

*Mr N. V. Douglas*

**AUCKLAND REGIONAL AUTHORITY  
AMENDMENT**

[LOCAL]

ANALYSIS

Title	1. Short Title 2. Regional refuse disposal
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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 1974, and shall be read  
together with and deemed part of the Auckland Regional  
Authority Act 1963 (hereinafter referred to as the principal  
10 Act).

**2. Regional refuse disposal**—Whereas—  
(a) By virtue of section 32 (1) of the principal Act the  
Authority has within the Auckland Regional District  
the right to undertake and operate any new regional  
15 services that may be required in the district;

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- (b) That right, except in the case of any road transport or harbour ferry service to which the provisions of Part VII of the Transport Act 1962 apply, is a sole and exclusive one in favour of the Authority alone;
- (c) By virtue of the provisions of the Health Act 1956, the Authority may undertake or contract for the disposal of refuse and rubbish so as not to be a nuisance or injurious to health; 5
- (d) The majority of the local authorities within the metropolitan area have requested the Authority to establish, undertake, and operate a service for the disposal (but not the collection) of refuse; and 10
- (e) Because refuse disposal can be run competitively only by jeopardising environmental standards, the Authority has, after investigation, concluded that such a service can be provided to high environmental standards on a viable and reasonably economic basis only if it is the sole and exclusive service for the disposal of all refuse originating from the metropolitan area: 15 20

Be it therefore enacted as follows:

- (1) Section 2 (1) of the principal Act is hereby amended—
- (a) By inserting, after the definition of the term “contributing authority”, the following definition: 25
- “‘Dispose of’, in relation to any refuse, means discard and get rid of such refuse by any means except by placing the same in any proper container in any proper place for collection by any lawful means; and includes the action of depositing at any place refuse which has been collected; and ‘disposal’ and ‘disposal of’ have corresponding meanings:” 30
- (b) By inserting, after the definition of the term “elector”, the following definition: 35
- “‘Explosive’ has the same meaning as in the Explosives Act 1957:”:
- (c) By inserting, after the definition of the term “metropolitan area” (as inserted by section 2 (1) of the Auckland Regional Authority Amendment Act 1968), the following definition: 40
- “‘Originates’, in relation to any refuse, means first becomes refuse; and ‘originating’ has a corresponding meaning:”:

(d) By inserting after the definition of the term “public notice”, the following definitions:

5 “‘Recycle’ in relation to any refuse means use or re-use otherwise than for land fill, or render usable or re-usable; and ‘recycling’ has a corresponding meaning:”:

10 “‘Refuse’ includes any unwanted material or thing which is not lawfully deposited in a sewer, water course, or other water, and any scrap motor body; but does not include any clean fill or any explosive:”:

15 “‘Refuse area’ means the metropolitan area and such other parts of the regional district as may from time to time be added thereto for the purposes and in accordance with the provisions of section 32A of this Act:”.

(2) The principal Act is hereby further amended by inserting, after section 32, the following section:

20 “32A (1) The disposal of refuse which originates within the refuse area is hereby declared to be a new regional service that is required in the district for the purposes of section 32 of the principal Act.

25 “(2) Notwithstanding anything in this Act or in any other Act, but subject to the provisions of this section, the sole and exclusive right to provide and operate facilities for and to direct and control the disposal of refuse originating in the refuse area is hereby vested in the Authority.

30 “(3) Except as provided in or authorised under this section, no person or public body shall, after the 31st day of July 1977, or such later date as the Authority may by resolution determine for the purposes of subsection (4) of this section, dispose of any refuse originating in the refuse area otherwise than at facilities authorised by or under this section for refuse of that kind.

35 “(4) Any person who or public body which, on the 1st day of August 1974, was lawfully operating a facility at which refuse originating in the refuse area was disposed of, may continue to accept and dispose of such refuse at such facility until the 31st day of July 1977, or such later date as the  
40 Authority may by resolution determine, in such manner as he or it might lawfully do if this section had not been enacted.

45 “(5) Nothing in this section shall prevent the occupier of land within the refuse area where any refuse originates from disposing of that refuse on any land of which he is the

occupier within the refuse area in such manner as he might lawfully do if this section had not been enacted. For the purposes of this subsection, the terms 'land' and 'occupier' have the same meanings as in the Rating Act 1967.

"(6) For the purposes of this section, the Authority shall have all the powers vested in borough councils in respect of public works and of land held for the purposes of a public work, and such powers shall be in addition to, and not in substitution for, any other powers possessed by the Authority under this Act or any other Act in respect of the disposal of refuse. 5 10

"(7) Notwithstanding anything in this section, the Authority may, whenever the Authority considers that it is in the interest of the regional district to do so, enter into agreements for the disposal of refuse by any person or public body. 15

"(8) Nothing in this section shall prevent any person or public body from recycling any refuse except scrap motor bodies or any part of such refuse in such manner as he or it might lawfully do if this section had not been enacted: 20

"Provided that any residue after all such recycling carried out within the regional district shall be disposed of only in accordance with the provisions of this section.

"(9) Nothing in this Act or any other Act shall require the Authority to collect any refuse from any place or to transport any refuse to any place except as may be necessary for the ultimate disposal of refuse lawfully deposited at facilities provided by the Authority for refuse of that kind. 25

"(10) Bylaws made under this Act or any other Act for the purposes of this section may provide penalties for every breach thereof to an amount in the discretion of the Court inflicting the same, but which shall in no case exceed the sum of \$2,000 for a single offence and \$200 a day for a continuing offence. 30

"(11) The refuse area may, from time to time, be extended by adding thereto such other parts of the regional district as— 35

"(a) May be agreed upon between the Authority and the local authority within whose local district such part is situated; or 40

"(b) May be determined by the Governor-General by Order in Council on the petition of the Authority."