



## ANALYSIS

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1970, No. 3—*Local*

**An Act to amend the Auckland Regional Authority Act 1963**  
[7 August 1970]

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 1970, and shall be read together with and deemed part of the Auckland Regional Authority Act 1963 (hereinafter referred to as the principal Act).

**2. Interpretation**—(1) Section 2 of the principal Act is hereby amended by inserting in subsection (1), before the definition of the term “highway improvement land” (as inserted by section 2 of the Auckland Regional Authority Amendment Act (No. 2) 1965), the following definition:

“‘Financial year’ means a period of 12 months ending with the 31st day of March:”.

(2) Section 2 of the principal Act is hereby further amended by omitting from subsection (1) the definition of the term

“regional reserve” (as amended by section 2 (1) of the Auckland Regional Authority Amendment Act 1964), and substituting the following definition:

“‘Regional park’ means any land or reserve which has been acquired by the Authority under the provisions of section 37 of this Act; and includes a public reserve and a domain vested in or otherwise acquired, administered, or controlled by the Authority:”.

(3) Subsection (1) of section 2 of the Auckland Regional Authority Amendment Act 1964 is hereby consequentially repealed.

**3. Regional parks**—(1) The principal Act is hereby amended by repealing section 37 (as amended by section 4 of the Auckland Regional Authority Amendment Act 1964, section 7 of the Auckland Regional Authority Amendment Act 1965, section 5 of the Auckland Regional Authority Amendment Act 1966, and section 4 of the Auckland Regional Authority Amendment Act 1969), and substituting the following section:

“37. (1) If the Authority is of the opinion that any land which is within, or reasonably close to, the district and which is not vested in a public body is required for a public reserve, domain, sports ground, or place of public recreation or enjoyment for the benefit of the inhabitants of two or more local districts, the Authority may, for any such purpose, purchase or otherwise acquire such land or take the same as and for a public work under the Public Works Act 1928:

“Provided that no land outside the district of the Authority may be so taken under the Public Works Act 1928 unless the local authority for the area where the land is situated consents to the taking.

“(2) Where any land that is not within the district of the Authority may, with the consent of any local authority, be taken as provided in subsection (1) of this section under the Public Works Act 1928, the local authority may, if the Authority so agrees, instead of consenting to the taking of the land by the Authority, itself take the land under the Public Works Act 1928 and transfer it to the Authority. In any such case the Authority shall indemnify the local authority in respect of all payments made by the local authority for compensation and costs in respect of the taking and transfer of the land.

“(3) Any land, within, or reasonably close to, the district, which is a reserve within the meaning of the Reserves and Domains Act 1953 or for the purposes of the Municipal Corporations Act 1954 or the Counties Act 1956 and which is vested in a public body may, if the Authority and the public body so agree, be transferred to the Authority upon such terms as may be agreed upon between the Authority and the public body or in default of agreement as may be determined by the Local Government Commission on the application of either party. Any land so transferred shall be held by the Authority subject to the trusts (if any) affecting the same at the time of the transfer, and the Authority shall have and may exercise all the powers and authorities in respect of the reserve that were possessed by the public body from which the land was transferred:

“Provided that the power conferred by this section shall not extend to any public reserve which is vested in a public body and which, before becoming vested in that body, was the property of the Crown.

“(4) The Authority may set aside as a regional park or part thereof any land vested in it, and shall, in respect of any land so set aside, and in respect of any other regional park or part thereof, other than a public reserve subject to the Reserves and Domains Act 1953, have all the powers vested in borough councils by section 305 of the Municipal Corporations Act 1954; and those powers shall be in addition to, and not in substitution for, any other powers possessed by the Authority in respect of the park.

“(5) In this section the term ‘local authority’ means—

“(a) In relation to any land within the district of any city, borough, town district, or county, the council of that district:

“(b) In relation to any other land, the Minister of Works.

“(6) The Authority may, on any regional park owned, administered, or controlled by it, provide buildings suitable for the purpose of conducting therein a shop or kiosk at which members of the public using such regional park may purchase such articles or commodities which they may reasonably require; and the Authority may grant a lease or licence of the same to any person or persons, whether incorporated or not, at such rental or other consideration and for such period (with or without any right of renewal) and upon such terms and conditions as it thinks fit.

“(7) 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 park or part thereof or to the Auckland Centennial Memorial Park or part thereof.”

(2) The proviso to subsection (4) of section 44 of the principal Act, and also paragraph (d) of subsection (2) of section 61 of the principal Act, are hereby amended by omitting the words “regional reserves”, and substituting in each case the words “regional parks”.

(3) The provisions of the Auckland Regional Authority Bylaw No. 1 and any amendments thereto which are in force on the passing of this Act shall apply to a regional park as if a regional park was a reserve or regional reserve referred to in such bylaw and amendments, and may from time to time be enforced, amended, or revoked by the Authority, to the end and intent that such bylaw and amendments shall be and be deemed to have been at all times construed as if the words regional park were substituted for the words reserve and regional reserve wherever the same appear therein.

(4) The following enactments are hereby consequentially repealed, namely—

- (a) Section 4 of the Auckland Regional Authority Amendment Act 1964:
- (b) Section 7 of the Auckland Regional Authority Amendment Act 1965:
- (c) Section 5 of the Auckland Regional Authority Amendment Act 1966:
- (d) Section 4 of the Auckland Regional Authority Amendment Act 1969.

**4. Audit Office requirements—**(1) Section 49 of the principal Act is hereby repealed.

(2) This section shall come into force on the 1st day of April 1971.

**5. Yearly balance sheets and statements—**(1) The principal Act is hereby amended by repealing section 50, and substituting the following section:

“50. (1) The Treasurer shall, as soon as practicable after the 31st day of March in every year, prepare—

“(a) A separate income and expenditure account and appropriation account for the immediately preceding financial year and a balance sheet as at the close of that year in respect of each undertaking, service, or activity in respect of which the Authority is, by subsection (2) of section 61 of this Act required to keep separate accounts, and in respect of any other income or expenditure which is not required by or under this or any other Act to be credited to or charged against any of the accounts referred to in the said subsection (2) of section 61 of this Act, together with a consolidated balance sheet of the Authority as at the close of that financial year:

“(b) A statement of the public debt and sinking funds of the Authority in the form of a summary compiled from the detailed permanent records of each loan raised and from the accounts of the Sinking Fund Commissioners:

“(c) Such further statements as may be prescribed by regulations, which the Governor-General may from time to time, by Order in Council make in that behalf.

“(2) For the purposes of subsection (1) of this section—

“(a) The word ‘income’ shall include all money received or receivable by way of levy, or appropriated or allocated pursuant to any Act or by resolution of the Authority to, or received or receivable in respect of, any undertaking, service, or activity, or transferred to the account relating to any such undertaking, service, or activity in pursuance of subsection (8) of section 72 of this Act; but shall not include money received by way of loan or money applied in pursuance of paragraphs (a) or (b) of subsection (2) of section 72 of this Act:

“(b) The word ‘expenditure’ shall include all money paid or payable for the purposes mentioned in paragraphs (a) and (b) of subsection (1) of section 58 of this Act and any money transferred in pursuance of subsection (2) of section 72 of this Act; but shall not include the expenditure of money received

by way of loan or the expenditure of money applied in pursuance of paragraphs (a) or (b) of subsection (2) of section 72 of this Act.

“(3) The decision of the Audit Office as to whether or not any expenditure is properly chargeable against any account shall be final.”

(2) Sections 53 and 54 of the Auckland Transport Board Act 1928 and sections 51 to 58 of the Auckland Metropolitan Drainage Act 1960 are hereby repealed.

(3) This section shall come into force on the 1st day of April 1971.

**6. Annual estimate of Authority's income and expenditure—**(1) The principal Act is hereby amended by repealing section 58 (as amended by section 6 of the Auckland Regional Authority Amendment Act 1964), and substituting the following section:

“58. (1) The Authority shall, as soon as practicable after the 1st day of April in each year cause an estimate to be prepared showing the estimated income and estimated expenditure of the Authority for the ensuing financial year, in respect of each of the Authority's undertakings, services, or activities for which the Authority is, by subsection (2) of section 61 of this Act, required to keep separate accounts and showing in each case:

“(a) The permanent appropriations for payment of interest on, and the creation of a sinking fund for, or for periodical repayments on account of any loan by whomsoever raised for which the Authority is responsible or liable:

“Provided that it shall be lawful for the Authority to exclude therefrom the whole or such portion as it shall from time to time determine, of interest accruing during any such year, in respect of any loans by whomsoever raised, for which the Authority was liable or responsible on the 31st day of March 1971 or in respect of any loan raised for the purpose of redeeming all or any part of such aforesaid loans:

“(b) The expenditure that it is estimated may be required for carrying out or maintaining in good order any work or property owned or controlled by the Authority in connection with such undertaking,

service, or activity, and all other expenditure that it is estimated will be required in connection with the carrying on of such undertaking, service, or activity:

“(c) The income or other money which it is estimated will be available for such purposes:

“(d) The additional amount which it is estimated will be required for such purposes.

“(2) Any surplus or deficiency which it is estimated will appear in the appropriation account relating to any undertaking, service, or activity, at the close of any financial year, shall be carried forward and taken into account in that part of the estimate relating to the same undertaking, service, or activity in respect of the next succeeding year.

“(3) For the purposes of this section—

“(a) The words ‘estimated income’ shall include any money appropriated or allocated or intended to be appropriated or allocated to any undertaking, service, or activity pursuant to any Act or by resolution of the Authority, and any money received or which it is estimated will be received in respect of any undertaking, service, or activity, and any money transferred or intended to be transferred to the account relating to any undertaking, service, or activity in pursuance of subsection (8) of section 72 of this Act; but shall not include any money received or which it is estimated will be received by way of loan, or any money applied, or which it is estimated will be applied, in pursuance of paragraphs (a) or (b) of subsection (2) of section 72 of this Act:

“(b) The words ‘estimated expenditure’ shall include any money paid or which it is estimated will be payable for any of the purposes mentioned in paragraphs (a) and (b) of subsection (1) of this section and any money set aside or proposed to be set aside in pursuance of subsection (1) of section 72 of this Act; but shall not include the expenditure of any money received or which it is estimated will be received by way of loan or any money applied, or which it is estimated will be applied, in pursuance of paragraphs (a) or (b) of subsection (2) of section 72 of this Act.”

(2) The following enactments are hereby consequentially repealed, namely:

- (a) Section 45 of the Auckland Transport Board Act 1928:
- (b) Section 63 of the Auckland Metropolitan Drainage Act 1960:
- (c) Section 6 of the Auckland Regional Authority Amendment Act 1964.

(3) This section shall come into force on the 1st day of April 1971.

**7. Reserves for replacements, renewals, etc.**—(1) The principal Act is hereby amended by repealing section 72 (as amended by section 9 of the Auckland Regional Authority Amendment Act 1964), and substituting the following section:

“72. (1) In preparing an estimate in accordance with section 58 of this Act, or in pursuance of a resolution of the Authority, the Authority may, in respect of any undertaking, service, or activity for which it is required by subsection (2) of section 61 of this Act to keep separate accounts, make provision for the setting aside of, or set aside out of money included in any of the separate accounts referred to in paragraph (a) of subsection (1) of section 50 of this Act, money to form a fund or funds:

“(a) For the repair, renewal, or replacement of any depreciable property, fixtures, structures, plant, vehicles, or appliances of the Authority which form part of, or are used in connection with, any such undertaking, service, or activity:

“(b) For the improvement of or addition to any property, fixtures, structures, plant, vehicles, or appliances which form part of or are used in connection with any such undertaking, service, or activity:

“(c) For the purpose of purchasing additional property, fixtures, structures, plant, vehicles, or appliances to form part of or be used in connection with any such undertaking, service, or activity:

“(d) For the re-erection, repair, or reinstatement of any buildings or other property (either real or personal) of the Authority that may be destroyed or damaged by fire, earthquake, tempest, or other inevitable accident:

“Provided that where the Authority considers it inexpedient that any building or other property that is destroyed or damaged by fire, earthquake,



tempest, or other inevitable accident as aforesaid should be re-erected, repaired, or reinstated, the Authority may, with the prior written approval of the Audit Office, apply any money forming part of any such fund, not exceeding the insurable value of the building or other property destroyed or damaged as aforesaid in the acquisition or erection of another building or the purchase of other property (either real or personal) in place of the building or other property as aforesaid destroyed or damaged:

“(e) To meet claims for accidents arising out of the exercise and performance by the Authority of its powers, duties, and functions under this or any other Act; but no greater sum shall be set aside in any one year than the amount that at current rates would have been payable for the year in respect of the insurance of workers employed by or vehicles belonging to the Authority and in respect of insurance against public risk:

“(f) The strengthening of any sinking fund of any loan by whomsoever raised for which the Authority is responsible or liable or the depreciation of any of the investments thereof:

“(g) To meet any other anticipated losses or expenditure of, or in connection with, any such undertaking, service, or activity.

“(2) Where the Authority has, in pursuance of subsection (1) or subsection (3) of this section made provision in any financial year for the setting aside of, or set aside, any money for any of the purposes set out in such subsections, the Authority shall transfer such money out of the appropriate separate account kept in accordance with paragraph (a) of subsection (1) of section 50 of this Act and credit the same to a special account or accounts, but so always that—

“(a) Any money provided or set aside to form a fund or funds for any of the purposes provided in paragraphs (a), (b), (c), (f) or (g) of subsection (1) of this section shall each be credited to and held separately in a special account, and shall be applied only for the purpose for which it was provided or set aside and for or in connection with the undertaking, service, or activity to which the separate account out of which such money was transferred relates:

“(b) Any money provided or set aside to form a fund or funds for any of the purposes provided in paragraphs (d) or (e) of subsection (1) of this section shall each be credited to and held separately in a special account and shall be applied only for the purpose for which it was provided or set aside.

“(3) The Authority shall from time to time if required by the Audit Office so to do, make provision for or set aside such money to form a fund or funds for the purposes provided in paragraph (a) of subsection (1) of this section as the Audit Office shall require.

“(4) The powers conferred by section 58B of the Auckland Transport Board Act 1928 shall continue to apply to the Authority in respect of its Passenger Transport Section or Division in respect of any money provided or set aside for the purposes provided in paragraphs (a), (b), (c), (f), or (g) of subsection (1) of this section out of the separate account relating to such Passenger Transport Section or Division in the same manner and to the same extent as such powers applied to the special fund created under the provisions of section 51 of such Act before the date of the commencement of this section.

“(5) Where the Authority, in any financial year, credits any money to, or holds any money in, a special account established pursuant to subsection (2) of this section, it shall, not later than 6 months after the close of that financial year, pay that money into a separate bank account or accounts, and, subject to subsection (6) of this section, may invest the whole or any part thereof either in the capital works of the undertaking, service, or activity in respect of which the special account was established or in the manner following:

“(a) In New Zealand Government securities; or

“(b) On deposit in any bank lawfully carrying on the business of banking in New Zealand or in the Auckland Savings Bank or the Post Office Savings Bank; or

“(c) In the common fund of the Public Trust Office; or

“(d) In the National Provident Fund; or

“(e) In the debentures or stock of any local authority within the meaning of the Local Authorities Loans Act 1956 which are authorised investments for the investment of trust funds under the provisions of section 4 of the Trustee Act 1956:

“Provided that the Authority shall not be entitled under this paragraph so to invest any money provided or set aside to form a fund for any of the

purposes provided in paragraphs (d), (e), or (f) of subsection (1) of this section, if at the time of the investment the total amount of the securities of such local authorities held pursuant to this paragraph or to paragraph (f) of this subsection as investments of that fund, together with the money then proposed to be invested, exceeds half the total investments for the time being of the money in that fund; or

“(f) In any other securities that may from time to time be authorised by the Governor-General in Council.

“(6) Nothing in subsection (5) of this section shall authorise the Authority to invest any money provided or set aside to form a fund or funds for any of the purposes provided in paragraphs (d), (e), or (f) of subsection (1) of this section in the capital works of any undertaking, service, or activity of the Authority.

“(7) Any income arising out of any investments made in pursuance of subsection (5) of this section shall be credited to the special account out of which such money was invested.

“(8) Notwithstanding anything in subsection (2) of this section the Authority may, from time to time, if it considers the amount of any money held in any special account or accounts relating to any such fund to be in excess of the amount required to be held therein, by resolution, and with the prior written consent of the Audit Office, either transfer the whole or any part of such money back into the account from which it was originally transferred or transfer the same to the special account or accounts relating to some other fund or funds created under this section:

“Provided that no money shall be transferred under this subsection to the special account relating to any other fund, unless the money already constituting such other fund was capable of being transferred originally from the same separate account, kept in pursuance of subsection (1) of section 50 of this Act, as the money being transferred under this subsection was originally taken.”

(2) The following enactments are hereby repealed, namely:

(a) Section 51 of the Auckland Transport Board Act 1928:

(b) Section 94 of the Auckland Metropolitan Drainage Act 1960:

(c) Section 9 of the Auckland Regional Authority Amendment Act 1964.

**8. Security for special loan indebtedness of Auckland City Council**—Whereas by subsection (5) of section 40 of the principal Act and by subsection (2) of section 42 of that Act the Authority is, to the extent therein provided, required to indemnify the Auckland City Council (in this section referred to as “the Council”) in respect of all its liabilities in connection with the airport and bulk water-supply undertaking referred to in such subsections respectively: And whereas the total amount of the special loan indebtedness (being part of such liabilities) for which the Council, as at the 31st day of March 1969, still remained liable under the series of debentures or stock issued by it in respect of the said airport was the sum of \$2,213,600: And whereas the total amount of the special loan indebtedness (being part of such liabilities) for which the Council, as at the 31st day of March 1969, still remained liable under the series of debentures or stock issued by it in respect of the said bulk water-supply undertaking was the sum of \$11,655,770.11: And whereas in pursuance of the said subsection (5) of section 40 and subsection (2) of section 42 of the principal Act the Council has required the Authority to issue and give to the Council properly secured debentures to secure such respective special loan indebtedness: And whereas the Authority and the Council have agreed that such indebtedness shall be secured to the Council by this section in lieu of being secured in the manner provided by the said subsection (5) of section 40 and the said subsection (2) of section 42 of the principal Act respectively: Be it therefore enacted as follows:

(1) The Authority shall be deemed to have issued and given to the Council as security for the sum of \$2,213,600, being the total amount of the special loan indebtedness for which the Council as at the 31st day of March 1969 remained liable under the series of debentures or stock issued by it in respect of the said airport, debentures whereby the Authority—

- (a) Appropriates and pledges as security therefor that portion of the contributions of each contributing Authority, from time to time paid or payable, which relates to such indebtedness 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 such indebtedness; and
- (b) Pledges as security therefor, subject to the provisions of 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 said Airport which the Authority may legally pledge as security therefor.

(2) The Authority shall be deemed to have issued and given to the Council as security for the sum of \$11,655,770.11, being the total amount of the special loan indebtedness for which the Council as at the 31st day of March 1969 remained liable under the series of debentures or stock issued by it in respect of the said bulk water-supply undertaking, debentures whereby the Authority—

(a) Appropriates and pledges as security therefor that portion of the contributions of each contributing authority, from time to time paid or payable, which relates to such indebtedness 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 such indebtedness; and

(b) Pledges as security therefor, subject to the provisions of 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 said bulk water-supply undertaking which the Authority may legally pledge as security therefor.

(3) The debentures which the Authority is deemed to have issued and given in pursuance of subsection (1) or subsection (2) of this section shall, in addition, be deemed to secure to the Council payment of all interest accruing after the dates mentioned in such subsections under the series of debentures or stock issued by it in respect of the indebtedness referred to therein respectively, and all other money for which the Council is liable thereunder and such debentures which the Authority is deemed to have issued and given as aforesaid shall be deemed to have been issued and given identical in terms with the respective series of debentures or stock issued by the Council to the end and intent that the Council shall be entitled to receive from the Authority by virtue of the debentures which the Authority is deemed to have issued and given as aforesaid, all principal, interest, and other money which the Council is liable to pay in connection with its aforesaid indebtedness at the times, and in the manner,

at and in which the Council is liable to pay the same respectively.

(4) The provisions of sections 57, 66 to 84, and 122 of the Local Authorities Loans Act 1956 shall not apply to the debentures which the Authority is deemed to have issued and given in pursuance of subsection (1) or subsection (2) of this section, but the remaining provisions of such Act shall where applicable and with any necessary modifications apply to such debentures.

(5) Nothing contained or implied in section 57 of the principal Act shall apply to the debentures deemed to have been issued and given pursuant to subsection (1) or subsection (2) of this section.

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