

## LOCAL LEGISLATION BILL

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### EXPLANATORY NOTE

*Clause 1* relates to the Bill's Short Title.

*Clause 2* validates the unlawful reclamation of 2 parcels of land by the Otago Harbour Board. Part of the land was reclaimed in 1922, and the bulk of it was reclaimed in 1963. In neither case did the Board obtain the authority required by law before reclamations can be undertaken.

*Clause 3* relates to land vested in the Thames Borough Council last century for a mechanics' institute and public library.

The Thames-Coromandel District Council (the successor to the former Borough Council) intends to sell the land and the building on it, and to build a new public library.

The clause enables the removal from the title to the land of a caveat lodged by the District Land Registrar to protect the requirement that it should be used for library purposes, and will enable the District Council to use the land as it thinks fit.

In order, however, to respect the intentions of the people who gave the land, *subclause (3)* requires the District Council to use within the district of the former Thames Borough Council and for library purposes only all income from the land or, if it is sold, the net proceeds of the sale.

*Clause 4* validates the rates levied by the Tuakau Borough Council for the 1986-87 rating year. The rates as made include a 5 percent G.S.T. component; but when rate demands were prepared, a further 5 percent was mistakenly added. The total amount involved is some \$22,000.

*Clause 5* validates certain annual charges imposed on properties in the central riding of the Waiheke County Council in respect of the 1985-86 rating year. These charges were \$48 for residential properties and \$150 for commercial and industrial properties; and they were unlawful because they were not uniform.

*Clause 6* validates a loan that was raised by the Wairoa County Council in 1984 without compliance with certain requirements of the Local Authorities Loans Act 1956.

No. 100-1

Price  
incl. GST \$1.90

*Clause 7* relates to land bequeathed to the Wairoa County Council for library purposes. It was formerly the site of the Frasertown library; but the building on it has not been used as a library for some years.

The clause removes from the title to the land a restriction requiring it to be used for library purposes, and will enable the Wairoa District Council (the successor to the former County Council) to use the land as it thinks fit.

In order, however, to respect the intentions of the testatrix (a Mrs Ellen Becket), *subclause (3)* requires the District Council to use for library purposes all income from the land or, if it is sold, the net proceeds of the sale.

*Clause 8* repeals a number of spent Local Acts.

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*Hon. Dr M. E. R. Bassett*

## LOCAL LEGISLATION BILL

### ANALYSIS

Title	
1. Short Title	5. Waiheke County Council: Validating annual general charges
2. Otago Harbour Board: Validating unlawful reclamations	6. Wairoa County Council: Validating unlawful loan
3. Thames-Coromandel District Council: Removal of trust from land	7. Wairoa District Council: Removal of trust from land
4. Tuakau Borough Council: Validating incorrectly expressed rates assessments	8. Repeals and savings Schedule

### A BILL INTITULED

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

5 BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Local Legislation Act 1988.

**2. Otago Harbour Board: Validating unlawful reclamations**—(1) The actions of the Otago Harbour Board in  
10 reclaiming the land described in subsection (3) of this section are hereby validated and deemed to have been lawful; and the land is hereby deemed to have been lawfully reclaimed.

(2) Nothing in subsection (1) of this section affects the validity of, or affects or prevents the making of, any claim under the  
15 Treaty of Waitangi or based on a right arising or alleged to arise out of the treaty (whether under the Treaty of Waitangi Act 1975 or otherwise).

(3) The land comprises first the parcel of land shown marked  
"A" on S.O. plan 21911 lodged in the office of the Chief  
20 Surveyor in Dunedin and containing 2,700 m<sup>2</sup> more or less, and

secondly the parcel of land shown on that plan marked "B" and containing 1,100 m<sup>2</sup> more or less.

**3. Thames-Coromandel District Council: Removal of trust from land**—(1) Subject to **subsection (2)** of this section, all trusts, reservations, and restrictions, to which the land 5 described in **subsection (5)** of this section (hereafter in this section referred to as the library land) was subject immediately before the commencement of this Act (not being trusts, reservations, or restrictions applicable to all land vested in District Councils as successors to Borough Councils) are hereby cancelled and 10 revoked.

(2) **Subsection (3)** of this section applies to the library land, and to any land acquired by the Thames-Coromandel District Council—

(a) In full or part exchange for all or any part of any land to 15 which the subsection applies; or

(b) Out of the proceeds of the sale of any land to which the subsection applies.

(3) The council shall use within the district of the former Thames Borough Council only, and for library purposes only,— 20

(a) Any income derived from land to which this subsection applies; and

(b) The net proceeds of the sale of any land to which this subsection applies; and

(c) Until it is sold or otherwise disposed of, all land to which 25 this subsection applies.

(4) The District Land Registrar of the land registration district of South Auckland shall do all things, and make all entries in registers, necessary to give effect to **subsections (1) and (3)** of this section. 30

(5) The land is all that parcel of land situated in the District of Thames-Coromandel containing 653 m<sup>2</sup>, more or less, being Lots 691, 692, and 693 of the Kauaeranga No. 12 Block excepting all mines and minerals within or under the said land as excepted by conveyances 4382D (D11.198) and 4973D 35 (D7.872), and being all the land comprised and described in certificate of title No. 560/84 (South Auckland Registry), limited as to parcels.

**4. Tuakau Borough Council: Validating incorrectly expressed rates assessments**—(1) In this section,— 40

“ ‘Affected property’ means a rateable property situated in the Borough of Tuakau:

“Higher rates’, in relation to an affected property, means those of the rates deemed under subsection (3) of this section to have been resolved to be made and levied that apply to it:

5 “Lower rates’, in relation to an affected property, means those of the rates described in subsection (2) of this section that, but for that subsection, would have applied to it.

(2) The several rates resolved to be made and levied by the  
10 Tuakau Borough Council on all affected properties in respect of the year ended with the 31st day of March 1987 at a duly notified meeting held on the 30th day of April 1986 are hereby deemed not to have been so made and levied.

(3) The Council is hereby deemed to have lawfully resolved  
15 at that meeting that there be made and levied on all affected properties, in place of each of the lower rates, a rate higher by 5 percent than that lower rate.

(4) All of the Council’s actions in levying, in respect of the  
20 said year on affected properties, amounts calculated on the basis of the higher rates are hereby validated and deemed to have been lawful.

(5) All money received by the Council in payment of rates for  
25 the said year on affected properties calculated on the basis of the higher rates, is hereby deemed to have been lawfully paid to and received by it.

(6) Such part of the rates for the said year on any affected  
30 property, calculated on the basis of the higher rates, as has not yet been paid to the Council is hereby deemed to be lawfully payable to it, and capable of being collected as if it had always been lawfully payable.

**5. Waiheke County Council: Validating annual general charges**—Notwithstanding that the annual general charges of  
35 \$48 for residential properties and \$150 for commercial and industrial properties within the central riding of the District of the Waiheke County Council resolved to be made and levied in respect of the year that ended with the 31st day of March 1986 by the Council at its duly notified meeting held on the 25th day of July 1985 were invalid by virtue of their not being uniform as required by section 157A of the Local Government Act 1974,—

40 (a) The charges are hereby validated and deemed to have been lawfully made:

(b) All actions of the Council in levying and collecting the charges are hereby validated and deemed to have been lawful:

- (c) All money received by the Council in payment of the charges is hereby deemed to be lawfully payable, and capable of being collected as if it had always been lawfully payable.

**6. Wairoa County Council: Validating unlawful loan— 5**

Notwithstanding the failure of the Wairoa County Council to comply with the requirements of the Local Authorities Loans Act 1956 to—

- (a) Pass a resolution to raise a loan; and  
 (b) Provide public notification of its intention to raise a loan; 10  
 and

(c) Pass a resolution confirming a resolution to raise a loan,— the actions of the Council in raising, on the 28th day of November 1984, the loan known as the Staff Housing Loan 1984 are hereby validated and deemed to have been lawful, 15 and the loan is hereby validated and deemed to have been and to continue to be lawful.

**7. Wairoa District Council: Removal of trust from land—**(1) Subject to subsection (2) of this section, all trusts, reservations, and restrictions, to which the land described in subsection (5) of this section (hereafter in this section referred to as the library land) was subject immediately before the commencement of this Act (not being trusts, reservations, or restrictions applicable to all land vested in District Councils as successors to County Councils) are hereby cancelled and 25 revoked.

(2) Subsection (3) of this section applies to the library land, and to any land acquired by the Wairoa District Council—

- (a) In full or part exchange for all or any part of any land to which the subsection applies; or 30  
 (b) Out of the proceeds of the sale of any land to which the subsection applies.

(3) The council shall use for library purposes only—

- (a) Any income derived from land to which this subsection applies; and 35  
 (b) The net proceeds of the sale of any land to which this subsection applies; and  
 (c) Until it is sold or otherwise disposed of, all land to which this subsection applies.

(4) The District Land Registrar of the land registration 40 district of Gisborne shall do all things, and make all entries in registers, necessary to give effect to subsections (1) and (3) of this section.

(5) The land is all that parcel of land containing 1011 m<sup>2</sup>, more or less, being section 61, Town of Frasertown, being part Block XIII, Opotiki Survey District, and being all the land comprised and described in certificate of title No. 107/82  
5 (Gisborne Registry), limited as to parcels and title.

**8. Repeals and savings**—(1) The enactments specified in the Schedule to this Act are hereby repealed.

(2) The repeal by **subsection (1)** of this section of any  
10 enactment does not affect the validity or effect of anything done or validated by the enactment or, before the commencement of this Act, done under the enactment.

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## Section 8

## SCHEDULE

## ENACTMENTS REPEALED

- 1879, No. 1 (L)—The City of Auckland Loans Consolidation Act 1879.  
 1903, No. 9 (L)—The City of Christchurch Special Loans Enabling Act 1903.  
 1911, No. 6 (L)—The Papakaio Water-race District Validation Act 1911.  
 1924, No. 5 (L)—The Wanganui City Council Special Rate Empowering and Enabling Act 1924.  
 1925, No. 12 (L)—The Whangarei Harbour Board Empowering Act 1925.  
 1930, No. 2 (L)—The Rotorua Borough Empowering Act 1930.  
 1934, No. 7 (L)—The Greymouth United Borough Rating Empowering Act 1934.  
 1934, No. 11 (L)—The Woodlands Drainage Board (Rating) Validation Act 1934.  
 1941, No. 3 (L)—The Lower Hutt City Empowering and Rates Consolidation Act 1941.  
 1944, No. 11 (L)—The Carterton Borough Empowering Act 1944.  
 1950, No. 6 (L)—The Huntly Borough Empowering Act 1950.  
 1951, No. 14 (L)—The Oamaru Harbour Board Rating Act 1951.  
 1952, No. 1 (L)—The Manawatu Catchment Board Empowering Act 1952.  
 1952, No. 20 (L)—The Tauranga County Council Empowering Act 1952.  
 1952, No. 9 (L)—The New Lynn Borough Empowering and Rates Consolidation Act 1952.  
 1952, No. 15 (L)—The Western Waiheke Road Board Empowering Act 1952.  
 1952, No. 16 (L)—The Timaru City Rates Consolidation Act 1952.  
 1953, No. 7 (L)—The Southland Catchment Board Empowering Act 1953.  
 1953, No. 11 (L)—The Kamo Town Board Empowering Act 1953.  
 1954, No. 5 (L)—The Onerahi Town Board Empowering Act 1954.  
 1954, No. 7 (L)—The Dargaville Borough Empowering Act 1954.  
 1954, No. 12 (L)—The Kaitia Borough Empowering Act 1954.  
 1955, No. 3 (L)—The Rawene Town Council Empowering Act 1955.  
 1957, No. 7 (L)—The Rangiora Borough Empowering Act 1957.  
 1958, No. 2 (L)—The Warkworth Town Council Empowering Act 1958.  
 1958, No. 5 (L)—The Putaruru Borough Empowering Act 1958.  
 1960, No. 1 (L)—The Te Kauwhata Town Council Empowering Act 1960.  
 1961, No. 7 (L)—The Otamatea County Empowering (Community Centres) Act 1961.  
 1961, No. 12 (L)—The Cook County Council Empowering Act 1961.  
 1962, No. 18 (L)—The Akaroa County Council Empowering Act 1962.  
 1962, No. 2 (L)—The Clutha County Empowering (Community Centres) Act 1962.  
 1965, No. 14 (L)—The Waikohu County Council Empowering Act 1965.  
 1978, No. 3 (L)—The Tuakau Borough (Rates Validation) Act 1978.