

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 11 August 1965

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.

Mr Douglas

AUCKLAND REGIONAL AUTHORITY AMENDMENT

[LOCAL]

ANALYSIS

Title	8. Regional roads
1. Short Title	9. Regional reserves
2. Interpretation	10. Roads at Airport
3. Members of Authority	11. Authority to take over bulk water-supply undertaking of Auckland City
4. Conduct of elections in combined local districts	12. Authority to take over various bodies
5. Cost of election	13. How assessments are to be calculated
6. Qualification of elected members	
7. Vacancies	

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, as follows:

1. **Short Title**—This Act may be cited as the Auckland Regional Authority Amendment Act 1965, and shall be read together with and deemed part of the Auckland Regional Authority Act 1963 (hereinafter referred to as the principal Act).

No. 48—2

Price 6d.

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2. Interpretation—Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “Elector”, the following definitions:

“Highway development land” means land which is for the time being declared under the provisions of section 34 of this Act to be land required for highway development: 5

“Highway network” means the existing and proposed arterial and regional traffic routes shown as such on a map approved for that purpose by the Authority, and as the same may be added to, varied, or replaced by the Authority from time to time. 10

3. Members of the Authority—(1) Section 5 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection: 15

“(2) All appointed members of the Authority in office on the said thirty-first day of October, nineteen hundred and sixty-five, shall go out of office at the end of that day, and on and after the first day of November, nineteen hundred and sixty-five, the Authority shall consist of members elected in accordance with the succeeding provisions of this section, and of the succeeding provisions of this Act.” 20

(2) Section 5 of the principal Act is hereby further amended by inserting, after subsection (2) (as inserted by subsection (1) of this section), the following subsections: 25

“(3) Members of the Authority shall be elected by the electors of each local district within the Auckland Regional District on the following scale, according to the percentage which the mean percentage of population and rateable capital value of each local district within the Auckland Regional District at the date of such election, ascertained as hereinafter provided, bears to the whole of the regional district, namely: 30

“For each local district with such a mean percentage of less than seven and a half per cent, one member: 35

“For each local district with such a mean percentage of at least seven and a half per cent but less than twelve and a half per cent, two members: 40

“For each local district with such a mean percentage of least twelve and a half per cent but less than seventeen and a half per cent, three members: 45

“For each local district with such a mean percentage of at least seventeen and a half per cent but less than twenty-two and a half per cent, four members: 45

“For each local district with such a mean percentage of at least twenty-two and a half per cent but less than twenty-seven and a half per cent, five members:

5 “For each local district with such a mean percentage of twenty-seven and a half per cent or more, six members.

“(4) For the purposes of the election of members of the Authority—

10 “(a) The City of Auckland and the Road District of Waiheke;

“(b) The County of Waitemata and the Borough of Helensville;

“(c) The County of Rodney and the Town District of Warkworth; and

15 “(d) The County of Franklin and the Boroughs of Waiuku and Tuakau—

shall in each case, be deemed to constitute one local district, and also to constitute one combined district for the purposes of this section and of section 6A hereof (as inserted by section 4

20 of the Auckland Regional Authority Amendment Act 1965.)

“(5) For the purposes of the first election of members of the Authority in the month of October, nineteen hundred and sixty-five, the population and rateable capital value of each local district shall be ascertained as at the thirty-first day of 25 March, nineteen hundred and sixty-five, such capital value being adjusted to such last-mentioned date as provided in the Valuation Equalisation Act 1957, and for the purposes of each subsequent election, the population and rateable capital value (adjusted as aforesaid) shall be ascertained as at the 30 thirty-first day of March immediately preceding the date of such election.

“(6) The creation, abolition, merger, union, or other alteration of any local district shall not in itself have any operation so as to affect the then existing membership of the 35 Authority.

“(7) The Governor-General may from time to time, by Order in Council, whenever in his opinion it becomes necessary or expedient to do so by reason of the creation, abolition, merger, union, division or alteration of any local district or 40 combined district, or by reason of any other circumstances, make provision with respect to the membership of the Authority including provision for the vacation of office of any member or members of the Authority, and for the appointment or election of an additional member or additional members 45 thereof, and any other provisions in respect of any of those matters which in the circumstances he thinks fit, and may

from time to time revoke or amend any provisions made by him.

“(8) If by any Order in Council under this section representation on the Authority is taken away from any local district or combined district, the members elected by that local district or combined district shall retire from office on the day appointed in that behalf by the Order in Council. 5

“(9) If by any Order in Council under this section a reduction is made in the number of members of the Authority which a local district or combined district is entitled to elect, a sufficient number of those members shall retire from office on the day appointed in that behalf by the Order in Council, so that the number of members elected by that local district or combined district may conform to the Order in Council. The members so to retire from office shall, in default of agreement among all the members elected by that local district or combined district, be determined by lot in such manner as the Authority directs. 10 15

“(10) Where a new local district has been constituted during the period between any date for the election of members of the Authority and the preceding thirty-first day of March, or where, during that period, there has been any change in the boundaries of any other local district, the provisions of subsections (3) and (5) of this section shall apply as though that new local district had been in existence on that preceding thirty-first day of March, and as though the boundaries of that other local district on that date for election were also the boundaries of that other local district on that preceding thirty-first day of March.” 20 25

4. Conduct of elections in combined local districts—The principal Act is hereby amended by inserting, after section 6, the following section: 30

“6A. (1) In any case where by this Act one or more members of the Authority are to be elected by all or some only of the electors of the districts of two or more local authorities jointly (hereinbefore and hereinafter referred to as a combined district), the Governor-General may, by Order in Council, select and appoint one of those local authorities to be the principal authority for the purposes of the election: 35

“Provided that, in the case of the combined districts referred to in paragraphs (a), (b), (c), and (d) of subsection (4) of section 5 of this Act (as inserted by section 3 of the Auckland Regional Authority Amendment Act 1965), the first-named local authority shall in each case be the principal authority for the purposes of this section. 40 45

“(2) Every such election, and every election to fill any extraordinary vacancy occurring among the members elected in respect of a combined district, shall be held in manner prescribed by the provisions of the Local Elections and Polls Act 1953 relating to the conduct of elections in a combined district, but subject to the provisions of any regulations from time to time made under this Act.

“(3) At every such election of a member of the Authority every elector shall have one vote and no more, even though he is an elector of more than one of the local districts comprised within the combined district.”

5. Cost of election—Section 7 of the principal Act is hereby amended by adding, after subsection (2), the following subsection:

“(3) The cost of every such election incurred by the Authority, including the cost payable by the Authority pursuant to the provisions of subsections (1) and (2) of this section, shall be payable by all the local authorities within the district in proportion to the mean percentage of rateable capital value and population of their respective local districts, and shall be recoverable accordingly by the Authority, and such costs shall be deemed to be charges and expenses of the Authority coming within the provisions of paragraph (h) of subsection (2) of section 61 of this Act, and shall be assessed and charged accordingly by the Authority, (*save and except that the provisions of subsection (7) of section 61 aforesaid shall not apply in respect of any such assessment and charge*).”

6. Qualification of elected members—Section 10 of the principal Act is hereby amended by adding at the end of subsection (1) the following proviso:

“Provided that if an elector is entitled to vote in more than one local district, he shall be qualified to be elected as a member of the Authority for one only of such local districts, and if any candidate consents to be nominated for more than one local district at any election, his nomination shall in every case be void.”

7. Vacancies—(1) Section 13 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) The office of a member shall not, pending the next succeeding election of members of the Authority, but subject always to the provisions of subsections (7), (8), and (9)

of section 5 of this Act (as inserted by section 3 of the Auckland Regional Authority Amendment Act 1965), become vacant, under paragraph (d) of subsection (1) of this section, by reason only that the local district for which he was elected, or any part thereof, has since his election become part of any other existing local district or of any new local district.” 5

(2) Section 13 of the principal Act is hereby further amended by omitting from subsection (6) the words “Any extraordinary vacancy” where those words first occur, and substituting the words “Subject to the provisions of subsections (7), (8), and (9) of section 5 of this Act (inserted as aforesaid) and section 6A of this Act, (as inserted by section 4 of the Auckland Regional Authority Amendment Act 1965) any extraordinary vacancy”. 10

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8. Regional roads—The principal Act is hereby amended by repealing section 34, and substituting the following section: 15

“34 (1) The Authority may from time to time, by resolution publicly notified, declare any land to be required for highway development, or declare any road, not being a State highway, to be a regional road, and may at any time in like manner revoke or vary such declaration. A copy of every such resolution shall be forthwith forwarded to all local authorities. 20 25

“(2) All highway development land and every regional road shall, at the time of such declaration, be included as an existing or a proposed arterial or regional traffic route, or part of any such traffic route, in the highway network, or in the case of such declaration being made prior to the first approval of the highway network, be likely, in the opinion of the Authority, to be so included. 30

“(3) The Authority may purchase or otherwise acquire, or take under the Public Works Act 1928, any highway development land, and any adjoining severed land, and the same shall for the purposes of the Town and Country Planning Act 1953, be a public work for which the Authority has financial responsibility. 35

“(4) The Authority shall have, in respect of any land purchased or otherwise acquired or taken pursuant to this section, all the powers vested in Borough Councils with respect to public works and to land held for the purpose of a public work. 40

“(5) The Authority may at any time dedicate as a road any highway development land vested in it. 45

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“ (6) Every resolution of the Authority declaring a road to be a regional road shall state a date upon which the control of such road shall vest in the Authority. On and after
5 such date and until such declaration is revoked the Authority shall assume and undertake the control, maintenance, and improvement of such regional road and shall have, in the place or stead of the local authority within whose district the road is situated, all the powers which that local authority
10 would have had if such declaration had not been made. The Authority may from time to time delegate any of its powers aforesaid to, or make any arrangements or contracts in respect thereof with, any local authority.

“ (7) The powers conferred on the Authority by subsection (6) of this section shall, notwithstanding the provisions of subsection (10) of this section, include powers to close or stop a regional road or any part thereof and to dispose of and give title to such closed or stopped road or any part thereof.

20 “ (8) Any moneys received from the disposal of any land, being highway development land or part thereof, or forming part of a regional road which has been closed or stopped, shall be paid and disposed of as the Authority shall decide.

25 “ (9) If any local authority is dissatisfied with any decision of the Authority under subsection (1) or subsection (8) of this section, that local authority may, within two months after the making of such decision, appeal against the same to the National Roads Board (hereinafter in this subsection called the Board), and the determination of the Board thereon shall be final and binding on all parties concerned.
30 The Board may make rules in relation to the procedures to be followed by the parties and by the Board in the initiation, and in the conduct, and in the determination of such appeals, and may from time to time vary such rules and make others
35 in their place.

“ (10) Nothing in this Act shall be deemed to vest the soil of any regional road in the Authority.”

9. Regional reserves—Section 37 of the principal Act is hereby amended by omitting from subsection (3) the words
40 “The Authority shall, in respect of any”, and substituting the words “The Authority may set aside as a reserve any land vested in it, and shall, in respect of any land so set aside, and in respect of any other”.

10. Roads at Airport—The principal Act is hereby further amended by inserting, after section 41, the following section:

“41A. Those areas within the Auckland International Airport (being the Airport referred to in section 40 of this Act) which have been made available by the Authority for the movement or standing or parking of vehicles shall, for the purposes of the Transport Act 1962 and of any regulations made thereunder (but not otherwise), be deemed to be roads and in relation to those areas the Authority shall be deemed to be a local authority for the purposes of Part V of the said Act and of the regulations made under section 77 thereof except for regulations relating to the issue of warrants of fitness and heavy traffic licences.”

11. Authority to take over bulk water-supply undertaking of Auckland City—Section 42 of the principal Act is hereby amended by deleting the word “undertaking.” in subsection (5), and substituting the following: “undertaking, and on the production of a statutory declaration by the Secretary of the Authority purporting to set out or to exhibit a copy of the agreement of the Authority and the City Council, or a copy of the determination of the Local Government Commission, as the case may be, as to what lands of the City Council are to be vested in the Authority pursuant to the provisions of this section, together with such plans and documents as the appropriate District Land Registrar may require, an entry of the title of the Authority to the lands described in such agreement or determination of the Local Government Commission, as the case may be, shall be made by the appropriate District Land Registrar on the relevant certificates of title or other instrument of title.”

12. Authority to take over various bodies—Section 45 of the principal Act is hereby amended by inserting, in subsection (5), after the words “and the provisions thereof”, the words “(except the provisions of subsection (2) of section 21 of the Milk Act 1944)”.

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13. How assessments to be calculated—Section 61 of the principal Act is hereby amended by repealing paragraph (c) of subsection (2), and substituting the following paragraph: “(c) The acquisition of highway development land, and the formation, maintenance, improvement, and control of regional roads, highway development land, and regional motorways:”.