

LOCAL LEGISLATION BILL

EXPLANATORY NOTE

City and Borough Councils

Clause 2 validates the variation of terms of raising certain loan money by the Geraldine Borough Council.

By Order in Council dated 9 January 1962, the Geraldine Borough Council was authorised to raise the Housing Loan 1961 of \$8,500. The Local Authorities Loans Board determined that the loan was to be repaid over a period of 25 years. The Council was unable to raise the loan on these terms and on 14 May 1962 the Secretary to the Treasury varied the terms for which the loan or any part of it could be repaid from 25 to 10 years. However, the Council raised the loan for a term of 25 years. It is desirable to validate the action of the Council in raising the loan on this condition and the clause provides accordingly.

Clause 3 amends the Palmerston North Reserves Empowering Act 1966.

Under that Act, the rents and profits derived from certain land vested in the Corporation of the City of Palmerston North as an endowment are to be expended for the acquisition and development of land for the purposes of recreation, parks, domains, and gardens.

The amendment provides for the rents and profits to also be used for the maintenance of parks, etc.

Clause 4 authorises the Petone Borough Council to make a refund to its District Fund Account from loan money.

Before the Council obtained authority to raise the Land Purchase Loan 1965 of \$120,000, it expended out of its District Fund Account, for purposes for which the loan was to be raised, the sum of \$10,156.25. The Council now wishes to refund this amount to its District Fund Account from the proceeds of the loan, but has no authority to do so. The clause will authorise the refund.

Clause 5 makes provision for expenditure by the Picton Borough Council in connection with the centennial celebrations of the Picton Volunteer Fire Brigade.

The Council wishes to open a special centennial fund account and pay into it four annual instalments not exceeding \$125 (a total of \$500) during each financial year up to 31 March 1973 for the purpose of commemorating and celebrating the founding of the Brigade. The Council has no authority to set aside money for this purpose and the clause gives this authority.

Clause 6 validates a loan raised by the Timaru City Council and also validates a refund by the Council to its District Fund Account from loan money.

On 13 February 1968, the Council obtained authority to raise a loan of \$28,000 to be known as the Airport Loan 1968. However, before the Minister of Finance consented to the loan, the Council raised the loan. The clause will validate this irregularity.

The Council, also before obtaining consent to raise the loan, incurred expenditure of \$15,642. When the authority for the loan was obtained the Council refunded the sum to its District Fund Account. As the Council had no authority to make such a refund, legislation is required to validate the action and this clause provides accordingly.

Clause 7 validates a refund by the Timaru City Council to its District Fund Account from loan money. Before the Council obtained authority to raise the Housing Loan 1967 of \$32,000, it expended out of its District Fund Account, for certain purposes for which the loan was to be raised, the sum of \$10,110. When authority for the loan was obtained and the loan raised, the Council refunded the sum to its District Fund Account out of the proceeds of the loan. As the Council had no authority to do so, this clause validates the refund.

Clause 8 authorises the Inglewood Borough Council to raise a special loan. The Council recently completed a sewerage reticulation and treatment scheme in its district. It became apparent that the final cost would be in excess of the contract price, on which the original loan application was based. The Council completed the scheme at a cost of \$30,000 with funds from its District Fund Account and now wishes to refund this amount to that account from a special loan raised for the purpose. The Local Authorities Loans Board has no authority to sanction loans for such a purpose and the clause accordingly gives the Council the necessary authority.

Clause 9 authorises the Marton Borough Council to make a refund to its District Fund Account from loan money. Before the Council obtained authority to raise the Pensioner Housing Loan 1969 of \$15,000, it expended out of its District Fund Account, for purposes for which the loan was to be raised, the sum of \$2,942. The Council now wishes to refund this amount to its District Fund Account from the proceeds of the loan, but has no authority to do so. This clause will authorise the refund.

Clause 10 authorises the Rotorua City Council to guarantee repayment of a loan or loans raised by the Young Women's Christian Association of Rotorua.

The Young Women's Christian Association wishes to erect a hostel in Rotorua and the Rotorua City Council wishes to assist in the project by guaranteeing repayment of up to \$30,000 to be borrowed by the Association, but the Council has no authority to do this. The clause confers such authority and also authorises the City Council to provide any money it may be called upon to pay under the guarantee by way of special loan under the Local Authorities Loans Act 1956.

Clause 11 validates certain expenditure incurred by the Whakatane Borough Council. During the financial year ended 31 March 1968, the Whakatane Borough Council spent \$3,008.44 in connection with the celebration of the Borough's fiftieth jubilee. The Council had no authority to spend this amount and legislation is required to validate this action.

Clause 12 validates the form of past rate books of the former Manurewa Borough, the former Manukau County, and the Manukau City Council, which were not kept in accordance with section 52 of the Rating Act 1925.

The discrepancies became apparent in the course of an action brought by the Manukau City Council to recover an amount of outstanding rates which had been levied by the former Manukau County Council. The hearing in the Magistrate's Court found in favour of the City Council but on appeal the Supreme Court reversed the finding on the grounds that the rate book was deficient in form and therefore invalid.

Rate books in the deficient form were used by the former Manukau County Council and the Manukau City Council between the financial years ended 31 March 1957 and 31 March 1968. They were used by the former Manurewa Borough Council and the Manukau City Council between the financial years ended 31 March 1959 and 31 March 1966. Legislation validating these past rate books is therefore required to avoid difficulties in respect of past rate demands. The clause provides that the rights of the parties under any judgment given in any Court before the passing of the clause will not be affected.

Clause 13 validates the action of the Taumarunui Borough Council in refunding \$42,654.81 to its District Fund Account out of the proceeds of a loan. The Council obtained authority to raise a loan of \$80,000 to be known as the Sewerage Additional Loan 1967, but before doing this expended out of its District Fund Account the sum of \$42,654.81 on work for which the loan was raised. The Council refunded this amount to its District Fund Account from the loan but had no authority to do so. This clause validates the refund.

Clause 14 authorises the Wanganui City Council to invest, in aid of the funds of the City of Wanganui, a surplus of money held for the development and improvement of certain endowment lands.

Reserve L is vested in the Corporation of the City of Wanganui in trust as an endowment in aid of the funds of the City. Part of this reserve was taken for motorway and compensation money paid to the Wanganui City Council. Section 9 of the Reserves and Other Lands Disposal Act 1961 provides that the compensation money shall be applied in developing and improving certain other endowment land specified in that section.

The stage has been reached where the endowment land has now been fully developed and the balance of compensation money in hand cannot be usefully applied any further on the land, except to pay for the installation of footpaths. The Wanganui City Council cannot apply the surplus of funds elsewhere without contravening the provisions of section 9 of the Reserves and Other Lands Disposal Act 1961 and therefore seeks legislative authority to use the funds for other purposes, after setting aside sufficient to meet the cost of footpaths. This clause confers such authority on the Corporation.

Clause 15 authorises the Brunner Borough Council to raise a special loan. The Council has recently installed a high-pressure water supply system at Stillwater, meeting additional expenditure required of \$11,500 from its District Fund Account. The Council now wishes to refund this amount to its District Fund Account from a special loan raised for the purpose. The Local Authorities Loans Board has no authority to sanction loans for such a purpose and the clause accordingly gives the Council the necessary authority.

County Councils

Clause 16 authorises the Waihemo County Council to raise a special loan.

In 1965 the Council obtained authority to raise a loan of \$12,000 for the purpose of meeting its share of the cost of the Dunback Rural Water Supply Scheme. However, as the final cost was more than estimated, the Council expended a further \$4,400 from its County Fund Account to complete the scheme. The Council wishes to refund that amount to its County Fund Account from a special loan raised for the purpose. The Local Authorities Loans Board cannot sanction loans for such a purpose and the clause thus gives the Council the necessary authority.

Clause 17 authorises the Inangahua County Council to raise a special loan. The Council has recently carried out alterations and improvements to the Reefton Water Supply Scheme, meeting the cost of \$13,700 from its County Fund Account. The Council now wishes to refund this amount to its County Fund Account from a special loan raised for the purpose. The Local Authorities Loans Board has no authority to sanction loans for such a purpose and the clause accordingly gives the Council the necessary authority.

Clause 18 authorises the Amuri County Council to raise a special loan. The Council has paid the sum of \$10,000 from its County Fund Account to repay the balance outstanding in respect of the Hammer Water Supply Loan 1956 and now wishes to raise a special loan for the purpose of recouping that Account. The Local Authorities Loans Board has no authority to sanction loans for such a purpose and the clause accordingly gives the Council the necessary authority.

Harbour Boards

Clause 19 validates certain expenditure incurred by the Northland Harbour Board. The acquisition of a Coat of Arms cost the Board more than it was able to meet from its unauthorised expenditure in the 1966-67, 1967-68, and 1968-69 financial years. To remedy this the Board wishes to validate all expenditure on the Coat of Arms, a total of \$2,429.73. This clause provides accordingly.

Clause 20 authorises the Northland Harbour Board to make a refund to its Harbour Fund Account from loan money.

The Northland Harbour Board Vesting and Empowering Act 1966 authorised the Board to borrow \$500,000 for extending berths at Port Whangarei. Under section 8 of that Act, the Board was authorised to refund to its Harbour Fund Account from loan money not more than \$100,000 in respect of money expended from that Account, for investigation and preliminary work in connection with the berth extensions, carried out not later than 6 months after the passing of the Act.

However the Board expended from its Harbour Fund Account the sum of \$27,797.15 after the expiry of the 6 month period. As authority to raise the loan has now been obtained the Board wishes to refund the sum of \$27,797.15 to its Harbour Fund Account from the proceeds of the loan but has no authority to do so. The clause will authorise the refund.

Clause 21 authorises the Northland Harbour Board to make a contribution to the Seafarers' Welfare Board of New Zealand (Incorporated).

The Board wishes to contribute \$10,000 to the Welfare Board towards the establishment by the Welfare Board of a seamen's mission at Marsden Point. The Harbour Board has no authority to make such a contribution and this clause gives the authority.

Clause 22 validates a contract made by the Southland Harbour Board with New Zealand Aluminium Smelters Limited whereby the Board is to grant a licence of berthage to that company for a term of 35 years with a right of renewal for a further 35 years. The licence fee to be charged by the Board is in lieu of dues on goods loaded or unloaded by or for the licensee or its shareholders.

The Board has authority, under the Southland Harbour Board Empowering Act 1968, to raise money for providing additional berthage and to grant a lease or licence of the berthage for a term not exceeding 35 years at such rental and on such terms as may be agreed upon, without selling the lease or licence by public auction or tender.

The contract has been entered into pursuant to the Empowering Act but the Board has no authority under that Act to provide for a right of renewal of the licence for a further 35 years. Nor does it have the authority to waive the dues in lieu of the licence fee, as section 94 of the Harbours Act 1950 requires the Board to charge harbour dues equally to all persons in respect of the same description of ships, voyage, and goods. The clause validates the Board's actions in providing for a right of renewal of the licence for a further 35 years, and in waiving the dues.

Affecting Two Classes of Public Bodies

Clause 23 validates an agreement between the Bluff Borough Council and the Southland Harbour Board.

On 7 March 1966 the Bluff Borough Council and the Southland Harbour Board agreed by joint resolution (no written agreement being entered into) that the half yearly instalments of principal payable to the Board by the Council under the Waterworks Repayment Loan 1952 should be suspended for a further period of 5 years commencing on 1 April 1966, and that the interest payable on the principal repayments for the same period be waived. However, the agreement was contrary to section 3 of the Bluff Borough Council and Bluff Harbour Board Empowering Act 1952 and section 4 of the Bluff Water Supply Act 1958. The Council (with the concurrence of the Board) now wishes to validate the agreement and the clause provides accordingly.

Clause 24 authorises the Tauranga Harbour Board to grant to the Corporation of the City of Tauranga a lease, with retrospective effect, of reclaimed land for a term not exceeding 99 years with differing rentals for specified parts of this term.

The two parties have negotiated a 99 year lease, but this contravenes the provisions of the Public Bodies' Leases Act 1908 which prohibits the Harbour Board from selling a lease for a period of more than 50 years. The Act also requires the lease to be sold by public auction or tender. This clause will authorise the Board to sell the lease to the Tauranga City Council for the longer period.

Miscellaneous Provisions

Clause 25 amends the Selwyn Plantation Board Act 1953 to enable the Board to pay travelling allowances and expenses to its officers or employees for the purpose of attending any conference, meeting, or course of study or training.

Clause 26 validates a memorandum of mortgage given by the Kawhia Pest Destruction Board. In 1968 the Board contracted with the State Advances Corporation for the purchase from the Corporation of a house for the accommodation of employees of the Board. The Board agreed that, of the purchase price of \$5,600, the sum of \$2,150 be secured by memorandum of mortgage over the house. However, the Board omitted to apply to the Local Authorities Loans Board for sanction to borrow or contract to borrow from the Corporation as required by the Local Authorities Loans Act 1956. The Board now wishes to validate the memorandum of mortgage and this clause provides accordingly.

Clause 27 authorises the North Canterbury Catchment Board to transfer money from its Plant and Equipment Purchase and Replacement Account to its Office Renewal Reserve Account.

The Board wishes to so transfer \$60,000 for the purpose of erecting new office premises. However, section 120 of the Soil Conservation and Rivers Control Act 1941 provides that money held in a renewal or replacement fund may be used only for the purposes for which the fund was established. Accordingly this clause authorises the Board to transfer the sum of \$60,000 from one account to the other.

Hon. Mr Seath

LOCAL LEGISLATION

ANALYSIS

- | Title | |
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| 1. Short Title | 12. Validating rate books used by Manukau City Council, former Manukau County Council, and former Manurewa Borough Council |
| <i>City and Borough Councils</i> | 13. Validating refund by Taumarunui Borough Council to District Fund Account from loan money |
| 2. Validating variation of terms of raising certain loan money by Geraldine Borough Council | 14. Authorising the Corporation of the City of Wanganui to expend certain compensation money |
| 3. Amending Palmerston North Reserves Empowering Act 1966 | 15. Authorising Brunner Borough Council to raise a special loan |
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| 5. Providing for expenditure by Picton Borough Council in connection with centennial celebrations of Picton Volunteer Fire Brigade | 16. Authorising Waihemo County Council to raise a special loan |
| 6. Validating loan raised by the Timaru City Council and validating refund by Council to District Fund Account from loan money | 17. Authorising Inangahua County Council to raise a special loan |
| 7. Validating refund by Timaru City Council to District Fund Account from loan money | 18. Authorising Amuri County Council to raise a special loan |
| 8. Authorising Inglewood Borough Council to raise a special loan | <i>Harbour Boards</i> |
| 9. Authorising refund by Marton Borough Council to District Fund Account from loan money | 19. Validating certain expenditure incurred by the Northland Harbour Board |
| 10. Authorising Rotorua City Council to guarantee repayment of a loan | 20. Authorising refund by Northland Harbour Board to Harbour Fund Account from loan money |
| 11. Validating certain expenditure incurred by Whakatane Borough Council | 21. Authorising Northland Harbour Board to make a contribution to the Seafarers' Welfare Board of New Zealand (Incorporated) |

<p>22. Validating contract between Southland Harbour Board and New Zealand Aluminium Smelters Limited</p> <p><i>Affecting Two Classes of Public Bodies</i></p> <p>23. Validating agreement between Bluff Borough Council and Southland Harbour Board</p> <p>24. Authorising Tauranga Harbour Board to grant a lease</p>	<p><i>Miscellaneous Provisions</i></p> <p>25. Amending Selwyn Plantation Board Act 1953</p> <p>26. Validating a memorandum of mortgage given by Kawhia Pest Destruction Board</p> <p>27. Authorising North Canterbury Catchment Board to transfer money from its Plant and Equipment Purchase and Replacement Account to its Office Renewal Reserve Account</p>
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A BILL INTITULED

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

BE IT ENACTED by the General Assembly of New Zealand 5
in Parliament assembled, and by the authority of the same,
as follows:

1. Short Title—This Act may be cited as the Local Legislation Act 1969.

City and Borough Councils 10

2. Validating variation of terms of raising certain loan money by Geraldine Borough Council—Whereas by Order in Council made on the 9th day of January 1962, consent was given to the raising by the Geraldine Borough Council (in this section referred to as the Council) of a loan of \$8,500 to be known as the Housing Loan 1961 (in this section referred to as the loan): And whereas the Local Authorities Loans Board determined that the loan or any part of it should be repaid over a period of 25 years: And whereas on the 14th day of May 1962 the term over which the loan could be repaid was varied to 10 years: And whereas the Council raised the loan on conditions that required repayment over a period of 25 years and had no authority to do so: And whereas it is desirable that the action of the Council be validated: Be it therefore enacted as follows: 15
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The action of the Council in raising the loan on the said conditions is hereby validated and declared to have been lawful; and all debentures and stock that have been issued in respect thereof shall be deemed to have been lawfully issued and shall have full force and effect according to their tenor. 30

3. Amending Palmerston North Reserves Empowering Act 1966—Section 4 of the Palmerston North Reserves Empowering Act 1966 is hereby amended by omitting from subsection (2) the words “or development”, and substituting
5 the words “, development, or maintenance”.

4. Authorising refund by Petone Borough Council to District Fund Account from loan money—Whereas, before the Petone Borough Council (in this section referred to as the Council) obtained authority to raise a loan of \$120,000
10 to be known as the Land Purchase Loan 1965 (in this section referred to as the loan), the Council expended out of its District Fund Account, for certain purposes for which the loan was to be raised, the sum of \$10,156.25: And whereas authority to raise the loan has since been obtained and it is
15 desirable to authorise the Council to refund the sum so expended to its District Fund Account out of the proceeds of the loan: Be it therefore enacted as follows:

The Council is hereby authorised to refund the sum of \$10,156.25 to its District Fund Account out of the proceeds
20 of the loan.

5. Providing for expenditure by Picton Borough Council in connection with centennial celebrations of Picton Volunteer Fire Brigade—Whereas in the year 1972 the Picton Volunteer Fire Brigade (in this section referred to as the Brigade) is to
25 celebrate the centennial of the founding of the Brigade: And whereas the Picton Borough Council (in this section referred to as the Council) wishes to expend money in respect of the celebration and commemoration of the centennial: And
30 whereas it is necessary to make special provision to enable the Council to set aside money for that purpose: Be it therefore enacted as follows:

(1) The Council is hereby authorised to establish a separate bank account to be known as the Fire Brigade Centennial Fund Account (in this section referred to as the
35 Fund) and to pay into the Fund in each financial year until and including the financial year ending with the 31st day of March 1973, a sum not exceeding \$125.

(2) The money in the Fund shall be expended by the Council solely in respect of the celebration and commemora-
40 tion of the centennial of the founding of the Brigade and any sum remaining in the Fund after all such expenditure has been made shall be transferred to the District Fund Account of the Council to the credit of the General Account.

6. Validating loan raised by the Timaru City Council and validating refund by Council to District Fund Account from loan money—Whereas on the 13th day of February 1968, the Local Authorities Loans Board sanctioned the raising by the Timaru City Council (in this section referred to as the Council) of a loan of \$28,000 to be known as the Airport Loan 1968 (in this section referred to as the loan): And whereas the Council raised the loan without the consent of the Minister of Finance: And whereas before the Council obtained authority to raise the loan the Council expended out of its District Fund Account, for certain purposes for which the loan was to be raised, the sum of \$15,642: And whereas it is desirable that the action of the Council in raising the loan be validated: And whereas since the loan has been raised the Council has refunded to its District Fund Account out of the proceeds of the loan the sum of \$15,642 but had no authority to do so: And whereas it is desirable to validate the refund: Be it therefore enacted as follows:

(1) Notwithstanding anything to the contrary in the Local Authorities Loans Act 1956, the action of the Council in raising the loan without the prior consent of the Minister of Finance is hereby validated and declared to have been lawful, and all debentures and stock issued in respect thereof shall be deemed to have been lawfully issued and shall have full force and effect according to their tenor.

(2) The action of the Council in refunding the sum of \$15,642 to its District Fund Account out of the proceeds of the loan is hereby validated and declared to have been lawful.

7. Validating refund by Timaru City Council to District Fund Account from loan money—Whereas before the Timaru City Council (in this section referred to as the Council) obtained authority to raise a loan of \$32,000 to be known as the Housing Loan 1967 (in this section referred to as the loan), the Council expended out of its District Fund Account, for certain purposes for which the loan was to be raised, the sum of \$10,110: And whereas when that authority had been obtained and the loan raised the Council refunded the sum of \$10,110 to its District Fund Account out of the proceeds of the loan, but had no authority to do so: And whereas it is desirable to validate the refund: Be it therefore enacted as follows:

The action of the Council in refunding the sum of \$10,110 to its District Fund Account out of the proceeds of the loan is hereby validated and declared to have been lawful.

8. Authorising Inglewood Borough Council to raise a special loan—Whereas the Inglewood Borough Council (in this section referred to as the Council) has expended out of its District Fund Account the sum of \$30,000 in payment of the
5 balance of money owing for the sewerage installation carried out under the Sewerage Reticulation and Extension and Sewerage Treatment Loan 1965: And whereas the Local Authorities Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council to
10 refund the said sum to its District Fund Account: And whereas it is desirable to authorise the Council to raise a special loan of not more than \$30,000 for the purpose of recouping its District Fund Account in respect of the sum expended from that Account as aforesaid: Be it therefore
15 enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Authorities Loans Act 1956 an amount not exceeding \$30,000 for the purpose of
20 refunding to its District Fund Account the sum expended from that Account as aforesaid.

9. Authorising refund by Marton Borough Council to District Fund Account from loan money—Whereas before the Marton Borough Council (in this section referred to as the Council) obtained authority to raise a loan of \$15,000 to be
25 known as the Pensioner Housing Loan 1969 (in this section referred to as the loan), the Council expended out of its District Fund Account, for certain purposes for which the loan was to be raised, the sum of \$2,942: And whereas authority to raise the loan has since been obtained and it is
30 desirable to authorise the Council to refund the sum so expended to its District Fund Account out of the proceeds of the loan: Be it therefore enacted as follows:

The Council is hereby authorised to refund the sum of \$2,942 to its District Fund Account out of the proceeds of the
35 loan.

10. Authorising Rotorua City Council to guarantee repayment of a loan—Whereas the Young Women's Christian Association of Rotorua (Incorporated) (in this section referred to as the Association) intends to erect a hostel on the
40 land described in subsection (5) of this section and for that purpose intends to raise a loan: And whereas the Rotorua

City Council (in this section referred to as the Council) wishes to guarantee repayment of the loan but has no authority to do so: Be it therefore enacted as follows:

(1) The Council may, in the name and on behalf of the Mayor, Councillors, and Citizens of the City of Rotorua, by deed or other instrument, guarantee to any financial institution within the meaning of section 326 of the Municipal Corporations Act 1954 repayment of the whole or any portion of any money which the financial institution may advance to the Association by way of mortgage on the security of the land described in subsection (5) of this section:

Provided that the Council shall not exercise the power conferred by this subsection unless the money so advanced to the Association by the financial institution amounts to not more than \$30,000 or two-thirds of the total estimated value of the land and the proposed hostel when erected thereon, whichever is the less.

(2) Any such guarantee shall contain such terms and conditions as the Council and the financial institution may agree upon, and may from time to time be varied by deed or other instrument executed by the Council in the name and on behalf of the Mayor, Councillors, and Citizens of the City of Rotorua, and by the financial institution.

(3) The mortgage securing the advance shall contain such terms and conditions as the Council, the financial institution, and the Association may agree upon.

(4) For the purpose of providing funds to enable it to make any payment for which it becomes liable pursuant to a guarantee given under this section or for the purpose of re-funding to its General Account any money paid from that Account under such a guarantee, the Council may borrow money by way of special loan under the Local Authorities Loans Act 1956, by special order, and, notwithstanding anything in section 34 of that Act, any such special loan may be raised without the prior consent of the ratepayers.

(5) The land to which this section relates is described as follows:

All that piece of land containing 1 acre and 0.4 perches, more or less, situated in the City of Rotorua, being Section 46 and part Section 3, Block I, Tarawera Survey District, being more particularly defined and shown edged red on Survey Office Plan numbered 42697 lodged in the office of the Chief Surveyor at Hamilton.

11. **Validating certain expenditure incurred by Whakatane Borough Council**—The expenditure by the Whakatane Borough Council during the financial year ended with the 31st day of March 1968 of the sum of \$3,008.44 in connection with the celebration of the fiftieth jubilee of the Borough of Whakatane is hereby validated and declared to have been lawfully incurred.

12. **Validating rate books used by Manukau City Council, former Manukau County Council, and former Manurewa Borough Council**—Whereas it has been found that certain rate books formerly kept by the Manukau City Council (in this section referred to as the City Council), the former Manukau County Council (in this section referred to as the County Council), and the former Manurewa Borough Council (in this section referred to as the Borough Council) were not in the form prescribed by the Rating Act 1925: And whereas it is desirable to validate the actions of the City Council, County Council, and Borough Council in keeping rate books that were not in the prescribed form: Be it therefore enacted as follows:

(1) The rate books adopted and kept by the County Council and the City Council in respect of the period commencing on the 1st day of April 1956 and ending with the 31st day of March 1968 shall be deemed to have been in the form prescribed by the Rating Act 1925; and the making, levying, and collecting of rates by the City Council and County Council in respect of that period shall be deemed to have been and to be lawful.

(2) The rate books adopted and kept by the Borough Council and the City Council in respect of the period commencing on the 1st day of April 1958 and ending with the 31st day of March 1966 shall be deemed to have been in the form prescribed by the Rating Act 1925; and the making, levying, and collecting of rates by the Borough Council and City Council in respect of that period shall be deemed to have been and to be lawful.

(3) All money received by the City Council, the County Council, and the Borough Council in payment of such rates shall be deemed to have been lawfully paid to and received by those Councils; and any such rates not yet paid shall be lawfully payable to the City Council.

(4) This section shall not affect the rights of any parties under any judgment given in any Court before the passing of this section or under any judgment given on appeal from any such judgment, whether the appeal is commenced before the passing of this section or not.

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13. Validating refund by Taumarunui Borough Council to District Fund Account from loan money—Whereas before the Taumarunui Borough Council (in this section referred to as the Council) obtained authority to raise a loan of \$80,000 to be known as the Sewerage Additional Loan 1967 (in this section referred to as the loan), the Council expended out of its District Fund Account for certain purposes for which the loan was to be raised the sum of \$42,654.81: And whereas when that authority had been obtained and the loan raised the Council refunded to its District Fund Account out of the proceeds of the loan the sum of \$42,654.81 but had no authority to do so: And whereas it is desirable to validate the refund: Be it therefore enacted as follows:

The action of the Council in refunding the sum of \$42,654.81 to its District Fund Account out of the proceeds of the loan is hereby validated and declared to have been lawful.

14. Authorising the Corporation of the City of Wanganui to expend certain compensation money—Whereas the land known as Reserve L (in this section referred to as the Reserve) is vested in the Corporation of the City of Wanganui (in this section referred to as the Corporation) in trust as an endowment in aid of the funds of the City: And whereas part of the Reserve was taken by Proclamation for the construction of a motorway and compensation paid to the Corporation in terms of section 9 of the Reserves and Other Lands Disposal Act 1961: And whereas the compensation together with other money held by the Corporation was to be used in the development and improvement of the land described in subsection (5) of the said section 9 (in this section referred to as the land): And whereas the land is now fully developed except for the installation of footpaths: And whereas money will be set aside for that purpose: And whereas it is desirable that provision be made for the use of surplus money paid and to be paid as compensation for the taking of part of the Reserve: Be it therefore enacted as follows:

(1) Any compensation money held by the Corporation in connection with the taking of part of the Reserve for motorway purposes shall be held in the General Account of the Corporation as provided by section 9 of the Reserves and
5 Other Lands Disposal Act 1961.

(2) The Corporation shall hold in the General Account a sufficient sum to complete the footpaths on or across the land.

(3) Notwithstanding anything to the contrary in any Act or rule of law, the Corporation is hereby authorised and
10 empowered, after setting aside the sum of money referred to in subsection (2) of this section, to use any surplus compensation money held by it in terms of section 9 of the Reserves and Other Lands Disposal Act 1961 for all or any of the following purposes:

- 15 (a) Investment in the purchase of land:
- (b) Investment in securities of local authorities within the meaning of the Local Authorities Loans Act 1956, other than the Wanganui City Council:
- 20 (c) Deposit with the National Provident Fund, or the Post Office Savings Bank, or any trading bank within the meaning of the Reserve Bank of New Zealand Act 1964, or any trustee savings bank within the meaning of the Trustee Savings Banks Act 1948, or any private savings bank within the meaning of the
25 Private Savings Banks Act 1964:
- (d) Investment on first mortgage for housing loans to members of the staff of the Wanganui City Council.

(4) The income derived from the use of the compensation money shall be used in aid of the funds of the City of
30 Wanganui.

15. Authorising Brunner Borough Council to raise a special loan—Whereas the Brunner Borough Council (in this section referred to as the Council) has expended out of its District Fund Account the sum of \$11,500 in payment of part of the
35 cost of the installation of a high-pressure water supply system at Stillwater: And whereas the Local Authorities Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council to refund that sum to its District Fund Account: And whereas it is desirable to
40 authorise the Council to raise a special loan not exceeding \$11,500 for the purpose of recouping its District Fund Account in respect of the money so expended from the account: Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Authorities Loans Act 1956 a sum not exceeding \$11,500 for the purpose of refunding to its District Fund Account the money so expended from the account.

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County Councils

16. Authorising Waihemo County Council to raise a special loan—Whereas, by Order in Council made on the 20th day of December 1965, consent was given to the raising by the Waihemo County Council (in this section referred to as the Council) of a loan of \$12,000 to be known as the Dunback Water Supply Loan No. 1, 1965 (in this section referred to as the loan) for the purpose of providing a rural and domestic water supply in the Dunback Rural Water Supply District: And whereas after expending the amount of the loan, the Council expended out of its County Fund Account the sum of \$4,400 in completing the work: And whereas the Local Authorities Loans Board has no authority to sanction the raising of a loan to enable the Council to refund the sum of \$4,400 to its County Fund Account: And whereas it is desirable to authorise the Council to raise a special loan not exceeding \$4,400 for the purpose of refunding that sum to its County Fund Account: Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Authorities Loans Act 1956 an amount not exceeding \$4,400 for the purpose of refunding to its County Fund Account the sum expended from that account as aforesaid.

17. Authorising Inangahua County Council to raise a special loan—Whereas the Inangahua County Council (in this section referred to as the Council) has expended out of its County Fund Account the sum of \$13,700 in carrying out alterations and improvements to the Reefton Water Supply Scheme: And whereas the Local Authorities Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council to refund the said sum to its County Fund Account: And whereas it is desirable to authorise the Council to raise a special loan not exceeding \$13,700 for the purpose of recouping its County Fund Account in respect of the sum expended from that account as aforesaid: Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow by way of special loan under the Local Authorities Loans Act 1956 an amount not exceeding \$13,700 for the purpose of refunding to its County Fund Account the sum expended
5 from that account as aforesaid.

18. Authorising Amuri County Council to raise a special loan—Whereas the Amuri County Council (in this section referred to as the Council) has expended out of its County Fund Account the sum of \$10,000 to repay the balance out-
10 standing in respect of the Hanmer Water Supply Loan 1956: And whereas the Local Authorities Loans Board has no authority to sanction the raising of a loan for the purpose of enabling the Council to refund the said sum to its County Fund Account: And whereas it is desirable to authorise the
15 Council to raise a loan of not more than \$10,000 for the purpose of recouping its County Fund Account in respect of the sum so expended from that Account: Be it therefore enacted as follows:

The Council is hereby authorised and empowered to borrow
20 by way of special loan under the Local Authorities Loans Act 1956 an amount not exceeding \$10,000 for the purpose of refunding to its County Fund Account the sum so expended from that Account, and, notwithstanding anything in section 34 of that Act, the special loan may be raised without the
25 prior consent of the ratepayers.

Harbour Boards

19. Validating certain expenditure incurred by the Northland Harbour Board—The expenditure by the Northland Harbour Board during the financial year ended with the 30th
30 day of September 1967 of the sum of \$863.57, during the financial year ended with the 30th day of September 1968 of the sum of \$1,549.23, and during the financial year ended with the 30th day of September 1969 of the sum of \$16.93, in the acquisition of a Coat of Arms, is hereby validated and
35 declared to have been lawfully incurred.

20. Authorising refund by Northland Harbour Board to Harbour Fund Account from loan money—Whereas section 6 of the Northland Harbour Board Vesting and Empowering Act 1966 (in this section referred to as the Act) authorised
40 the Northland Harbour Board (in this section referred to as

the Board) to raise a loan of \$500,000 for the purpose of extending berths at Port Whangarei: And whereas section 8 of the Act authorised the Board to refund to its Harbour Fund Account, from money borrowed under the Act, any money (not exceeding \$100,000) expended from the Account, for certain specified purposes, before or within 6 months after the passing of the Act: And whereas the Board so expended the sum of \$27,797.15 from its Harbour Fund Account after the expiry of the said period of 6 months: And whereas authority to raise the loan has since been obtained and it is desirable to authorise the Board to refund the sum of \$27,797.15 to its Harbour Fund Account out of the proceeds of the loan: Be it therefore enacted as follows:

The Board is hereby authorised to refund the sum of \$27,797.15 to its Harbour Fund Account out of the proceeds of the loan.

21. Authorising Northland Harbour Board to make a contribution to the Seafarers' Welfare Board of New Zealand (Incorporated)—The Northland Harbour Board is hereby authorised to pay from its Harbour Fund Account a sum not exceeding \$10,000 to the Seafarers' Welfare Board of New Zealand (Incorporated) as a contribution towards the cost of establishing a seamen's mission building at Marsden Point.

22. Validating contract between Southland Harbour Board and New Zealand Aluminium Smelters Limited—Whereas the Southland Harbour Board (in this section referred to as the Board) is required by section 94 of the Harbours Act 1950 to make harbour dues by bylaws and to charge such dues equally to all persons in respect of the same description of ships, the same description of voyage, and the same description of goods: And whereas the Board was authorised by the Southland Harbour Board Empowering Act 1968 to raise money for the purpose, *inter alia*, of providing additional berthage and by section 5 of that Act to grant a lease or licence of the berthage for a term not exceeding 35 years at such rental and on such terms as may be agreed upon, without selling the lease or licence by public auction or public tender: And whereas the Board has accepted a tender for the construction of the berthage at Tiwai Peninsula to service an aluminium smelter: And whereas the Board has entered into a contract to grant a licence of the berthage to New Zealand

Aluminium Smelters Limited (in this section referred to as the licensee) for a term of 35 years with a right of renewal for a further term of 35 years at such licence fee for the renewed term as may be agreed upon or, failing agreement, as may
5 be determined by arbitration: And whereas the licence fee for the initial term of the licence includes the payment of all loan charges in respect of the loan raised to construct the berthage and certain other charges: And whereas the licence fee will be charged to and paid by the licensee in lieu of payment of dues
10 on goods loaded or unloaded by or for the licensee or its shareholders over the berthage: Be it therefore enacted as follows:

Notwithstanding anything to the contrary in any Act, the action of the Board in entering into a contract to grant a
15 licence of the berthage for a term of 35 years with a right of renewal for a further term of 35 years at a licence fee to be charged to the licensee in lieu of dues on goods loaded or unloaded by or for the licensee or its shareholders over the berthage is hereby validated and declared to have been law-
20 ful, and the Board is hereby empowered to grant the licence.

Affecting Two Classes of Public Bodies

23. Validating agreement between Bluff Borough Council and Southland Harbour Board—Whereas the Bluff Borough Council (in this section referred to as the Council) and the
25 Southland Harbour Board (in this section referred to as the Board) at a joint meeting held on the 7th day of March 1966 agreed by joint resolution confirmed by the Council on the 8th day of March 1966 and by the Board on the 29th day of March 1966 (no written agreement being entered
30 into) that the half-yearly instalments of principal payable to the Board by the Council under the Waterworks Repayment Loan 1952 be suspended for a further period of 5 years commencing on the 1st day of April 1966 and that the interest payable on the principal repayments for the same period be
35 waived: And whereas the said agreement was contrary to section 3 of the Bluff Borough Council and Bluff Harbour Board Empowering Act 1952 and section 4 of the Bluff Water Supply Act 1958: And whereas it is desirable to validate the said agreement: Be it therefore enacted as
40 follows:

Notwithstanding anything to the contrary in any Act, the Council and the Board shall be deemed to have at all times been authorised and empowered to enter into the said agreement which is hereby declared to have been lawfully made and which shall have effect according to its tenor. 5

24. Authorising Tauranga Harbour Board to grant a lease—
Whereas the Tauranga Harbour Board (in this section referred to as the Board) is the registered proprietor of the land described in subsection (4) of this section (in this section referred to as the land): And whereas the Board, in accordance with an arrangement between the Board and the Tauranga City Council (in this section referred to as the Council) desires to grant a lease to the Mayor, Councillors, and Citizens of the City of Tauranga (in this section referred to as the Corporation) for a term of 99 years commencing on the 1st day of December 1964: And whereas the Board has no authority to grant a lease for a term exceeding 50 years or to grant such a lease without selling it by public auction or public tender or offering it by public application for lease at a fixed rental: Be it therefore enacted as follows: 10 15 20

(1) Notwithstanding the provisions of sections 5 and 8 of the Public Bodies' Leases Act 1908 and section 66 of the Statutes Amendment Act 1945, the Board is hereby authorised to grant to the Corporation a lease of the land for a term not exceeding 99 years. 25

(2) The lease may provide that it is to operate retrospectively and commence on the 1st day of December 1964.

(3) The lease may provide for differing rentals for specified parts of its term or for the rental for any part of the term to be fixed by agreement between the lessor and the lessee, or, failing agreement, to be fixed by arbitration. 30

(4) The land to which this section relates is described as follows:

All that piece of land containing 3 roods 33 perches, more or less, situated in Block X, Tauranga Survey District, being Lot 2, Deposited Plan S. 12590, being part Allotment 413, Section 1, Town of Tauranga, and being also part of the land comprised and described in certificate of title, Volume 10c, folio 425, South Auckland Registry. 35 40

Miscellaneous Provisions

25. **Amending Selwyn Plantation Board Act 1953**—Section 8 of the Selwyn Plantation Board Act 1953 is hereby amended by adding to subsection (1) the words “and may pay those
5 persons such salaries and allowances as it thinks fit (including allowances and travelling expenses in respect of their attendance at any conference, meeting, or course of study or training, that in the Board’s opinion will render them better fitted to carry out their duties)”.

10 **26. Validating a memorandum of mortgage given by Kawhia Pest Destruction Board**—Whereas the Kawhia Pest Destruction Board (in this section referred to as the Board) on the 8th day of July 1968 contracted with the State Advances Corporation of New Zealand (in this section
15 referred to as the Corporation) for the purchase from the Corporation of a house situated on the land described in subsection (2) of this section for the accommodation of employees of the Board: And whereas the Board agreed that, of the purchase price of \$5,600, the sum of \$2,150 should be secured
20 by memorandum of mortgage over the land: And whereas on the 12th day of August 1968 the Board completed the purchase and gave and executed the memorandum of mortgage: And whereas the action of the Board in giving and executing the memorandum of mortgage was
25 contrary to the provisions of section 68 (2) of the Agricultural Pests Destruction Act 1967 and of Part I of the Local Authorities Loans Act 1956 in that no application was made by the Board to the Local Authorities Loans Board under section 8 of the Local Authorities Loans Act 1956 for sanction
30 to borrow or contract to borrow money from the Corporation: And whereas it is desirable that the action of the Board in giving and executing the memorandum of mortgage be validated: Be it therefore enacted as follows:

(1) The action of the Board in contracting for and giving and
35 executing the memorandum of mortgage securing the sum of \$2,150 is hereby validated and declared to have been lawful, and the memorandum of mortgage shall be deemed to have been lawfully executed and shall have full force and effect according to its tenor.

40 (2) The land in respect of which the memorandum of mortgage was executed is described as follows:

All that piece of land containing 2 roods 27 perches, more or less, being Lot 1, D.P. S1770, being part Section 16, Block VIII, Kawhia North Survey District, and being also all of the land comprised and described in Proclamation S63852, South Auckland Registry.

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27. Authorising North Canterbury Catchment Board to transfer money from its Plant and Equipment Purchase and Replacement Account to its Office Renewal Reserve Account—The North Canterbury Catchment Board is hereby authorised to transfer the sum of \$60,000 from its Plant and Equipment Purchase and Replacement Account to its Office Renewal Reserve Account.

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