

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 10 October 1969.

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

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 15 October 1969.

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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:

10 **1. Short Title**—This Act may be cited as the Auckland Regional Authority Amendment Act 1969, and shall be read together with and deemed part of the Auckland Regional Authority Act 1963 (hereinafter referred to as the principal Act).

New

15 **1A. Regional Water Board**—The principal Act is hereby amended by inserting, after section 17A (as inserted by section 3 (4) of the Auckland Regional Authority Amendment Act 1964), the following section:

No. 43—3

Price 10c

New

“17B. (1) If the Authority is constituted a Regional Water Board under the Water and Soil Conservation Act 1967, the Authority may from time to time, subject to the exceptions contained in subsection (1) of section 17 of this Act, delegate to any standing or special committee appointed under that subsection any of the functions, rights, powers, and duties conferred or imposed upon the Authority as such Board. 5

“(2) Any such committee to which any of such functions, rights, powers, and duties are so delegated shall, for the purposes of considering or exercising any of those functions, rights, powers, and duties comprise not only the members of the Authority appointed to it by the Authority but also four additional members, one of whom shall be appointed by the Minister of Works, one of whom shall be appointed by the Minister of Agriculture, one of whom shall be appointed by the Minister of Lands, and one of whom shall be appointed by the Minister of Forests. 10 15

“(3) Every member appointed by a Minister of the Crown shall hold office during the pleasure of that Minister; and no such member shall be discharged under subsection (3) of section 17 of this Act.” 20

2. Powers of Authority—Section 32 of the principal Act is hereby amended by adding the following subsections:

“(5) The Authority may prepare and publish handbooks, abstracts, or other publications containing information and matters of interest relative to the history, administration, and affairs of the Authority or the district, purchase publications containing photographic views of the district, and prepare and disseminate information that is designed to educate and instruct the public concerning local government activities in the district or that has for its object the advancement or development of the district. 25 30 35

“(6) The Authority may make grants of money to the trustees or other governing authority of any body (whether incorporated or not) which is not conducted for private profit and the object or principal object of which is to promote the advancement or development of the district or of any area or areas whose advancement or development would or might tend to benefit the district, or to educate or instruct the public concerning the activities of the district or of any such area or areas. 40

Struck Out

5 “(7) Any money expended in pursuance of subsections (5) and (6) of this section shall, unless they relate exclusively to the undertakings, services, or activities referred to in any of the other paragraphs of subsection (2) of section 61 of this Act, be charged to and included in the account referred to in paragraph (h) of the said subsection (2) of section 61 of this Act.”

10 *New*

15 “(7) All money expended in pursuance of subsection (5) or subsection (6) of this section shall, if the expenditure relates exclusively to any particular undertaking, service, or activity, be charged to the account referred to in subsection (2) of section 61 of this Act which relates to such undertaking, service, or activity but, if the expenditure does not so relate, shall be charged to the account referred to in paragraph (i) of that subsection.”

20 **3. Regional reserves**—Section 37 of the principal Act is hereby amended by adding, after subsection (5) (as added by section 5 of the Auckland Regional Authority Amendment Act 1966), the following subsection:

25 “(6) 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 reserve or part thereof or to the Auckland Centennial Memorial Park or part thereof.”

Struck Out

35 **4. Lounge bar at Auckland International Airport**—The principal Act is hereby amended by inserting, after section 41B (as inserted by section 6 of the Auckland Regional Authority Amendment Act 1966), the following section:

“41c. (1) Subject to the provisions of this section, the Authority may from time to time—

40 “(a) Purchase such quantities of liquor of any description as may be necessary for the purposes of this section:”

Struck Out

- “(b) Establish, operate, or manage liquor facilities at the Auckland International Airport (being the airport referred to in section 40 of this Act) in a separate lounge or lounges suitably constructed and equipped for the purpose: 5
- “(c) During such hours of any day or night as the Authority may from time to time determine, and subject to such terms and conditions as it may direct, sell and dispose of any liquor so purchased to any person for consumption in any such lounge in which liquor facilities are provided as aforesaid: 10
- “Provided that no liquor shall be sold or disposed of at any time during which the passenger terminal building at the airport is not open to receive passengers arriving at or departing from such airport by air and any lessee, manager, or other person who sells or exposes for sale or supplies any liquor, or opens or keeps open for the sale of liquor any lounge in which liquor facilities are provided at any time when the passenger terminal building is not open as aforesaid, shall be liable on summary conviction to a fine not exceeding \$100: 15
- “And provided further that the manager from time to time designated under subsection (2) of this section may refuse to admit into any such lounge or to supply liquor to any person who is not a bona fide passenger who has arrived at or who is about to depart from the airport by air or a bona fide relative or friend of such passenger. 25 30
- “(2) Where the Authority operates or manages liquor facilities as aforesaid it shall employ and designate an officer of the Authority to be the manager of those facilities.
- “(3) The provisions of sections 199 to 202, 238, 241, 243 to 248, 259 (except subsection (7)), 260, and 269 of the Sale of Liquor Act 1962 shall, so far as they are applicable and with the necessary modifications, apply to every lounge in which liquor facilities are established or operated and to every manager designated under subsection (2) of this section in the same manner as if the lounge were licensed premises within the meaning of section 2 of the Sale of Liquor Act 1962 and as if the manager of the liquor facilities were a licensee within the meaning of that section. 35 40

Struck Out

“ (4) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$100 who without lawful excuse takes away from any lounge in which liquor facilities are established or operated any liquor sold in that lounge.

“ (5) Every person commits an offence and is liable on summary conviction to a fine not exceeding \$20 who, in any lounge in which liquor facilities are established or operated, consumes any liquor knowing that it has not been sold in the lounge.

“ (6) For the purposes of this section—

“ (a) ‘Liquor’ means liquor as defined in section 2 of the Sale of Liquor Act 1962:

‘Liquor facilities’ or ‘facilities’ means any facilities or amenities for the sale, dispensing, supply, or consumption of liquor:

‘Sale’ includes keeping for sale, exposing for sale, and offering for sale.

“ (b) Section 3 of the Sale of Liquor Act 1962 (as amended by section 2 of the Government Railways Amendment Act 1968) is hereby further amended by adding to subsection (2) the following paragraph:

‘ (g) Except as expressly provided in section 41c of the Auckland Regional Authority Act 1963, to any person who supplies, keeps for sale, or sells any liquor in any lounge in which the Auckland Regional Authority for the time being maintains liquor facilities pursuant to that section.’

“ (7) The powers conferred upon any airport authority by section 6 of the Airport Authorities Act 1966 to grant a lease as therein defined of all or any part of any land, buildings, or installations vested in such airport authority shall apply to the Authority in respect of any lounge in which liquor facilities are provided in accordance with this section as if such lounge or the building in which it is situated was vested in the Authority and the provisions of such section 6 of the said Airport Authorities Act 1966 shall with any necessary modifications apply to any lease granted in pursuance of this subsection.

“ (8) Any lease granted under subsection (7) of this section shall be granted subject to the lessee thereunder and any manager appointed by such lessee to operate or manage the liquor facilities being approved by the Chairman of the Licensing Committee constituted under the Sale of Liquor

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Act 1962 for the licensing district in which the airport is situated, as a fit and proper person to operate or manage a lounge in which liquor facilities are provided as aforesaid.

“(9) If the lessee under a lease granted in pursuance of this section is a person other than a body corporate his or a manager’s application for the Chairman’s approval as required by subsection (8) of this section shall be accompanied by— 5

“(a) A statutory declaration made by such lessee or manager, giving particulars of any experience that he has had in the conduct of the business of licensed premises as defined by the Sale of Liquor Act 1962 (including any experience as an employee in any capacity on such licensed premises), stating whether or not he has had any convictions recorded against him for any offences against the Sale of Liquor Act 1962 or the Licensing Act 1908, and giving particulars of any such convictions; and 10 15

“(b) Not less than two testimonials as to his character and reputation. 20

“(10) If such lessee is a body corporate other than a private company, its application for the Chairman’s consent as aforesaid shall be accompanied by a statutory declaration made by a responsible officer of the body corporate stating whether or not it has had any convictions recorded against it for any such offences, and giving particulars of any convictions. 25

“(11) If such lessee is a private company, within the meaning of the Companies Act 1955, the following provisions shall apply: 30

“(a) The application shall be accompanied by the statutory declaration referred to in subsection (10) of this section, and by a statement specifying the name, address, and occupation of every director of the company, and of every person by whom or on whose behalf more than 25 percent of the shares in the capital of the company is held: 35

“(b) The Chairman of the Licensing Committee may require that any such director or shareholder as aforesaid shall make and furnish a statutory declaration and supply testimonials in the same manner as if he were a lessee to whom subsection (9) of this section applies. 40

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“(12) In determining whether to grant approval of a lessee or manager in accordance with this section the Chairman of the Licensing Committee shall—

5 “(a) If the applicant for such approval is a lessee, who is a person other than a body corporate, or is a manager, have regard to the character and reputation of such lessee or manager, any convictions recorded against him for any offences against the
10 Sale of Liquor Act 1962 or the Licensing Act 1908, and all other relevant circumstances, including any experience that he has had in the conduct of licensed premises under either of such Acts:

15 “(b) If the lessee is a body corporate, other than a private company, have regard to the reputation of such lessee and any convictions recorded against it for any such offences, and all other relevant circumstances, including any experience that it has had in the conduct of licensed premises as aforesaid:

20 “(c) If the lessee is a private company, have regard to the reputation of such company and the character of the directors and shareholders thereof, and any convictions recorded against any such directors or shareholders for any such offences, and all other relevant circumstances, including any experience
25 that any of such directors or shareholders have had in the conduct of licensed premises as aforesaid.

“(13) It shall be lawful for any lessee or manager approved by the Chairman of the Licensing Committee as
30 aforesaid to operate and manage the liquor facilities situated in any lounge comprised in the lease, and to sell and dispose of liquor therein in accordance with the provisions of such lease to the same persons and upon and subject to the same conditions and restrictions as would apply to the Authority
35 if it were itself selling and disposing of liquor therein, or as would apply to any manager designated under subsection (2) of this section.

40 “(14) Nothing in this section shall prejudice or affect any restaurant licence that may be in force in respect of premises within the Airport and the rights and obligations thereunder.”

5. Licensed restaurant at Auckland International Airport—

The principal Act is hereby amended by inserting, after section 41c (as inserted by section 4 of this Act), the following section:

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“41D. (1) The Authority may from time to time apply under section 107 of the Sale of Liquor Act 1962 to the Licensing Control Commission for a restaurant licence in respect of restaurant premises situated at the Auckland International Airport (being the Airport referred to in section 40 of this Act). In making any such application it shall not be necessary to comply with the requirements of subsections (2), (3), or (4) of the said section 107, but subject to the provisions of subsection (2) of this section, all the other provisions relating to the application for, and the granting and issuing of, a restaurant licence under the said Sale of Liquor Act 1962 shall apply so far as they are applicable. 5 10

“(2) Where a licence is applied for under subsection (1) of this section, the licensee of any licensed restaurant may object under section 109 of the Sale of Liquor Act 1962 to the granting of the licence on any ground specified in that section or on the ground that his restaurant business will be prejudicially affected if the licence is granted. Where any such licensee makes such an objection, the Commission shall, in addition to the considerations to which it must have regard under section 110 of the Sale of Liquor Act 1962, have regard to the effect that the licence might have on the business of the objector, if the Commission thinks it fair and equitable to do so, having regard to all the circumstances of the case. 15 20 25

“(3) If the Commission decides to grant the application, it may, notwithstanding the provisions of section 65 of the Sale of Liquor Act 1962,—

“(a) Authorise the Authority through its restaurant manager, to sell and serve table wine, spirits, beer, and stout in the restaurant to any person actually partaking of a meal therein, for consumption by that person as part of the meal at any time on any day: 30

“(b) Modify the requirements of the said section 65 relating to the minimum number of meal courses of which a person is to partake when consuming liquor in the restaurant. 35

“(4) The opening and closing times for the sale and service of liquor in the restaurant shall be specified in the licence. 40

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“(5) The Commission may from time to time, on the application of the Authority make an order varying the hours within which liquor may be sold and served under the
5 licence; and the provisions of the licence shall be read subject to any such order.

“(6) Where any restaurant licence is issued in pursuance of this section, the provisions of paragraph (c) of subsection
10 (2) of section 65 of the Sale of Liquor Act 1962 shall not apply.

“(7) Subject to the provisions of this section and of any order made by the Commission under this section, while a restaurant licence granted and issued in pursuance of this section continues in force, all the provisions of the Sale of
15 Liquor Act 1962, so far as they are applicable to licensed restaurant premises, and with all necessary modifications, shall apply in respect of the restaurant.

“(8) Where any restaurant licence granted and issued in pursuance of this section continues in force the Authority
20 shall from time to time employ and designate an officer of the Authority to be the manager of such restaurant and such manager shall have the same responsibilities as are imposed upon the manager of a licensed restaurant by section 195 of the Sale of Liquor Act 1962 and be similarly liable.”

25 **6. Banking and investment of money—**(1) Section 48 of the principal Act is hereby amended by repealing subsections (2) and (3), and substituting the following subsections:

“(2) All money shall be paid by the Authority in cash, or by cheque signed by the Treasurer or the Acting Treasurer,
30 or any other officer of the Authority whom the Authority by resolution, from time to time appoints for the purpose of signing cheques, and countersigned in each case by any member of the Authority whom the Authority from time to time authorises to sign cheques:

35 “Provided that it shall be lawful for any money to be paid by the Authority by cheque signed as aforesaid and countersigned by any officer of the Authority whom the Authority, by resolution, from time to time appoints for that purpose.

“(3) Every payment of money by the Authority shall be authorised by a prior resolution of the Authority or of a Committee thereof to which the power to authorise any payment has been delegated, or shall be submitted to the Authority or such Committee for authorisation at the next ordinary meeting of the Authority or Committee as the case may be.” 5

(2) Section 48 of the principal Act is hereby further amended by repealing subsection (5), and substituting the following subsection: 10

“(5) Notwithstanding anything in subsection (2) of this section, it shall be lawful, with the prior consent in writing of the Audit Office and subject to such conditions as the Audit Office prescribes, for any money to be paid by the Authority by cheque bearing a facsimile of the signature of the Treasurer, or of the signatures of the Treasurer or Acting Treasurer, and of any person authorised pursuant to the provisions of this section to countersign cheques, and every cheque bearing such a facsimile shall be deemed to have been duly signed and countersigned in accordance with the provisions of this section.” 15 20

Struck Out

7. Security for loans—The principal Act is hereby amended by repealing section 57 (as substituted by section 5 of the Auckland Regional Authority Amendment Act 1968), and substituting the following section: 25

“57. (1) The Authority shall be deemed to have raised every loan secured by any debenture or other security which, in accordance with the provisions of this Act, it is deemed to have issued or executed, and every loan raised or deemed to have been raised by the Authority, whether before or after the commencement of this section, shall be, and to the extent of the money still unpaid shall be deemed always to have been, secured by the Authority appropriating and pledging as security therefor that portion which relates to such loan and which is included in the estimates from time to time prepared in accordance with section 58 of this Act of the permanent appropriations for payment of interest and the creation of a sinking fund or for periodical repayments on account of such loan from time to time paid or payable by each contributing Authority in pursuance of an assessment made against it in accordance with the provisions of section 60 of this Act and, subject to the provisions of section 46 and the proviso to subsection (1) of section 45 of the Local Authorities Loans 30 35 40

Struck Out

Act 1956, all other revenues received or receivable by the Authority in respect of the undertaking, service, or activity for which such loan was raised or deemed to have been raised as aforesaid which the Authority may legally appropriate and pledge as security for such loan.

“(2) Any security given issued or executed or deemed to have been given issued or executed by the Authority to secure any loan or loans raised or deemed to have been raised by the Authority before the commencement of this section shall continue in full force and effect as if this section had not been passed, but the holders of any such security shall not exercise any of their rights or remedies thereunder unless or until they shall first have exhausted their rights and remedies under the security conferred by subsection (1) of this section.”

New

7. Security for loans—(1) The principal Act is hereby amended by repealing section 57 (as substituted by section 5 of the Auckland Regional Authority Amendment Act 1968), and substituting the following section:

“57. (1) Every loan raised or deemed to have been raised by the Authority, whether before or after the commencement of this section, shall be, and to the extent of the money not yet repaid shall be deemed always to have been, secured by the Authority—

(a) Appropriating and pledging as security therefor that portion of the contributions of each contributing authority, from time to time paid or payable, which relates to the loan 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 the loan; and

(b) Pledging as security therefor, subject to the provisions of section 46 and 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 undertaking, service, or activity for which the loan was raised or deemed to have been raised which the Authority may legally pledge as security for the loan.

New

“(2) Any debenture or other security given, issued, or executed or deemed to have been given, issued, or executed by the Authority to secure any loan or loans raised or deemed to have been raised by the Authority before the commencement of this section shall continue in full force and effect as if this section had not been passed, but the holders of any such debenture or other security shall not exercise any of their rights or remedies thereunder unless or until they shall first have exhausted their rights and remedies under the security conferred by subsection (1) of this section. 5 10

“(3) For the purposes of this section the Authority shall be deemed to have raised every loan secured by any debenture or other security which, in accordance with the provisions of this Act, it is deemed to have issued or executed.” 15

(2) Section 5 of the Auckland Regional Authority Amendment Act 1968 is hereby consequentially repealed.

Struck Out

8. Levies and rates—The principal Act is hereby amended by repealing sections 59, 68, 69, and 70. 20

New

8. Levies and rates—The following enactments are hereby repealed, namely—

- (a) Sections 59, 68, 69, and 70 of the principal Act:
- (b) Section 8 of the Auckland Regional Authority Amendment Act 1966: 25
- (c) Section 8 of the Auckland Regional Authority Amendment Act 1968.

Struck Out

9. How assessments to be calculated—Section 61 of the principal Act (as amended by section 7 of the Auckland Regional Authority Amendment Act 1964, section 4 of the Auckland Regional Authority Amendment Act (No. 2) 1965, and section 6 of the Auckland Regional Authority Amendment Act 1968) is hereby amended: 30 35

- (a) By adding to subsection (2) the following paragraph:
 - “(i) Any costs or any overhead or administrative charges or expenses of the Authority which do not relate exclusively to the undertakings, services, or activities referred to in the preceding paragraphs of this subsection or any or either of them.” 40
- (b) By repealing subsection (3).

New

9. **How assessments to be calculated**—(1) Section 61 of the principal Act (as amended by section 7 of the Auckland Regional Authority Amendment Act 1964, section 4 of the Auckland Regional Authority Amendment Act (No. 2) 1965, and section 6 of the Auckland Regional Authority Amendment Act 1968) is hereby amended by adding to subsection (2) the following paragraphs:

10 “(i) The charges and expenses of the Authority in respect of the exercise of the functions, rights, powers and duties conferred or imposed upon it as a Regional Water Board under the Water and Soil Conservation Act 1967:

15 “(j) Any costs or any overhead or administrative charges or expenses of the Authority which do not relate exclusively to the undertakings, services, or activities referred to in the preceding paragraphs of this subsection or any or either of them.”

20 (2) Section 61 of the principal Act (as so amended) is hereby further amended:

(a) By repealing subsection (3):

25 (b) By adding to paragraph (a) of subsection (7) the words “or the charges and expenses of the Authority in respect of the exercise of the functions, rights, powers, and duties conferred or imposed upon the Authority as a Regional Water Board under the Water and Soil Conservation Act 1967”.

(3) Section 61 of the principal Act (as so amended) is hereby further amended by adding the following subsection:

30 “(8) Notwithstanding the foregoing provisions of this section the amounts payable under paragraph (i) of subsection (2) of this section shall be assessed and charged to all the local authorities within the district in proportion to the mean percentage of rateable capital value and population of
35 the whole or that part of their respective local districts which lies within the water region in respect of which the Authority is constituted the Regional Water Board in pursuance of the Water and Soil Conservation Act 1967.”

Struck Out

10. Differential rating by Manukau City Council—The principal Act is hereby amended by inserting, after section 61, the following section:

“61A. (1) In this section,—

‘Council’ means the Manukau City Council:

‘District’ means the district of the City of Manukau.

“(2) Where the levy for which the Council is assessed in accordance with this Act is calculated partly on that part of its district which is situated within the Metropolitan Area and partly on that part of its district which is situated within the Outer Area, the Council may, for the purpose of enabling it to pay and paying such assessment, instead of making and levying a rate upon all rateable property within its district, make and levy a rate on that part of its district which is situated within the Metropolitan Area for that proportion of such assessment which is assessed on such Metropolitan Area (including any interest thereon and the costs of and incidental to the making and collection of such rate) and make and levy a rate on that part of its district which is situated within the Outer Area for that proportion of such assessment (including interest and costs as aforesaid) which is assessed on such Outer Area.”

11. Power of contributing authorities in regard to payment—Section 66 of the principal Act is hereby amended by adding the following paragraph:

“(d) With respect to any assessment payable in pursuance of section 69 of the Auckland Metropolitan Drainage Act 1960 it shall (if it does not pay the same out of its ordinary funds or strike, levy, and collect a rate therefor), in addition to the powers conferred upon it by section 70 of such Act, be entitled to make and collect a uniform annual charge for each water closet or urinal served, either directly or through a private drain, by a main drain as defined in the said Act, of such amount as shall in total be sufficient to pay the amount of such assessment and interest thereon (if any) and the cost of and incidental to the making and collection thereof; and every such annual charge shall for all purposes be deemed to be a separate rate.”

*New***12. Differential rating by Manukau City Council or the Waitemata County Council**—The principal Act is hereby

amended by inserting, after section 66, the following section:

- 5 “66A. Where any levy for which the Manukau City Council or the Waitemata County Council is assessed under this Act is calculated with regard to the part of its district which is situated within the metropolitan area and with regard to the part of its district which is situated within the outer area or
- 10 with regard to either of those parts separately, *((the Council may))* any such Council may, for the purpose of enabling it to pay and paying that assessment, instead of making and levying a rate on all rateable property within its district, make and levy a rate or rates on all rateable property which is for
- 15 the time being situated within the part or parts of its district with regard to which that assessment is calculated. Every such rate shall be for such an amount as shall be sufficient to pay the amount of that assessment which is calculated with regard to that part of *((the Council’s))* any such Council’s district
- 20 in which the rate is levied, and interest thereon and the costs of and incidental to the making and collection of that rate.”