

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE.]
House of Representatives, 2nd November, 1937.

Mr. Barclay.

WHANGAREI AIRPORT.

[LOCAL BILL.]

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A BILL INTITULED

Title.

AN ACT to provide for the Establishment of an Aerodrome for the District of Whangarei, for the Incorporation and Powers of an Airport Board in connection therewith, for the Conferring of Powers on the Whangarei Borough Council, the Whangarei County Council, and on the Hikurangi Town Board, the Kamo Town Board, and the Onerahi Town Board with respect thereto, and for regulating the Rights, Powers, and Privileges of the said Councils and Boards with respect thereto.

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WHEREAS the Whangarei Borough Council (hereinafter called the Borough Council), the Whangarei County Council (hereinafter called the County Council), and the Hikurangi Town Board, the Kamo Town Board, and the Onerahi Town Board (hereinafter called the Combined Town Boards) are desirous of having an Airport Board constituted as hereinafter provided for the District of Whangarei, and of providing and establishing an aerodrome for the District of Whangarei on the land described in the *First* Schedule hereto: And whereas,

Preamble.

Struck out.

the Minister of Public Works is prepared to execute certain works on the said land in order to render the same suitable for an aerodrome:

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New.

subject to satisfactory terms and conditions being agreed upon between the Minister of Public Works and the Borough Council, the County Council, and the combined Town Boards, the said Minister is prepared to acquire the said land and to execute certain works thereon in order to render it suitable for an aerodrome: And whereas it is desirable in the public interest to confer additional powers on the Borough Council, the County Council, and the Combined Town Boards as hereinafter appears:

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

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1. This Act may be cited as the Whangarei Airport Act, 1937.

Short Title.

2. In this Act, if not inconsistent with the context,—

Interpretation.

Struck out.

“Aerodrome” means the land described in the Schedule hereto, and includes any lands acquired as or for an extension thereof, and also includes any other lands acquired for or used as an auxiliary or temporary aerodrome for the District of Whangarei, and also any aerodrome established or to be established upon any such lands:

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New.

“ Aerodrome ” means the aerodrome to be established on the land described in the *First* Schedule hereto, or on any part thereof, and includes the said land, and also includes— 5

(a) Any extension of that aerodrome;

(b) Any auxiliary or temporary aerodrome established under this Act; and

(c) Any other land that may be acquired or otherwise provided in extension of any such aerodrome: 10

“ Board ” means the Whangarei Airport Board constituted under this Act:

“ Borough Council ” means the Whangarei Borough Council: 15

“ County Council ” means the Whangarei County Council:

“ Combined Town Boards ” means the Hikurangi Town Board, the Kamo Town Board, and the Onerahi Town Board: 20

Struck out.

“ Controller of Civil Aviation ” means the person appointed with that or any corresponding designation to control civil aviation pursuant to regulations under the Air Navigation Act, 1931: 25

“ Financial year ” means a period of twelve months ending on the thirty-first day of March in any year:

“ Fine ” means a fine to be recovered summarily under the Justices of the Peace Act, 1927: 30

New.

“ Minister ” means the Minister for the time being in charge of the Air Department:

“ Special resolution ” means a resolution passed at a meeting of the Board and confirmed at a subsequent meeting held not earlier than six clear days after the day on which the said resolution was passed. 35

The Board.

3. (1) There shall be established in accordance with this Act a Board to be called the Whangarei Airport Board.

Airport Board
to be
established.

5 (2) The Board shall be a body corporate with perpetual succession and a common seal, capable of holding real and personal property, of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may lawfully do and
10 suffer.

4. The Board shall consist of eight members who, except as hereinafter otherwise provided, shall be appointed in manner following:—

Constitution
of Board.

- 15 (a) Three members shall be appointed by the Borough Council:
 (b) Two members shall be appointed by the County Council:
 (c) One member shall be appointed by the Combined Town Boards:
 20 (d) Two members shall be appointed by the Minister of Defence.

5. The powers and duties of the Board shall be exercised by it subject to the powers, privileges, and duties hereinafter reserved to or conferred upon the
25 Borough Council, the County Council, and the Combined Town Boards respectively.

Powers and
duties of
Board.

6. (1) If from any cause the County Council being under a duty to appoint a member of the Board shall fail, neglect, or refuse so to do within the time appointed
30 in that behalf, and such failure, neglect, or refusal shall continue for fourteen days after notice in writing shall have been given by the Borough Council to the County Council that the Borough Council intends to exercise its powers hereunder, the Borough Council may appoint
35 any person whomsoever being a *bona fide* resident of the County of Whangarei to be a member of the Board in lieu of the member who ought to have been so appointed by the County Council.

Borough Council
may appoint
members on
failure of
County Council
to appoint.

40 (2) If from any cause the Borough Council being under a duty to appoint a member of the Board shall fail, neglect, or refuse so to do within the time appointed in that behalf, and such failure, neglect, or refusal shall continue for fourteen days after notice in writing shall

County Council
may appoint
members on
failure of
Borough Council
to appoint.

have been given by the County Council to the Borough Council that the County Council intends to exercise its powers hereunder, the County Council may appoint any person whomsoever being a *bona fide* resident of the Borough of Whangarei to be a member of the Board in lieu of the member who ought to have been so appointed by the Borough Council. 5

County Council
may appoint
members on
failure of
Combined Town
Boards to
appoint.

(3) If from any cause the Combined Town Boards being under a duty to appoint a member of the Board shall fail, neglect, or refuse so to do within the time appointed in that behalf, and such failure, neglect or refusal shall continue for fourteen days after notice in writing shall have been given by the County Council to the Combined Town Boards that the County Council intends to exercise its powers hereunder, the County Council may appoint any person whomsoever being a *bona fide* resident of *the* Hikurangi, *the* Kamo, or *the* Onerahi Town District to be a member of the Board in lieu of the member who ought to have been so appointed by the Combined Town Boards. 10 15 20

Appointment
of members.

7. (1) The first appointment of members of the Board shall be made within a period of two months from the passing of this Act.

(2) In the year nineteen hundred and forty, and in every third year thereafter, the members of the Board for the time being in office shall, subject to the provisions of subsection ~~two~~ *one* of section *fourteen* hereof, vacate office on the thirtieth day of June, and new members shall be appointed to come into office on that date. 25

(3) Retiring members shall be eligible for reappointment either by the same or another appointing authority. 30

(4) The Board shall not be concerned to see or inquire into the validity of any appointment of members, and shall be entitled to accept as conclusive evidence of the validity thereof a notification of any such appointment in writing from the Town Clerk of the Borough Council or the Clerk of the County Council or a Clerk of one of the Combined Town Boards or the Minister of Defence, as the case may be. 35

8. (1) The following persons shall be incapable of being appointed to be or being members of the Board, that is to say:—

Disqualification of members.

(aa) A minor:

5 (a) An alien:

(b) A person of unsound mind:

(c) A bankrupt who has not obtained his order of discharge, or whose order of discharge is suspended for a term not yet expired or is subject to conditions not yet fulfilled:

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(d) A person convicted of any offence punishable by imprisonment, unless he has received a free pardon or has served his sentence or otherwise suffered the penalty imposed upon him:

15 (e) Any person holding any office or place of profit under or in the gift of the Board.

(2) The Board is hereby declared to be a local authority for the purposes of the Local Authorities (Members' Contracts) Act, 1934.

20 9. (1) If any person while holding office as a member of the Board becomes incapable of continuing to hold office under subsection *one* of the *last preceding* section his office shall be thereby vacated, and such vacancy shall be deemed an extraordinary vacancy.

Extraordinary vacancies.

25 (2) Every person who does any act as a member of the Board while incapacitated under subsection *one* of the *last preceding* section otherwise than under paragraph (b) thereof shall be liable to a fine not exceeding *fifty* pounds.

30 10. (1) A member of the Board may resign his office by writing delivered to the Chairman or Secretary of the Board, and in such case or in the case of his death or his absence without leave of the Board from ~~three~~ *four* consecutive meetings of the Board his office shall become vacant, and such vacancy shall be deemed an extraordinary vacancy.

Vacation of office by members.

35 (2) If any member of the Borough Council is appointed by it to be a member of the Board and thereafter ceases to be a member of the said Borough Council, he shall on the expiration of two months after he has so ceased to be a member of the Borough Council vacate his office as a member of the Board, unless in the meantime he has been confirmed in his office by resolution of the Borough Council. Any vacancy so created shall be deemed an extraordinary vacancy.

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Appointment
to fill
extraordinary
vacancies.

11. (1) In the case of an extraordinary vacancy occurring in the office of a member of the Board—

(a) Such vacancy shall be filled subject to the provisions hereof by the person or body by whom or on whose behalf the member of the Board whose office has become vacated was appointed: **5**

(b) It shall be the duty of the Board forthwith to report the fact to the person or body by whom the vacancy is to be filled. **10**

(2) The appointment of a member to fill an extraordinary vacancy shall be made not later than ~~one~~ *two* months after the vacancy occurs.

(3) A person appointed to be a member of the Board to fill an extraordinary vacancy shall hold office so long only as his predecessor would have held it. **15**

Acts of Board
not invalid
though number
of members
incomplete.

12. (1) No act or proceeding of the Board shall be invalidated or be deemed illegal in consequence only of the number of the members of such Board not being complete at the time of such act or proceedings *proceeding*. **20**

(2) All acts and proceedings of the Board shall, notwithstanding the fact that there was some defect in the appointment of any person as a member thereof or that any member is disqualified or not entitled to act or vote, be as valid as if every such person had been duly appointed and was qualified to be and to act and vote as a member of the Board. **25**

When Board
deemed to
come into
existence.

13. The Board shall be deemed to come into existence as a corporate body as soon as any member thereof has been duly appointed in accordance with the provisions hereinbefore contained. **30**

Term of
office.

14. (1) Every member of the Board shall, unless he sooner resigns, dies, or vacates his office, hold office until his successor comes into office.

(2) Except in the case of appointments made under subsection *two* of section *seven* hereof before the day prescribed by that subsection for their taking effect, every member of the Board shall come into office at the time of his appointment. **35**

Members not
personally
responsible.

15. No member of the Board shall be personally responsible for any act or omission of the Board or of any member thereof done or omitted in good faith in pursuance or in intended pursuance of the authority hereby conferred. **40**

Ouster of Office.

16. (1) Upon proof in the first instance by affidavit or otherwise that any member of the Board is or has become incapable of holding his office, the Magistrate's Court in the Borough of Whangarei may grant a summons calling upon the person holding such office to show cause why he should not be adjudged to be ousted of the same.

Ouster of office.

(2) If on the return of such summons it appears to the Court, on affidavit or oral evidence on oath, that such person is incapable of holding the said office, the Court may adjudge such person to be ousted of the same, and such person shall be ousted from such office accordingly.

(3) In any such proceeding the Magistrate's Court may exercise all the powers and authorities which it may exercise in its ordinary jurisdiction in civil cases; and the procedure of such Court shall, so far as applicable, apply generally to proceedings had under this section.

(4) No question which may be tried under this section shall be tried in the Supreme Court; and no proceedings in the Magistrate's Court hereunder shall be removable into the Supreme Court by certiorari or otherwise.

Committees.

17. (1) The Board may from time to time appoint standing or special committees consisting of two or more persons, and may relegate to such committee any matters for consideration or inquiry or management or regulation, and may delegate to any such committee any of the powers and duties by this Act conferred or imposed upon the Board except the power to borrow money, to make a by-law, to enter into a contract, or to institute an action.

Board may appoint standing or special committees.

(2) It shall not be necessary that any person appointed to be a member of a committee under this section shall be a member of the Board.

18. (1) The Board may appoint a member of any committee to be the permanent Chairman thereof, and such power may be exercised by the committee where the Board, on the appointment of the committee, does not appoint a Chairman.

Chairman of committee.

(2) Any committee may from time to time appoint a Deputy Chairman to act in the absence of the Chairman.

Discharge, &c.,
of committees.

19. (1) The Board may at any time and from time to time discharge, alter, continue, or reconstitute any committee, or discharge any member of a committee, and if it thinks fit appoint another member in his stead.

(2) Every committee shall, unless sooner discharged by the Board, be deemed to be discharged on the coming into office of the members appointed at the triennial or other general appointment of the whole Board next after the appointment of the committee. 5

Committee
may exercise
delegated
powers.

20. Every committee to which any powers or duties are delegated as aforesaid may, without confirmation by the Board, exercise or perform the same in like manner and with the same effect as the Board could itself have exercised or performed the same. 10

Committee
to be
subject to
direction by
Board.

21. Every such committee shall be subject in all things to the control of the Board, and shall carry out all directions, general or special, of the Board given in relation to such committee or its affairs. 15

Proceedings of Board.

Proceedings
of Board.

22. (1) The first meeting of the Board shall be held at a time and place to be fixed in that behalf by the Borough Council. 20

(2) An annual meeting of the Board shall be held in the month of July in every year.

(3) Other meetings shall be held as the Board shall from time to time determine. 25

(4) At the first meeting of the Board and at every annual meeting, and as often as the office of Chairman becomes vacant, the members shall elect one of their number to be Chairman, who shall hold office until the appointment of his successor. 30

(5) At every meeting for the election of Chairman the Secretary of the Board shall preside, and, in any case of equality of votes, shall determine the election by lot. 35

(6) The Chairman may be paid such annual allowance, not exceeding *one hundred* pounds, out of the General Fund as the Board from time to time fixes, but no alteration in the amount of such allowance shall take effect during the term of office of any Chairman. For the purposes of this subsection a person re-elected as Chairman shall be considered a new Chairman. 40

(7) The Chairman shall preside at each meeting of the Board at which he is present, but in his absence from any meeting the members present shall elect a member to act as Chairman at such meeting.

5 (8) The Chairman at any meeting shall have a deliberative vote and, in case of an equality of votes, shall also have a casting vote.

(9) No business shall be transacted at any meeting of the Board unless at least a quorum of members is present thereat during the whole time at which the business is transacted.

(10) A quorum shall consist of half of the whole number of the members of the Board (irrespective of any extraordinary vacancies) when that number is even and a majority of such members when the number is odd.

15 (11) A member of the Board shall not vote or take part in the discussion of any matter before the Board in which he has directly or indirectly by himself or his partner any pecuniary interest otherwise than as a member of an incorporated company in which there are more than twenty members and of which he is not the general manager or manager. Any member who knowingly offends against the provisions of this ~~paragraph~~ subsection shall be liable to a fine not exceeding fifty pounds, for every such offence, and upon being so fined his seat on the Board shall become vacant.

20 (12) Meetings of the Board shall be open to the public, but the Board, for sufficient cause, of which it shall be sole judge, may exclude strangers altogether from any meeting. The Chairman at any meeting may order any constable or officer of the Board to exclude or remove any stranger from the meeting on account of noisy or disorderly conduct or intoxication.

30 (13) Subject to the provisions hereof, the Board may regulate its own proceedings.

Chairman to give Information.

23. (1) The Chairman of the Board shall be compelled to give all information required of him by or on behalf of the Board on any matter requisite to enable the Board to carry into effect any of the provisions hereof and to produce all books, papers, and documents belonging to the Board which relate to any such matter to any person authorized by the Board to apply for the same.

Chairman
compelled
to give
information.

(2) If the Chairman refuses or neglects to give any such information when called upon so to do, or to produce all or any such books, papers, or documents as aforesaid, he shall be personally liable to a fine not exceeding *five* pounds for every such refusal or neglect. 5

(3) The word "Chairman" in this section includes the Acting-Chairman for the time being, and also the person having the control over the books, papers, and documents belonging to the Board.

Minutes of Proceedings.

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Minutes of
proceedings
to be kept.

24. (1) The Secretary shall keep the minutes of the proceedings of the Board in a book in which he shall enter, subject to the directions of the Board, the names of the members attending each meeting and the names of the members voting on each question on which there is a division, and every resolution, order, or other proceeding of the Board, and any other matter directed by the Board to be entered upon the minutes. 15

(2) The minutes of the proceedings of every meeting shall be read at the next ordinary meeting succeeding, and, if approved by the Board, or when amended as directed by the Board, shall be signed by the Chairman of ~~each~~ *such* succeeding meeting. 20

(3) The minutes of proceedings of any meeting of the Board kept as above provided, or an extract therefrom certified as correct by the Chairman or Secretary, shall, unless the contrary is proved, be received as evidence of such proceedings and of the due convening and holding of the meeting; and the validity of all such proceedings shall be presumed unless the contrary is proved. 25 30

(4) The minute-book of the Board shall be kept in the office of the Board, and shall be open for inspection without fee during all office hours by any member of the Board or of the Borough Council, the County Council, or of the Combined Town Boards, or any creditor of the Board. 35

Officers.

Appointment
of officers
of Board.

25. (1) The Board may by resolution from time to time appoint fit persons to be Secretary, Treasurer, Manager, and all such other officers, pilots, officials, clerks, and servants, as it may deem necessary to assist 40

in the execution of the powers, duties, and authorities of the Board, and may pay such persons such salaries and allowances out of the funds of the Board as it thinks fit.

5 (2) No member of the Board shall be capable of holding such office unless without remuneration.

(3) One person may hold two or more of such offices.

(4) The Board may enter into an agreement in writing with any person whom it proposes to appoint or
10 who has been appointed an officer or servant of the Board to the effect that such person shall not, save as provided in such agreement, be removed from office during such period (not exceeding three years from the date of his appointment or the date of such agreement,
15 as the case may be) as is stated in such agreement. Any such agreement may from time to time be renewed for any period not exceeding three years at any one time from the date of such renewal.

20 **26.** During the absence from duty of any officer of the Board by reason of illness, leave of absence, or other cause the duties and powers of such officer may be performed and exercised by an acting officer appointed by the Board, and such appointment may be either general or for some occasion only. Acting officers.

New.

25 **26A.** Before any officer entrusted by the Board with the custody or control of moneys by virtue of his office enters on the duties of his office, the Board shall take such sufficient security from him for the faithful execution of his duties as it thinks fit. Security from officers handling money.

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Finance.

27. The revenues of the Board shall consist of the following moneys, that is to say:— Revenues of Board.

35 (a) All moneys which the Board shall receive by way of rents of lands or buildings or from grazing rights over any portion of the aerodrome:

(b) All moneys received as ground fees for the playing of games on the aerodrome lands:

40 (c) All moneys received for landing and housing fees:

(d) All moneys received by way of grant from the Government or from the Borough Council, or any other local authority, or from public subscriptions or donations:

(e) All moneys received by the Board for the use of the aerodrome or appurtenances thereto:

(f) All moneys received by the Board in the carrying-on of any business or undertaking as hereinbefore mentioned:

(g) All other moneys which may become the property of the Board.

Default in payments.

28. If the Board shall make default for a period of one month after demand in writing in payment of any moneys payable by way of rent, or any rates, taxes, and outgoings, or any portion thereof, payable by the Board, the Borough Council may by notice in writing to the Board determine all the Board's powers and rights hereunder, and thereupon the provisions of subsection *two* of section *sixty-eight* hereof shall apply as if the Board had been dissolved pursuant to the said section *sixty-eight*.

Moneys of Board to be paid into bank.

29. (1) All moneys belonging to the Board shall, *within seven days after they have come into the hands of the proper officer of the Board*, be paid into such bank as the Board from time to time appoints.

(2) All moneys raised by way of loan shall be paid into a separate account at the bank for each loan, which account shall be named according to the description of the loan.

(3) All other moneys belonging to the Board shall be paid into an account at the bank to be called "the General Fund."

(4) Notwithstanding anything in the foregoing provisions of this section, the Board may, if it thinks fit, pay into a separate bank account all moneys accruing from any business as hereinbefore mentioned undertaken by the Board or moneys appropriated and held by it for any special purpose.

(5) The Board may, if it thinks fit, keep such separate accounts in its books as it deems necessary, and all such separate accounts shall be audited.

How moneys to be withdrawn from bank.

30. No moneys shall be drawn out of the bank except by authority of the Board, and all moneys shall be paid by the Board in cash or by cheque signed by the Treasurer of the Board and countersigned by any two of such of its members as the Board from time to time authorizes to *countersign* cheques.

31. The Board may, in any case where it is deemed advisable that any sum of money at credit of any account should be placed on deposit at interest, deposit such sum of money with any bank approved by the Board, or, 5 with the consent of the Governor-General in Council, may deposit such sums with any other local authority entitled by law to receive moneys on deposit.
32. It shall be lawful for the Board, if it thinks fit, to pay to any member thereof the amount reasonably and 10 actually expended by him by way of travelling-expenses in attending the meetings of the Board or in the performance of his duties as a member of the Board.
33. The Board may hire, or may acquire and maintain, motor-cars or other means of conveyance for 15 use in the performance by the Chairman and members of their official duties.
34. All moneys paid or purporting to be paid by the Board by promissory note or bill shall be deemed to be moneys unlawfully expended or applied within the 20 meaning of section one hundred and twenty-seven of the Public Revenues Act, 1926, and the provisions of that section shall apply with respect thereto accordingly.
35. The Board shall have power to compound with any person for such sum of money or other recompense 25 as it think fit in respect of the breach of any contract or of any penalty incurred thereunder or of any debt due by or to the Board or of any damage done by the Board or its servants, or to submit any such matter to arbitration, whether before or after any action or suit is 30 brought for or in respect of the same.
36. (1) All moneys received by the Board by way of revenue shall be applied in exercising the powers hereby granted to or vested in the Board, including the 35 establishing, managing, administering, and improving of the aerodrome, and generally in carrying into execution the purposes and objects of ~~the~~ *this* Act in such a manner as the Board in its absolute discretion may think fit.
- (2) If in any year the Board shall have a surplus 40 revenue after satisfying the requirements of the Board in the exercise of its powers as aforesaid and after setting aside so much thereof as may be considered necessary in anticipation of the future requirements of the Board, the balance of such surplus revenue shall be paid to 45 the Borough Council and belong to the Corporation.

Deposit at interest.

Board may pay travelling-expenses.

Board may acquire motor-cars, &c., for official use of Chairman and members.

Moneys not to be paid by promissory note or bill.

Power of Board to settle claim.

How moneys of Board to be applied.

New.

All moneys received by the Borough Council under this subsection shall be applied by it, so far as they will extend, in or towards payment of the annual charges or payments of principal or interest in respect of any loan raised by the Borough Council for the purposes of the Aerodrome if the County Council or any of the combined Town Boards are liable to contribute thereto, and the contributions payable by the Borough Council, the County Council, and the combined Town Boards shall be reduced accordingly.

Board not to borrow except from the Borough Council.

37. It shall not be lawful for the Board to borrow money except from the Borough Council, nor shall it be lawful for the Board at the end of any year to owe, except to the Borough Council as aforesaid, any sum or sums in the aggregate greater than such part of the revenue of the Board for the year then ended as remains outstanding and unpaid and properly payable to the Board.

New.

Limited unauthorized expenditure permitted.

37A. The Board may in any financial year, out of its revenues, expend for purposes not authorized by any Act or law for the time being in force any sum or sums not amounting in the aggregate to more than twenty-five pounds.

Neither New Zealand Government nor the Borough Council responsible for the liabilities of the Board.

38. No claim of any creditor of the Board shall attach to or be paid out of the public revenues of New Zealand or out of the revenues of the Borough Council or County Council or Combined Town Boards or attach to or be paid by the Government or by the Borough Council or County Council or Combined Town Boards.

Board to keep proper accounts.

39. (1) The Board shall keep full and correct accounts of all moneys received and expended by it and of its assets and liabilities, and shall within twenty-eight days after the end of every financial year cause to be prepared a balance-sheet, together with a statement of income and expenditure for that year.

(2) A copy of such balance-sheet and statement shall be sent to the Borough Council, the County Council, *each of the combined Town Boards*, and the Controller of Civil Aviation within two months after the end of every financial year.

(3) All accounts of the Board shall be audited by the Audit Office, which for that purpose shall have and may exercise all such powers as it has under the Public Revenues Act, 1926, in respect of public moneys *and the*
 5 *audit of local authorities' accounts.*

40. Any member or ratepayer may inspect the accounts of the Board and take copies from any part thereof, at all reasonable times; and every person who refuses or obstructs such inspection or copying of any
 10 account in his custody or control is liable to a fine not exceeding *five pounds.*

Inspection
of accounts
by ratepayers
and others.

General Powers and Duties of Board.

Struck out.

15 **41.** Subject to the conditions herein specified, the Board in connection with the providing, operating, and maintaining of an airport for the district of Whangarei may do the following things:—

General powers.

New.

20 **41.** (1) Subject to the provisions of this Act, the Board may provide, operate, and maintain an airport for the District of Whangarei, and for or in connection with that purpose may do all or any of the following things:—

25 (a) Provide, establish, ~~and maintain, the aerodrome~~ operate, improve, enlarge, and develop an aerodrome or aerodromes within the meaning of this Act:

30 (b) Provide, construct, and maintain landing and taking-off places for aircraft, apparatus to assist the taking-off of aircraft, approaches, buildings, and other accommodation and apparatus and equipment of every description for such aerodrome:

35 (c) Purchase, take on lease, or otherwise acquire or provide land for the extension of the aerodrome on the land described in the *First Schedule* to this Act or for an auxiliary or temporary aerodrome for the district of Whangarei:

40 (d) Carry on in connection with the aerodrome any subsidiary business which in the opinion of the Governor-General in Council is ancillary to the carrying-on of the aerodrome:

- (e) Purchase, charter, hire, or otherwise acquire from time to time as the Board may consider desirable aircraft and all necessary, requisite, or usual fittings, gear, plant, spare parts, or accessories, belongings, and things appurtenant to such aircraft or for the repair of the same or other aircraft: **5**
- (f) As a business ancillary to the carrying-on of the aerodrome, carry on the business of aircraft proprietors, carriers of passengers, general carriers, mail contractors, and manufacturers, repairers, cleaners, warehousemen, and storers of and buyers, sellers, and dealers in aircraft of all descriptions, and engines, chassis, and bodies, and other articles and things of whatsoever description used for or in connection with aircraft: **10**
- (g) At the aerodrome, carry on the business of garage-proprietors, fitters, founders, jobbers, and suppliers of and dealers in petrol, oils, and lubricants, electrical goods, tires, and all requisites, accessories, articles, and things used generally in connection with aircraft, or which are commonly supplied or dealt in by persons engaged in any such businesses, or which may seem to the Board capable of being profitably dealt with in connection with any of the said businesses: **20**
- (h) At the aerodrome, provide, erect, purchase, or otherwise acquire and maintain hangars, garages, and buildings for the housing of aircraft or for the repair, construction, and erection of aircraft, or for the repair, construction, and erection of aircraft, petrol-stations, stores, workshops, and other buildings necessary or desirable in the opinion of the Board for the purposes of the airport, and to furnish and equip all or any of such buildings or erections, and to install therein all needful machinery, plant, appliances, appurtenances, and things: **35**
- 40**

- 5 (i) At the aerodrome, erect or build hostels for the accommodation of guests and club-houses, and from time to time equip, furnish, and conduct the same and make schedules of charges, rules, and regulations, conditions of tenure, and other terms for the control and management of any such hostel or club-house:

Struck out.

- 10 (j) At the aerodrome, erect, construct, and maintain searchlights, flood-lighting, or other lighting apparatus or equipment, or any other apparatus or equipment of whatsoever description necessary or desirable in the opinion of the Board for the operation of the aerodrome and the landing and taking-off of aircraft thereon or therefrom by day or by night:

New.

- 20 (j. 1.) At or adjacent to the aerodrome provide, erect, construct, and maintain, or contribute towards the cost of the provision, erection, construction, and maintenance, of searchlights, floodlighting, or other lighting-apparatus or equipment, or beam-wireless apparatus, wireless directional plant, and equipment or apparatus for blind flying or the overcoming of mist or other impediments to flying operations, or any other apparatus or equipment, of whatsoever description, necessary or desirable, in the opinion of the Board, for the operation of the aerodrome, communication with aircraft, and the navigation, guiding, landing, and taking-off of aircraft thereon, or therefrom, by day or by night:
- 25
- 30
- 35 (j. 2.) Provide and operate, or contribute towards the cost of providing and operating, any system or business of aerial ambulance:
- 40 (j. 3.) In connection with the aerodrome carry on, or contract for the carrying-on of, any business necessary or desirable, in the opinion of the Board, to provide transport to and from the aerodrome for passengers arriving at or departing from the aerodrome by air, and for other persons from time to time using or frequenting the aerodrome:
- 45

New.

(j. 4.) At or adjacent to the aerodrome, provide, erect, construct, maintain, and operate, or contribute towards the cost of providing, erecting, constructing, maintaining, and operating, air-marking apparatus of any description: 5

(k) At the aerodrome, lay out, enclose, and plant or provide gardens, lawns, grounds, plantations, gymnasia, swimming-pools, pavilions, buildings, equipment, furnishings, and other things for the playing of games of whatsoever description or for any other purposes of public enjoyment or recreation, 10

New.

and from time to time fix a schedule of charges, and make rules and regulations, conditions of tenure, and other terms for the control and management of such games, and with respect to such other purposes of public enjoyment and recreation as aforesaid: 20

(k. 1.) From time to time conduct, hold, and promote, or join with any person or body, in conducting, holding, and promoting, at the aerodrome exhibitions, pageants, aerial displays, athletic sports, games, gatherings, and contests of any description whatsoever, and give and contribute towards prizes, medals, and other rewards for any such purpose: 25 30

(k. 2.) From time to time conduct, hold, and promote, or join with any person or body in conducting, holding, and promoting, any function or gathering having for its object the encouragement of aviation, or the popularizing of the aerodrome, and generally effect, subsidize, or otherwise assist any purpose or object which in the opinion of the Board is calculated directly or indirectly to encourage aviation, or to advance the interests of the Board and the aerodrome: 35 40

New.

- 5 (k. 3.) From time to time prepare and publish pamphlets, plans, and other publications containing information and matters of interest relative to the aerodrome and from time to time to effect, subsidize, or join with any person or body in effecting any purpose or object which in the opinion of the Board is calculated directly or indirectly to advertise the amenities or facilities of the aerodrome or the scenic and other attractions of the district or districts served by the aerodrome:
- 10
- 15 (k. 4.) Let from time to time, either by public tender or private contract, grazing-rights over the aerodrome or any part thereof, subject to such terms and conditions as the Board deems fit and as will, in the opinion of the Board, ensure that the user of the aerodrome as a flying-field will not be obstructed or restricted:
- 20 Provided that the term of any such lease shall not, without the consent in writing of the Borough Council, exceed three years:
- 25 (k. 5.) Carry on at the aerodrome, or join with any person or body in carrying-on at the aerodrome, the business of sheep-farming, with power to buy and sell sheep, either by public auction or private contract, and generally to do all such other things as in the opinion of the Board are necessary or
- 30 incidental to the carrying-on of such business:
- 35 (l) On or near the sea-coast in the ~~Borough~~ *County* of Whangarei or ~~adjacent~~ *near* thereto, provide or otherwise acquire land, *landing or taking-off basins or areas, equipment, buildings, workshops, materials, plant, machinery, appliances, and other things for the operation, landing, taking-off, housing, overhauling, repairing, and reconstruction of seaplanes:*
- 40 Provided that no such buildings, workshops, or conveniences shall be erected below ~~mean~~ high-water mark of ordinary spring tides, except with the consent of the Whangarei Harbour Board and ~~in pursuance of an Order in Council under~~ *subject to the provisions of* the Harbours Act, 1923:
- 45

- (m) From time to time, provide offices in the Borough of Whangarei or at the aerodrome with ~~fittng~~ furniture, *fittings*, and *appliances* for the same for holding its meetings and transacting its business and for the use of its officers and for any other purposes, and purchase or take on lease land or buildings for such purposes or cause buildings to be erected on any land belonging to or leased to the Board or any such building to be added to or improved: **5**

New.

- (m. 1.) For the purposes of and subject to the provisions of this Act purchase, take on lease, or otherwise acquire, manage, hold, dispose of, and alienate real and personal property: **15**
- (m. 2.) From time to time, with the prior written consent of the Borough Council, grant a license conferring on the licensee the right, in common with all other persons authorized by the Board, the Borough Council, or by statute in that behalf to use the landing-ground or grounds on the aerodrome for the landing and taking-off of aircraft. Every license granted for the purposes of this paragraph shall be subject to the following terms and conditions, namely:— **25**
- (i) No such license shall be for a period exceeding five years; **30**
- (ii) No such license shall permit the licensee to impede or interfere with the full use of the aerodrome for the purposes for which it is established;
- (iii) Any such license may provide that the licensee shall during the term thereof pay to the Board such rental or fees as shall be provided therein in lieu of paying the landing, mooring, and other fees prescribed by any rule of the Board or by-law of the Borough Council; **35**
- (iv) Any such license may at any time be modified, cancelled, or revoked by the Board on conditions to be specified therein; **40**

New.

5 (v) Any such license may contain such additional terms and conditions, not inconsistent with the provisions of this Act, as the Board thinks fit:

10 (m. 3.) From time to time to enter into arrangements with the Government or any local authority, Corporation, or person that may seem conducive to the Board's interest and to obtain from the Government, or any local authority, Corporation, or person, for such consideration and on such terms and conditions as the Board shall deem fair and reasonable, any contracts, rights, privileges, and concessions which the Board may deem desirable, and to carry out, exercise, and comply with any such arrangements, contracts, rights, privileges, and concessions:

Struck out.

20 (n) Generally do all acts and things necessary for establishing the aerodrome, the business or businesses hereinbefore mentioned, the constructing, maintaining, altering, and repairing and using the aerodrome, carrying on the said businesses, and providing transit to and from the aerodrome for passengers and other persons arriving at or departing from such aerodrome by air.

New.

30 (nn) Generally do all acts and things necessary for establishing the aerodrome, the business or businesses herein mentioned, the constructing, improving, enlarging, maintaining, altering, repairing, operating, and using the aerodrome and carrying on the said businesses, and in exercising and giving effect to all or any of the powers and authorities granted to or vested in the Board by this Act or incidental thereto respectively.

35
40 (2) The powers specified in each paragraph of this section shall, except where otherwise expressed in such paragraph, be deemed to be independent powers and shall be in no way modified or restricted by reference to or inference from the powers indicated in any other
45 paragraph in this section.

New.

(3) Any power conferred upon the Board by this Act to establish or carry on at the aerodrome any business or to buy or sell any plant, appliances, or commodities of any kind shall include the power to act as agent for any person, firm, or company in respect thereof respectively and the power to grant on such terms and conditions as the Board may deem desirable to any person, firm, or company the right to carry on any such business at the aerodrome. 5 10

Board not to have power to establish aerodrome in opposition to aerodrome established on lands described in First Schedule.

42. Notwithstanding any of the provisions hereof, the Board shall not have power to establish or to apply any of its funds to the establishment of any aerodrome or airport (or to purchase or otherwise acquire lands for an aerodrome or airport) to be run in opposition to the aerodrome or airport established upon the lands described in the *First* Schedule to this Act: 15

Provided that nothing herein shall preclude the Board from exercising its powers under paragraphs (c) and (l) of the *last preceding* section. 20

Board to comply with by-laws and regulations under the Air Navigation Act, 1931.

43. In exercising its powers and authorities hereunder the Board shall comply in all respects with the provisions of any by-laws applying to the aerodrome and of the Air Navigation Act, 1931, and any regulations made thereunder, and of any other Act or regulations, and shall comply with all lawful requisitions made by the Controller of Civil Aviation or by the Minister of Defence. 25

Board with consent of owner may remove obstructions on land adjacent to aerodrome.

44. Where any electric line, telegraph-line, building, fence, tree, or other erection or obstruction (all hereinafter included in the term obstruction) situate on any land adjacent to the aerodrome in the opinion of the Board interferes with or is likely to interfere with the operation of the aerodrome or the landing or taking-off of aircraft thereon or therefrom by day or night, the Board may with the consent in writing of the owner of any such obstruction, remove the same and re-erect or replant it in some other position, or pay to the owner the cost of so doing, together with such further sum (if any) as may be agreed upon for compensation. 30 35 40

Struck out.

Provided that this section shall not restrict any powers conferred on the Board by sections four and five of the Public Works Amendment Act, 1935.

New.

5 **44A.** Subject to the provisions of sections *five* and *forty-three* hereof, nothing in this Act shall take away, restrict, or modify any power conferred upon the Board by the Local Authorities Empowering (Aviation Encouragement) Act, 1929, the Public Works Act, 1928, or any other Act.

Powers of Board under other Acts not restricted.

10 **45.** Subject to the condition that nothing herein shall limit or restrict any powers or duties vested in the Controller of Civil Aviation or any officer of the Government charged with the administration of the regulations under the Air Navigation Act, 1931, the control and supervision of flying operations on or about the aerodrome, the use of the aerodrome by aircraft, and
15 the administration and enforcing of the said regulations and of any by-laws relating to the aerodrome shall be vested in the Board.

Control of flying operations at aerodrome and administration of by-laws and air regulations vested in Board.

20 **46.** (1) The Board may by special resolution make rules not inconsistent with any by-law applying to the aerodrome or with any regulations under the Air Navigation Act, 1931, or with any other Act or regulations providing for the control and supervision of flying operations on or about the aerodrome or the manœuvring of aircraft on the aerodrome.

Board may make rules.

25 (2) Every person who commits a breach of any rule of the Board hereunder shall be liable to a fine not exceeding *twenty* pounds.

30 (3) A copy of every rule made by the Board hereunder shall within seven days after the making thereof be sent by the Board to the Minister of ~~Defence~~, who may at any time within three months after the making of such rule disallow the same or any part thereof, and upon such disallowance being gazetted such rule or part thereof shall

35 *Struck out.*

cease to have any force; but such disallowance shall not affect the validity of anything theretofore done under the rule or part thereof so ~~disallowed~~ *be deemed to have been revoked.*

Board not to make erections or permit erections at aerodrome in positions likely to interfere with flying operations.

47. In the exercise of its powers and duties hereunder the Board shall not erect, construct, or make, or permit or suffer to be erected, constructed, or made any buildings, erections, obstructions, or excavations, and shall not plant or permit or suffer to be planted any tree or shrub in any part of the aerodrome without first— 5

(a) Passing a special resolution that the land whereon such building, erection, obstruction, or excavation is proposed to be erected, constructed, or made, or whereon such tree or shrub is proposed to be planted is not required or likely to be required for the landing or taking-off of aircraft, and is not in such a position that any such building, erection, obstruction, excavation, or tree, or shrub thereon is likely to restrict the free manoeuvre of aircraft on or over the aerodrome; and 10

Struck out. 20

Provided that the approval of the Controller of Civil Aviation must at all times be obtained to the erection or construction of any buildings or other possible obstructions to flying. 25

New.

(b) Obtaining the approval in writing of the Controller of Civil Aviation to the proposed work. 30

Board authorized to insure against loss.

47A. The Board may from time to time take out and maintain policies of insurance indemnifying it against any loss, damage, or claim that may be suffered by or made against the Board. 35

Board to insure property.

48. It shall be the duty of the Board to keep all buildings and other property of the Board insured against fire in their full insurable value in some reputable company carrying on business in Whangarei. 40

Board to take out policy on behalf of Board.

49. It shall be the duty of the Board to take out and maintain in some reputable company carrying on business in Whangarei a policy indemnifying the Board against all claims which might be made against it under the Workers' Compensation Act, 1922, or at common law, in respect of compensation or damages payable to any workman or servant of the Board or his dependants, or which might be or become a charge upon the Board's interest in the said lands. 45

45

50. In the event of the Board failing, neglecting, or refusing to take out and maintain any policy required under section *forty-eight* or section *forty-nine* hereof the Borough Council may, as the agent of the Board, take out such a policy or policies and recover the cost incurred in so doing from the Board as a debt due to the Corporation.

Borough Council may take out policy on behalf of Board.

New.

50A. (1) The Board may from time to time set aside out of its revenue any moneys to form a fund or funds for the repair, renewal, replacement, or improvement of any depreciable property, buildings, plant, fixtures, or appliances of the Board, or for the purpose of purchasing additional property, buildings, plant, fixtures, or appliances of the class for which the fund or funds is or are so established.

Power to establish funds for the purchase, repair, and renewal of depreciable assets.

(2) The Board may from time to time apply the moneys so set aside only to the purposes aforesaid, or any of them, and may invest any moneys so set aside and pay the proceeds of such investment into the said fund or funds.

(3) Any investment under this section shall be made in the manner following, that is to say:—

(a) In New Zealand Government securities; or

(b) On deposit in any bank lawfully carrying on the business of banking in New Zealand, or in the Post Office Savings-bank; or

(c) In the Common Fund of the Public Trust Office; or

(d) In any other securities that may from time to time be authorized by the Governor-General in Council.

(4) The Board may from time to time, with the consent of the Minister of Finance, transfer to its general account any moneys for the time being in any fund formed under this section.

50B. The Board shall be deemed to be a local authority for the purposes of the National Provident Fund Act, 1926.

Board may become a contributor under National Provident Fund Act.

51. For the purposes of the Rating Act, 1925, the Noxious Weeds Act, 1928, and the Health Act, 1920, the Board shall be deemed to be the owner and occupier of the aerodrome.

Board deemed to be owner and occupier of aerodrome lands for certain purposes.

Use of
common seal.

52. The common seal of the Board shall not be affixed to any deed or instrument except in the presence of two of the members of the Board, and every deed or instrument for which such seal is required shall be signed by two of the members and by the Secretary of the Board. 5

Contracts.

Mode of
contracting.

53. (1) Any contract which if made between private persons must be by deed shall if made by the Board be in writing under the seal of the Board. 10

(2) Any contract which if made between private persons must be in writing signed by the parties to be charged therewith shall if made by the Board be either under the seal of the Board or signed by two members of the Board on behalf of or by direction of the Board. 15

(3) Any contract which if made between private persons may be made verbally without writing may be similarly made by or on behalf of the Board by any two members acting by direction of the Board; but no verbal contract shall be made for any sum exceeding *twenty* 20 pounds.

New.

(4) Notwithstanding any of the foregoing provisions of this section, no contract made by or on behalf of the Board shall be invalid by reason only that it was not made in the manner provided by this section, if it was made pursuant to a resolution of the Board or to give effect to a resolution of the Board. 25

Leases.

Power of
Board to
lease and
extent of
leasing-powers.

54. (1) The Board may, with the approval of the Controller of Civil Aviation and subject to the terms and conditions hereinafter mentioned, and upon such additional terms and conditions not inconsistent with the provisions hereof as it deems fit, let by way of lease any land being part of the aerodrome upon terms permitting the lessee to erect thereon buildings for the housing, repair, and construction of aircraft, or for accommodation-houses, hotels, general stores, petrol-stations, or any other buildings, equipment, or appurtenances necessary or desirable in the opinion of the Board for the purposes of the airport. 30 35 40

(2) No such lease shall be for a term exceeding *ten* years:

New.

5 | Provided that, with the precedent consent of the
Minister, a lease may be granted for any term not
exceeding twenty-one years, and may contain such rights
of renewal, for not more than twenty-one years at any
one time, as the Minister approves.

10 | (3) No building shall be erected by the lessee except
in accordance with plans and specifications approved by
the Board and complying with the provisions of any
by-laws applying thereto.

15 | (4) If at any time during the term of any such lease
the land demised thereby or any part thereof is required
by the Board for the purposes of the aerodrome, the
Board may terminate such lease as to the whole of the
demised land or so much as is required as aforesaid
without the payment of compensation (unless the same
be expressly authorized as hereinafter mentioned by the
provisions of the lease) or liability to any action or claim
for damages in respect of such termination.

20 | (5) Any such lease may contain a provision that upon
the termination thereof as to the whole of the demised
land or so much as is required as aforesaid the Board
shall pay to the lessee compensation for the then value
of the buildings then upon the demised land or the part
25 | thereof resumed, as the case may be, such value to be
determined at the time of such termination of lease,
and if not mutually agreed upon such value shall be
determined by two arbitrators and their umpire pursuant
to the provisions of the Arbitration Act, 1908:

30 | Provided always that no such provision as aforesaid
shall be contained in any such lease unless a further
provision be also inserted therein fixing the maximum
value of any buildings to be erected by the lessee upon
the demised land

New.

35 | and under no circumstances whatsoever
shall the compensation payable to the lessee under the
lease exceed the maximum value so fixed.

40 | (6) If at any time during the term of any such lease
the Board shall be of opinion that any building, erection,
tree, or thing on any part of the demised land restricts
or may restrict or in any way interferes with the free
~~manoeuvre~~ *manœuvring* of aircraft on or over the
aerodrome, or in any way whatsoever interferes with the

full and efficient use of the aerodrome, the Board may require the lessee to remove any such building, erection, tree, or thing without the payment of compensation or liability to any action or claim for damages in respect thereof *except as provided in the next succeeding subsection*. In such event the Board shall give written notice to the lessee requiring him within a period stated in such notice to remove such building, erection, tree, or thing, and if the lessee shall fail, neglect, or refuse to comply with the provisions of any such notice within the period therein mentioned the Board may effect such removal, and the lessee shall upon demand by the Board pay to it the expenses incurred in and about such removal, or, at its option, the Board may terminate the lease and all the rights or privileges of the lessee thereunder.

New.

(7) If under the *last preceding* subsection the Board requires or effects the removal of any building or erection erected by the lessee under and in accordance with the provisions of the lease, the Board shall pay to the lessee reasonable compensation therefor to be determined by reference to the lessee's interest therein as at the time of the removal, and if not mutually agreed upon such compensation shall be determined by two arbitrators and their umpire pursuant to the provisions of the Arbitration Act, 1908.

Powers of Board as to surrender of lease, reduction of rent, &c.

55. The Board may by special resolution—

- (a) Accept on such terms and conditions as it thinks fit a surrender of any lease whether with respect to the whole or any part of the land comprised in the lease: 30
- (b) At any time or times during the currency of a lease, reduce the rent to be paid thereunder during the remainder or any part of the remainder of the term: 35
- (c) At any time or times during the currency or after the determination of a lease compromise with the lessee for any rent due by him, or waive breaches of any term or condition of any lease. 40

*New.**Freedom of the Airport.*

5 **55A.** (1) If at any time the Board is of the opinion that any outstanding services rendered by any person to the advancement of aviation in New Zealand, or to the advancement of the Whangarei Airport, are worthy of such recognition, it may confer upon that person the honour of the freedom of the airport.

Board may confer freedom of the airport.

10 (2) In conferring such honour the Board shall observe the provisions set out in the *Second Schedule* hereto, and every such honour conferred by the Board shall be subject to the conditions, stipulations, and reservations set out in the said Schedule.

Legal Proceedings.

15 **56.** In all proceedings in which the Board is concerned under any Act and in all proceedings in a Magistrate's Court or before any Justice the Chairman or any member appointed for the purpose by resolution of the Board, or the Secretary or any other officer of the Board appointed by the Chairman in writing under his hand, may represent and may act on behalf of the Board.

Persons authorized to represent Board.

20 **57.** (1) No action or proceeding shall lie against the Board or any member or officer of the Board or of any committee appointed by the Board, or any other person acting under the authority or in the execution or intended execution or in pursuance of this Act, for any alleged irregularity or trespass or nuisance or negligence or any act or omission whatsoever unless notice in writing specifying the cause of the action or proceeding and the name and residence of the intending plaintiff or prosecutor and of his solicitor or agent in the matter is given by the intending defendant one month at least before the commencement of the action or proceeding.

Notice to be given of intention to commence actions.

30 (2) Every such action or proceeding shall be commenced within six months next after the act or thing complained of is done or omitted, or, in case of continuation of damage, within three months next after the doing of such damage has ceased, and not afterwards.

40 (3) Every such action or proceeding shall be laid and tried in the place where the cause of action or a material part thereof arose, and not elsewhere.

(4) In any such action or proceeding the defendant may plead generally that the act or thing complained of was done or omitted under the authority or in the execution or intended execution or in pursuance of this Act, and may give all special matter in evidence.

(5) On the trial or hearing of any such action or proceeding the plaintiff or prosecutor shall not be permitted to go into evidence of any cause or ground thereof not stated in the notice given by him under this section.

(6) The plaintiff in any such action shall not succeed if tender of sufficient amends is made by the defendant within one month after the giving of the notice of action; and in case no tender has been made the defendant may, in accordance with the practice of the Court in which the action is brought, or by leave of the Court, at any time pay into the Court such sum of money as he thinks fit; thereupon such proceeding and order shall be had and made in and by the Court as may be had and made on the payment of money into Court in an ordinary action.

(7) In cases of injury to the person the person injured shall permit himself to be examined by any medical practitioner appointed by the Board, and in every case the property injured and all accounts and vouchers in respect of the injury (whether to person or property) may be examined by any person appointed by the Board or the Chairman.

(8) In cases of injury to the person (whether resulting in death or not) the Court may, before or at the trial, waive the non-compliance or insufficient compliance with subsections *one* and *two* hereof if satisfied that there was reasonable excuse, and on such terms as the Court thinks fit.

58. Where under the provisions hereof or of any regulation under the Air Navigation Act, 1931, any by-law or any rule of the Board respectively relating to the aerodrome proceedings may be taken against any person for a breach thereof respectively, such proceedings may (without in anyway restricting the powers vested in any other person in that behalf) be commenced upon information or complaint laid by the Controller of Civil Aviation, by any officer of the Board or of the Borough Council, or by any person authorized by the Controller of Civil Aviation, the Board, or the Borough Council.

Persons
authorized to
lay information
or complaints.

59. Every order, notice, or other document requiring authentication by the Board may, unless otherwise provided, be signed by any two members of the Board or by the Secretary, and need not be under seal.

Authentication
of documents
by Board.

5 60. Any summons, writ, or other legal proceedings requiring to be served on the Board may be served by being left at the office of the Board or given personally to the Secretary thereof.

Service on
Board.

By-laws.

10 61. (1) The Board may from time to time make such by-laws as it thinks fit for all or any of the following purposes:—

Subject-matter
of by-laws.

(a) The good rule and government of the aerodrome:

15 (b) The more effectually carrying-out of any of the objects of the establishment and maintenance of the aerodrome:

(c) Regulating, controlling, or prohibiting any act, matter, or thing usually the subject of regulation, control, or prohibition by the controlling authorities of aerodromes:

20 (d) Protecting any property of the Board from damage or injury:

(e) Conserving public health and convenience and preventing and abating nuisances:

25 (f) Concerning the construction and the repair of buildings:

(g) Regulating drainage or sanitation:

30 (h) The management and control of any playing privileges and charges in connection with any game or sport authorized to be played on the lands comprising the aerodrome, and other matters pertaining to recreation on the said lands:

35 (i) Prescribing the times, terms, and conditions upon which the public may enter or be in or upon the aerodrome or be excluded therefrom or any part thereof, and granting power to the Board for its authorized servants to refuse admission to or expel persons whom it considers objectionable or undesirable:

40

- (j) Licensing persons to carry on in any part of the aerodrome any trade, calling, game, or amusement, or to afford any transport or other public service thereon:
- (k) The exclusion of dogs or other animals whether *ejusdem generis* or not therefrom and their destruction without payment of compensation if intruding therein. **5**
- (2) A copy of every by-law made by the Board shall within seven days after the making thereof be sent by the Board to the Minister of Defence, who may at any time within three months after the making thereof disallow the same or any part thereof, and upon such disallowance being gazetted such by-law or part thereof shall **10**

Struck out.

cease to have any force; but such disallowance shall not affect the validity of anything theretofore done under the by-law or part thereof so disallowed.

be deemed to have been revoked.

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Miscellaneous Provisions.

Penalties for causing damage to aerodrome.

62. Every person who damages any of the buildings, works, plant, machines, machinery, appliances, or conveniences erected or constructed or used under the provisions hereof shall be liable for the amount of such damage to be recovered by any person authorized in that behalf by the Board in any Court of competent jurisdiction, and if such damage be done wilfully shall be liable in addition to a fine not exceeding *fifty* pounds. **25**

Penalties for obstructing officers and workmen of Board.

63. Every person who wilfully obstructs, molests, or makes use of any threatening language to any officer of the Government, Borough Council, or Board, or any workman or other person who may be performing any duty or executing any work which he has lawful authority to do under or by virtue of the provisions hereof, shall be liable to a fine not exceeding *twenty* pounds. **30**

Wilful damage to lights.

64. Every person who wilfully or negligently breaks, throws down, damages, or takes away any lamp, lighting-apparatus, or other work set up for the purpose of lighting the aerodrome or approaches thereto, or wilfully extinguishes any light within such lamp, shall be liable for the amount of injury or damage done, and also in addition to a fine not exceeding *fifty* pounds. **35**

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65. (1) All fines recoverable under the provisions hereof or any rules made by the Board hereunder may be recovered in a summary way before two or more Justices, and when recovered shall ~~if not otherwise expressly provided for be paid into the Consolidated Fund.~~

Recovery of fines.

New.

be paid into the Public Account to the credit of the Consolidated Fund and be subject to section thirteen of the Finance Act, 1927 (No. 2).

10 (2) Where under the provisions of this Act the Board recovers from any person any sum in respect of damage to the property of any person, Corporation, or body other than the Board it may at any time after receiving such sum pay the same after deducting the
15 costs incurred by the Board to the owner of such property.

66. All moneys payable or owing by any person to the Board, whether in respect of revenue or otherwise howsoever, may be recovered in any Court of competent
20 jurisdiction.

Recovery of debts.

Struck out.

25 **67. Officers of Customs, officers of the Defence Department, officers of the Post and Telegraph Department, officers of the Air and Public Works Departments, and officers of the Police Department,**

Freedom of passage for officers of the Government.

67. *All persons in the service of the Government acting in the execution of their duty, shall at all times have free ingress, passage, and egress in, through, and out of the aerodrome and any buildings thereon.*

30 *Dissolution of Board.*

68. (1) The Governor-General may at any time dissolve the Board in manner following:—

Governor-General may dissolve Board.

35 (a) A petition praying the Governor-General to dissolve the Board signed on behalf of the Borough Council shall first be presented to the Governor-General:

40 (b) Upon receipt of such petition the Governor-General may appoint a Commission consisting of a Stipendiary Magistrate (who shall be Chairman of the Commission) and two other persons to inquire into and report to him upon the advisability of complying with the prayer of the petition:

Upon
dissolution
of Board
property of
Board to vest
in Borough
Council and
Borough
Council to
be the Airport
Board.

- (c) If the Commission reports that the prayer of the petition should be given effect to, the Governor-General may by Order in Council dissolve the Board:
- (d) The cost of all proceedings under this subsection shall be borne by the petitioners. 5
- (2) Upon such dissolution by the Governor-General—
- (a) All the property of the Board shall vest in the Borough Council:
- (b) The Borough Council shall thereafter be the Airport Board for Whangarei, with all the powers of an aviation authority under the Local Authorities Empowering (Aviation Encouragement) Act, 1929, and all the powers conferred upon the Board as set out in this Act. 15

Miscellaneous.

Conferring
additional
powers on
Borough
Council,
County Council,
and Town
Boards.

69. (1) Notwithstanding anything to the contrary contained in subsection two of section four of the Local Authorities Empowering (Aviation Encouragement) Act, 1929, the Borough Council, the County Council, the Hikurangi Town Board, and the Kamo Town Board are hereby empowered to agree between them to contribute towards the establishment and maintenance of the aerodrome, and any agreement made hitherto as aforesaid is hereby validated. 20 25

(2) Notwithstanding anything to the contrary contained in subsection two of section four and subsection one of section five of the Local Authorities Empowering (Aviation Encouragement) Act, 1929, the Onerahi Town Board is hereby empowered to agree and contribute in like manner towards the establishment and maintenance of the aerodrome, and any agreement hitherto made as aforesaid is hereby validated. 30

(3) The Borough Council, the County Council, and the Combined Town Boards are hereby empowered to enter into and execute such deeds of covenant and agreement with each other as may be requisite for the purpose of carrying out the intentions of this section. 35

70. (1) The Borough Council may from time to time under and subject to the provisions of the Local Government Loans Board Act, 1926, and the Local Bodies' Loans Act, 1926, raise a special loan or special loans for all or any of the following purposes, namely:—
- 5 (a) The establishment, development, improvement, or extension of the aerodrome:
- (b) The construction of works necessary in connection with such establishment, development,
- 10 *improvement*, or extension:
- (c) The payment of moneys to the Minister of Public Works as contribution for the acquisition of land, the execution of works, and the construction of buildings for the purposes of the aerodrome:
- 15 (d) The payment of all legal, survey, and other ~~cost~~ *costs* of and in preparation of this Act and the promotion thereof and the raising of the said loan or loans.
- 20 (2) The Borough Council may pay any moneys out of its General Fund for any such purpose or purposes and may reimburse the General Fund out of any special loan or loans.
- (3) Upon any such special loan being raised as
- 25 aforesaid, the Borough Council may, with or without any condition requiring the repayment thereof as hereinafter mentioned, pay the same or any part thereof to the Board without being liable to see to the proper expenditure thereof.
- 30 (4) Upon any such special loan being raised and the same or any part thereof paid to the Board as aforesaid, the Board shall apply the proceeds of such loan for the purposes for which such special loan was raised and for no other purpose.
- 35 (5) Before the proceeds of any such special loan are paid over by the Borough Council to the Board the Borough Council and the Board may, by instrument in writing executed on behalf of both parties, agree that any such moneys as aforesaid shall be repaid to the
- 40 Borough Council at such time, in such instalments, and upon such terms and conditions as shall be set out in such instrument. If no such instrument in writing be executed as aforesaid the Board shall not be liable to repay such moneys to the Borough Council.

Conferring power on Borough Council to raise special loans.

Power to
borrow
without poll.

71. Without limiting the power to borrow set forth in subsection *one* of the *last preceding* section, the Borough Council may raise any special loan or special loans for all or any of the purposes set forth in the said subsection, not exceeding in the aggregate a sum of fifteen thousand pounds, by special order or orders under the Local Bodies' Loans Act, 1926, without taking the steps prescribed in sections nine to thirteen of that Act. 5

Borough
Council may
make advance
for expenses
of Board.

72. The Borough Council may out of its General Fund pay and advance to the Board such sum or sums as it thinks fit, not exceeding in the aggregate two hundred pounds, towards any expenses that may be incurred by the Board before the end of the financial year in which it is constituted. All moneys advanced by the Borough Council under this section shall be repayable by the Board on demand, and shall be recoverable by the Borough Council as a debt due to it by the Board. 10 15

Borough
Council, County
Council, and
Combined
Town Boards
may pay out of
General Funds
and make
grants to
Board.

73. (1) The Borough Council, the County Council, and the Combined Town Boards may from time to time out of their General Funds provide such sums as they think fit for the development, improvement, maintenance, and upkeep of the aerodrome, or for any work, plant, material, or thing the Board has power to undertake, purchase, or expend money upon, or for the payment of any liability incurred by the Board under the provisions of this Act, and pay such sums to the Board without being liable to see to the proper expenditure thereof. 20 25

(2) The Borough Council, before paying to the Board any such sum or sums, may attach such conditions or directions as to the expenditure and application thereof as the Borough Council may by the resolution making such grant or grants or by any other resolution determine. 30

Struck out.

Schedule.

SCHEDULE.

ALL that piece of land situated in the North Auckland Land District containing approximately 112 acres 2 roods, and comprising all or parts of the following allotments and streets or roads in the Town of Grahamtown: Parts Allotments 30 and 35; Lot 3 and parts Lots 1, 2, and 4, Deeds Plan 773, being Allotments 44 and part 38; part Allotment 38; Allotments 39, 42, 45, and 46; Lots 1, 2, 3, and 4, D.P. 19381, being Allotments 40 and 41; parts Allotments 47 and 48;

Struck out.

Allotments 49, 50, and 51; Lots 1, 2, 3, 4, 5, 8, 9, 10, 12, and 13, and part Lot 6, Deeds Plan 772, being portions Allotments 52, 53, 54, and 58; Allotment 55; part Allotment 57; Allotments 68, 69, 70, and 71; parts Allotments 72, 74, and 75; Allotments 76, 77, 78, and 79; Lots 1, 2, and 3, D.P. 16594, being Allotment 80; parts Allotment 81; Allotments 82, 83, 84, 85, 86, 87, and 88; parts Allotments 100, 101, and 102; Allotments 103 and 147; part Allotment 148; parts Allotment 149; Allotments 178 and 179; part Allotment 180; Allotments 181, 182, and 183, and parts Allotment 184; part Allotment 185; Allotments 186, 187, and 188; part Allotment 211; Allotments 212, 213, 214, 215, and 216; parts Allotment 217; Allotments 218, 219, 220, 221, 222, and 223; Lots 1 to 6, D.P. 25284, being Allotments 224 and 225; Allotments 226, 227, 228, 229, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 242, 243, 244, and 245; parts Allotment 246; Allotments 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, and 259; part Allotment 260; Allotments 261, 262, 263, and 264; part Allotment 276; Allotments 388 and 391 (Grahamtown Domain); and including portions of the following streets—viz., Wilson Street, Graham Street, Handforth Street, Munro Street, Gloyn Road, Domain Road, Park Road, and McKenzie Avenue.

New.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

ALL that piece of land situated in the North Auckland Land District containing an area of 113 acres 2 roods 15-73 perches more or less comprising Allotments Part 30; Part 35; Parts 38; Lots 1, 2, 3, and 4 on D.P. 19381 being Allotments 40; 41; 42; Parts 44; 45; 46; Part 47; Part 48; 50; 51; 52; Part 53; Parts 54; 55; Part 57; Parts 58; 68; 69; 70; 71; Part 72; Part 74; Part 75; 76; 78; 79; Lots 1, 2, and 3 on D.P. 16594 being Allotment 80; Parts 81; 82; 83; 85; 86; 87; Part 100; Part 101; Part 102; 103; Part 148; Parts 149; 179; Part 180; 181; 182; 183; Parts 184; Part 185; 186; 187; 188; Part 211; 212; 213; 214; Lots 6 and 7 on D.P. 16594 being Allotment 215; 216; Parts 217; 218; 219; 220; 221; 222; 223; Lots 2, 3, 4, 5, and 6 on D.P. 25284 being Parts Allotments 224 and 225; Part 225; 226; 227; 228; Lots 4 and 5 on D.P. 16594 being Allotments 229; 231; 232; 233; 234; 235; 236; 237; 238; 239; 240; 242; 243; 244; 245; Parts 246; 247; 248; 249; 252; 253 on D.P. 19381; 254; 257; 258; 259; Part 260; 261; 262; 263; Part 276; 388; and Sections 250 and 251 Town of Grahamtown and Sections 39; 49; 77; 84; 88; 147; 178; 255; 256; Parts 264 and Allotment 391 Village of Grahamtown and portions of the following streets, viz., Wilson Street, Graham Street, Handforth Street, Munro Street, Gloyn Road, Domain Road, Park Road, and Mackenzie Avenue, as the same is more particularly delineated in plan numbered 29237 blue deposited in the office of the Chief Surveyor, North Auckland, at Auckland, and therein shown by red edging.

New.

SECOND SCHEDULE.

CONDITIONS OF CONFERRING OF FREEDOM OF AIRPORT.

1. Such honour shall only be conferred in pursuance of a special resolution of the Board, confirmed by resolution of the Council passed at a special meeting of the Council held for the purpose.

2. The freedom of the airport shall confer upon each person upon whom the honour is conferred (hereinafter referred to as the recipient) the right to enter upon the aerodrome without payment at such times as the airport is open for business or to the public. Any plane piloted by the recipient and used by him for pleasure and not for gain shall be permitted, subject to compliance in all other respects with the Acts, regulations, by-laws, and rules relating to the aerodrome, to land upon the aerodrome without the payment of landing-fees. The recipient shall also have the right, subject to compliance in all respects with the rules and by-laws relating to the playing of such games on the aerodrome, to make use of for his own personal pleasure and not for gain, and without the payment of any fee, all playing facilities provided on the aerodrome by the Board or by the club.

3. The rights conferred upon the recipient as hereinbefore mentioned may be curtailed or restricted at any time by the Board by special resolution confirmed in writing by the Council.

4. The conferring of the freedom of the airport on any person shall not confer on or vest in the recipient any right, tenancy, or ownership of or in any of the land or property of the Council or of the Board, or the right to share in the benefit of any such land or property.

5. The Board may present to the recipient such token as it deems fit evidencing such honour, and shall inscribe the name of the recipient upon a Scroll of Honour to be exhibited in the administration buildings of the Board at the aerodrome.

6. The Board shall keep a register of all persons upon whom the freedom of the airport shall be conferred and shall set out therein full particulars of the services rendered to the advancement of aviation in New Zealand, or to the Whangarei airport, by each such person. Each such person shall sign such register in the presence of the Chairman and Secretary for the time being of the Board, or in their absence in the presence of two members for the time being of the Board, each of whom shall also sign the register as witnesses.

7. The Board, by special resolution confirmed by resolution of the Council at a special meeting called for the purpose, may rescind the conferring of the freedom of the airport upon any person and remove his name from the Scroll of Honour and the register-book, and thereupon all the rights and privileges which such person may have by virtue of this Act shall be cancelled.