

Mr Templeton

**SOUTHLAND COUNTY EMPOWERING
(COMMUNITY CENTRES)**

[LOCAL]

ANALYSIS

Title	6. Polls
Preamble	7. Committees
1. Short Title	8. General powers of Council in relation to community centres
2. Interpretation	9. Finance
3. Council may provide community centres within the county or contribute to community centres outside the county	10. Annual charge on certain rateable property
4. Community centre districts	11. Community centre districts deemed to be a defined part of the county
5. Annual fee	12. Bylaws

A BILL INTITULED

5 An Act to empower the Southland County Council to establish and maintain community centres within the County of Southland, to contribute towards the establishment and maintenance of community centres outside the county, to strike a rate or a levy to cover the costs incidental to such purposes, and to raise and expend loans for the purposes of community centres within the county

10 WHEREAS to meet the requirements of ratepayers and residents in the County of Southland, it is, or will be, necessary to provide additional social, cultural, recreational and educational facilities for the residents of the county: And whereas it is expedient that the Southland County Council should be empowered to take such steps towards

No. 31—1

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*Southland County Empowering
(Community Centres)*

the provision and maintenance of such facilities as the Council may think necessary to that end: And whereas under existing legislation it is not possible for the Council to provide and maintain, or contribute towards the cost of providing or maintaining such facilities, without disproportionate financial obligation being imposed on certain ratepayers in the County: 5

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows: 10

1. Short Title—This Act may be cited as the Southland County Empowering (Community Centres) Act 1971.

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

“Community centre” means any facility or group of facilities for social, recreational, cultural, or educational purposes, or for the physical or intellectual well-being and enjoyment of the residents of the County of Southland or of any group or section of them, whether alone or together with other persons: 15 20

“Council” means the Southland County Council; and includes the Corporation of the County of Southland:

“District” means a part of the County of Southland declared by the Council pursuant to this Act to be a community centre district for the purposes of this Act: 25

“Dwelling unit” means any building or part of a building which is designed, built, rented, leased, let, or hired to be occupied, or which is occupied as a residence for a single family with or without a common right to the use of entrances, passages, stairways, or open spaces; and, where necessary, includes a combination of parts of a building or of two or more buildings or the parts thereof: 30

“Voluntary organisation” means a voluntary organisation within the meaning of the Physical Welfare and Recreation Act 1937; and includes any body of persons, whether incorporated or not, whose objects or one of whose principal objects is to promote, encourage, or control interest and participation in any branch of social, cultural, recreational, or educational activities. 35 40

3. Council may provide community centres within the county or contribute to community centres outside the county—(1) The Council may make such provision for

community centres within the County of Southland as the
5 Council may from time to time determine and for that purpose may:

(a) Purchase, take on lease, or otherwise acquire any land of any estate; and

10 (b) Erect, purchase, hire, lease, or otherwise acquire or obtain the use of buildings; and

(c) Provide, install, and maintain equipment, apparatus, and facilities; and

15 (d) Maintain, operate, improve, enlarge, or develop any community centre or any such building, land, equipment, apparatus, or facilities.

(2) Subject to the provisions of subsection (6) of section 7 of this Act, where in the opinion of the Council residents of the County of Southland are using or deriving benefit, or are likely to use or derive benefit, from a community
20 centre either established or to be established outside the County of Southland by an adjoining local authority, then, and in such case, the Council may make such contribution or contributions as it may from time to time determine towards the cost of exercising in respect of any such
25 community centre any of the powers referred to in paragraphs (a) to (d) of subsection (1) of this section.

30 (3) The powers conferred by this section shall be in addition to the powers conferred upon the Council by the Counties Act 1956 and by the Physical Welfare and Recreation Act 1937.

4. Community centre districts—(1) The Council may, by special order made pursuant to section 87 of the Counties Act 1956, declare any part of the County of Southland to be a district for the purposes of this Act; and by any
35 subsequent special order may abolish any districts so created or alter the boundaries of any such district or amalgamate two or more of such districts.

40 (2) Any special order made under subsection (1) of this section shall state with reasonable particularity the boundaries of a district by reference to streets, or by such other method as the Council may deem adequate, and shall refer to a plan of the district, which shall be exhibited in the offices of the Council for the period between the special meeting

called to pass the special order and the meeting called to confirm the same. A copy of the plan shall also be exhibited for the same period in an office or other suitable place situated in the district or the proposed district and open to the public for a reasonable time on each day on which the offices of the Council are open to the public. 5

(3) The special order shall fix the day on which the district shall be constituted or abolished or on which the boundaries shall be altered or on which the districts shall be amalgamated, as the case may be, and in the case of the constitution of a district or the amalgamation of districts, shall also give a name to the district created by the order. 10

5. Annual fee—(1) The Council may from time to time, subject to the provisions of this section, by a special order made pursuant to section 4 of this Act or by any other special order, levy a uniform annual fee to be paid by the occupier, as defined by the Counties Act 1956 of each dwelling unit situated within the district for the purpose of providing the whole or part of the costs (including loan charges) of the construction, maintenance, equipment, and administration of any community centre established, whether before or after the passing of this Act, or to be established under this Act, or otherwise, where in the opinion of the Council, residents of the County of Southland are deriving or are likely to derive benefit. 15 20 25

(2) The amount of such annual fee as aforesaid shall be recoverable as a debt due to the Council by the occupier.

(3) In the case of any dwelling unit owned by Her Majesty the Queen for the purposes of the Housing Act 1955 or for any other purpose, the State Advances Corporation of New Zealand or other Department of State administering the dwelling unit, may, with the approval of the Minister of Finance and without further authority than this section, out of money received by the said Corporation under subsection (1) of section 32 of the Housing Act 1955, or as the case may require, out of the appropriate account, pay to the Council the amount of the annual fee in respect of that dwelling unit. 30 35

(4) In any such case as aforesaid the said Corporation or Department may notwithstanding anything contained in the Tenancy Act 1955, from time to time on giving not less than 14 days' notice in writing to the tenant, increase the 40

rent payable in respect of the dwelling unit by an amount equal to the annual fee so payable, and on the expiry of the period of the notice the contract or agreement for the tenancy of the premises shall be deemed to be varied
5 accordingly.

(5) In no case shall the amount of the uniform annual fee payable pursuant to this section exceed in any year the sum of \$10 in respect of any dwelling unit.

(6) The Council may from time to time, resolve that in
10 any year or years, the uniform annual fee shall be reduced or shall not be payable.

6. Polls—(1) The Council shall not exercise any power conferred on the Council by section 4 or section 5 of this Act if—

15 (a) Five percent or more of the ratepayers whose names appear in the valuation roll in respect of rateable property—

(i) In the proposed district or in the district
20 proposed to be abolished, in the case of the declaration or abolition of a district; or

(ii) In any area proposed to be added to or excluded from a district, in the case of the alteration of the boundaries of a district; or

25 (iii) In any one of the districts proposed to be amalgamated with any one or more other districts, in the case of the amalgamation of any two or more districts; or

(iv) In the district or the proposed district, in the case of a proposal to levy an annual fee,—

30 by writing under their hands delivered or sent by post to the Council and received at the offices of the Council not later than the day before the date fixed for confirmation of the resolution making the special order referred to in subsection (1) of this section, demand that a poll be taken

35 on the proposal to declare or abolish the district, or to alter the boundaries of the district or to amalgamate two or more districts or to levy an annual fee, as the case may be; and

40 (b) At any poll held pursuant to such demand, the total number of valid votes recorded against the proposal exceeds the total number recorded in favour of the proposal.

*Southland County Empowering
(Community Centres)*

(2) The poll held pursuant to such demand shall be—

(a) In the case of the constitution or abolition of a district or a proposal to levy an annual fee, a poll of the ratepayers of the district or the proposed district; and

(b) In the case of the alteration of the boundaries of a district, a poll of the ratepayers of the areas that will be added to or excluded from the district by the proposed alteration in boundaries; and

(c) In the case of the amalgamation of any two or more districts, a poll of the ratepayers of each district in which five percent or more of the ratepayers have demanded a poll. A separate poll shall be held in each district in respect of which such a demand has been received.

(3) Notice of the right to demand a poll pursuant to subsection (1) of this section shall be included in the public notice required to be given by paragraph (c) of section 87 of the Counties Act 1956.

(4) Every poll held under subsection (2) of this section shall be held and taken by the Council in manner provided by the Local Elections and Polls Act 1966, and the provisions of that Act shall, as far as they are applicable, apply with respect to every such poll.

7. Committees—(1) The Council may appoint a committee to control and manage each community centre.

(2) The members of each such committee shall be appointed for a term not exceeding one year and shall comprise four persons nominated by the Council of whom one shall be chairman of the committee, and four residents of the districts in respect of which such community centre is established. Any member of any such committee may from time to time be reappointed.

(3) Before making any appointment to a committee from residents of the district the Council shall consider such nominations as may be forwarded to it by voluntary organisations within the district affected.

(4) The provisions of sections 71 to 75 of the Counties Act 1956 shall, with the necessary modifications, apply to any committee appointed under this section.

(5) The provisions of subsections (1) to (4) of this section shall apply only in respect of community centres established or to be established within the County of Southland.

(6) It shall not be lawful for the Council to contribute towards the establishment or maintenance of a community centre outside the County of Southland in pursuance of the provisions of subsection (2) of section 3 of this Act unless
5 the county is represented by not less than one Council member or nominee on any body set up by the relevant adjoining local authority or otherwise to control and manage that community centre.

8. General powers of Council in relation to community centres—(1) The powers conferred upon the Council by
10 sections 12 and 13 of the Physical Welfare and Recreation Act 1937 shall extend to and include, and be deemed to extend to and include, the expenditure of money upon and
15 the raising of loans for the construction, maintenance, repair, development, control, and administration of a community centre, and the provision of facilities and equipment for the same.

(2) Section 319 of the Counties Act 1956, shall with the necessary modifications, apply to a community centre
20 established under this Act.

(3) The provision of a community centre, including the acquisition of land of any estate for such purpose, shall be deemed a public work within the meaning of the Public Works Act 1928.

25 **9. Finance**—The Council may from time to time, out of its ordinary funds, make such contributions for the provision, conduct, or maintenance of community centres as it may think fit.

10. Annual charge on certain rateable property—Notwith-
30 standing anything in sections 5 and 6 of this Act, in any case where a uniform annual fee may be levied pursuant to those sections to be paid by the occupier, as defined by the Counties Act 1956, of any dwelling unit erected on
35 land which is rateable property, the Council may, instead of levying that uniform annual fee, levy upon any such rateable property an annual charge which shall consist of a uniform annual charge in respect of each dwelling unit situated on that rateable property, and which shall for all purposes be deemed to be a separate rate:

Provided that no such uniform annual charge shall exceed the amount of the uniform annual fee which may for the time being be levied on any dwelling unit under section 5 of this Act.

11. Community centre districts deemed to be a defined part of the county—A district shall, for the purposes of the Local Authorities Loans Act 1956, be deemed to be a defined part of the County of Southland. 5

12. Bylaws—In addition to the powers conferred upon the Council by section 401 of the Counties Act 1956, the Council 10 may in accordance with that Act, make such bylaws as it thinks fit for all or any of the following purposes in respect of a community centre:

- (a) Regulating any of the subject matters of this Act;
- (b) Protecting from damage, injury, or misappropriation 15 any property, whether real or personal, belonging to the Council or any voluntary organisation participating in the conduct of a community centre;
- (c) Regulating the use of community centres and the charges to be made in respect thereof; 20
- (d) The more effectual carrying out of the objects of this Act.