

# Supplementary Order Paper.

## HOUSE OF REPRESENTATIVES.

Tuesday, the 13th Day of September, 1938.

### LOCAL LEGISLATION BILL.

AMENDMENTS proposed by His Excellency the Governor-General:—

#### *County Councils.*

Clause 4: To omit this clause, and substitute the following:—

4A. Whereas on account of exceptional conditions in the County of Buller arising out of earthquake, flood damage, and other causes, the Buller County Council (hereinafter called the Council) has from time to time been authorized to borrow and to owe moneys in excess of the limits prescribed by section three of the Local Bodies' Finance Act, 1921-22 (hereinafter referred to as the said section): And whereas during the financial year ended on the thirty-first day of March, nineteen hundred and thirty-eight, the Council borrowed from and owed to its bankers moneys in excess of the limits prescribed by the said section and in addition had drawn certain cheques that had not been presented before that date and also owed certain amounts to sundry creditors: And whereas the amount owing by the Council on the thirty-first day of March, nineteen hundred and thirty-eight, in excess of the said limits together with the amount owing in respect of unrepresented cheques and to sundry creditors as aforesaid amounted in all to a sum of ten thousand eight hundred and forty-one pounds fifteen shillings and fivepence: And whereas the amount owing by the Council on the thirty-first day of March, nineteen hundred and thirty-eight, pursuant to the special funding arrangements authorized by section five of the Local Legislation Act, 1936, was two thousand six hundred and thirty-eight pounds eleven shillings and one penny: And whereas the said sums of ten thousand eight hundred and forty-one pounds fifteen shillings and fivepence and two thousand six hundred and thirty-eight pounds eleven shillings and one penny are hereinafter together referred to as the said outstanding liabilities of the Council: And whereas it is desirable to make provision in manner hereinafter appearing: Be it therefore enacted as follows:—

Provision  
respecting  
overdraft of  
Buller County  
Council.

See Reprint  
of Statutes,  
Vol. V, p. 354

1936, No. 54

(1) All moneys borrowed and owing by the Council at any time during the year ended on the thirty-first day of March, nineteen hundred and thirty-eight, in excess of the limits prescribed by the said section and all other moneys owing by the Council and included in the aforesaid sum of ten thousand eight hundred and forty-one pounds fifteen shillings and fivepence shall for all purposes be deemed to have been lawfully borrowed and owing by the Council.

(2) The said outstanding liabilities of the Council shall be repaid by the Council by ten equal payments out of the moneys credited to the General Account of the County Fund, one such payment to be made in each year during the period of ten years commencing on the first day of April, nineteen hundred and thirty-eight:

Provided that the Council may in any year repay an amount greater than such tenth part.

(3) The amount owing by the Council on the thirty-first day of March, nineteen hundred and thirty-eight, in excess of the limits prescribed by the said section shall not at any time heretofore be deemed to have been taken into account nor shall any amount at any time lawfully owing under this section hereafter be taken into account in determining the amount that may be borrowed or that may be owed by the Council pursuant to the said section.

(4) Notwithstanding anything hereinbefore contained, the Council may in manner prescribed by the Local Bodies' Loans Act, 1926, by special order and without taking the steps prescribed by sections nine to thirteen of that Act, raise a special loan for any amount not exceeding the amount of the said outstanding liabilities that may at the time of the raising of the said loan be owing for the purpose of providing funds for the repayment to its bankers of the amount owing to them.

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

(5) Section five of the Local Legislation Act, 1936, is hereby repealed.

Repeal.

Clause 9, subclause (5): To omit this subclause.

*City and Borough Councils.*

Clause 14: To insert, after the word "therefrom" in line 8 (page 17), the following words: "firstly, in payment of all costs and expenses properly incurred in effecting the sale or incidental thereto, and secondly,".

To insert, after clause 28, the following new clauses:—

**28A.** Notwithstanding anything contained in section eight of the Wellington City Trading Departments' Reserve and Renewal Funds Act, 1917, or in any other Act, the Wellington City Council may, subject to the provisions of the said Act relating to applications to the Wellington City Renewal Fund Commissioners for payments of money, for a period of two years commencing on the first day of March, nineteen hundred and thirty-nine, lawfully demand and receive from the said Commissioners and use for the purpose of extensions of the electric-light and power-supply undertaking referred to in the said Act all moneys in excess of the sum of one hundred thousand pounds from time to time held in investments or cash in respect of the renewal fund for the electric-light and power-supply undertaking under the said Act, and known as the "Electricity Renewal Fund".

Wellington  
City Council  
authorized to  
utilize for  
extension of  
electrical  
services certain  
moneys in the  
Renewal Fund  
of its  
electrical  
undertaking.

28B. (1) Notwithstanding anything in the Municipal Corporations Act, 1933 (hereinafter called the said Act), or in any other Act, it shall be lawful for the Napier Borough Council, subject to compliance with section one hundred and ninety-three of the said Act, to lay out and dedicate or accept dedication as streets within the meaning of section one hundred and seventy-four of the said Act, and to take under the Public Works Act, 1928, or otherwise acquire as and for the purposes of streets, the private ways or pieces of land mentioned and described in subsection *two* of this section.

Authorizing Napier Borough Council to take over certain private ways as streets.

See Reprint of Statutes, Vol. VII, p. 622

(2) This section refers to the following private ways or pieces of land, namely:—

(a) All that private way or piece of land known as Lawrence Lane, containing by admeasurement thirty-six perches and nine-tenths of a perch, more or less, being parts of Suburban Section 10, Napier, and being Lot 1 on a plan deposited in the Land Transfer Office at Napier under Number 6663:

(b) All that private way or piece of land being an extension of the street known as Park Road, containing by admeasurement twenty-eight perches and one-tenth of a perch, more or less, being part of Suburban Section 5, Napier, and being Lot 1 on a plan deposited in the Land Transfer Office at Napier under Number 6662.

28c. Whereas by Proclamation published in the *Gazette* on the fourth day of November, nineteen hundred and thirty-seven, all those pieces or parcels of land situate in the Borough of Devonport, containing one acre one rood ten perches and thirty-six hundredths of a perch, being Lots 1, 2, 3, 12, 17, 25, and 55, D.P. 19255, and being part Allotment 1, Section 1, Takapuna Parish (coloured blue), one acre fourteen perches and two-hundredths of a perch, being Lots 14, 24, 27, 53, and 56, D.P. 19255, and being part Allotment 1, Section 1, Takapuna Parish (coloured red), three acres two roods seven perches and six-hundredths of a perch, being Lots 11, 15, 23, 26, 29, 30, 31, 37, 38, 39, 41, 42, 44, 45, 46, 47, 48, and 58, D.P. 19255, and being part Allotment 1, Section 1, Takapuna Parish (coloured yellow), and one acre thirty-six perches and six-hundredths of a perch being lots 60, 67, 68, 69, and 70, D.P. 19255, and being part Allotment 1, Section 1, Takapuna Parish, and part reclaimed land (coloured red), all situated in Block VI, Rangitoto Survey District (Auckland R.D.), Borough of Devonport (S.O. 29185), in the North Auckland Land District; as the same are more particularly delineated on the plan marked P.W.D. 97059, deposited in the office of the Minister of Public Works at Wellington, and thereon coloured as above mentioned, were pursuant to the powers conferred by the Public Works Act, 1928, and section thirty-two of the Statutes Amendment Act, 1936, taken by the Crown for housing purposes as from and after the eighth day of November, nineteen hundred and thirty-seven: And whereas at that date the said lands formed part of the lands mentioned in section two of

Authorizing diversion of moneys received from sale of endowment lands by Devonport Borough Council.

the Borough of Devonport Empowering and Endowment Act, 1890 (hereinafter referred to as the said Act), and were vested in the Mayor, Councillors, and Burgesses of the Borough of Devonport (hereinafter called the Corporation) for an estate in fee-simple upon trust for municipal purposes: And whereas by section one hundred and fifty-six of the Municipal Corporations Act, 1933, it is provided that where land is vested in a Municipal Corporation in trust for any particular purpose or purposes, whether pursuant to an Act or any deed of trust or otherwise howsoever, all moneys paid on the sale of such land and received as purchase-money thereof must be applied in or towards the purchase of other lands to be held for the same purposes as affected the land taken or sold: And whereas the Corporation is desirous of expending the sum of five thousand one hundred pounds paid to it in respect of the taking of the lands above described in or towards the erection or purchase of municipal buildings: Be it therefore enacted as follows:—

(1) The Corporation may expend the whole or any part of the moneys received in respect of the taking of such land in or towards the erection or purchase of municipal buildings.

(2) The Corporation shall establish a sinking fund to be administered by the Public Trustee by paying to the Public Trustee an annual sum of thirty-eight pounds eighteen shillings and eightpence on the first day of September in each year commencing on the first day of September, nineteen hundred and thirty-nine, for a period of fifty years, and the fund so created shall upon the expiration of the said period be held and applied in accordance with the provisions of the said Act.

(3) Any surplus moneys remaining in the hands of the Corporation after the erection or purchase of such buildings shall be used and applied in accordance with the provisions of the said Act.

28D. Whereas Allotments 83, 84, 85, 408, and 409 of the Town of Hamilton East (hereinafter referred to as the said land) are vested in the Mayor, Councillors, and Burgesses of the Borough of Hamilton (hereinafter called the Corporation) as endowments in aid of the funds of the Borough of Hamilton: And whereas by agreement, dated the ninth day of September, nineteen hundred and thirty-eight, made between the Corporation and the State Advances Corporation of New Zealand acting for and on behalf of His Majesty the King, it was agreed that the said land should be vested in His Majesty the King for the purposes of Part I of the Housing Act, 1919, and that Whitaker Street and the street known as Graham's Landing intersecting the said land should be closed and vested as above, and that the Hamilton Borough Council should carry out on all the land above described and on Wellington and MacFarlane Streets and also on other land in the Borough of Hamilton certain work for the consideration mentioned in the said agreement: And whereas the said Wellington and MacFarlane Streets are dedicated streets: And whereas there is no power to expend money out of the Housing Account on dedicated streets: Be it therefore enacted as follows:—

Validating  
agreement  
between  
Hamilton  
Borough  
Council and  
His Majesty  
the King.

(1) The said Whitaker Street and the street known as Graham's Landing are hereby closed, and shall vest together with the said land in the name of His Majesty the King for the purposes of Part I of the Housing Act, 1919.

(2) The said agreement is hereby declared to be valid and binding on the parties thereto and in so far as the consideration mentioned therein is to be expended on dedicated streets, such expenditure is hereby authorized.

*Electric-power Boards.*

To insert, after clause 30, the following new clause:—

30A. Whereas the Tararua Electric-power Board when carrying out the procedure incidental to the raising of a loan of forty thousand pounds, known as the Akitio County Reticulation Loan, 1938, took a poll of the ratepayers concerned prior to obtaining the sanction of the Local Government Loans Board contrary to the statutory provisions relating to such loans: And whereas the Local Government Loans Board has sanctioned the raising of the loan subject to such irregularity being validated: Be it therefore enacted as follows:—

Validating action of Tararua Electric-power Board with respect to loan of £40,000.

Notwithstanding anything to the contrary in any Act, the action of the Board in taking the said poll prior to the sanction of the Local Government Loans Board being obtained is hereby validated and declared to have been lawful.

*River and Drainage Boards.*

Clause 38, subclause (3): To omit this subclause.

To insert, after clause 38, the following new clause:—

38A. Whereas the Waimakariri River Trust (herein-after called the Trust) is erecting a dwelling on certain land owned by the Trust, comprising approximately ten acres of land, being part of Reserve 1360, Block III, Christchurch Survey District, for the use and occupation of the Resident Engineer or any worker for the time being employed by the Trust: And whereas the Trust intends to erect on its land two dwellings for the use of its employees, one of which will be erected on an area of approximately two acres, being part of the said Reserve 1360, and the other on an area of approximately three acres two roods, being part of Rural Section 412 in Block III of the Christchurch Survey District: And whereas the Trust has expended out of its General Fund certain moneys in the erection of the dwelling firstly above mentioned and in the improvement of the land appurtenant thereto, and intends to expend other moneys for the completion of the dwelling and the further improvement of the land appurtenant thereto, and for the erection of the two dwellings secondly above mentioned and in the improvement of the areas of the land appurtenant thereto: Be it therefore enacted as follows:—

Authorizing Waimakariri River Trust to raise a special loan for housing purposes.

(1) In this section the term "worker" means and includes every person, male or female, who is employed in work of any kind by the Trust; and "worker's dwelling" includes the areas of land appurtenant to the three workers' dwellings respectively above referred to.

(2) The Trust may complete the erection of the building firstly above referred to, and may erect two other buildings suitable for workers' dwellings on the respective areas secondly above referred to.

(3) The Trust may let to a worker or lease to a worker for a term not exceeding ten years any of the said workers' dwellings, and any such tenancy may be disposed of by private contract, public auction, or public tender.

(4) The provisions of section one hundred and ninety-two of the Counties Act, 1920, shall, so far as they are consistent with this section, apply, with the necessary modifications, to the said dwellings.

(5) If at any time any of the said workers' dwellings is not required for the use and occupation of a worker the Trust is hereby authorized and empowered to let the said dwelling by public auction, public tender, or private contract, for any term not exceeding twelve months, and to any person not employed by the Trust, at such rent and upon such terms and other conditions as the Trust in its discretion may think fit.

(6) In the event of the Trust being of opinion that any of the said workers' dwellings is no longer required for the purposes of a dwelling or a dwelling for workers, the Trust may deal with the land or any part thereof in all respects as if this section had not been passed:

Provided that in the event of any such land being sold the Trust is hereby authorized and required to set aside the purchase-money or so much thereof as may be necessary for the purpose of the repayment of any portion of any loan raised under this section and which may then remain owing.

(7) The payment of all moneys already paid by the Trust in connection with the erection of the dwelling firstly above mentioned is hereby validated, and the Trust is hereby empowered, in its discretion, out of its General Fund, to pay further sums in the completion of the said dwellinghouse firstly above mentioned and in the improvement of the area appurtenant thereto and in the erection of the two workers' dwellings and the improvement of the areas appurtenant thereto secondly above mentioned respectively:

Provided that the total sum expended for the said purposes shall not exceed four thousand pounds.

(8) The Trust may by special order raise a special loan or special loans under the Local Bodies' Loans Act, 1926, not exceeding in the aggregate the sum of four thousand pounds for any of the purposes mentioned in this section without taking the steps prescribed by sections nine to thirteen of that Act, and may out of the proceeds of any such loan refund to its General Fund moneys paid out of that fund for any of the said purposes.

*Affecting Two or More Classes of Public Bodies.*

To insert, after clause 43, the following new clause:—

43A. Whereas by agreement bearing date the nineteenth day of October, nineteen hundred and thirty-seven, and made between the Chairman, Councillors, and Inhabitants of the County of Manukau (hereinafter called the Council), of the one part, and the Papatoetoe Town Board (hereinafter called the Board), of the other part, the Council agreed to extend its water-mains and to install a water-meter at a point in Grey Avenue: And whereas the said agreement contains certain provisions relating to the control of the said meter and the supply of water through the meter: And whereas by agreement bearing date the nineteenth day of October, nineteen hundred and thirty-seven, and made between the same parties, the Council agreed to lay certain water-mains in the special-rating area to which the Papatoetoe Water-supply Extension Loan, 1936, relates, for the purpose of completing the circuit with the Board's service-mains at Cornwall Road and Great South Road and to provide supplies of water and fire-fighting facilities in the said area: And whereas the said agreement contains certain provisions relating to the control and use of the new service-mains and the supply of water through the mains: And whereas doubts have arisen as to whether the said parties have power to enter into the said agreements: Be it therefore enacted as follows:—

Notwithstanding the provisions of the Counties Act, 1920, or the Municipal Corporations Act, 1933, the Council and the Board shall respectively be deemed to have had power to enter into the said agreements and the agreements are hereby declared to be valid and binding according to the tenor thereof.

Validating agreements made between the Manukau County Council and the Papatoetoe Town Board with respect to the supply of water.