

**Reprint  
as at 1 July 2013**



**Tauranga City Council and Mount  
Maunganui Borough Council  
(Tauranga Harbour Bridge)  
Empowering Act 1972**

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**Note**

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

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

**Tauranga City Council and Mount  
Maunganui Borough Council (Tauranga  
Harbour Bridge) Empowering Act 1972**

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**An Act to empower the Mayor, Councillors, and Citizens of the City of Tauranga, and the Mayor, Councillors, and Citizens of the Borough of Mount Maunganui, to embark upon a joint scheme for the construction, maintenance, and control of a bridge across the Tauranga Harbour**

**1 Short Title**

This Act may be cited as the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Act 1972.

## **2 Interpretation**

In this Act, unless the context otherwise requires,—

**Borough Council** means the Mayor, Councillors, and Citizens of the Borough of Mount Maunganui

**bridge** means the bridge to be constructed across the Tauranga Harbour in accordance with this Act; and includes all the necessary approaches, buildings, erections, and other works constructed in accordance with this Act in connection with the bridge

**City Council** means the Mayor, Councillors, and Citizens of the City of Tauranga

**Harbour Board** means the Bay of Plenty Harbour Board

**toll** means any reward or payment which the united Authorities are authorised to collect under this Act in respect of any traffic over the bridge authorised by this Act or by regulations or bylaws under this Act

**united Authorities** means the City Council, the Borough Council, and the Harbour Board united for the purposes of this Act in accordance with section 239 of the Local Government Act 1974.

Section 2 **toll**: amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

Section 2 **united Authorities**: inserted, on 4 April 1985, by section 2(1) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

Section 2 **united Councils**: repealed, on 4 April 1985, by section 2(1) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

## **3 Special Act**

This Act shall be deemed to be a special Act for the purposes of the Harbours Act 1950.

Section 3: amended, on 4 April 1985, by section 3 of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

**3A Empowering Harbour Board to unite with City Council and Borough Council in construction, etc, of bridge**

- (1) The City Council, the Borough Council, and the Harbour Board shall each have, and shall each be deemed always to have had, all such powers as are necessary or expedient for giving effect to the purposes of this Act.
- (2) Without limiting the generality of subsection (1), the City Council, the Borough Council, and the Harbour Board shall each have, and shall each be deemed always to have had, the following powers:
  - (a) to unite, pursuant to section 239 of the Local Government Act 1974, for the purposes of this Act:
  - (b) to unite, pursuant to section 105 of the Local Government Act 1974, in appointing a joint standing or special committee for the purposes of this Act:
  - (c) to enter into the deed set out in the Schedule, and to do all such acts and things as are necessary or expedient for giving effect to the deed:
  - (d) to agree to amend the deed set out in the Schedule:
  - (e) subject to the Local Authorities Loans Act 1956, to borrow money for the purposes of the construction, maintenance, and operation of the bridge:
  - (f) to pay money towards the construction, maintenance, and operation of the bridge, including the payment of interest and other debt charges.

Section 3A: inserted, on 4 April 1985, by section 4 of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

**4 Joint committee**

The provisions of section 63 of the Municipal Corporations Act 1954 shall apply in respect of any joint committee appointed, for the purposes of this Act, under section 68 of the Municipal Corporations Act 1954 as if references in the said section 63 to the Council were read as references to the united Authorities:

provided that any joint committee so appointed may institute an action for the recovery of any unpaid toll that is payable under section 19.

Section 4: amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

## **5 Authority to construct, maintain, manage, and control bridge**

- (1) Subject to the provisions of this Act and to the provisions of sections 176 and 178 of the Harbours Act 1950, the united Authorities are hereby authorised and empowered to construct, maintain, manage, and control a bridge across the Tauranga Harbour to be sited within that portion of the harbour lying between a line from the intersection of Dive Crescent with the Strand to the southernmost extremity of the Tauranga Aerodrome property (being map coordinates 647597 to 672597 on sheet N 58 of the NZMS I series), and a line generally from the northern end of Mirrielees Road, Tauranga to Aerodrome Wharf, Mount Maunganui (being map coordinates 645609 to 656611 on sheet N 58 of the NZMS I series):  
provided that, if any site within the said portion of the harbour does not conform to the site recommended by the Tauranga Area Transportation Survey (as adopted by the constituent local authorities and the National Roads Board), the united Authorities shall abandon the first-mentioned site and may construct the bridge at the site recommended by the said survey (as so adopted).
- (2) For and in connection with the provision of the bridge and incidental to the objects of this Act, the City and Borough Councils may jointly or severally—
- (a) take in the manner provided by the Public Works Act 1928, or purchase, or otherwise acquire, any land or buildings in or near to their respective districts:
  - (b) utilise any land or buildings that may lawfully be appropriated for the purpose:
  - (c) erect any structure necessary or conveniently to be used in or about the execution of the objects and powers contained or implied in this Act.

Section 5(1): amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

Section 5(1) proviso: amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

## **6 Authority for Harbour Board to grant perpetual easements and licences**

- (1) For the purpose of enabling the united Authorities to construct the bridge, the Harbour Board may grant to the united Authorities perpetual easements over or licences to occupy any land vested in the Board.
- (2) For the purpose of constructing embankments and making reclamations authorised under this Act, the united Authorities may take spoil from the foreshore or bed of the Tauranga Harbour at such places in the vicinity of the bridge, and subject to such conditions, as may be approved in that behalf by the Harbour Board, in respect of foreshore and harbour bed vested in the Board, and by the Minister of Lands in respect of harbour bed owned by the Crown.
- (3) The united Authorities shall indemnify and keep indemnified the Harbour Board and the Crown against all claims, demands, costs, actions, and proceedings whatsoever arising from the taking of spoil under subsection (2).

Section 6(1): amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

Section 6(2): amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

Section 6(3): amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

## **7 Harbour Board rights over land to be protected**

Nothing in section 6 shall in any way affect or interfere with the control and jurisdiction of the Harbour Board over any land vested in the Board except so far as any such control and jurisdiction may be necessarily restricted by reason of the existence of the bridge; and it shall not be lawful for the united Authorities or any other person to prevent, hinder, or in any way interfere with any such control and jurisdiction, or with the passage or repassage of any ship or vessel under the bridge.

Section 7: amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

## **8 Plans and specifications for proposed bridge to be prepared**

- (1) The united Authorities shall as soon as practicable after the commencement of this Act, cause to be prepared complete plans and specifications of the bridge and conditions of contract in respect of the construction of the bridge.
- (2) Copies of all such plans and specifications and conditions of contract shall be prepared, and 2 copies of each shall be forwarded to the Minister of Works, the Minister of Marine, the Harbour Board, the City Council, and the Borough Council.

Section 8(1): amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

## **9 Approval of plan**

- (1) Subject to the provisions of this section, each local authority referred to in subsection (2) of section 8 shall either approve or disapprove the plans, specifications, and conditions of contract forwarded to it in accordance with that section.
- (2) The said local authorities shall have the right to approve or disapprove any such plans and specifications only to the following extent:
  - (a) as to the Harbour Board, in respect of such matters as concern or affect the general design, strength, and safety of the bridge insofar as safeguarding the Tauranga Harbour for shipping and navigation generally is concerned:
  - (b) as to the City Council, in respect of matters relating to that portion of the bridge proposed to be constructed in the City of Tauranga, and in respect of the provision of adequate continuous approaches to the bridge, the provisions made for the speedy and safe handling of traffic crossing the bridge, and the provisions made for further connections of streets with the western end of the bridge:

- (c) as to the Borough Council, in respect of matters relating to that portion of the bridge proposed to be constructed within the Borough of Mount Maunganui, and in respect of the provision of adequate continuous approaches to the bridge, the provisions made for the speedy and safe handling of traffic crossing the bridge, and the provisions made for further connections of streets with the eastern end of the bridge.
- (3) On the Harbour Board, the City Council, and the Borough Council, being satisfied with the said plans, specifications, and conditions of contract, they shall forthwith notify the united Authorities of their approvals.

Section 9(3): amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

## **10 United Authorities to comply with requirements of the Harbours Act 1950**

Subject to the provisions of this Act, in the exercise and performance of their powers and functions under this Act, the united Authorities shall comply with the provisions of the Harbours Act 1950.

Section 10 heading: amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

Section 10: amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

Section 10: amended, on 4 April 1985, by section 5 of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

## **11 Alterations or variations of plans to be submitted for approval**

If the united Authorities, whether pursuant to a direction of the Minister of Works or the Minister of Marine or otherwise, make any alteration or variation in any plans, specifications, or conditions of contract approved under section 9, they shall cause the amended plans, specifications, or conditions of contract to be submitted to the local authorities by which they were



approved and the provisions of sections 8 and 9 shall, with the necessary modifications, apply thereto.

Section 11: amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

**12 Works not to be commenced until plans and specifications finally approved**

No work in connection with the construction of the bridge shall be commenced until the plans, specifications, and conditions of contract have been finally approved by the local authorities referred to in subsection (2) of section 8, by the Minister of Marine in accordance with the Harbours Act 1950, and by the Minister of Works.

**13 Application of other Acts**

- (1) Nothing in this Act shall be construed as limiting the application of the provisions of the Public Works Act 1928, the Reserves and Domains Act 1953, or the Town and Country Planning Act 1953.
- (2) Without limiting the provisions of section 439 of the Maori Affairs Act 1953, nothing in this Act shall be construed as authorising the taking or other acquisition of any land comprised within a Maori reservation set apart under that section.

**14 United Authorities to comply with Harbour Board requirements**

The united Authorities and their servants or contractors shall at all times comply with all reasonable requests, stipulations, and requirements of the Harbour Board for the purpose of ensuring that the works of the united Authorities will not needlessly interfere with shipping and navigation, nor endanger the embankments, breakwaters, wharves, and works situated in the Tauranga Harbour, nor cause detriment to the harbour bed or to the tidal flow and ebb in the harbour.

Section 14 heading: amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

Section 14: amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

**15 Harbour Board to forward complaints to Minister**

If the united Authorities do or permit to be done any act or fail to prevent any act being done which the Harbour Board considers to be a breach of the provisions of section 14, the Board shall forward particulars of the matters complained of to the Minister of Marine who may deal with any such complaints in the manner provided by the Harbours Act 1950.

Section 15: amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

**16 Harbour Board may act in cases of emergency**

If the Harbour Board is of the opinion that any act or default of the united Authorities is of such a serious nature that the delay that would be caused by the compliance by the Board with the provisions of section 15 might result in serious damage, personal injury, loss of property, or interference with navigation, the Board may forthwith take such reasonable steps as it deems necessary to prevent any such damage or loss being sustained; and all costs incurred by the Board in doing so shall be recoverable from the united Authorities.

Section 16: amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

**17 Bridge to be property lighted**

The united Authorities shall at all times while the bridge is being constructed and after the bridge has been completed ensure that the bridge is adequately lighted so as to provide for the safety of vehicular and pedestrian traffic using the bridge and for the safety of ships and aircraft in the vicinity of the bridge.

Section 17: amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

**18 Cost of bridge**

- (1) The cost of constructing the bridge shall be paid from money received by the united Authorities for the purposes of the bridge or borrowed by the City Council, the Borough Council, and the Harbour Board for that purpose.
- (2) For the purposes of this section the Harbour Board shall be deemed to be a local authority to which section 22 of the Local Authorities Loans Act 1956 applies.
- (3) Subject to section 30 of the Local Authorities Loans Act 1956, all preliminary expenses, costs of raising loans, and interest on loans raised before the receipt of revenue from the bridge shall be paid, repaid, or reimbursed by the united Authorities from money received by the united Authorities for the purposes of the bridge or from loan money in accordance with any conditions imposed by the Minister of Finance when giving his consent under section 3 of the said Act.
- (4) Except as provided in subsection (3), the costs of maintaining and operating the bridge (including the amount of all sinking funds, interest, and other debt charges payable in respect of money borrowed) shall be paid from revenue derived by the united Authorities from tolls, from other charges authorised by this Act, and from other money received by the united Authorities for the purposes of the bridge.
- (5) All money received by the City Council or the Borough Council or the Harbour Board for the purposes of the bridge shall be deemed to have been received by the united Authorities and shall be held and applied accordingly.

Section 18: replaced, on 4 April 1985, by section 6 of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

**19 Tolls to be collected for use of bridge**

- (1) For the purpose of paying costs, charges, and expenses incurred by them under this Act, the united Authorities shall collect tolls in accordance with the provisions of this Act in respect of the use of the bridge.
- (2) For the purpose of collecting tolls the united Authorities may construct such toll gates, toll houses, and other works as they consider necessary.

- (3) If the united Authorities propose to construct any work under this section on any road or street under the control of a local authority, the united Authorities shall obtain the approval of the local authority before commencing the work.
- (4) Tolls payable under this Act shall be at such rate or rates and shall be payable in respect of such persons and vehicles as may from time to time be prescribed by bylaws under this Act.
- (5) The scale of tolls for the time being in force shall be clearly exhibited in a conspicuous place at or near the place where the toll is payable.
- (6) Every person who is in charge or control of any vehicle in respect of which a toll is payable shall be liable for the payment of the toll, and if any person refuses or neglects to pay a toll payable under this Act the united Authorities may refuse to allow that person to cross or enter on to the bridge or may recover as a debt from that person the amount of the toll, together with all expenses involved in the collection of the toll.

Section 19(1): amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

Section 19(2): amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

Section 19(3): amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

Section 19(6): amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

## **20 Exemption from payment of tolls**

- (1) No toll shall be payable by or in respect of any of the following persons or in respect of any vehicle engaged solely in carrying any such person, namely:
  - (a) the Governor-General and every person in attendance on him;
  - (b) every member of any of the armed forces of Her Majesty when on duty or going to or returning from duty and in the uniform of his corps;
  - (c) every constable on duty, and every prisoner in his custody, and every traffic officer on duty:

- (d) any Minister or any officer or servant of the Crown whilst engaged on business connected with the bridge or with the administration of this Act:
  - (e) servants of the Crown engaged in the distribution of Her Majesty's mail:
  - (f) such other persons as may be prescribed in bylaws made under this Act.
- (2) Tolls shall not be payable in respect of fire engines and vehicles used for the extinction of fires, or in respect of ambulances, or in respect of the drivers or occupants of any such vehicles.

## **21 Bylaws**

- (1) The City Council and the Borough Council may from time to time join in making such bylaws, not inconsistent with this Act or with any other Act, as they think fit for all or any of the following purposes:
- (a) protecting any property belonging to the united Authorities, or controlled by the united Authorities, from damage or injury:
  - (b) conserving public health, safety, and convenience, and preventing and abating nuisances on the bridge:
  - (c) regulating and preventing the taking on to or over the bridge any noxious or dangerous goods or anything which may cause pollution in the Tauranga Harbour:
  - (d) regulating the speed of traffic crossing the bridge:
  - (e) regulating the weights of vehicles which may use the bridge:
  - (f) fixing the amounts of and levying and collecting tolls in respect of the use of the bridge in respect of 1 or both directions of travel:
  - (g) regulating or prohibiting the passage of loose horses, cattle, sheep, pigs, or other animals over the bridge:
  - (h) generally for regulating the travelling upon, the using of, and the proper and efficient control and management of the bridge.
- (2) The following special provisions shall apply to every proposed bylaw affecting or likely to affect in any way the navigation or control of the Tauranga Harbour:

- (a) a copy of every such bylaw shall be submitted to the Harbour Board for its approval at least 14 days before the meeting convened for the purpose of confirming the resolution making the bylaw:
  - (b) every such proposed bylaw shall be considered by the Harbour Board, and unless objection thereto is made by it within 7 days after the receipt thereof, the bylaw shall be deemed to be approved by the Harbour Board:
  - (c) if the proposed bylaw is not approved by the Harbour Board the matter shall be submitted to arbitration under section 24:
  - (d) no such proposed bylaw shall be made unless it has been approved by the Harbour Board in accordance with this subsection.
- (3) Except as may be otherwise provided in the bylaw, every bylaw made pursuant to this section shall apply in respect of the whole bridge, and shall be enforceable by any one of the City Council, the Borough Council, or the Harbour Board notwithstanding that the alleged breach of the bylaw may have occurred on any part of the bridge not within the district of that local authority.

Section 21(1)(a): amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

Section 21(3): inserted, on 4 April 1985, by section 7 of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

## **22 Provisions of Local Government Act 1974 applicable to bylaws**

The provisions of sections 681 to 683, 687, 689, 690A, and 692 of the Local Government Act 1974, with the necessary modifications, shall apply in respect of bylaws made or to be made under the authority of this Act as if they had been made or were to be made under and pursuant to the powers contained in section 690 of that Act.

Section 22: replaced, on 4 April 1985, by section 8 of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

## **22A Financial records, etc**

- (1) The provisions of the Local Government Act 1974 and of the regulations in force under that Act relating to the keeping of financial records, the keeping of accounts, and the custody and payment of money, with the necessary modifications, shall apply in respect of the keeping of financial records and accounts and the custody and payment of money by the united Authorities in respect of the bridge.
- (2) Within 6 months after the end of each financial year the united Authorities shall prepare such financial statements as are necessary to show fully the financial position in respect of the bridge and the financial results of the operation of the bridge during that financial year.

Section 22A: inserted, on 4 April 1985, by section 9 of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

## **23 Harbour Board entitled to recover additional costs of piloting vessels**

The Harbour Board shall be entitled to recover from the united Authorities any additional costs of piloting vessels in the Tauranga Harbour that are incurred by the Board due to the existence of the bridge.

Section 23: amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

## **24 Arbitration in the event of disputes**

All disputes arising from time to time between the united Authorities and any local authority as to the carrying out and observance of any of the provisions of this Act shall be referred to arbitration in accordance with the provisions of clause 8 of the deed set out in the Schedule and any amendments to that clause made in accordance with clause 7 of that deed.

Section 24: amended, on 4 April 1985, by section 2(2) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

Section 24: amended, on 4 April 1985, by section 10 of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

**25 Offences**

Every person commits an offence against this Act and shall be liable on conviction to a fine not exceeding \$100 who without lawful excuse acts in contravention of or fails to comply in any respect with any provision of this Act or of any regulations or bylaws for the time being in force under this Act.

Section 25: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

**26 Regulations**

The Governor-General may from time to time, by Order in Council, make regulations providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

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## Schedule

s 3A(2)(c), (d)

Schedule: replaced, on 4 April 1985, by section 11(1) of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L)).

Deed made 27 November 1984 between the Tauranga City Council (hereinafter called the **City Council**) of the first part and the Mount Maunganui Borough Council (hereinafter called the **Borough Council**) of the second part and the Bay of Plenty Harbour Board (hereinafter called the **Board**) of the third part:

Whereas the parties are joint promoters of a Local Bill to amend the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Act 1972 (hereinafter called the **Act**):

And whereas the parties have agreed to establish a joint committee comprising representatives from each of the parties for the construction, maintenance, management and control of the Tauranga Harbour Bridge and to share the cost of the bridge in a certain manner:

Now therefore this deed witnesseth as follows:

**1** The parties hereto shall forthwith upon the passage of the said Local Bill through the House of Parliament establish a joint committee to be called the Tauranga Harbour Bridge Committee (hereinafter called the **Committee**) which shall be constituted as follows:

(i) The Committee shall consist of 9 persons, 3 of whom shall be appointed by each of the parties hereto from their respective members and such appointments shall be made within two (2) months after the date of the passage of the said Bill.

*Appointment*

(ii) The members of the Committee shall be appointed after the first appointment within two (2) months next after each triennial local body elections and the members shall continue in office until their successors are appointed provided that any party may at any time revoke the appointment of any of its members and appoint another member in his stead.

*Resignation, etc, of members*

(iii) A member of the Committee may resign his office at any time by notice in writing addressed to the Secretary

of the Committee and in that event or in the event of his death or in the event of his ceasing to be a member of the City Council, the Borough Council or the Board, the vacancy thus occurring shall be filled forthwith by that party whose appointee had so resigned, ceased to be a member, or died. The person filling the vacancy thus occurring shall, subject as aforesaid, continue in office for the residue of the term of the person so ceasing to be a member.

*Election*

- (iv) At the first meeting of the Committee, and at the first meeting of the Committee after every succeeding triennial local body elections, the Committee shall elect one of its members to be Chairman of the Committee who shall hold office for 1 year, when a new election shall take place. At every meeting for the election of a Chairman the Secretary shall preside and in the case of an equality of votes the Chairman shall be determined by lot in such manner as the Secretary shall decide.

*Voting*

- (v) (a) All questions before the Committee shall be determined by a majority of votes cast but the Chairman shall not be entitled to exercise a casting vote.
- (b) The members present representing each party at a meeting of the Committee shall be entitled to exercise the full number of votes to which all the members appointed by such party would have been entitled whether or not they are all present.

*Quorum*

- (vi) No business shall be transacted by the Committee except at meetings at which there is a quorum which shall consist of not less than 2 members from each party.

*Substitutes*

- (vii) In the event of any member of the Committee not being able to attend a meeting the Mayor or Chairman of the party which appointed him may by notice to the Secretary of the Committee, appoint a substitute for such

member from the members of that party and such substitute shall at the meetings at which he or she attends have all the rights and powers of a member of the Committee.

*Secretary*

- (viii) The Committee shall appoint a Secretary who shall record all minutes of decisions and proceedings of the Committee and such minutes and all correspondence and documents of the Committee shall be available for inspection at any time by any member of the City Council or of the Borough Council or of the Board or by any officer of the parties duly appointed for that purpose.

*Notices*

- (ix) Notices of meetings of the Committee shall be sent to each member of the Committee not less than 48 hours prior thereto and shall contain reasonable information as to the business to be transacted thereat. Members present may by unanimous decision consider any ordinary business introduced without notice. Each party shall have the right to have any of its executive staff present at all meetings except where they are excluded by resolution of the Committee.

*Powers of Committee*

- (x) The Committee shall not have the power to take or acquire land, to hold licences, to borrow money, or to levy rates but such land and buildings as may be requisite or expedient to be acquired and held shall be acquired and held by the parties hereto as tenants in common in the proportionate shares hereinafter mentioned and upon and subject to the purposes and conditions of these presents but if the parties agree may be held by any party solely or in unequal shares.

*Function of Committee*

- (xi) The parties hereby delegate to the Committee such powers and functions and authorities as they shall jointly vest in the Committee subject however to the

provisions of section 104 of the Local Government Act 1974 and section 38 of the Harbours Act 1950.

*Reports*

- (xii) The Committee shall make regular reports to and submit copies of all minutes and reports on all business to each of the parties hereto and shall receive and consider all comments and recommendations made to it by any of the parties hereto.

*Banking account*

- (xiii) The Committee shall open a general bank account and such accounts as the Audit Office may approve into which shall be paid all moneys received by the Committee and all payments shall be made by cheque or other negotiable instrument. The Committee shall from time to time authorise an officer or member of the Committee to endorse cheques or other negotiable instruments payable to the Committee and any 2 persons of whom at least 1 shall be a member of the Committee and the other a member or officer of the Committee or an officer of one of the parties to sign cheques and withdrawals from such accounts.

*Accounts*

- (xiv) The accounts of the Committee shall be maintained as from time to time agreed by the parties with the approval of the Controller and Auditor-General but subject to the following:

All preliminary expenses, costs of raising loans and interest on loan money raised prior to the opening of the bridge shall be paid from loan money so far as may be provided for in the consent of the Minister of Finance under section 3 of the Local Authorities Loans Act 1956.

**2 Details of allocation of costs**

The Committee shall at all times keep the parties hereto fully informed of all details of the proposed works and the cost thereof and the parties hereto agree that these costs, together with the preliminary expenses including all proper expenses

already incurred by the parties shall be paid or repaid as the case may be from loan moneys raised pursuant to the Empowering Act the parties accepting responsibility for such loans in the proportionate shares.

**3 Charges on revenue**

Revenue from the bridge operations shall be allocated in the following order of priorities:

- 1 Operating expenses of the bridge.
- 2 Interest charges on loans.
- 3 Capital repayment of loans in such priority as the Committee determines (or sinking funds).
- 4 Any surplus to be divided in the proportionate shares.

With the consent of all the parties the above priorities may be altered or added to.

**4 Promotion of legislation**

The parties agree to take all such steps as may be necessary or desirable to support and promote the enactment of all legislation or other authorities which may be required to give full effect to and validate the provisions of this deed and of the said Local Bill and the various operations specified therein.

**5 Deficits and surpluses**

Any net deficit and any net surplus from the operations of the Committee shall be shared between the parties hereto in the proportionate shares.

**6 Proportionate share shall mean**

- (a) In the case of the City Council a one-half share.
- (b) In the case of the Board a one-third share.
- (c) In the case of the Borough Council a one-sixth share.

**7 Amendment**

The terms of this deed may be amended from time to time by agreement between the parties hereto with the consent of the Minister of Internal Affairs.

**8 Arbitration**

All differences and disputes which shall arise between the parties hereto touching or concerning the premises or any act, deed, matter, or thing to be done, suffered, or remitted in pursuance hereof or touching or concerning the construction of these presents shall be referred to arbitration in accordance with the provisions of the Arbitration Act 1908 or any amendment thereto or re-enactment thereof for the time being in force. The arbitration shall be conducted by 1 arbitrator if the parties agree and if not then by 3 arbitrators 1 to be appointed by each party and the umpire appointed by such arbitrators immediately after they are themselves appointed.

In witness whereof these presents have been executed the day and year first hereinbefore appearing.

The Common Seal of the Tauranga City Council was [Seal]  
hereto affixed by and in the presence of—  
N F Pope, Mayor.  
M C Montacute, City Manager.

The Common Seal of the Mount Maunganui Borough [Seal]  
Council was hereto affixed by and in the presence of—  
W D Moultrie, Mayor.  
K Clarke, Councillor.  
V B Cunningham, Town Clerk.

The Common Seal of the Bay of Plenty Harbour Board [Seal]  
was hereunto affixed pursuant to a resolution of the  
Board in the presence of—  
F G McKenzie, Chairman.  
A W Grayburn, Member.  
A J Herbert, Secretary.

**Tauranga City Council and Mount  
Maunganui Borough Council  
(Tauranga Harbour Bridge)  
Empowering Amendment Act 1985**

Local Act    1985 No 3  
Date of assent    4 April 1985  
Commencement    4 April 1985

**1    Short Title**

This Act may be cited as the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985, and shall be read together with and deemed part of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Act 1972 (hereinafter referred to as the “principal Act”).

**11    New Schedule substituted**

- (1) *Amendment(s) incorporated in the Act(s).*
  - (2) For all purposes the deed set out in the Schedule to the principal Act (as substituted by subsection (1)) shall be read as if—
    - (a) in clause 1(xiii) there were substituted for the words “such accounts as the Audit Office may approve” the words “such other accounts as it thinks fit”;
    - (b) in clause 1(xiv) the words “with the approval of the Controller and Auditor-General” were omitted;
    - (c) in clause 7 the words “with the consent of the Minister of Internal Affairs” were omitted.
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## Contents

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  - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
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## Notes

### 1 *General*

This is a reprint of the Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Act 1972. The reprint incorporates all the amendments to the Act as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

### 2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

### 3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the



enacting words are not included in Acts, and provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

**4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)

- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)
- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5** *List of amendments incorporated in this reprint  
(most recent first)*

Criminal Procedure Act 2011 (2011 No 81): section 413

Tauranga City Council and Mount Maunganui Borough Council (Tauranga Harbour Bridge) Empowering Amendment Act 1985 (1985 No 3 (L))

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