

**Reprint
as at 1 November 2010**

**Auckland City and Auckland Museum Empowering Act
1924**

Local Act 1924 No 1
Date of assent 22 September 1924

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

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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.

Preamble

WHEREAS the lands described in Schedule 1 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 Part 1 of Schedule 2 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 one million six hundred and ninety-four thousand dollars (being the aggregate of the unraised loans and balances set out in the said Schedule 2) 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 fifty thousand dollars 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 purpo-

ses: 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 three hundred and twenty thousand dollars: 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 three hundred and seventy thousand dollars: 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:

The words "one million six hundred and ninety-four thousand dollars", the words "fifty thousand dollars" and the words "three hundred and twenty thousand dollars" and the words "three hundred and seventy thousand dollars" were substituted, as from 10 July 1967, for the words "eight hundred and forty-seven thousand pounds", the words "twenty-five thousand pounds", the words "one hundred and sixty thousand pounds" and the words "one hundred and eighty-five thousand pounds" pursuant to section 7(1) Decimal Currency Act 1964 (1964 No 27).

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

1 Short Title

This Act may be cited as the Auckland City and Auckland Museum Empowering Act 1924.

2 Land in Schedule 1 to be held for waterworks purposes

The reservation over the lands described in Schedule 1 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 waterworks, and shall not be subject to the provisions of Part 2 of the Public Reserves and Domains Act 1908:

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 Corporation authorized to raise consolidated loan

[Repealed]

Section 3: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

4 Allocation of loan

[Repealed]

Section 4: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

5 Powers of Corporation in raising loan

[Repealed]

Section 5: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

6 Corporation authorized to consolidate loans

[Repealed]

Section 6: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

7 Corporation authorized to lend to local bodies

[Repealed]

Section 7: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

8 Extended powers of Auckland Council in relation to streets and public works

- (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 Auckland Council 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 Auckland Council 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 1981.

- (2) As regards any such lands so acquired by the Auckland Council and not required for the purpose for which the same were acquired, the Auckland Council 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:
 - (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 Auckland Council:
 - (c) Power to sell the said lands as a whole or in portions, either for cash or on terms:
 - (d) Power to exchange any of the said lands for any other lands or interest in lands required by the Auckland Council for the purpose of any public work, with power to pay or receive any money as equality of exchange:
 - (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 Auckland 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 Auckland Council of any of its powers hereunder.
 - (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 Auckland Council by paragraphs (c), (d), and (e) of the preceding subsection shall only be exercised upon a certificate by a competent valuer appointed by the Auckland Council that the proposed sale, exchange, or lease is being effected on a fair and proper basis of value.

Section 8 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 8(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 8(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 8(2)(b): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 8(2)(d): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).