



## ANALYSIS

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1964, No. 8—*Local*

**An Act to amend the Auckland Regional Authority Act 1963**  
 [13 October 1964]

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 Amendment Act 1964, and shall be read together with and deemed part of the Auckland Regional Authority Act 1963 (hereinafter referred to as the principal Act).

**2. Interpretation**—(1) Section 2 of the principal Act is hereby amended by adding to the definition of the term “Regional reserve” in subsection (1) the words “and includes a public reserve and a domain vested in or otherwise acquired, administered, or controlled by the authority”.

(2) Section 2 of the principal Act is hereby further amended by adding to subsection (1) the following definition:

“Trading undertaking” means any transport undertaking taken over from the Auckland Transport Board, any milk undertaking taken over from the Auckland Metropolitan Milk Board, any bulk water supply undertaking taken over from the Auckland City Council, and any other undertaking that may from time to time be declared by any other enactment or by the Governor-General in Council to be a trading undertaking for the purposes of this Act.

**3. Subcommittees**—(1) Section 16 of the principal Act is hereby amended by inserting in subsection (3), after the words “any committee”, the words “or subcommittee”.

(2) Section 16 of the principal Act is hereby further amended by adding to subsection (3) the following proviso:

“Provided that the maximum amount which may be paid to any person in respect of any one day shall not exceed thirty shillings, notwithstanding that he may have attended one or more meetings of the Authority or of any committee or subcommittee of the Authority on that day.”

(3) Section 16 of the principal Act is hereby further amended by inserting, in subsection (4), after the words “any committee”, the words “or subcommittee”.

(4) The principal Act is hereby further amended by inserting, after section 17, the following section:

“17A. (1) The Authority, in respect of any committee thereof, and any committee of the Authority, may from time to time appoint a subcommittee or subcommittees consisting of two or more persons, of whom at least one shall be, but only one need be, a member of the Authority; and every such subcommittee may—

“(a) Inquire into such matters as are referred to it by the Authority or the committee, as the case may be; and

“(b) Report on any such matter to the body which referred the matter to it.

“(2) Subject to the provisions of subsection (1) of this section, all the provisions of this Act in relation to committees shall, *mutatis mutandis*, apply also to subcommittees.

“(3) The provisions of the Local Authorities (Members' Contracts) Act 1954 shall apply in the case of any member of a subcommittee who is not also a member of the Authority.”

**4. Regional reserves**—(1) Section 37 of the principal Act is hereby amended by inserting, after the words “within the district” in subsections (1) and (2), the words “(or, though not within the district, sufficiently close thereto to be likely in the opinion of the Authority to be of benefit to the inhabitants of the district or of some part thereof)”.

(2) Section 37 of the principal Act is hereby further amended by omitting from subsection (2) the words “that reserve may be transferred”, and substituting the words “that reserve may, if the Authority and the public body so agree, be transferred”.

(3) Section 37 of the principal Act is hereby further amended by adding to subsection (1) the following proviso:

“Provided that no land outside the district of the Authority may be so taken under the Public Works Act 1928 unless the local authority for the area where the land is situated consents to the taking.”

(4) Section 37 of the principal Act is hereby further amended by inserting, after subsection (1), the following subsection:

“(1A) Where any land that is not within the district of the Authority may, with the consent of any local authority, be taken as provided in subsection (1) of this section under the Public Works Act 1928, the local authority may, if the Authority so agrees, instead of consenting to the taking of the land by the Authority, itself take the land under the Public Works Act 1928 and transfer it to the Authority. In any such case the Authority shall indemnify the local authority in respect of all payments made by the local authority for compensation and costs in respect of the taking and transfer of the land.”

(5) Section 37 of the principal Act is hereby further amended by adding the following subsection:

“(4) In this section the term ‘local authority’ means,—

“(a) In relation to any land within any city, borough, town district, county, or road district, the Council or Board of that district:

“(b) In relation to any other land, the Minister of Works.”

**5. Security for loans**—Section 57 of the principal Act is hereby amended—

(a) By omitting from the proviso to subsection (1) the words “section 60 of this Act”, and substituting the words “section 61 of this Act”:

- (b) By omitting from the proviso to subsection (1) the words "section 58 of this Act", and substituting the words "section 59 of this Act".

**6. Annual estimate of Authority's proposed expenditure**—Section 58 of the principal Act is hereby amended by adding to paragraph (e) the following proviso:

"Provided that any money in the hands of the Authority in respect of the passenger transport section or division of the Authority at the commencement of any year shall be included in the estimate of the amount of the income of the Authority in respect of that section or division for the ensuing year, and not otherwise, and the estimate of the proposed income and expenditure of the Authority for each year shall, in respect of that section or division, continue to be prepared in accordance with the provisions of section 45 of the Auckland Transport Board Act 1928."

**7. Contributing authorities' annual assessments**—(1) Section 61 of the principal Act is hereby amended by adding to paragraph (a) of subsection (2) the words "in addition to those services or activities in respect of which separate accounts are required to be kept by any other provision of this subsection".

(2) Section 61 of the principal Act is hereby further amended by adding to subsection (2) the following paragraph:

"(h) Any other undertaking, service, or activity conducted and carried on by the Authority for the benefit of the whole of the district."

**8. When contributing authorities to pay their shares**—(1) Section 65 of the principal Act is hereby amended by repealing the proviso.

(2) Section 65 of the principal Act is hereby further amended by adding, as subsections (2), (3), and (4), the following subsections:

"(2) If any estimate and assessment have been set aside under section 62 of this Act in consequence of an appeal under that section, the estimate of the contribution to be paid by every contributing authority, as settled by the Judge under that section, shall be substituted for the estimate and assessment so set aside; but pending the decision of the Judge nothing in this subsection or in the said section 62 shall absolve

the contributing authorities or any of them from liability for any contributions or instalments thereof to which they would have been liable if the assessment had not been set aside.

“(3) If any such contributions are not paid in accordance with the provisions of subsection (1) of this section, interest shall accrue in terms of the said subsection notwithstanding that an appeal has been lodged.

“(4) If on any such appeal an adjustment is made of the amount of any such assessment and accordingly of any instalment in respect thereof, the Authority shall, forthwith upon receipt of the decision of the Judge, adjust the assessment, and shall give credit for any amount overpaid by any contributing authority on any instalment or, as the case may be, require any contributing authority to pay to the Authority the amount of any increase of any such assessment payable in accordance with the decision of the Judge, together with interest calculated at the rate fixed by subsection (1) of this section on the amount of any such instalment unpaid within thirty days from the date of the demand thereof by the authority.”

(3) Section 62 of the principal Act is hereby amended by inserting, after the words “and thereupon”, the words “subject to the provisions of section 65 of this Act”.

(4) Section 67 of the principal Act is hereby amended by omitting from subsection (1) the words “or in case of appeal after the decision of the said Court”.

**9. Reserve for replacement and renewals, etc.**—Section 72 of the principal Act is hereby amended by adding the following subsection:

“(3) The provisions of subsections (1) and (2) of this section shall not apply to the passenger transport section or division of the Authority in respect of which the Authority shall have all the powers set forth in section 51 of the Auckland Transport Board Act 1928, which section shall be deemed to be incorporated herein.”

**10. Establishment expenses**—(1) The debt due by the Authority to the Auckland City Council (in this section referred to as the Council) pursuant to subsection (2) of section 11 of the Auckland Regional Authority Establishment Act 1960 and all sums advanced by the Council to the Authority pursuant to the provisions of section 71 of the principal Act are hereafter in this section referred to as the establishment expenses.

(2) Notwithstanding anything in the principal Act or in any other enactment, half of the establishment expenses shall be recoverable by the Authority in each of the years ending the thirty-first day of March, nineteen hundred and sixty-six, and the thirty-first day of March, nineteen hundred and sixty-seven, in the manner hereafter provided in this section.

(3) In each of the years ending the thirty-first day of March, nineteen hundred and sixty-six, and the thirty-first day of March, nineteen hundred and sixty-seven, a sum representing half of the establishment expenses shall be included in the estimates for those years required to be prepared by the Authority pursuant to section 58 of the principal Act and in the assessments required to be made by the Authority pursuant to section 60 of the principal Act.

(4) Notwithstanding anything in the principal Act, the sum representing half of the establishment expenses included in the estimates aforesaid in the year ending the thirty-first day of March, nineteen hundred and sixty-six, and the sum representing half of the establishment expenses included in the estimates aforesaid in the year ending the thirty-first day of March, nineteen hundred and sixty-seven, shall be assessed and charged to all the local authorities within the district except the Waiheke Road Board in proportion to the mean percentage of population and rateable capital value of the respective local districts calculated as at the thirty-first day of March, nineteen hundred and sixty-three.

**11. Initial overhead and administration charges—**(1) Such of the charges and expenses of the Authority for the year ending the thirty-first day of March, nineteen hundred and sixty-five, as may not have been assessed and charged to the contributing authorities in that year, pursuant to sections 60 and 61 of the principal Act, are hereafter in this section referred to as the initial overhead and administration expenses, and shall be kept in a separate account in the Authority's books.

(2) The separate account that is kept in accordance with subsection (1) of this section shall be deemed to be a separate account for the purposes of subsection (2) of section 61 of the principal Act.

(3) In each of the years ending the thirty-first day of March, nineteen hundred and sixty-six, and the thirty-first day of March, nineteen hundred and sixty-seven, a sum representing half of the initial overhead and administration expenses shall be included in the estimates for those years

required to be prepared by the Authority pursuant to section 58 of the principal Act and in the assessments required to be made by the Authority pursuant to section 60 of the principal Act, and shall be assessed and charged to the local authorities within the district in the manner provided by subsection (6) of section 61 of the principal Act, and paragraphs (a) and (d) of subsection (7) of that section and all the other provisions of the principal Act shall apply accordingly in respect of each such sum.

**12. Auckland Transport Board levy**—The estimates, levy, and apportionments made by the Auckland Transport Board in accordance with the provisions of sections 45, 46, and 47 of the Auckland Transport Board Act 1928 in respect of the period from the first day of April, nineteen hundred and sixty-four, to the thirty-first day of March, nineteen hundred and sixty-five, shall be deemed for all purposes to have been validly made, notwithstanding the taking over of the said Board by the Authority during the period aforesaid; and the portion of such levy apportioned to any local authority, together with interest thereon (if any), shall be payable to and recoverable by the said Board, and, after the taking over of the said Board by the Authority, by the Authority, in accordance with the provisions of section 47 of the Auckland Transport Board Act 1928, in like manner as the same could have been recovered by the said Board had the principal Act not been passed.

**13. Auckland Centennial Memorial Park Board levy**—The levy made by the Auckland Centennial Memorial Park Board and charged and assessed by the said Board to the contributing authorities in accordance with the provisions of section 34 of the Auckland Centennial Memorial Park Act 1941, in respect of the period from the first day of April, nineteen hundred and sixty-four, to the thirty-first day of March, nineteen hundred and sixty-five, shall be deemed for all purposes to have been validly made, notwithstanding the taking over of the said Board by the Authority during the period aforesaid; and the portion of such levy apportioned to any contributing authority, together with interest thereon (if any), shall be payable to and recoverable by the said Board, and, after the taking over of the said Board by the Authority, by the Authority, in accordance with the provisions of sections 37, 38, and 39, of the Auckland Centennial Memorial

Park Act 1941, in like manner as the same could have been recovered by the said Board had the principal Act not been passed.

**14. Bylaws and acts of authority**—All bylaws, regulations, rules, ordinances, and other enactments of any body heretofore or hereafter taken over by the Authority, and subsisting and in force on the date when such body was or is hereafter taken over, shall be deemed to have continued in force, and shall continue in force, and may be enforced, amended, or repealed by the Authority; and all acts of authority done by any body aforesaid shall, after the date when such body was or is hereafter taken over, be deemed to have enured, and shall enure, for the purposes of the principal Act.

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