

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 23 October 1956

Words inserted by the Committee are shown in roman with rule down side.

Hon. Mr Goosman

AUCKLAND HARBOUR BRIDGE AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Auckland Harbour Bridge Act 1950

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

1. Short Title—This Act may be cited as the Auckland Harbour Bridge Amendment Act 1956, and shall be read together with and deemed part of the Auckland Harbour Bridge Act 1950 (hereinafter referred to as the principal Act).

10 **2. Constitution of Authority**—(1) Subsection one of section four of the principal Act is hereby amended as follows:

(a) By omitting from paragraph (c) the word “Manurewa”:

15 (b) By inserting in paragraph (e), after the word “Birkenhead”, the words “East Coast Bays”.

(2) Nothing in this section shall be deemed to affect the appointment or the right to hold office of the person for the time being holding office under paragraph (c) of subsection one of section four of the principal Act.

(3) Notwithstanding the provisions of the principal Act, an election shall be held for a member to be appointed under paragraph (e) of subsection one of section four of the principal Act during the period of three months ending on the thirty-first day of March nineteen hundred and fifty-seven. 5

(4) The member appointed to hold office under the said paragraph (e) and in office at the commencement of this Act shall continue to hold office until the person appointed to succeed him pursuant to the election held under subsection *three* of this section comes into office and no longer. 10

(5) The member appointed pursuant to the election held under subsection *three* of this section shall be appointed for a term ending five years after the date of the appointment of his predecessor in office. 15

(6) Except as otherwise provided by this section, the provisions of the principal Act shall apply in all respects to any person appointed or holding office under paragraph (e) of subsection one of section four of the principal Act. 20

3. As to taking of Auckland Harbour Board land—

(1) Section twenty-two of the principal Act is hereby amended by repealing the proviso, and substituting the following proviso: 25

“Provided that nothing in this section shall authorise the Authority to take any land vested in the Auckland Harbour Board except land required by the Authority for the bridge and in respect of which plans, specifications, and conditions of contract have been finally approved, in so far as that approval is required by this Act, by the Auckland Harbour Board.” 30

(2) Section twenty-two of the principal Act is hereby further amended by adding, as subsection two, the following subsection: 35

“(2) No consent or approval given by the Governor-General, the Minister of Marine, the Minister of Works, or any local authority under or pursuant to this Act or otherwise for the purposes of facilitating the construction, maintenance, or operation of the bridge shall be deemed to authorise or 40

provide a basis for any claim for compensation or give rise to any claim for damages, injunction, or other legal remedy, against any person other than the Authority.”

4. As to preparation of plans, specifications, and conditions of contract—(1) Section twenty-five of the principal Act, as substituted by section two of the Auckland Harbour Bridge Amendment Act 1954, is hereby amended by repealing subsection five, and substituting the following subsection:

“(5) The divisions of the plans, specifications, and conditions of contract to which paragraph (b) or paragraph (c) of subsection three of this section relate may be prepared in subdivisions and any such subdivision may be prepared in such order and at such time as the Authority thinks fit:

“Provided that a local authority shall not be obliged under subsection one of section twenty-eight of this Act to make any decision as to its approval or disapproval of the plans, specifications, and conditions of contract relating to any such subdivision unless the plans, specifications, and conditions of contract relating to any of the embankments, approaches, or roadways adjoining and in alignment with those to which the subdivision relates have already been approved by it or have been submitted to it for approval under this Act.”

(2) Section thirty-two of the principal Act is hereby amended by repealing subsection one, and substituting the following section:

“(1) No work in connection with the construction of the bridge shall be commenced until the plans, specifications, and conditions of contract relating to that part of the bridge in respect of which construction is about to commence have been finally approved by each local authority referred to in section twenty-nine of this Act to the extent to which it is given the power of approval by this Act, by the Governor-General in accordance with the Harbours Act 1950, and by the Minister of Works.”

(3) Paragraph (a) of subsection three of section two of the Auckland Harbour Bridge Amendment Act 1954 is hereby repealed.

(4) This section shall be deemed to have come into force on the first day of June nineteen hundred and fifty-six.

5. Provisions with respect to access to and usage of bridge—
The principal Act is hereby amended by inserting, after section thirty-six, the following section:

“36A. (1) Notwithstanding the provisions of any enactment, no person shall be entitled to any access to the bridge or to any approaches to the bridge under the control of the Authority except at such places as may be expressly provided for the purpose by the Authority and in accordance with the bylaws of the Authority. 5

“(2) Notwithstanding the fact of any public usage, the bridge or any of the approaches to the bridge under the control of the Authority shall not, except for the purposes of the Transport Act 1949, be deemed to be a public highway.” 10

6. Certain securities to be trustee investments—(1) The principal Act is hereby amended by inserting, after section forty, the following section: 15

“40A. It shall be lawful for a trustee, unless expressly forbidden by the instrument, if any, expressly creating the trust, to invest any trust funds in his hands in any debentures or other securities issued or created by the Authority if repayment of all money secured by the debentures or other securities is guaranteed under section forty of this Act by the Government of New Zealand”. 20

(2) This section shall be deemed to have come into force on the first day of January, nineteen hundred and fifty-one (being the date of the coming into force of the principal Act). 25

7. Yearly balance sheet and statement—The principal Act is hereby amended by repealing section fifty-two, and substituting the following section:

“52. Within one month after the end of each financial year, the Treasurer shall prepare final accounts of all the transactions of the Authority. The accounts shall show separately— 30

“(a) All the money received and paid by the Authority during that year;

“(b) All the income and expenditure of the Authority for that year; 35

“(c) The balance sheet of the Authority for that year; and

“(d) The loan money owed by the Authority showing the total debt outstanding under the head of each loan raised by the Authority and the amount of any sinking fund by then accumulated for the repayment of each such loan.” 40

8. Certified accounts to be submitted to Minister of Finance and constituent authorities—The principal Act is hereby amended by repealing section fifty-three, and substituting the following section:

5 “53. When the accounts prepared pursuant to section fifty-two of this Act have been audited and certified, the Treasurer shall forthwith cause a copy of the accounts to be submitted to the Minister of Finance and to each constituent authority.”

New

10 **9. Provisions with respect to compensation for employees of company**—The principal Act is hereby amended by adding to section sixty-nine the following subsections:

15 “(3) On application made by the Devonport Ferry Company’s Employees’ Industrial Union of Workers and with the written approval of the Company and of the Authority, the Governor-General may at any time appoint a Commission under section sixty-six of this Act to inquire into and determine:

20 “(a) What classes of employees of the Company shall be entitled to receive compensation under paragraph (b) of subsection one of this section; and

“(b) The formula to be adopted in each case when any such compensation is assessed.

25 “(4) Any determination made under subsection *three* of this section shall be binding on any Commission which may subsequently inquire into and assess a claim for compensation to which the determination relates.”