

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 5 August 1964

Words struck out by the Local Bills Committee are shown in italics within bold round brackets or with black rule at beginning and after last line of struck out matter; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line of new matter.

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE THE SECOND TIME]

House of Representatives, 16 September 1964

Words inserted by the Local Bills Committee are shown in the proposed new clause 2 in roman underlined with a double rule.

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 1 October 1964

New clause 6A inserted by the Committee of the Whole.

Mr Douglas

AUCKLAND REGIONAL AUTHORITY AMENDMENT

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to amend the Auckland Regional Authority Act 1963

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 Regional Authority Amendment Act 1964, and shall be read together with and deemed part of the Auckland Regional Authority Act 1963 (hereinafter referred to as the principal
10 Act).

No. 9—4

Price 1s.

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2. Interpretation—Section 2 of the principal Act is hereby amended by adding, at the end of the definition of “Regional reserve”, the words “and shall also include a public reserve and a domain vested in or otherwise acquired, administered, or controlled by the Authority”.

New

2. Interpretation—(1) Section 2 of the principal Act is hereby amended by adding to the definition of the term “Regional reserve” in subsection (1) the words “and includes a public reserve and a domain vested in or otherwise acquired, administered, or controlled by the authority”.

(2) Section 2 of the principal Act is hereby further amended by adding to subsection (1) the following definition:

“Trading undertaking” means any transport undertaking taken over from the Auckland Transport Board, any milk undertaking taken over from the Auckland Metropolitan Milk Board, any bulk water supply undertaking taken over from the Auckland City Council, and any other undertaking that may from time to time be declared by any other enactment or by the Governor-General in Council to be a trading undertaking for the purposes of this Act.

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3. Subcommittees—(1) Section 16 of the principal Act is hereby amended by inserting, in subsection (3), before the words “an allowance of thirty shillings”, the words “and to each member of any subcommittee who shall not be also a member of the Authority”, and by inserting in such subsection (3), after the words “any committee”, the words “or subcommittee”.

New

3. Subcommittees—(1) Section 16 of the principal Act is hereby amended by inserting in subsection (3), after the words “any committee”, the words “or subcommittee”.

(1A) Section 16 of the principal Act is hereby further amended by adding to subsection (3) the following proviso:

“Provided that the maximum amount which may be paid to any person in respect of any one day shall not exceed thirty shillings, notwithstanding that he may have attended one or more meetings of the Authority or of any committee or subcommittee of the Authority on that day.”

(2) Section 16 of the principal Act is hereby further amended by inserting, in subsection (4), after the words “any committee”, the words “or subcommittee”.

(3) The principal Act is hereby further amended by inserting, after section 17, the following section:

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“17A. **Subcommittees**—(1) The Authority, in respect of any committee thereof, and any committee of the Authority, may from time to time appoint a subcommittee or subcommittees consisting of two or more persons, who need not be members of the Authority; and every subcommittee shall have such powers and authorities as the Authority, or the committee thereof making the appointment, shall from time to time determine.

New

“17A. **Subcommittees**—(1) The Authority, in respect of any committee thereof, and any committee of the Authority, may from time to time appoint a subcommittee or subcommittees consisting of two or more persons, of whom at least one shall be, but only one need be, a member of the Authority; and every such subcommittee may—

“(a) Inquire into such matters as are referred to it by the Authority or the committee, as the case may be; and

“(b) Report on any such matter to the body which referred the matter to it.”

“(2) Subject to the provisions of subsection (1) of this section, all the provisions of this Act in relation to committees shall, *mutatis mutandis*, apply also to subcommittees:

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“Provided that, except where the Authority or the committee making the appointment otherwise directs, no powers or duties delegated or subdelegated to a subcommittee shall be exercised or performed without confirmation by the Authority, or, where the committee making the appointment may itself exercise or perform the same without confirmation by the Authority, by the committee making the appointment.

“(3) The provisions of the Local Authorities (Members Contracts) Act 1954 shall apply in the case of any member of a subcommittee who is not also a member of the Authority.”

4. Regional reserves—(1) Section 37 of the principal Act is hereby amended by inserting, after the words “within the district” in subsections (1) and (2), the words “(or, though

not within the district, sufficiently close thereto to be likely in the opinion of the Authority to be of benefit to the inhabitants of the district or of some part thereof”.

(2) Section 37 of the principal Act is hereby further
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amended by substituting, for the word “may” in the second line of subsection (2), the words “may, if the Authority so agrees,”.

New

amended by omitting from subsection (2) the words “that reserve may be transferred”, and substituting the words “that reserve may, if the Authority and the public body so agree, be transferred”.

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(3) Section 37 of the principal Act is hereby further amended by adding to subsection (1) the following proviso:

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“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.”

(4) Section 37 of the principal Act is hereby further amended by inserting, after subsection (1), the following subsection:

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“(1A) 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.”

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(5) Section 37 of the principal Act is hereby further amended by adding the following subsection:

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

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

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

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5 **5. Security for loans**—Subsection (1) of section 57 of the principal Act is hereby amended by deleting the figure “60” in the proviso, and substituting the figure “61”, and by deleting the figure “58” in such proviso and substituting the figure “59”.

New

10 **5. Security for loans**—Section 57 of the principal Act is hereby amended—
(a) By omitting from the proviso to subsection (1) the words “section 60 of this Act”, and substituting the words “section 61 of this Act”:
(b) By omitting from the proviso to subsection (1) the words “section 58 of this Act”, and substituting the words “section 59 of this Act”.

15 **5A. Annual estimate of Authority’s proposed expenditure**—Section 58 of the principal Act is hereby amended by adding to paragraph (e) the following proviso:

20 “Provided that any money in the hands of the Authority in respect of the passenger transport section or division of the Authority at the commencement of any year shall be included in the estimate of the amount of the income of the Authority in respect of that section or division for the ensuing year, and not otherwise, and the estimate of the
25 proposed income and expenditure of the Authority for each year shall, in respect of that section or division, continue to be prepared in accordance with the provisions of section 45 of the Auckland Transport Board Act 1928.”

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30 **6. Contributing authorities’ annual assessments**—(1) Section 61 of the principal Act is hereby amended by inserting, after the words “service or activity” in paragraph (a) of subsection (2), the words “(other than any service or activity in respect of which separate accounts are required to be kept
35 in compliance with any other provision of this subsection)”.

New

40 **6. Contributing authorities’ annual assessments**—(1) Section 61 of the principal Act is hereby amended by adding to paragraph (a) of subsection (2) the words “in addition to those services or activities in respect of which separate accounts are required to be kept by any other provision of this subsection”.

(2) Section 61 of the principal Act is hereby further amended by *(inserting, after paragraph (g) of subsection (2), the following paragraphs)* adding to subsection (2) the following paragraph:

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“(h) The charges and expenses of the Authority in respect of the passenger transport section or division of the authority taken over from the Auckland Transport Board:

“(i) Any other undertaking, service, or activity conducted and carried on by the Authority for the benefit of the whole of the district.”

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(3) Section 61 of the principal Act is hereby further amended by inserting, after subsection (5), the following subsection:

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“(5A) The amounts payable under paragraph (h) of subsection (2) of this section shall be assessed and charged and levied upon the local authorities of the constituent districts forming the Auckland Transport District at the date of such assessment in accordance with the provisions of sections 45, 46, and 47 of the Auckland Transport Board Act 1928, and shall be levied separately from all other charges.”

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(4) Section 61 of the principal Act is hereby further amended by substituting for the word and figure “subsection (5)” in paragraph (d) of subsection (7), the words and figures “subsections (5) and (5A)”.

New

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6A. When contributing authorities to pay their shares—

(1) Section 65 of the principal Act is hereby amended by repealing the proviso.

(2) Section 65 of the principal Act is hereby further amended by adding, as subsections (2), (3), and (4), the following subsections:

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“(2) If any estimate and assessment have been set aside under section 62 of this Act in consequence of an appeal under that section, the estimate of the contribution to be paid by every contributing authority, as settled by the Judge under that section, shall be substituted for the estimate and assessment so set aside; but pending the decision of the Judge

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New

nothing in this subsection or in the said section 62 shall absolve the contributing authorities or any of them from liability for any contributions or instalments thereof to which they would
5 have been liable if the assessment had not been set aside.

“(3) If any such contributions are not paid in accordance with the provisions of subsection (1) of this section, interest shall accrue in terms of the said subsection notwithstanding that an appeal has been lodged.

10 “(4) If on any such appeal an adjustment is made of the amount of any such assessment and accordingly of any instalment in respect thereof, the Authority shall, forthwith upon receipt of the decision of the Judge, adjust the assessment, and shall give credit for any amount overpaid by any contrib-
15 uting authority on any instalment or, as the case may be, require any contributing authority to pay to the Authority the amount of any increase of any such assessment payable in accordance with the decision of the Judge, together with interest calculated at the rate fixed by subsection (1) of this
20 section on the amount of any such instalment unpaid within thirty days from the date of the demand thereof by the authority.”

(3) Section 62 of the principal Act is hereby amended by inserting, after the words “and thereupon”, the words “sub-
25 ject to the provisions of section 65 of this Act”.

(4) Section 67 of the principal Act is hereby amended by omitting from subsection (1) the words “or in case of appeal after the decision of the said Court”.

7. Reserve for replacement and renewals, etc.—Section 72
30 of the principal Act is hereby amended by (*inserting, after subsection (2)*) adding the following subsection:

“(3) The provisions of subsections (1) and (2) of this section shall not apply to the passenger transport section or division of the Authority in respect of which the Authority
35 shall have all the powers set forth in section 51 of the Auckland Transport Board Act 1928, which section shall be deemed to be incorporated herein.”

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8. Establishment expenses and overhead and administration charges—(1) For the purposes of this Act the debt due by the
40 Authority to the Auckland City Council (in this section referred to as the Council) pursuant to subsection (2) of section 11 of the Auckland Regional Authority Establishment Act 1960, and all sums advanced by the Council to the

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Authority pursuant to the provisions of section 71 of the principal Act, and such of the charges and expenses of the Authority for the year ending the thirty-first day of March, nineteen hundred and sixty-five, as may not have been assessed and charged to the contributing authorities in that year pursuant to sections 60 and 61 of the principal Act, are hereinafter referred to as the establishment expenses. 5

(2) Notwithstanding anything in the principal Act or in any other enactment contained, one-third of the establishment expenses shall be recoverable by the Authority in each of the years ending the thirty-first day of March, nineteen hundred and sixty-six, the thirty-first day of March, nineteen hundred and sixty-seven, and the thirty-first day of March, nineteen hundred and sixty-eight, and in the manner hereinafter provided. 10 15

(3) In each of the years ending the thirty-first day of March, nineteen hundred and sixty-six, and the thirty-first day of March, nineteen hundred and sixty-seven, a sum representing one-third of the establishment expenses shall be included in the estimates for those years required to be prepared by the Authority pursuant to section 58 of the principal Act and in the assessments required to be made by the Authority pursuant to section 60 of the principal Act, and in the year ending the thirty-first day of March, nineteen hundred and sixty-eight, a sum representing the remaining one-third thereof shall be included in the estimate prepared for that year and in any general rate made and levied by the Authority in that year. 20 25

(4) Notwithstanding anything contained in the principal Act, the sum representing one-third of the establishment expenses included in the estimates aforesaid in the year ending the thirty-first day of March, nineteen hundred and sixty-six, and the sum representing one-third of the establishment expenses included in the estimates aforesaid in the year ending the thirty-first day of March, nineteen hundred and sixty-seven, shall be assessed and charged to all the local authorities within the district in proportion to the mean percentage of population and rateable capital value calculated as at the thirty-first day of March, nineteen hundred and sixty-four: 30 35 40

Provided that in the case of the Manukau County Council (otherwise than in respect of Mangere Bridge, Mangere East, Pakuranga, Bucklands Beach, and Beachlands County Towns, and the Otara Block) and in the case of the Waitemata County Council (otherwise than in respect of the Birkenhead, 45

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Waipareira, Titirangi, Waikumete, and Te Atatu Ridings, and the Titirangi and Green Bay County Towns) and in respect of the Franklin County Council, the Helensville
5 Borough Council, the Pukekohe Borough Council, the Waiuku Borough Council, the Tuakau Borough Council, the Warkworth Town District, the Waiheke Road Board, and the Rodney County Council, there shall be taken into
10 account, in making the assessment and charges aforesaid, one-quarter only of the population and rateable capital value thereof respectively calculated as at the thirty-first day of March, nineteen hundred and sixty-four.

New

8. Establishment expenses—(1) The debt due by the
15 Authority to the Auckland City Council (in this section referred to as the Council) pursuant to subsection (2) of section 11 of the Auckland Regional Authority Establishment Act 1960 and all sums advanced by the Council to the Authority pursuant to the provisions of section 71 of the
20 principal Act are hereafter in this section referred to as the establishment expenses.

(2) Notwithstanding anything in the principal Act or in any other enactment, half of the establishment expenses shall be recoverable by the Authority in each of the years ending
25 the thirty-first day of March, nineteen hundred and sixty-six, and the thirty-first day of March, nineteen hundred and sixty-seven, in the manner hereafter provided in this section.

(3) In each of the years ending the thirty-first day of March, nineteen hundred and sixty-six, and the thirty-first
30 day of March, nineteen hundred and sixty-seven, a sum representing half of the establishment expenses shall be included in the estimates for those years required to be prepared by the Authority pursuant to section 58 of the principal Act and in the assessments required to be made by the
35 Authority pursuant to section 60 of the principal Act.

(4) Notwithstanding anything in the principal Act, the sum representing half of the establishment expenses included in the estimates aforesaid in the year ending the thirty-first day of March, nineteen hundred and sixty-six, and the sum
40 representing half of the establishment expenses included in the estimates aforesaid in the year ending the thirty-first day of March, nineteen hundred and sixty-seven, shall be assessed and charged to all the local authorities within the district

New

except the Waiheke Road Board in proportion to the mean percentage of population and rateable capital value of the respective local districts calculated as at the thirty-first day of March, nineteen hundred and sixty-three.

8A. Initial overhead and administration charges—(1) Such of the charges and expenses of the Authority for the year ending the thirty-first day of March, nineteen hundred and sixty-five, as may not have been assessed and charged to the contributing authorities in that year pursuant to sections 60 and 61 of the principal Act, are hereafter in this section referred to as the initial overhead and administration expenses, and shall be kept in a separate account in the Authority's books.

(2) The separate account that is kept in accordance with subsection (1) of this section shall be deemed to be a separate account for the purposes of subsection (2) of section 61 of the principal Act.

(3) In each of the years ending the thirty-first day of March, nineteen hundred and sixty-six, and the thirty-first day of March, nineteen hundred and sixty-seven, a sum representing half of the initial overhead and administration expenses shall be included in the estimates for those years required to be prepared by the Authority pursuant to section 58 of the principal Act and in the assessments required to be made by the Authority pursuant to section 60 of the principal Act, and shall be assessed and charged to the local authorities within the district in the manner provided by subsection (6) of section 61 of the principal Act, and paragraphs (a) and (d) of subsection (7) of that section and all the other provisions of the principal Act shall apply accordingly in respect of each such sum.

9. Auckland Transport Board levy—The estimates, levy, and apportionments made (*or to be made*) by the Auckland Transport Board in accordance with the provisions of sections 45, 46, and 47 of the Auckland Transport Board Act 1928 in respect of the period from the first day of April, nineteen hundred and sixty-four, to the thirty-first day of March nineteen hundred and sixty-five, shall be deemed for all purposes to have been validly made, notwithstanding the taking over of the said Board by the Authority during the period aforesaid; and the portion of such levy apportioned to any local authority, together with interest thereon (if any), shall be payable to and recoverable by the said Board,

and, after the taking over of the said Board by the Authority, by the Authority, in accordance with the provisions of section 47 of the Auckland Transport Board Act 1928, in like manner as the same could have been recovered by the said Board had the principal Act not been passed.

10. Auckland Centennial Memorial Park Board levy—The levy made by the Auckland Centennial Memorial Park Board and charged and assessed by the said Board to the contributing authorities in accordance with the provisions of section 34 of the Auckland Centennial Memorial Park Act 1941, in respect of the period from the first day of April, nineteen hundred and sixty-four, to the thirty-first day of March, nineteen hundred and sixty-five, shall be deemed for all purposes to have been validly made, notwithstanding the taking over of the said Board by the Authority during the period aforesaid; and the portion of such levy apportioned to any contributing authority, together with interest thereon (if any), shall be payable to and recoverable by the said Board, and, after the taking over of the said Board by the Authority, by the Authority, in accordance with the provisions of sections 37, 38, and 39, of the Auckland Centennial Memorial Park Act 1941, in like manner as the same could have been recovered by the said Board had the principal Act not been passed.

11. Bylaws and acts of authority—All bylaws, regulations, rules, ordinances, and other enactments of any body heretofore or hereafter taken over by the Authority, and subsisting and in force on the date when such body was or is hereafter taken over, shall be deemed to have continued in force, and shall continue in force, and may be enforced, amended, or repealed by the Authority; and all acts of authority done by any body aforesaid shall, after the date when such body was or is hereafter taken over, be deemed to have enured, and shall enure, for the purposes of the principal Act.