 1967 or in any other Act, the two members of the Board representing the Peninsula Ward of the pest destruction district for the term ending on the 12th day of October 1968 shall remain members of the Board until the 31st day of March 1969.

(3) Notwithstanding anything to the contrary in the Agricultural Pests Destruction Act 1967, if in any financial year the Dunedin City Council consents to work being done by the Board in terms of subsection (2) of section 29 of the Agricultural Pests Destruction Act 1967, the Minister of Agriculture shall, on the nomination of the City Council, appoint a member to represent the Council on the Board. The member so appointed shall hold office during such period as the Board carries out work with the consent of the Council.

10 (4) The member so appointed shall be a ratepayer in respect of land in the City of Dunedin which, immediately before the 29th day of May 1968, formed part of the rateable property within the Board's district.

15 (5) The member of the Board appointed under subsection (3) of this section shall vacate office if he ceases to be a ratepayer in accordance with subsection (4) of this section, or if he would have vacated his office under the provisions of subsection (1) of section 48 of the Agricultural Pests Destruction Act 1967, other than paragraph (d) of that subsection, if he had been an elective member of the Board.

20. Authorising South Canterbury Catchment Board to raise a special loan—Whereas the South Canterbury Catchment Board (in this section referred to as the Board) has expended out of its Loan Interest Account the sum of \$22,000 to repay outstanding debentures issued in respect of the Board's Orari - Waihi - Temuka Loan 1956, which matured on the 1st day of May 1968: And whereas the Local Authorities Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Board to refund the said sum to its Loan Interest Account: And whereas it is desirable that the Board be authorised to raise a special loan of not more than \$22,000 for the purpose of recouping its Loan Interest Account in respect of the sum expended from that account as aforesaid: Be it therefore enacted as follows:

35 The Board is hereby authorised and empowered to borrow by way of special loan under the Local Authorities Loans Act 1956 an amount not exceeding \$22,000 for the purpose of refunding to its Loan Interest Account the sum expended from that account as aforesaid and, notwithstanding anything in section 34 of that Act, the special loan may be raised without the prior consent of the ratepayers.

21. Validating refund by Waipawa Hospital Board to General Account from loan money—Whereas, before the Waipawa Hospital Board (in this section referred to as the Board) obtained authority to raise a loan of \$300,000 to be known as the Hospital Works Loan 1966 (in this section referred to as the loan), the Board expended out of its General Account for certain purposes for which the loan was to be raised the sum of \$6,622.23: And whereas when that authority had been obtained and the loan raised the Board refunded to its General Account out of the proceeds of the loan the sum of \$6,622.23 but had no authority to do so: And whereas it is desirable to validate the refund: Be it therefore enacted as follows:

The action of the Board in refunding the sum of \$6,622.23 to its General Account out of the proceeds of the loan is hereby validated and declared to have been lawful.

22. Validating refund by Waitomo Electric Power Board to Power Fund Account from loan money—Whereas, before the Waitomo Electric Power Board (in this section referred to as the Board) obtained authority to raise a loan of \$18,000 to be known as the Housing Loan 1966 (in this section referred to as the loan), the Board expended out of its Power Fund Account for certain purposes for which the loan was to be raised the sum of \$8,000: And whereas when that authority had been obtained and the loan raised the Board refunded to its Power Fund Account out of the proceeds of the loan the sum of \$8,000 but had no authority to do so: And whereas it is desirable to validate the refund: Be it therefore enacted as follows:

The action of the Board in refunding the sum of \$8,000 to its Power Fund Account out of the proceeds of the loan is hereby validated and declared to have been lawful.

23. Validating payment by Hutt Valley and Bays Fire Board to Garry Edward Williams and Maurice Edward Reynolds—Whereas Garry Edward Williams and Maurice Edward Reynolds, formerly firemen employed by Hutt Valley and Bays Fire Board, being a Board duly constituted under the Fire Services Act 1949 (in this section referred to as the Board), were on the 21st day of March 1963 injured in the course of their employment: And whereas Garry Edward Williams and Maurice Edward Reynolds brought actions at common law against the Board to recover damages in respect of the injuries so sustained: And whereas those actions were

unsuccessful but the Board nevertheless resolved to pay to Garry Edward Williams the sum of \$3,330.80 and to Maurice Edward Reynolds the sum of \$738.50 as voluntary payments with a denial of liability: And whereas the Board had no
5 authority to make such payments and it is expedient that the payments made be validated: Be it therefore enacted as follows:

The payments made by the Board to Garry Edward Williams of the sum of \$3,330.80 and to Maurice Edward
10 Reynolds of the sum of \$738.50 in respect of injuries sustained by them during the course of their employment by the Board are hereby validated and declared to have been lawfully made.

**24. Authorising refund by Wairoa Electric Power Board to
15 Power Fund Account from loan money**—Whereas before the Wairoa Electric Power Board (in this section referred to as the Board) obtained authority to raise a loan of \$40,000 to be known as the Reticulation Loan 1968 (in this section referred to as the loan), the Board expended out of its Power Fund
20 Account for certain purposes for which the loan was to be raised the sum of \$24,075: And whereas authority to raise the loan has since been obtained and it is desirable to authorise the Board to refund the said sum so expended to its Power Fund Account out of the proceeds of the loan: Be it therefore enacted as follows:

The Board is hereby authorised to refund the sum of \$24,075 to its Power Fund Account out of the proceeds of the loan.

**25. Validating notice given under Kaituna River District
30 Amendment Act 1961**—Whereas by subsection (2) of section 5 of the Kaituna River District Amendment Act 1961 (in this section referred to as the Act) it was provided that the River Board, which for the purposes of the Act means the Tauranga County Council (in this section referred to as the Board),
35 should, within fourteen days after the Act came into force, cause to be given public notice of the classifications validated by subsection (1) of section 5 of the Act, of the place where the classification lists might be inspected for a period of twenty-one days, and of the right of appeal conferred by the
40 Act: And whereas notice was not given within the period of fourteen days specified by the Act: And whereas doubts have arisen as to the effect of the delay in giving notice and it is desirable that these doubts be removed: Be it therefore enacted as follows:

(1) The Board shall be deemed to have given public notice in accordance with subsection (2) of section 5 of the Act within the period of fourteen days specified in that subsection; and the said classifications are hereby confirmed and validated and declared to be in full force and effect. 5

(2) This section shall not affect any proceedings commenced in any Court before the passing of this section; and for the purposes of any such proceedings this section shall be deemed not to have been passed.

26. Validating payment by Wanganui Pest Destruction Board of an honorarium—Whereas by section 31 of the Local Legislation Act 1965 the Wanganui Pest Destruction Board (in this section referred to as the Board) was authorised to pay, during the financial year ended with the 31st day of March 1966, to the Chairman for the time being of the Supply Committee, by way of honorarium, the sum of \$200: And whereas the Board did not pay that amount until the 20th day of July 1966: And whereas the Board also paid, during the financial year ended with the 31st day of March 1967, the sum of \$150 by way of honorarium to the Chairman of the Supply Committee but had no authority to do so: Be it therefore enacted as follows: 10 15 20

The payments by the Board to the Chairman of the Supply Committee of an honorarium of \$200 on the 20th day of July 1966, and of \$150 on the 18th day of November 1966, are hereby validated and declared to have been lawfully made. 25

27. Amending section 32 of the Local Legislation Act 1965—Section 32 of the Local Legislation Act 1965 is hereby amended by omitting from subsection (2) the words “twelfth day of October, nineteen hundred and sixty-eight”, and substituting the words “15th day of October 1971”. 30