

## LOCAL LEGISLATION BILL

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### EXPLANATORY NOTE

*Clause 1* relates to the Bill's Short Title.

*Clause 2* validates rates made (for the 1988–89 year) by the former Lawrence Borough Council that were higher from the limit imposed by section 136 of the Local Government Act 1974.

*Clause 3* relates to the purchase by the Palmerston North City Council of a gymnasium then situated on a public park. The gymnasium was purchased out of money held in an account established by, and subject to provisions contained in, a local Act; and some doubt has arisen as to whether money held in the account could be used for such a purchase. The clause validates the purchase.

*Clause 4* repeals a number of spent Local Acts, and spent provisions of Local Legislation Acts.

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No. 137—1

*Price*  
*incl. GST \$2.30*

*Hon. Warren Cooper*

## LOCAL LEGISLATION

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### ANALYSIS

Title	3. Palmerston North City Council: Purchase of Ongley Park Gymnasium
1. Short Title	4. Repeals and savings Schedule
2. Clutha District Council: Validating invalid rate of former Lawrence Borough Council	

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### A BILL INTITULED

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

5 BE IT ENACTED by the Parliament of New Zealand as follows:

1. **Short Title**—This Act may be cited as the Local Legislation Act 1992.

10 2. **Clutha District Council: Validating invalid rate of former Lawrence Borough Council**—Notwithstanding that the general rate for the year that ended with March 1989 resolved to be made and levied by the former Lawrence Borough Council at a duly notified meeting held on the 20th day of June 1988 was invalid in that it exceeded the limit prescribed by section 136 of the Local Government Act  
15 1974,—

- (a) The rate is hereby validated and deemed to have been lawfully made:
- (b) All actions of both the former Lawrence Borough Council and the Clutha District Council in making, levying,  
20 and collecting the rate are hereby validated and deemed to have been lawful:
- (c) All money received by either of the councils in payment of the rate is hereby deemed to have been lawfully paid to and received by it:

- (d) Such part of the rate as has not yet been paid to either of the councils is hereby deemed to be lawfully payable, and capable of being collected as if it has always been lawfully payable, to the Clutha District Council.

**3. Palmerston North City Council: Purchase of Ongley Park Gymnasium**—For the avoidance of doubt, the action of the Palmerston North City Council in expending \$111,375 out of the Palmerston North Reserves Sales Account established by section 8 of the Palmerston North Reserves Empowering Act 1966 in purchasing the building known as the Ongley Park Gymnasium (at the time erected on the recreational reserve known as Ongley Park) and paying the goods and services tax payable in respect of the purchase are hereby validated and declared to have been lawful. 5 10

**4. Repeals and savings**—(1) The enactments specified in the Schedule to this Act are hereby repealed. 15

(2) The repeal by **subsection (1)** of this section of any enactment does not affect the validity or effect of anything done or validated by the enactment or, before the commencement of this Act, done under the enactment. 20

(3) Without limiting the generality of **subsection (2)** of this section, it is hereby declared that the repeal by **subsection (1)** of this section of—

- (a) Section 10 of the Local Legislation Act 1962 shall not affect the division of the City of Takapuna into wards: 25
- (b) Section 19 of that Act shall not affect the use by the Wellington City Council of the land described in subsection (2) of that section:
- (c) Section 8 of the Local Legislation Act 1963 shall not affect any leases to which it related, or any renewals of any such leases: 30
- (d) Section 22 of that Act shall not affect the use by the Timaru City Council of the land described in subsection (2) of that section:
- (e) Section 28 of that Act shall not affect any lease granted under that section, or the powers of the Napier Harbour Board to renew any such lease. 35

**Section 4 (1)****SCHEDULE  
ENACTMENTS REPEALED**

- 1883, No. 9(L)—The City of Auckland Additional Loan Act 1883.  
1883, No. 26(L)—Invercargill Reserve Exchange Act 1883.  
1885, No. 11(L)—The Christchurch Public Works Loans Validation Act 1885.  
1895, No. 3(L)—The Auckland and Parnell Endowment Lands Act 1895.  
1895, No. 10(L)—Invercargill Corporation Reserve Exchange Act 1895.  
1896, No. 15(L)—The St. Albans Borough Council Special Loans Enabling Act 1896.  
1899, No. 2(L)—The Christchurch City Borrowing Act 1899.  
1899, No. 4(L)—Invercargill Garrison Hall Trustees Empowering Act 1899 and Amendment 1907.  
1899, No. 17(L)—The Auckland City Borrowing Act 1899.  
1900, No. 11(L)—The City of Auckland Loans Act Amendment and Council Empowering Act 1900.  
1900, No. 17(L)—The Auckland Electric Lighting Act 1900.  
1901, No. 25(L)—The Remuera Waterworks Empowering Act 1901.  
1902, No. 18(L)—Invercargill Corporation Reserves Exchange Act 1902.  
1903, No. 22(L)—The St. Albans Special Loan Validation and Empowering Act 1903.  
1903, No. 42(L)—The City of Auckland Empowering Act 1903.  
1904, No. 3(L)—The Auckland City Borrowing Act Amendment Act 1904.  
1905, No. 9(L)—The Auckland Waterworks Loans, Sinking Funds and Borrowing Act Amendment Act 1905.  
1908, No. 7(L)—The Christchurch City Betterment Act 1908.  
1908, No. 17(L)—The Christchurch City Sanitation Empowering Act 1908.  
1909, No. 20(L)—The City of Auckland Enabling Act 1909.  
1909, No. 21(L)—The Auckland City Loans Consolidation and Empowering Act 1909.  
1911, No. 11(L)—The City of Christchurch Empowering Act 1911.  
1911, No. 20(L)—The Elingamite Rehearing Act 1911.  
1911, No. 28(L)—The Auckland Electric-power Station Site Act 1911.  
1911, No. 34(L)—Invercargill Reserve Vesting Act 1911.  
1914, No. 10(L)—The Christchurch Milk-supply and Markets Act 1914.  
1916, No. 5(L)—The Christchurch Rating Agreements Enabling Act 1916.  
1917, No. 15(L)—The Christchurch Milk-supply and Markets Amendment Act 1917.  
1922, No. 5(L)—The Christchurch City Sanitation Empowering Amendment Act 1922.  
1927, No. 1(L)—The Christchurch City Sanitation Empowering Amendment Act 1927.  
1927, No. 58 —The Local Legislation Act 1927: Sections 28 and 46.  
1939, No. 3(L)—The Christchurch City Empowering Act 1939.  
1942, No. 1(L)—The Auckland City Market Empowering Act 1942.  
1955, No. 86 —The Local Legislation Act 1955: Section 28.

SCHEDULE—*continued*ENACTMENTS REPEALED—*continued*

- 1955, No. 11(L)—The Tauranga County Council Empowering Amendment Act 1955.
- 1962, No. 117 —The Local Legislation Act 1962: Sections 2 to 11, 13 to 21, 23 to 41, and 43 to 46.
- 1963, No. 138 —The Local Legislation Act 1963: Sections 2 to 6, 8 to 21, 23 to 39, and 42 to 44.