



ANALYSIS

Title.

1. Short Title.
2. Interpretation.
3. Constitution of districts.
4. Postponement of first election.
5. Appointment of Town Commissioner.
6. Commissioner to have powers of local authority.
7. Commissioner not personally liable.

8. Rights, liabilities, etc., of Commissioner to vest in or bind local authority.
9. Resolutions and special orders.
10. Signing of cheques.
11. Execution of contracts and authentication of documents.
12. Advisory committees.
13. Advances to Commissioner.
14. Remuneration and expenses of Commissioner.
15. Service rights and superannuation rights of Commissioner.

1953, No. 87

Title.

AN ACT to provide for the establishment of local government in the Townships of Kawerau and Murupara.

[26 November 1953]

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

Short Title.

1. This Act may be cited as the Kawerau and Murupara Townships Act 1953.

Interpretation.

2. In this Act, unless the context otherwise requires,—

“Commissioner” means the Town Commissioner of Kawerau or the Town Commissioner of Murupara, as the case may require:

“District” means a district constituted under section three of this Act:

“Local authority”, in relation to a district, means the Borough Council or Town Board thereof, as the case may be:

“Minister” means the Minister of Internal Affairs.

3. (1) Notwithstanding anything in the Town Boards Act 1908, the Counties Act 1920, the Municipal Corporations Act 1933, or the Local Government Commission Act 1946, but subject to the provisions of subsection two of this section, the Governor-General may, by Order in Council, declare that—

Constitution of districts.
See Reprint of Statutes, Vol. V, p. 333
Ibid., p. 180
1933, No. 30
1946, No. 28

(a) An area of land described in the Order in Council, being the land comprising the present Township of Kawerau together with such additional land as he considers necessary for the future development of the township, shall cease to form part of the County of Whakatane and shall be either a borough or a town district, as the Governor-General determines:

(b) An area of land described in the Order in Council, being the land comprising the present Township of Murupara together with such additional land as he considers necessary for the future development of the township, shall cease to form part of the County of Whakatane and shall be either a borough or a town district, as the Governor-General determines.

(2) The area specified in any Order in Council under subsection one of this section shall not exceed the dimensions specified in subsection two of section four of the Town Boards Act 1908 in the case of an area declared to be a town district, or in paragraph (c) of section three of the Municipal Corporations Act 1933 in the case of an area declared to be a borough.

4. (1) The Governor-General may, by any Order in Council made under section three of this Act, direct that the first election of the members of the local authority of the district shall be postponed to a date to be specified in a subsequent Order in Council.

Postponement of first election.

(2) Where the Governor-General so postpones the date for the holding of the first election of members of the local authority, he may, by the Order in Council fixing the date for that election or by a subsequent Order in Council, make such provisions as he thinks necessary for the holding of that election.

5. (1) Where the Governor-General, pursuant to section four of this Act, directs a postponement of the first election of members of the local authority of the

Appointment of Town Commissioner.

district, he may from time to time, by Warrant, appoint a suitable person to be the Town Commissioner of the district.

(2) The same person may be so appointed to be the Commissioner for each district.

(3) Subject to the provisions of subsection four of this section, the Commissioner so appointed shall continue in office until the members of the local authority of the district elected at the first general election of members of the local authority held after his appointment come into office.

(4) The Commissioner may be at any time removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct; or he may at any time resign his office by writing addressed to the Minister. In any such case, or in the event of the death of the Commissioner, the Governor-General may, by Warrant, appoint any other suitable person to be the Commissioner, to hold office for the remainder of the period specified in subsection three of this section, and pending the making of that appointment the Town Clerk, or such other person as the Minister appoints, shall act as Commissioner, and while so acting shall be deemed to be the Commissioner.

(5) In case of the illness, absence, or temporary incapacity of the Commissioner (from whatever cause arising), and so long as the illness, absence, or temporary incapacity continues, the Town Clerk with the approval of the Minister, or such other person as the Minister appoints, shall act as Commissioner, and while so acting shall be deemed to be the Commissioner.

Commissioner
to have powers
of local
authority.

See Reprint
of Statutes,
Vol. V, p. 333
1933, No. 30

6. (1) Subject to the provisions of this Act, the Commissioner may exercise any power, and shall perform all the duties and have all the functions and be subject to all the liabilities conferred or imposed on the Town Board or Borough Council of the district, as the case may be, by the Town Boards Act 1908 or the Municipal Corporations Act 1933 or by any other Act or by any instrument or otherwise.

(2) The Commissioner may exercise any power, and shall perform all the duties, conferred or imposed by any Act upon the Mayor or Chairman of the district, as the case may be.

(3) Any reference in any Act to the local authority of any district shall, in relation to any district constituted under this Act, be deemed, while a Commissioner for the district is appointed under this Act, to be a reference to the Commissioner.

7. The Commissioner shall not be personally liable in respect of anything done or omitted to be done in the performance or intended performance of his obligations under this Act, except in the cases in which and to the extent to which the Mayor or any Councillor of a borough or the Chairman or any member of a Town Board, as the case may be, would be liable in respect of the same matter.

Commissioner
not personally
liable.

8. All property, rights, powers, authorities, claims, obligations, liabilities, contracts, and engagements of the Commissioner shall, on the date when the members of the local authority of the district elected at the first election of members of the local authority come into office, be the property, rights, powers, authorities, claims, obligations, liabilities, contracts, and engagements of the Corporation or local authority of the district, as the case may require, and shall be enforceable by or against the Corporation or the local authority, as the case may be.

Rights,
liabilities, etc.,
of
Commissioner
to vest in or
bind local
authority.

9. (1) Any power given to the local authority of the district to do anything by resolution may be exercised by the Commissioner by a special entry in the minute book kept by the Commissioner.

Resolutions
and special
orders.

(2) Any power given to the local authority of the district to do anything by special order may be exercised by the Commissioner by a special entry in the minute book kept by the Commissioner, signed by the Commissioner and confirmed by a similar entry made not sooner than the twenty-eighth day and not later than the forty-second day after the date of the special entry. Public notice of the purport of every such special entry and of the date fixed for its confirmation shall be given twice during the period of twenty-eight days immediately preceding that date, with an interval of not less than fourteen days between the two notifications.

Signing of
cheques.

10. All cheques drawn on any bank account of the Commissioner shall be signed by the Commissioner and the Town Clerk or Deputy Town Clerk or, where no Town Clerk is appointed, by the Commissioner alone.

Execution of
contracts and
authentication
of documents.

11. (1) Where the Commissioner is authorized to enter into any contract or to sign any instrument or document of any kind, that authority may be exercised in the following manner:

(a) Where the contract or instrument or document is required to be by deed or in writing under seal, it shall be exercised in writing under the seal of the Corporation of the district and signed by the Commissioner with his personal name with the addition of his official title in the presence of one or more witnesses:

(b) Where the contract or instrument or document is required to be in writing but is not required to be by deed or in writing under seal, it shall be signed by the Commissioner in his personal name with the addition of his official title.

(2) Every order, notice, or other such document requiring authentication by the local authority of the district may be signed by the Commissioner or by the Town Clerk, and need not be under seal.

Advisory
committees.

12. (1) As soon as practicable after the appointment of the Commissioner there shall be appointed in accordance with this section an advisory committee for the district.

(2) The Commissioner may exercise his powers and functions under this Act, notwithstanding that there may for the time being be no advisory committee.

(3) The advisory committee shall consist of five residents of the district, to be appointed by the Commissioner from a panel of names chosen at a public meeting of residents of the district convened by the Commissioner and conducted in a manner determined by the Commissioner.

(4) Every member of the advisory committee shall hold office for one year, but may at any time be removed from office by the Commissioner for disability, neglect of duty, or misconduct, or he may at any time resign his office by writing addressed to the Commissioner.

(5) On the occurrence from any cause of a vacancy in the advisory committee, the vacancy may be filled in the manner in which the original appointment was made.

(6) The advisory committee may advise the Commissioner on any matter relating to the administration of the district.

(7) Subject to any resolution of the Commissioner regulating the proceedings of the advisory committee, the advisory committee may regulate its own proceedings.

13. For the purpose of providing sufficient funds for the administration of the district until the revenue from rates and other sources is sufficient for the purpose,—

Advances to
Commissioner.

(a) The Minister of Finance may from time to time advance to the Commissioner out of the Consolidated Fund, without further appropriation than this section, such amounts as he thinks fit upon and subject to such terms and conditions as he thinks fit:

(b) The Minister of Finance may from time to time, on behalf of the Crown, guarantee the repayment of any moneys borrowed by the Commissioner by way of bank overdraft or otherwise and the payment of interest on any moneys so borrowed.

14. (1) The Commissioner shall be paid such remuneration, allowances, and expenses as the Minister of Finance determines from time to time.

Remuneration
and expenses
of
Commissioner.

(2) All payments under subsection one of this section shall be made out of the General Account, but the Commissioner shall from time to time, in exercise of the power conferred by subsection two of section one hundred and twenty-eight of the Municipal Corporations Act 1933, transfer to the General Account from each separate account a proportionate part of those payments and of office, clerical, legal, and other expenses.

1933, No. 30

15. (1) In the event of any person being appointed to be the Commissioner while he is an officer of or is employed in any branch of the Government service, he shall on the termination of that appointment have the same rights in relation to employment in the Government

Service rights
and
superannuation
rights of
Commissioner.

service as if during his period of service as the Commissioner he had been granted leave of absence from the branch of the Government service in which he was so employed immediately before his appointment as the Commissioner.

(2) In the event of any person being appointed to be the Commissioner while he is an employee of any local authority which is a contributor to the National Provident Fund on his behalf, his service as the Commissioner shall be deemed for the purposes of the National Provident Fund Act 1950 to be permanent employment by the local authority of the district.