

*Mr Prebble*

## 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 and commencement**—(1) This Act may be cited as the Auckland Regional Authority Amendment Act 1979, and shall be read together with and deemed part of the Auckland Regional Authority Act 1963 (hereinafter referred  
10 to as the principal Act).

(2) This Act shall come into force on the 1st day of October 1979.

No. 44—1

*Price 15c*

**2. Interpretation**—Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “district”, the following definition:

“‘Elector’ has the meaning defined in section 71 of the Local Government Act 1974:”.

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**3. New sections 5A to 5E inserted**—The principal Act is hereby amended by inserting, after section 4, the following heading and sections:

*“Provision for Membership of Authority to be Determined on Basis of Population Only*

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**“5A. Alternative basis for review of constituencies and membership of Authority**—Notwithstanding anything in the Local Government Act 1974 or in any other Act, the Authority may, not later than the 31st day of March in the year preceding that in which a general election of members of the Authority is to be held, resolve that, for the purposes of that general election, the membership of the Authority and the distribution of that membership shall be determined on the basis of population only under either—

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“(a) Section 5B of this Act, which refers to constituencies established under the Local Government Act 1974; or

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“(b) Section 5C of this Act, which refers to regional electorates established under that section.

**“5B. Membership based on local districts**—Where, under section 5A of this Act, the Authority resolves that the membership of the Authority and the distribution of that membership shall be determined under this section, that membership, the distribution of that membership, and the next general election of members of the Authority, shall be determined and conducted in the manner provided for in the Local Government Act 1974, in all respects as if—

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“(a) Section 42 (6) of that Act read as follows:

‘In determining the number of persons to be elected as members of the regional council by the electors of each constituent district or combined district or ward, as the case may be, the Commission shall have regard only to the respective populations of the several districts, combined districts, and wards, but in no case shall the number of members of the regional council be less than 12’;

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“(b) Section 43 (2) of that Act read as follows:

5           ‘In reviewing the distribution of membership of the council under subsection (1) of this section, the council shall have regard only to the respective populations of the several districts, combined districts, and wards, within the region.’:

“(c) Section 44 (5) of that Act read as follows:

10           ‘In determining the objection, the Commission shall be entitled to review and alter the distribution of membership of the regional council among all or any of the constituencies of the region, but in so doing shall have regard only to the respective populations of the several constituencies.’.

15           “5c. **Membership by regional electorates**—(1) Where, under section 5A of this Act, the Authority resolves that the membership of the Authority and the distribution of that membership shall be determined under this section, the following provisions of this section shall apply in respect of the next general election of members of the Authority:

20           “(a) The Authority shall in the year preceding that in which that general election is to be held and not later than the 30th day of November in that year, by further resolution—

25           “(i) Determine the number of regional electorates to be established under this section;

          “(ii) Divide the regional district into regional electorates according to the basis set out in paragraph (b) of this subsection; and

30           “(iii) Determine the number of members of the Authority to be elected by the electors in each regional electorate:

          Provided that such number shall be the same for each regional electorate and there shall not be less than 12 members of the Authority.

35           “(b) The basis for the division of the regional district into regional electorates shall be as follows:

40           “(i) The population of the region as at the 31st day of March in the year in which the division is made shall be divided by the number of regional electorates determined under paragraph (a) (i) of this subsection and the quotient so obtained shall be the quota for regional electorates:

“(ii) The extent of each regional electorate shall be such that at the time of making the division the population thereof shall, subject to the provisions of subparagraph (iv) of this paragraph as to the allowance, be equal to the quota for regional electorates: 5

“(iii) In forming the several regional electorates, due consideration shall be given to community of interest, to facilities of communications, and to topographical features: 10

“(iv) Where, in the opinion of the Authority, regional electorates cannot be formed consistently with the considerations hereinbefore provided so as to contain exactly the quota, the Authority may for any regional electorate make an allowance by way of addition or subtraction of population to an extent not exceeding 10 percent: 15

“(c) Any contributing authority may, not later than the 15th day of February after the passing of any resolution of the Authority under this section, object in writing against the resolution to the Local Government Commission; and that Commission shall duly consider and deal with any such objection as if it were an objection lodged under section 44 of the Local Government Act 1974 and, with all the necessary modifications, that section shall apply to the determination of such objection as if subsection (5) of that section read as follows: 20

‘In determining the objection, the Commission shall be entitled to review the number of regional electorates to be established, the number of members to be elected from each regional electorate, and the boundaries of regional electorates, having regard to population and giving due consideration to community of interest, to facilities of communications, and to topographical features.’. 25 30 35

“(2) Notwithstanding anything in section 8 of this Act, the Secretary of the Authority shall prepare rolls of electors for the regional electorates and, with all modifications necessary to give effect to this section, the provisions of the Local Government Act 1974 shall apply to the preparation of those rolls. 40

“(3) The Authority shall appoint a Returning Officer for each regional electorate and, with all modifications necessary to give effect to this section, the provisions of the Local Elections and Polls Act 1976 shall apply to the conduct of the  
5 next general election of members of the Authority.

“5D. **Notice of resolutions**—(1) As soon as practicable after the passing of any resolution under section 5B or section 5C of this Act, the Secretary of the Authority shall forward a copy thereof to each of the contributing authorities.

10 “(2) Every such resolution shall come into force only on the date of the next general election of members of the Authority except to such extent as may be necessary for providing for that election.

15 “5E. **Extraordinary vacancies**—All proceedings in an election under the Local Elections and Polls Act 1976 to fill an extraordinary vacancy shall, subject to the provisions of that Act, be the same as in the case of the immediately preceding general election of members of the Authority.”

20 **4. Transitional provisions**—Section 5B of the principal Act (as inserted by section 3 of this Act) shall apply in respect of the general election of members of the Authority to be held in 1980 as if on the 31st day of March 1979 this Act had been in force and the Authority had on that date resolved that, for the purposes of such general election, membership  
25 of the Authority and the distribution of that membership should be determined on the basis of population only under section 5A (a) of the principal Act (as so inserted).