

Mr N. V. Douglas

AUCKLAND REGIONAL AUTHORITY
EMPOWERING

[LOCAL]

ANALYSIS

Title	3. Empowering Authority to make <i>ex gratia</i> payment under a contract	
1. Short Title		4. Validating assessment made by Authority for 1971-72 Schedules
2. Interpretation		

A BILL INTITULED

An Act to authorise an *ex gratia* payment by the Auckland Regional Authority and to validate the assessment made by the Authority for the 1971-72 year

5 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 Empowering Act 1972.

10 2. **Interpretation**—In this Act, unless the context otherwise requires,—

“Authority” means the Auckland Regional Authority established under the principal Act:

“Contributing authority” has the same meaning as it has in the principal Act:

15 “Principal Act” means the Auckland Regional Authority Act 1963.

No. 64—1

3. Empowering Authority to make *ex gratia* payment under a contract—Whereas by an agreement dated the 21st day of December 1966, made between Green and McCahill (Contractors) Limited a duly incorporated company having its registered office at Auckland (in this section referred to as the contractor) of the one part and the bodies corporate called the Mayor, Councillors, and Citizens of the City of Auckland, duly incorporated under the provisions of the Municipal Corporations Act 1954 (in this section referred to as the Council) and the Authority of the other part, the contractor agreed to carry out certain works in relation to the construction of a dam for water supply purposes at Lower Huia within the Auckland Regional District: And whereas the Council, in entering into the said agreement, was acting as the agent of the Authority but has no other interest in the said agreement: And whereas no provision was made in the said agreement for the payment of extra costs which the contractor might incur in the purchase of plant, equipment, and spare parts for the carrying out of the said works as a result of fluctuations in exchange rates or currency valuations: And whereas by reason of the devaluation of the currency of New Zealand on the 21st day of November 1967, the contractor has incurred extra costs in respect of the purchase of plant, equipment, and spare parts as aforesaid: And whereas the Authority wishes to make a payment of the sum of \$105,979 to the contractor in respect of such extra costs: Be it therefore enacted as follows:

The Authority is hereby authorised and empowered to pay the sum of \$105,979 to the contractor in compensation for the increased costs incurred by the contractor as a result of the devaluation of the currency of New Zealand as aforesaid in respect of the purchase of plant, equipment, and spare parts for the carrying out of the works provided for in the aforesaid agreement.

4. Validating assessment made by Authority for 1971–72— (1) Subject to the provisions of this section, the estimate prepared and adopted by the Authority under section 58 of the principal Act for the year which commenced on the 1st day of April 1971, and the assessment of the contributions payable by the contributing authorities made by the Authority under section 60 of the principal Act for the same year, are hereby validated and shall be deemed for all purposes to have been lawfully and properly prepared, adopted, and made:

Provided that the portion thereof, amounting in the aggregate to the sum of \$564,138 in respect of the Authority's public passenger transport undertaking (in this section referred to as passenger services), shall be adjusted as follows:

- 5 (a) The contributions payable to the Authority for the said year by each contributing authority specified in the first column of the First Schedule to this Act shall be reduced in respect of passenger services by the amount specified, opposite the name of the authority, in the second column of the said First Schedule; and the total contribution payable by each such contributing authority for the said year shall be the amount specified, opposite the name of the authority, in the third column of the said First Schedule:
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- 15 (b) The contributions payable to the Authority for the said year by each contributing authority specified in the first column of the Second Schedule to this Act shall not include any sum in respect of the Authority's passenger services, and the contribution payable by each such contributing authority for the said year shall be reduced by the amount specified, opposite the name of the authority, in the second column of the said Second Schedule, and the total contribution payable by each such contributing authority for the said year shall be the amount specified, opposite the name of the authority, in the third column of the said Second Schedule.
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(2) The amounts paid by Takapuna City Council and Waitemata County Council by way of contribution for the said year in excess of the amounts specified opposite their respective names in the third column of the said Second Schedule, having been refunded to the said Councils, are hereby declared to have been lawfully refunded, and all sums (if any) paid by the other contributing authorities specified in the said First and Second Schedules to the Authority by way of contribution for the said year in excess of the amounts specified opposite their respective names in the third columns of the said First and Second Schedules shall be held by the Authority and credited towards the amounts of contributions since assessed or to be assessed to such contributing authorities, and the Authority shall not be required to pay interest on such sums so paid in excess and credited.

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(3) The provisions of this section shall not affect the right of any contributing authority which, within the time allowed by section 62 of the principal Act, appealed against its assessment for the said year in accordance with that section, on any ground other than a ground relating to passenger services, to proceed with such appeal. 5

SCHEDULES

Section 4 (1) (a), (2) FIRST SCHEDULE

Contributing Authority	Reduction	Reduced Total Contribution
	\$	\$
Auckland City Council	10,903	1,894,196
Ellerslie Borough Council	470	55,948
Mt. Albert Borough Council	882	230,455
Mt. Eden Borough Council	784	180,055
Mt. Roskill Borough Council	1,481	340,400
Mt. Wellington Borough Council	1,594	243,667
Newmarket Borough Council	337	37,671
Onehunga Borough Council	13,358	152,289
One Tree Hill Borough Council	8,330	153,485

Section 4 (1) (b), (2) SECOND SCHEDULE

Contributing Authority	Reduction	Reduced Total Contribution
	\$	\$
East Coast Bays Borough Council	11,713	49,335
Manukau City Council	46,602	707,112
Northcote Borough Council	3,412	27,509
Otahuhu Borough Council	828	103,187
Papatoetoe City Council	12,004	191,441
Takapuna City Council	20,126	89,898
Waitemata County Council	18,269	414,069