



ANALYSIS

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1969, No. 8—*Local*

An Act to amend the Auckland Regional Authority Act 1963
 [24 October 1969]

BE IT 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 Regional Authority Amendment Act 1969, and shall be read together with and deemed part of the Auckland Regional Authority Act 1963 (hereinafter referred to as the principal Act).

2. Regional Water Board—The principal Act is hereby amended by inserting, after section 17A (as inserted by section 3 (4) of the Auckland Regional Authority Amendment Act 1964), the following section:

“17B. (1) If the Authority is constituted a Regional Water Board under the Water and Soil Conservation Act 1967, the Authority may from time to time, subject to the exceptions contained in subsection (1) of section 17 of this Act, delegate to any standing or special committee appointed under that subsection any of the functions, rights, powers, and duties conferred or imposed upon the Authority as such Board.

“(2) Any such committee to which any of such functions, rights, powers, and duties are so delegated shall, for the purposes of considering or exercising any of those functions, rights, powers, and duties comprise not only the members of the Authority appointed to it by the Authority but also four additional members, one of whom shall be appointed by the Minister of Works, one of whom shall be appointed by the Minister of Agriculture, one of whom shall be appointed by the Minister of Lands, and one of whom shall be appointed by the Minister of Forests.

“(3) Every member appointed by a Minister of the Crown shall hold office during the pleasure of that Minister; and no such member shall be discharged under subsection (3) of section 17 of this Act.”

3. Powers of Authority—Section 32 of the principal Act is hereby amended by adding the following subsections:

“(5) The Authority may prepare and publish handbooks, abstracts, or other publications containing information and matters of interest relative to the history, administration, and affairs of the Authority or the district, purchase publications containing photographic views of the district, and prepare and disseminate information that is designed to educate and instruct the public concerning local government activities in the district or that has for its object the advancement or development of the district.

“(6) The Authority may make grants of money to the trustees or other governing authority of any body (whether incorporated or not) which is not conducted for private profit and the object or principal object of which is to promote the advancement or development of the district or of any area or areas whose advancement or development would or might tend to benefit the district, or to educate or instruct the public concerning the activities of the district or of any such area or areas.

“(7) All money expended in pursuance of subsection (5) or subsection (6) of this section shall, if the expenditure relates exclusively to any particular undertaking, service, or activity, be charged to the account referred to in subsection (2) of section 61 of this Act which relates to such undertaking, service, or activity but, if the expenditure does not so

relate, shall be charged to the account referred to in paragraph (j) of that subsection.”

4. Regional reserves—Section 37 of the principal Act is hereby amended by adding, after subsection (5) (as added by section 5 of the Auckland Regional Authority Amendment Act 1966), the following subsection:

“(6) In addition to any other powers vested in it the Authority may from time to time in its discretion, and upon and subject to such terms and conditions as it thinks fit, make monetary grants to a local authority in or towards payment of the cost of providing, improving, or maintaining public access, whether by road or otherwise, to a regional reserve or part thereof or to the Auckland Centennial Memorial Park or part thereof.”

5. Banking and investment of money—(1) Section 48 of the principal Act is hereby amended by repealing subsections (2) and (3), and substituting the following subsections:

“(2) All money shall be paid by the Authority in cash, or by cheque signed by the Treasurer or the Acting Treasurer, or any other officer of the Authority whom the Authority by resolution, from time to time appoints for the purpose of signing cheques, and countersigned in each case by any member of the Authority whom the Authority from time to time authorises to sign cheques:

“Provided that it shall be lawful for any money to be paid by the Authority by cheque signed as aforesaid and countersigned by any officer of the Authority whom the Authority, by resolution, from time to time appoints for that purpose.

“(3) Every payment of money by the Authority shall be authorised by a prior resolution of the Authority or of a Committee thereof to which the power to authorise any payment has been delegated, or shall be submitted to the Authority or such Committee for authorisation at the next ordinary meeting of the Authority or Committee as the case may be.”

(2) Section 48 of the principal Act is hereby further amended by repealing subsection (5), and substituting the following subsection:

“(5) Notwithstanding anything in subsection (2) of this section, it shall be lawful, with the prior consent in writing of the Audit Office and subject to such conditions as the Audit

Office prescribes, for any money to be paid by the Authority by cheque bearing a facsimile of the signature of the Treasurer, or of the signatures of the Treasurer or Acting Treasurer, and of any person authorised pursuant to the provisions of this section to countersign cheques, and every cheque bearing such a facsimile shall be deemed to have been duly signed and countersigned in accordance with the provisions of this section.”

6. Security for loans—(1) The principal Act is hereby amended by repealing section 57 (as substituted by section 5 of the Auckland Regional Authority Amendment Act 1968), and substituting the following section:

“57. (1) Every loan raised or deemed to have been raised by the Authority, whether before or after the commencement of this section, shall be, and to the extent of the money not yet repaid shall be deemed always to have been, secured by the Authority—

- (a) Appropriating and pledging as security therefor that portion of the contributions of each contributing authority, from time to time paid or payable, which relates to the loan by reason of being included in the estimates from time to time prepared in accordance with section 58 of this Act as permanent appropriations for payment of interest and the creation of a sinking fund or for periodical repayments on account of the loan; and
- (b) Pledging as security therefor, subject to the provisions of section 46 and the proviso to paragraph (c) of subsection (1) of section 45 of the Local Authorities Loans Act 1956, all other revenues received or receivable by the Authority in respect of the undertaking, service, or activity for which the loan was raised or deemed to have been raised which the Authority may legally pledge as security for the loan.

“(2) Any debenture or other security given, issued, or executed or deemed to have been given, issued, or executed by the Authority to secure any loan or loans raised or deemed to have been raised by the Authority before the commencement of this section shall continue in full force and effect as if this section had not been passed, but the holders of any such debenture or other security shall not exercise any of their rights or remedies thereunder unless or until they shall first

have exhausted their rights and remedies under the security conferred by subsection (1) of this section.

“(3) For the purposes of this section the Authority shall be deemed to have raised every loan secured by any debenture or other security which, in accordance with the provisions of this Act, it is deemed to have issued or executed.”

(2) Section 5 of the Auckland Regional Authority Amendment Act 1968 is hereby consequentially repealed.

7. Levies and rates—The following enactments are hereby repealed, namely—

- (a) Sections 59, 68, 69, and 70 of the principal Act:
- (b) Section 8 of the Auckland Regional Authority Amendment Act 1966:
- (c) Section 8 of the Auckland Regional Authority Amendment Act 1968.

8. How assessments to be calculated—(1) Section 61 of the principal Act (as amended by section 7 of the Auckland Regional Authority Amendment Act 1964, section 4 of the Auckland Regional Authority Amendment Act (No. 2) 1965, and section 6 of the Auckland Regional Authority Amendment Act 1968) is hereby amended by adding to subsection (2) the following paragraphs:

“(i) The charges and expenses of the Authority in respect of the exercise of the functions, rights, powers and duties conferred or imposed upon it as a Regional Water Board under the Water and Soil Conservation Act 1967:

“(j) Any costs or any overhead or administrative charges or expenses of the Authority which do not relate exclusively to the undertakings, services, or activities referred to in the preceding paragraphs of this subsection or any or either of them.”

(2) Section 61 of the principal Act (as so amended) is hereby further amended:

- (a) By repealing subsection (3):
- (b) By adding to paragraph (a) of subsection (7) the words “or the charges and expenses of the Authority in respect of the exercise of the functions, rights, powers, and duties conferred or imposed upon the Authority as a Regional Water Board under the Water and Soil Conservation Act 1967”.

(3) Section 61 of the principal Act (as so amended) is hereby further amended by adding the following subsection:

“(8) Notwithstanding the foregoing provisions of this section the amounts payable under paragraph (i) of subsection (2) of this section shall be assessed and charged to all the local authorities within the district in proportion to the mean percentage of rateable capital value and population of the whole or that part of their respective local districts which lies within the water region in respect of which the Authority is constituted the Regional Water Board in pursuance of the Water and Soil Conservation Act 1967.”

9. Power of contributing authorities in regard to payment—Section 66 of the principal Act is hereby amended by adding the following paragraph:

“(d) With respect to any assessment payable in pursuance of section 69 of the Auckland Metropolitan Drainage Act 1960 it shall (if it does not pay the same out of its ordinary funds or strike, levy, and collect a rate therefor), in addition to the powers conferred upon it by section 70 of such Act, be entitled to make and collect a uniform annual charge for each water closet or urinal served, either directly or through a private drain, by a main drain as defined in the said Act, of such amount as shall in total be sufficient to pay the amount of such assessment and interest thereon (if any) and the cost of and incidental to the making and collection thereof; and every such annual charge shall for all purposes be deemed to be a separate rate.”

10. Differential rating by Manukau City Council or the Waitemata County Council—The principal Act is hereby amended by inserting, after section 66, the following section:

“66A. Where any levy for which the Manukau City Council or the Waitemata County Council is assessed under this Act is calculated with regard to the part of its district which is situated within the metropolitan area and with regard to the part of its district which is situated within the outer area or with regard to either of those parts separately, any such Council may, for the purpose of enabling it to pay and paying that assessment, instead of making and levying a rate on all rateable property within its district, make and levy a rate or rates on all rateable property which is for the time being situated within the part or parts of its district with regard to which that assessment is calculated. Every such rate shall be

for such an amount as shall be sufficient to pay the amount of that assessment which is calculated with regard to that part of any such Council's district in which the rate is levied, and interest thereon and the costs of and incidental to the making and collection of that rate."
