



ANALYSIS

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1987, No. 4—*Local*

An Act to amend the Auckland Regional Authority Act 1963 and certain other enactments affecting the Auckland Regional Authority [20 July 1987]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Auckland Regional Authority Amendment Act 1987, and shall be read together with and deemed part of the Auckland Regional Authority Act 1963 (hereinafter referred to as the principal Act).

2. Authority may contribute to development of refuse landfills for public recreation—(1) The principal Act is hereby amended by inserting, after section 45B, the following section:

“45C. (1) This section applies to every refuse disposal landfill operated by the Authority and intended, on completion of the landfill, to be used principally for public recreation purposes.

“(2) The Authority may contribute towards the development of any landfill to which this section applies.

“(3) The Authority may at any time enter into an agreement with the local authority in whose district any landfill to which this section applies is situated and, if appropriate, with any

other person having a direct proprietary interest in the landfill site, which provides—

“(a) Subject to any other Act, for the nature of final development of the landfill for public recreation purposes; and

“(b) For the nature and value of the Authority’s contribution to that development.

“(4) Any agreement entered into under subsection (3) of this section may provide for the contributions of the Authority to be made or paid—

“(a) Progressively during the course of landfill operations; or

“(b) On or at any time after completion of landfill operations;
or

“(c) Both.

“(5) For the purpose of providing funds to enable it to make contributions under this section, the Authority may charge to its refuse disposal account such sums as it thinks fit.”

(2) Any agreement executed by the Authority after the 31st day of December 1985 is hereby declared to be as valid and effectual as it would have been if section 45C of the principal Act (as inserted by subsection (1) of this section) had been in force on the date of execution.

3. Bylaws—(1) Section 28 of the principal Act is hereby amended by adding the following subsections:

“(2) Every person who commits a breach of, or who (by virtue of section 86 of the Auckland Metropolitan Drainage Act 1960) is guilty of an offence under, any trade wastes bylaws made by the Authority under section 83 of that Act shall be liable to the penalties set out in section 493 of the Local Government Act 1974.

“(3) Every person who commits a breach of any other bylaw made by the Authority under this or any other Act shall be liable, in any case for which no penalty is provided elsewhere than in this subsection, to the penalties set out in section 683 (1) of the Local Government Act 1974.

“(4) Where a person commits a continuing breach of any bylaw made by the Authority, then, notwithstanding anything in any other Act, a District Court may, on application by the Authority, grant an injunction restraining the further continuance of the breach by that person.

“(5) An injunction may be granted under subsection (4) of this section—

“(a) Notwithstanding that proceedings for the offence constituted by the breach have not been taken; or

“(b) Where the person is convicted of such an offence, either—

“(i) In the proceedings for the offence, in substitution for or in addition to any penalty awarded for the offence; or

“(ii) In subsequent proceedings.

“(6) The continued existence of any work or thing in a state, or the intermittent repetition of any action, contrary to any bylaw shall be deemed to be a continuing breach for the purposes of this section.”

(2) Section 29 (e) and (g) of the Auckland Metropolitan Drainage Act 1960 are hereby repealed.

(3) The following enactments are hereby consequentially repealed:

(a) Section 29 (1) (b) of the principal Act:

(b) Section 28 (3) of the Auckland Metropolitan Drainage Act 1960:

(c) Section 65 (1) and (2) of the Auckland Transport Board Act 1928.

4. Penalties for damaging works—Section 92 of the Auckland Metropolitan Drainage Act 1960 (as amended by section 7 (1) of the Decimal Currency Act 1964) is hereby amended by omitting the words “one hundred dollars”, and substituting the words “the penalty set out in section 683 (1) of the Local Government Act 1974 in the case of a single breach”.

5. Penalties for certain other offences—Section 93 of the Auckland Metropolitan Drainage Act 1960 (as amended by section 7 (1) of the Decimal Currency Act 1964) is hereby amended—

(a) By omitting the words “one hundred dollars”, and substituting the words “the penalty set out in section 683 (1) of the Local Government Act 1974 in the case of a single breach”:

(b) By omitting the words “or any bylaw made hereunder” and also the words “or any such bylaw”.
