

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 9 July 1968.

Words struck out by the 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 COMMITTEE OF THE WHOLE]

House of Representatives, 1 August 1968.

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Mr Douglas

**AUCKLAND REGIONAL AUTHORITY
AMENDMENT (No. 2)**

[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 1967, 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. 136—3

2 *Auckland Regional Authority Amendment (No. 2)*

New

1A. Interpretation—Subsection (1) of section 2 of the principal Act is hereby amended by inserting, after the definition of the term “local district”, the following definitions:

“‘Metropolitan area’ means all that area of land within the Auckland Regional District which is for the time being situated within— 5

“(a) The Inner Area of the Auckland Metropolitan Drainage District constituted under the Auckland Metropolitan Drainage Act 1960; or 10

“(b) The No. 1 combined ((*drainage*)) area constituted under section 3 of the North Shore Drainage Act 1963 and any other combined ((*drainage*)) area or special ((*drainage*)) area constituted under the said section 3 which is contiguous to the said No. 1 combined ((*drainage*)) area or which is contiguous to any combined ((*drainage*)) area or special ((*drainage*)) area which is itself contiguous to the said No. 1 combined ((*drainage*)) area: 15 20

“‘Outer area’ means all that area of land within the Auckland Regional District which is for the time being not situated within the Metropolitan area:” 25

PART I

2. Auckland Regional District—(1) Paragraph (a) of section 3 of the principal Act is hereby amended by omitting the words “and Takapuna”, and substituting the words “Takapuna, Manukau, and Papatoetoe”. 30

(2) Paragraph (b) of section 3 of the principal Act is hereby amended by omitting the words “Papatoetoe, Manurewa”.

(3) Paragraph (c) of section 3 of the principal Act is hereby amended by omitting the word “Manukau”. 35

3. Payment of expenses of officers undergoing course of study—Section 25 of the principal Act is hereby amended by inserting in subsection (1), after the word “meeting”, the words “or any course of study or training that in the opinion of the Authority will render them better fitted to carry out their duties”. 40

4. **Security for loans**—The principal Act is hereby amended by repealing section 57 and substituting the following section:

5 “57. Every loan raised or deemed to have been raised by the Authority, whether before or after the commencement of this section, shall be or be deemed to be secured by a special rate or rates made or struck by the Authority under and in accordance with the provisions of the Local Authorities Loans Act 1956 and of this Act over the whole regional district, and the Authority shall have and be deemed always to have had 10 the power to make or strike any such special rate or rates to secure any loan raised or deemed to have been raised by it, whether before or after the commencement of this section:

15 “Provided that while the Authority duly meets its obligations under the debentures or other securities given by the Authority as security for any such loans, and without prejudice to the rights and remedies of the holders of any such debentures or securities, the Authority shall refrain from levying or collecting such rates upon or in the local district of any contributing authority except to the extent to which any 20 such contributing authority shall be in default in payment to the Authority of any assessment or levy in pursuance of this Act.”

Struck Out

25 **5. Levies and rates**—The principal Act is hereby amended by repealing sections 59, 68, 69, and 70.

6. How assessments to be calculated—Subsection (7) of section 61 of the principal Act is hereby amended as follows:

30 (a) By omitting from paragraph (a) the words “the acquisition, maintenance, and improvement of regional reserves situated within their local districts or”:

New

35 (aa) By omitting from paragraph (b) the words “of all land zoned as urban in the respective local districts”, and substituting the words “of the whole or that part of their respective local districts which lies within the metropolitan area”:

40 (aaa) By omitting from paragraph (c) all words after the words “wholly or partly within”, and substituting the words “the metropolitan area in proportion to the mean percentage of population and rateable capital value of the whole or that part of their respective local districts which lies within the metropolitan area”.

4 *Auckland Regional Authority Amendment (No. 2)*

- (b) By omitting from paragraph (d) the words “Manukau County Council”, and substituting the words “Manukau City Council”:
- (c) By omitting from paragraph (d) the words “the county of which it is the governing body consisted of only that portion thereof which is for the time being situated within the boundaries of the Auckland Urban Area as recognised by the Government Statistician”, and substituting the words “the local district of which it is the governing body consisted of only that portion thereof which is for the time being situated within the *(boundaries of the land zoned as urban)* metropolitan area”.

7. Rebate on assessments paid in advance—Section 65 of the principal Act (as amended by section 8 of the Auckland Regional Authority Amendment Act 1964) is hereby further amended by adding as subsection (5) the following subsection:

“(5) Any contributing authority may with the Authority’s consent pay to the Authority the whole or any part of the aforesaid assessment received by it at any time or times before the due dates for payment provided in subsection (1) of this section and in any such case or cases the Authority is hereby authorised and empowered to allow to any contributing authority making any such payment a rebate calculated at a rate per centum per annum not exceeding the rate for the time being charged by the bankers of the Authority for moneys owing to them by the Authority or that would be charged if moneys were owing, as the case may be, on the amount or amounts paid in advance from the time or times of payment thereof until the due date thereof.”

New

7A. Local Government Commission to carry out investigation—(1) The Local Government Commission shall, as soon as possible after the commencement of this Act, carry out an investigation for the purpose of determining whether, in the opinion of the Commission,—

- (a) The expenditure of the Authority should be met from levies on contributing authorities in accordance with sections 60 to 67 of the principal Act; or
- (b) The expenditure of the Authority should be met from rates levied by the Authority in accordance with sections 68 to 70 of the principal Act; or
- (c) The expenditure of the Authority should be met partly from rates levied by the Authority in the metropolitan area and partly from levies on contributing authorities in the outer area.

(2) The Local Government Commission shall conduct such investigations as may be necessary for the purposes of making a determination under subsection (1) and shall make known the determination to the Authority.

(3) On receipt of any such determination the Authority shall prepare and submit to Parliament a local Bill for the purpose of giving effect to the determination.

(4) Notwithstanding the provisions of section 59 of the principal Act, the provisions of sections 60 to 67 of the principal Act shall apply and the provisions of sections 68 to 70 of the principal Act shall not apply to the Authority until the Commission has made a determination under this section and effect has been given to the provisions of the determination.

Struck Out

PART II

8. Interpretation—(1) Subsection (1) of section 2 of the principal Act is hereby amended by adding, after the definition of “contributing authority”, the following definitions: 5

“Contributing authorities in the metropolitan area” means those contributing authorities whose local districts are situated within the metropolitan area but includes the Manukau City Council and the Waitemata County Council only in respect of those parts of their respective local districts which are for the time being situated within the metropolitan area: 10

“Contributing authorities in the outer area” means those contributing authorities whose local districts are situated within the outer area but includes the Manukau City Council and the Waitemata County Council only in respect of those parts of their respective local districts which are for the time being situated within the outer area. 15

(2) Subsection (1) of section 2 of the principal Act is hereby further amended by adding after the definition of “Local district” the following definitions: 20

“Metropolitan area” means and includes the local districts for the time being of the cities of Auckland, Takapuna, and Papatoetoe and the local districts for the time being of the Boroughs of East Coast Bays, Birkenhead, Northcote, Devonport, Henderson, New Lynn, Glen Eden, Mount Albert, Mount Roskill, Mount Eden, Newmarket, One Tree Hill, Onehunga, Ellerslie, Howick, Mount Wellington, Otahuhu, and Papakura and those parts of the respective local districts of the City of Manukau and the County of Waitemata which are for the time being situated within the boundaries of the land zoned as urban: 30

“Outer area” means and includes the local districts for the time being of the Boroughs of Helensville, Pukekohe, Tuakau, and Waiuku and the local districts for the time being of the Counties of Rodney and Franklin and the Warkworth Town Council and the Waiheke Road Board and those parts of the respective local districts of the City of Manukau and the County of Waitemata which are not for the time being situated within the boundaries of the land zoned as urban.” 40

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9. **Auckland Regional District**—(1) Paragraph (a) of section 3 of the principal Act is hereby amended by omitting the words “and Takapuna” and substituting the words
5 “Takapuna, Manukau, and Papatoetoe”.

(2) Paragraph (b) of section 3 of the principal Act is hereby amended by omitting the words “Papatoetoe, Manurewa”.

(3) Paragraph (c) of section 3 of the principal Act is
10 hereby amended by omitting the word “Manukau”.

10. **Payment of expenses of officers undergoing course of study**—Section 25 of the principal Act is hereby amended by inserting in subsection (1), after the word “meeting”, the words “or any course of study or training that in the
15 opinion of the Authority will render them better fitted to carry out their duties”.

11. **Security for loans**—The principal Act is hereby amended by repealing section 57 and substituting the following section:

20 “57. Every loan raised or deemed to have been raised by the Authority, whether before or after the commencement of this section, shall be or be deemed to be secured by a special rate or rates made or struck by the Authority under and in accordance with the provisions of the Local Authorities Loans
25 Act 1956 and of this Act, and the Authority shall have and be deemed always to have had the power to make or strike any such special rate or rates to secure any loan raised or deemed to have been raised by it, whether before or after the commencement of this section:

30 “Provided that while the Authority duly meets its obligations under the debentures or other securities given by the Authority as security for any such loans, and without prejudice to the rights and remedies of the holders of any such debentures or securities, the Authority shall refrain from levying
35 or collecting such rates upon or in the local district of any contributing authority in the outer area except to the extent to which any such contributing authority shall be in default in payment to the authority of any assessment or levy in pursuance of this Act.”

40 12. **Levies and rates**—The principal Act is hereby amended by repealing section 59 and substituting the following section:

“59. The provisions of sections 60 to 67 of this Act shall apply to the Authority until the thirty-first day of March

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nineteen hundred and seventy and thereafter such provisions shall apply only to the contributing authorities in the outer area, and the provisions of sections 68 to 70B of this Act shall as on and from the first day of April nineteen hundred and seventy apply only to the contributing authorities in the metropolitan area. 5

“Provided that without prejudice to its powers under sections 68 to 70B of this Act, the Authority shall, while any loans raised by the Auckland Metropolitan Drainage Board remain outstanding and unpaid, continue to strike and issue levies upon contributing authorities in the metropolitan area in respect of principal and interest payments and the cost and charges of the operation of the metropolitan drainage section or division of the Authority, as referred to in paragraph (g) of subsection (2) of section 61 of this Act, but, while the Authority duly meets its obligations under the debentures and other securities given by the said Board, and without prejudice to the rights and remedies of the holders of the debentures and securities the Authority may refrain from collecting any moneys under those levies except to the extent that the moneys collected by the Authority from levies and rates struck by it and available for the purpose are insufficient to meet the principal and interest payments and the costs and charges of the Authority for that year of the said drainage section or division as aforesaid.” 10 15 20 25

13. How assessments to be calculated—Subsection (7) of section 61 of the principal Act is hereby amended as follows:

- (a) By omitting from paragraph (a) the words “the acquisition, maintenance, and improvement of regional reserves situated within their local districts or”: 30
- (b) By omitting from paragraph (d) the words “Manukau County Council” and substituting the words “Manukau City Council”: 35
- (c) By omitting from paragraph (d) the words “the county of which it is the governing body consisted of only that portion thereof which is for the time being situated within the boundaries of the Auckland Urban Area as recognised by the Government Statistician”, and substituting the words “the local district of which it is the governing body consisted of only that portion thereof which is for the time being situated within the boundaries of the land zoned as urban”. 40 45

Struck Out

14. **Rebate on assessments paid in advance**—Section 65 of the principal Act (as amended by section 8 of the Auckland Regional Authority Amendment Act 1964) is hereby further
5 amended by adding as subsection (5) the following subsection:

“(5) Any contributing authority may with the Authority’s consent pay to the Authority the whole or any part of the aforesaid assessment received by it at any time or times before
10 the due dates for payment provided in subsection (1) of this section and in any such case or cases the Authority is hereby authorised and empowered to allow to any contributing authority making any such payment a rebate calculated at a rate per centum per annum not exceeding the rate for the
15 time being charged by the bankers of the Authority for moneys owing to them by the Authority or that would be charged if moneys were owing, as the case may be, on the amount or amounts paid in advance from the time or times of payment thereof until the due date thereof.”

20 15. **General rates**—Section 68 of the principal Act is hereby amended by omitting the words “in the district”, and substituting the words “in the metropolitan area”.

16. **Separate rates**—Section 69 of the principal Act is hereby amended by omitting the words “of the district”,
25 and substituting the words “of the metropolitan area”.

17. **Consolidated rate**—The principal Act is hereby amended by inserting after section 70, the following section:

“70A. (1) Instead of making or levying separately the general rate and any special or separate rates leviable over
30 the whole district or over any defined portion thereof, the Authority may in any year, by resolution, make and levy over the same area a rate (hereinafter referred to as a consolidated rate) of such amount as will produce a sum not greater than the sum that would be produced by making
35 and levying the said rates separately.

“(2) A demand for any consolidated rate shall specify the several rates in place of which the consolidated rate has been made.

“(3) Nothing in this section shall be so construed as to
40 affect in any way the security afforded to any creditor of the Authority by any special rate.”

Struck Out

“(4) Nothing in this section shall be so construed as to render liable to a consolidated rate any property which is not liable to the general rate and to the special and separate rates for which the consolidated rate is substituted. 5

“(5) The proceeds of a consolidated rate made and levied under this section shall be applied *pro rata* for the purposes of the several rates in place of which the consolidated rate was made.”

18. Consolidation of special rates—The principal Act is hereby further amended by inserting, after section 70A (as inserted by clause 17), the following section: 10

“70B. (1) The Authority may from time to time, instead of levying any special rates made, whether before or after the commencement of this section, over the whole of the district or over any defined portion or portions thereof, by special order, make a rate on a uniform basis for the whole district (in this section referred to as a consolidated special rate) on all rateable property within the district of an amount calculated to yield ten percent more than the annual charges payable in respect of the loans secured by those special rates; and that consolidated special rate shall be an annually recurring rate, and may be levied, in whole or in part, year by year without further proceeding by the Authority: 15 20

“Provided that nothing in this section or in any special order made thereunder shall affect the liability of the Crown for the payment of any special rates in accordance with the provisions in that behalf of section 131 of the Local Authorities Act 1956. 25

“(2) The powers conferred on the Authority by subsection (1) of this section shall extend so as to apply in respect of special rates made, whether before or after the commencement of this section, by any other local authority over any area which at the commencement of this section is or may hereafter become part of the district. 30 35

“(3) Every special order made under this section shall specify the several special rates instead of which the consolidated special rate is made, and shall be published in the *Gazette*.

“(4) Nothing in this section shall prejudicially affect the security afforded by any special rate to the holders of any securities. 40

“(5) The proceeds of a consolidated special rate made and levied under this section shall be applied for the purposes of the several rates instead of which the consolidated special rate was made.” 45