

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,
4th September, 1924.

Hon. Mr. Parr.

AUCKLAND CITY AND AUCKLAND MUSEUM EMPOWERING.

[LOCAL BILL.]

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A BILL INTITULED

AN ACT to empower the Corporation of the City of Auckland to use certain Reserves for Waterworks Purposes; to consolidate certain Loans; to give the said Corporation certain Powers in relation to Public Works and Expenditure; to authorize the said Corporation and other Bodies to contribute to the Cost of a Road along the Foreshore of the Harbour at Auckland, and to empower it to subsidize the Erection of the Auckland War Memorial Museum and Institute and the Maintenance thereof. Title.

10 WHEREAS the lands described in the *First* Schedule hereto were vested in the Mayor, Councillors, and Citizens of the City of Auckland (hereinafter called "the Corporation," which expression shall also include the Auckland City Council where the context so admits or requires) by section two of the Reserves Disposal and Exchange Act, 1895, for the purposes of recreation and for the conservation of the native fauna and flora: And whereas the said lands are situated in the valley of the Huia Stream, and the Corporation proposes to establish waterworks in the said valley for the purpose of obtaining the water of the said stream for water-supply purposes and to erect dams and other necessary works in connection therewith: And whereas it is advisable that the Corporation should hold the said lands and be able to use the same for and in connection with its said waterworks, and for such purposes only: And whereas certain loans raised by the Corporation have matured or are shortly maturing for which no sufficient sinking funds exist, and it will be necessary to raise fresh

loans to pay off the loans set out in the First Part of the *Second* Schedule hereto : And whereas the Corporation has been authorized to raise the loans set out in the Second and Third Parts of the said *Second* Schedule for the purposes respectively set out in the first column of the said Second and Third Parts : And whereas the amounts still unraised of the said loans are set out in the third column of the said Second and Third Parts : And whereas the Corporation desires to borrow the sum of eight hundred and forty-seven thousand pounds (being the aggregate of the unraised loans and balances set out in the said *Second* Schedule) as a consolidated loan upon the security and terms hereinafter mentioned, and it is desirable that the Corporation should be authorized so to do : And whereas the Corporation and the local bodies hereinafter mentioned are required to contribute to the formation and improvement of a main arterial highway within the districts of the said local bodies, and the Corporation has undertaken the work of forming and concreting the said road, and it is desirable that the Corporation should be authorized to lend to the said local bodies sums not exceeding in all twenty-five thousand pounds for such purpose : And whereas it is desirable that the Corporation should be given certain additional powers in relation to the acquisition of land for streets and other public purposes : And whereas it is contemplated that a road or street may be laid out and constructed along the foreshore of the Auckland Harbour, and it is desirable that the Corporation and other local authorities should be authorized to contribute to the cost of such road or street : And whereas the Corporation has provided a staff room for its employees, and doubts have been raised as to the Corporation's powers in relation thereto, and it is desirable that such doubts should be set at rest : And whereas the Auckland Institute and Museum Trust Board (a society duly incorporated under the provisions of the Religious, Charitable, and Educational Trusts Act, 1908, and hereinafter called "the Board") has established a museum in the City of Auckland, and such museum is vested in the Board, together with certain funds and investments arising from private subscriptions and bequests and otherwise : And whereas, in terms of the provisions of the Auckland Institute and Museum Site Empowering Act, 1918, a lease of a portion of the Auckland Domain has been granted by the Corporation to the Board as a site (hereinafter referred to as "the Domain site") for a public museum and institute, upon which the Board intend to erect a museum and institute building in substitution for the museum and institute building controlled by the Board and now inadequate to meet the growth and prosperity of the City of Auckland : And whereas it is provided (*inter alia*) by such Act that so long as the Domain site is occupied by the Board the Mayor of the City of Auckland (*ex officio*) and two members of the Auckland City Council annually appointed by such Council shall be members of the Council of the said institute and museum : And whereas the citizens of Auckland some time since decided to raise a fund for the purpose of erecting a suitable memorial in memory of those who fell and served in the Great War : And whereas it was agreed by such citizens that the form of such memorial should be the erection of a museum and institute on the Domain site, and that a memorial hall should be one of the distinguishing features of such building : And whereas such fund

has by voluntary contributions from citizens and public institutions reached an amount of one hundred and sixty thousand pounds : And whereas a design for such war memorial museum and institute has been approved, and the erection thereof will shortly be proceeded with at an estimated cost of one hundred and eighty-five thousand pounds : And whereas the annual revenue derived by the Board from its invested funds and other sources is likely to be insufficient to maintain such museum and institute in a state of efficiency commensurate with the anticipated growth and prosperity of the City of Auckland, and it is advisable that the future maintenance of the museum and institute should have the financial support of the Corporation, and that further provision should be made for the representation of the Corporation on the Council of the said museum and institute :

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

1. This Act may be cited as the Auckland City and Auckland Museum Empowering Act, 1924. Short Title.

2. The reservation over the lands described in the *First* Schedule hereto for the purposes of recreation and the conservation of native fauna and flora is hereby cancelled, and the said land shall henceforth be held by the Corporation for the purposes of water-works, and shall not be subject to the provisions of Part II of the Public Reserves and Domains Act, 1908 : Land in First Schedule to be held for waterworks purposes.

Provided that, in the event of the lands not being required at any time for these purposes, the areas shall revert to the Crown and be held for the purposes of a public domain.

3. The Corporation is hereby authorized and empowered to borrow under the Local Bodies' Loans Act, 1913, but without taking the steps required by sections eight to twelve thereof, a sum not exceeding eight hundred and forty-seven thousand pounds as a consolidated loan, upon the security of a special rate of eightpence-halfpenny in the pound upon the annual value of all rateable property in the City of Auckland ; such loan to be repayable at such time or times, not being less than ten years nor more than thirty-three years from the date or dates of the raising thereof, as the Corporation may determine ; and provision shall be made for a sinking fund of not less than one per centum per annum. Corporation authorized to raise consolidated loan.

4. Such sum shall be allocated and expended exclusively for the respective purposes specified in the first column of the *Second* Schedule hereto. The amount to be allocated and expended for each particular purpose shall not exceed the amount set opposite to the definition of that purpose in the last column of the said Schedule, as the case may be : Allocation of loan.

Provided that the Corporation may pay out of the said loan such commissions, costs, charges, and expenses (including a proper proportion of the costs of and incidental to obtaining this Act) as have been actually incurred in connection with the authorization and raising of such loan.

5. The Corporation shall, in the raising and expenditure of the said loan, have all the powers conferred upon a local body by the Local Bodies' Loans Act, 1913, and its amendments, in the same way as if the said loan had been raised under the said Act : Powers of Corporation in raising loan.

Provided that the Council may make successive issues of portions of the said loan, and may make the debentures for different issues at different rates of interest and to fall due at different times.

Corporation
authorized to
consolidate loans.

6. The Corporation may from time to time consolidate any two or more special loans which it may be authorized to raise, and for which the special rate as security for such loans has been made over the same area, and raise and issue the same as a consolidated loan, and in such case the Corporation may also consolidate the special rates to be pledged as security for such loans, and secure all such loans on such one consolidated special rate. The provisions of section *five* hereof shall apply to any such consolidated loan. 5 10

Corporation
authorized to
lend to local bodies.

7. The Corporation may from time to time lend to the local bodies mentioned in this section, and such local bodies may borrow from the Corporation by way of special loan, without further authority than this Act, such respective sums of money (not exceeding in all the sum of twenty-five thousand pounds), and upon such terms and conditions as the Corporation may think fit, for the purpose of enabling such local bodies to contribute towards the cost of the formation, concreting, and improving of a main arterial highway within the districts of the said local bodies, namely: The Avondale Borough Council, the New Lynn Town Board, the Waitemata County Council, the Glen Eden Town Board, the Henderson Town Board. 15 20

Extended powers
of Corporation in
relation to streets
and public works.

8. (1.) When for the purpose of laying out any new street, or in order to divert, extend, widen, or improve any existing street, or to construct or carry out any other public work approved by the Governor-General the Corporation deems it expedient to acquire more land in the vicinity of the proposed or existing street or of the said public work than is required for such purpose, the Corporation may take, purchase, or otherwise acquire such land as if it were required for such public work, and in the manner provided by the Public Works Act, 1908. 25 30

(2.) As regards any such lands so acquired by the Corporation and not required for the purpose for which the same were acquired, the Corporation shall have the following powers:—

- (a.) Power from time to time by resolution to close any portion of the additional lands taken for a public street or highway but not actually required for such street or highway: 35
- (b.) Power to lease or otherwise deal with such lands in the same manner and to the same extent as if such lands were general or ordinary endowment lands of the Corporation:
- (c.) Power to sell the said lands as a whole or in portions, either for cash or on terms: 40
- (d.) Power to exchange any of the said lands for any other lands or interest in lands required by the Corporation for the purpose of any public work, with power to pay or receive any money as equality of exchange: 45
- (e.) Power to sell, in terms of section one hundred and ninety-one of the Municipal Corporations Act, 1920, or grant leases of or easements over any portion or portions of the said lands, at such price or rent and upon such terms and conditions as the Council shall think fit, in full or partial payment or settlement of any claim for compensation that may be made by any person in respect of the taking of any of the lands above mentioned or the exercise by the Corporation of any of its powers hereunder. 50

(f.) Power to do all things necessary or incidental to the full and efficient exercise of any of the aforesaid powers.

(3.) The powers conferred on the Corporation by paragraphs (c), (d), and (e) of the *preceding* subsection shall only be exercised upon a certificate by a competent valuer appointed by the Corporation that the proposed sale, exchange, or lease is being effected on a fair and proper basis of value.

9. In any case where the Corporation desires to acquire for or in connection with any public work any property belonging to the Auckland Harbour Board, whether under the provisions of this or any other Act, it shall be lawful for such Harbour Board to agree with the Corporation as to the amount of compensation (if any) which shall be paid by the Corporation, and in any such case such Harbour Board may execute such assurances or dedications as may be requisite.

Acquisition of property belonging to local authorities or public bodies.

10. Notwithstanding anything contained in the Municipal Corporations Act or any other Act, it shall be lawful for the Corporation to use the proceeds from the sale of any land now or hereafter vested in it in the acquisition of any real or personal property which it may be authorized by this Act or any other Act to acquire, or for any other lawful purpose on capital account.

Corporation authorized to use proceeds from sale of land.

11. The powers hereinbefore conferred are in addition to and not in substitution for any powers which the Corporation has under or by virtue of the Municipal Corporations Act, 1920, or the Public Works Act, 1908, or any other Act.

Saving of other powers.

12. The Corporation and any other local authority or public body may, out of their general funds respectively, contribute such sum or sums of money as may from time to time be agreed upon for or towards the cost of the construction, improvement, or maintenance of a road or street proposed to be formed along the foreshore of the Waitemata Harbour alongside or as part of the embankment proposed to be made for the railway along the said foreshore, as shown on a plan of such railway deposited in the Survey Office at Auckland as Number 21189, or in such other position on the said foreshore as may be determined by the local bodies contributing to the cost thereof. Such road if and when constructed shall be vested in the Corporation in the same manner as if it were a street wholly within the City of Auckland, and any agreement made by the Corporation with any other body or Corporation for contribution towards the cost of the construction, improvement, or maintenance of the said road or street may be duly enforced by the Corporation.

Contribution to foreshore road.

13. The Corporation and other local authorities respectively may by special order from time to time raise as a special loan or loans, under the Local Bodies' Loans Act, 1913, but without taking the steps required by sections eight to twelve thereof, any sum or sums of money which may be or become payable by the Corporation or the said local authorities or public bodies respectively for or towards the cost of the construction or improvement of the road or street mentioned in the *last preceding* section hereof.

Contributing bodies may raise loans.

14. It shall be and shall be deemed to have been lawful for the Corporation to expend moneys in the provision, furnishing, equipment, and maintenance of a staff or social room or rooms, either in buildings owned by the Corporation or elsewhere, for the use of persons employed by it.

Validation of Corporation's staff room.

Corporation may
levy museum rate.

15. (1.) In addition to any other rate which it is authorized to make the Corporation may from time to time make and levy a rate in the City of Auckland to be known as the War Memorial Museum rate, and the Corporation is hereby authorized and empowered to pay over to the Auckland Institute and Museum Trust Board the amount received in respect of such rate as an annual subsidy for the purpose of meeting a portion of the annual expenditure requisite to provide for the efficient maintenance and support of the Auckland War Memorial Museum; provided always that the amount of the rate so made shall not in any year exceed one penny in the pound on the annual value of rateable property in the City of Auckland, or its equivalent. 5 10

Rating Act to
apply to museum
rate.

(2.) The provisions of the Rating Act, 1908, and its amendments shall apply to any such rate.

Corporation may
subsidize museum.

16. The Corporation may pay to the Board, for the purpose of the erection, equipment, or maintenance of the said memorial museum, such further or additional sums of money as it may from time to time think fit. 15

Museum Board to
transmit account
and estimates.

17. The Board shall, at the beginning of each financial year, make up and transmit to the Corporation an account and estimate showing the anticipated income and expenditure for the ensuing year, and showing the amount (if any) required to be contributed by the Corporation to meet the estimated expenditure. 20

City Council
representatives on
Museum Board.

18. If and so long as the Corporation shall contribute to the said museum a sum equal to the amount shown to be required to meet expenditure as mentioned in the *last preceding* section, or shall contribute the proceeds of the maximum rate hereby authorized to be levied for the purpose by the Corporation, the Mayor of Auckland and six members of the Auckland City Council appointed annually by the said City Council shall be members of the executive council or body controlling the affairs of the museum. 25 30

Saving of other Act.

19. The right to representation on the Executive Council or body controlling the affairs of the Museum, conferred on the Auckland City Council by the *last preceding* section shall be independent of that conferred by section six of the Auckland Institute and Museum Site Empowering Act, 1918, but while both rights to representation exist the City Council shall not be entitled thereunder to appoint more than six of its Councillors (in addition to the Mayor) as members of such Executive Council or controlling body. 35

SCHEDULES.

Schedules.

FIRST SCHEDULE.

(a.) ALL that piece or parcel of land situated in Blocks V, VI, IX, and X, Titirangi, and Blocks IV and V, Waitakerei Survey Districts, North Auckland Land District, containing by admeasurement 3,479 acres, more or less, and being Sections 112, 110, 16, 18, 19, S. 68, S. 75, S. 78, and S. 79, all of Parish of Karangahape, starting at a point the north-eastern corner of Cornwallis Park, and bounded towards the south-east by Sections 1 and 25 of the Parish of Karangahape, 7637 and 5792 links; towards the west by Section 8A of the same parish, 2880 links; towards the south by same section, 5515 links; towards the east by the Huia Stream; again towards the south by Section 109 of same parish, 2812 links; towards the east by the same section and the termination of a road, 1300 links; towards the north by a road, 1330 links; towards the east by Section 17 of said parish of Karangahape, 2175 links; towards the south by Section W. 15 of same parish, 2355 links; towards the east by same section, 2450 links; and towards the north by same section, 1580 links; towards the east by Section 10 of said parish, 4155 links; towards the south by a road, 110, 190, 100, 180, 335, 130, 190, 480, 60, 60, and 2780 links; towards the west by Sections N.E. 66 and 67 of the above-mentioned parish, 1790 links; towards the west by Section 67, 5156 links; towards the south-east by Section 67 of same parish, 4000 links; towards the west by a road and Section 69 of aforesaid parish, 760 and 3325 links; towards the north by Section N. 68 of the aforementioned parish, 3000 links; again towards the west by Sections N. 68, S. 71 and N. 71, 72, and 73, all of said parish, 5825, 1160, and 4156 links; again towards the north by Section N.W. 75 of same parish, 5910 links; towards the east by a road and by Section 76 of aforesaid parish, 530, 160, 223, 951, 383, 286, 181, 363, and 697 links; towards the north by same section, 2890 links; towards the east by Section N.W. 78 of said parish, 1960 links; and again towards the north by N.W. 78 and N.W. 79, both of said parish of Karangahape, 7560 links; towards the west by a road, 3860 links; towards the north by Section 80 of said parish, 1950 links; then generally towards the north-east by the Nihotupu Stream to Section 31 of same parish; thence towards the east by that section for a distance of 3470 links; towards the north and towards the west by the same Section 31 for distances of 1180 and 1000 links respectively; and towards the north by Sections 29 and 30 of said parish, 2448 links; towards the west by Section 30 of same parish, 2700 links; again towards the north-east by Section 7 of same parish, 4056 links; towards the north by a stream and again towards the east by Section 6 of parish of Karangahape, 4400 links: be the said linkages a little more or a little less, as the case may be. As the same is shown edged pink on a plan deposited at the Head Office of the Lands and Survey Department at Wellington under No. 2083; save and except a road between Sections 18 and 19 of the Parish of Karangahape, and marked A, B, C on the said plan.

(b.) Also all that piece or parcel of land situated in Block V, Waitakerei Survey District, in the North Auckland Land District, and containing by admeasurement 642 acres, more or less, and being Sections 65, 111, and E. 64, all of Parish of Karangahape, starting at a point the north-west corner of Section 113 of Parish of Karangahape, and bounded towards the east by that section for a distance of 5000 links; towards the south by Section 100 of that parish, 3250 links; towards the east by same section, 1260 links; towards the south-west by Sections 100 and 107 of same parish, 4219 links; towards the north-west by Section 105 of same parish, 1241 links; towards the west by same section, 4000 links; towards the south by same section, 1700 links; towards the west by Section S.W. 64 of aforementioned parish, 3050 links; towards the north generally by a road, 340, 520, 720, 580, 260, 810, 354, 186, 310, 280, 735, 220, 700, 375, and 230 links; towards the north-east by Sections S. 66 and W. 20 of parish of Karangahape aforesaid and a road, 4300, 920, 125, 570, 145, and 650 links: be the aforesaid linkages a little more or a little less, as the case may be. As the same is shown edged pink on the said plan.

SECOND SCHEDULE.

FIRST PART.

LOANS MATURED AND MATURING.

Purpose of Loan.	Date of Maturity of Loan.	Amount of Loan.
Repayment of the following loans :—		£
(a.) Victoria Park improvement	9th April, 1924 ..	8,000
(b.) Beach Road and Jermyn Street Improvement	28th November, 1924	12,000
(c.) Beach Road and Jermyn Street Improvement	1st August, 1925 ..	13,000
(d.) Street-formation in the Grey Lynn area (now merged in the city)	1st December, 1923	3,000
(e.) Reduction of overdraft of the Grey Lynn Borough Council (now merged in the city)	1st December, 1924	1,000
(f.) Street-formation and drainage in the Grey Lynn area (now merged in the city)	1st December, 1924	9,000
		£46,000

SECOND PART.

LOANS AUTHORIZED AND PARTLY RAISED.

Purpose of Loan.	Original Amount of Loan.	Unraised Balance.
Abattoir Additional: For enlarging and improving the municipal abattoirs	£ 30,000	£ 10,000
Streets: The permanent paving, formation, and improvement of various streets in the City of Auckland	190,000	81,000
		£91,000

THIRD PART.

LOANS AUTHORIZED BUT NOT RAISED.

Purpose of Loan.	Original Amount of Loan.	Unraised Balance.
Waterworks: Development, extension, and improvement of the waterworks of the City of Auckland, and acquisition of real and personal property therefor	£ 300,000	£ 300,000
Tramways: Provision of additional plant, accessories, and buildings for, and further extension and development of Auckland City tramways	280,000	280,000
Drainage: Drainage-work within the City of Auckland ..	120,000	120,000
Quarry: Provision for stone-crushing plant and/or for quarry development	10,000	10,000
		£710,000
Total		£847,000