



ANALYSIS

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1965, No. 10—*Local*

An Act to amend the Auckland Regional Authority Act 1963 *[1 September 1965]*

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 1965, and shall be read together with and deemed part of the Auckland Regional Authority Act 1963 (hereinafter referred to as the principal Act).

2. Members of Authority—(1) Section 5 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) All appointed members of the Authority in office on the said thirty-first day of October, nineteen hundred and sixty-five, shall go out of office at the end of that day, and on and after the first day of November, nineteen hundred and sixty-five, the Authority shall consist of members elected in accordance with the succeeding provisions of this section, and of the succeeding provisions of this Act.”

(2) Section 5 of the principal Act is hereby further amended by inserting, after subsection (2) (as inserted by subsection (1) of this section), the following subsections:

“(3) Members of the Authority shall be elected by the electors of each local district within the Auckland Regional District on the following scale, according to the percentage which the mean percentage of population and rateable capital value of each local district within the Auckland Regional District at the date of such election, ascertained as hereinafter provided, bears to the whole of the regional district, namely:

“For each local district with such a mean percentage of less than seven and a half per cent, one member:

“For each local district with such a mean percentage of at least seven and a half per cent but less than twelve and a half per cent, two members:

“For each local district with such a mean percentage of at least twelve and a half per cent but less than seventeen and a half per cent, three members:

“For each local district with such a mean percentage of at least seventeen and a half per cent but less than twenty-two and a half per cent, four members:

“For each local district with such a mean percentage of at least twenty-two and a half per cent but less than twenty-seven and a half per cent, five members:

“For each local district with such a mean percentage of twenty-seven and a half per cent or more, six members.

“(4) For the purposes of the election of members of the Authority—

“(a) The City of Auckland and the Road District of Waiheke;

“(b) The County of Waitemata and the Borough of Helensville;

“(c) The County of Rodney and the Town District of Warkworth; and

“(d) The County of Franklin and the Boroughs of Waiuku and Tuakau—

shall, in each case, be deemed to constitute one local district, and also to constitute one combined district for the purposes of this section and of section 6A hereof (as inserted by section 3 of the Auckland Regional Authority Amendment Act 1965).

“(5) For the purposes of the first election of members of the Authority in the month of October, nineteen hundred and sixty-five, the population and rateable capital value of each

local district shall be ascertained as at the thirty-first day of March, nineteen hundred and sixty-five, such capital value being adjusted to such last-mentioned date as provided in the Valuation Equalisation Act 1957, and for the purposes of each subsequent election, the population and rateable capital value (adjusted as aforesaid) shall be ascertained as at the thirty-first day of March immediately preceding the date of such election.

“(6) The creation, abolition, merger, union, or other alteration of any local district shall not in itself have any operation so as to affect the then existing membership of the Authority.

“(7) The Governor-General may from time to time, by Order in Council, whenever in his opinion it becomes necessary or expedient to do so by reason of the creation, abolition, merger, union, division, or alteration of any local district or combined district, or by reason of any other circumstances, make provision with respect to the membership of the Authority, including provision for the vacation of office of any member or members of the Authority, and for the appointment or election of an additional member or additional members thereof, and any other provisions in respect of any of those matters which in the circumstances he thinks fit, and may from time to time revoke or amend any provisions made by him.

“(8) If by any Order in Council under this section representation on the Authority is taken away from any local district or combined district, the members elected by that local district or combined district shall retire from office on the day appointed in that behalf by the Order in Council.

“(9) If by any Order in Council under this section a reduction is made in the number of members of the Authority which a local district or combined district is entitled to elect, a sufficient number of those members shall retire from office on the day appointed in that behalf by the Order in Council, so that the number of members elected by that local district or combined district may conform to the Order in Council. The members so to retire from office shall, in default of agreement among all the members elected by that local district or combined district, be determined by lot in such manner as the Authority directs.

“(10) Where a new local district has been constituted during the period between any date for the election of members of the Authority and the preceding thirty-first day of March, or where, during that period, there has been

any change in the boundaries of any other local district, the provisions of subsections (3) and (5) of this section shall apply as though that new local district had been in existence on that preceding thirty-first day of March, and as though the boundaries of that other local district on that date for election were also the boundaries of that other local district on that preceding thirty-first day of March.”

3. Conduct of elections in combined local districts—The principal Act is hereby amended by inserting, after section 6, the following section:

“6A. (1) In any case where by this Act one or more members of the Authority are to be elected by all or some only of the electors of the districts of two or more local authorities jointly (hereinbefore and hereinafter referred to as a combined district), the Governor-General may, by Order in Council, select and appoint one of those local authorities to be the principal authority for the purposes of the election:

“Provided that, in the case of the combined districts referred to in paragraphs (a), (b), (c), and (d) of subsection (4) of section 5 of this Act (as inserted by section 2 of the Auckland Regional Authority Amendment Act 1965), the first-named local authority shall in each case be the principal authority for the purposes of this section.

“(2) Every such election, and every election to fill any extraordinary vacancy occurring among the members elected in respect of a combined district, shall be held in manner prescribed by the provisions of the Local Elections and Polls Act 1953 relating to the conduct of elections in a combined district, but subject to the provisions of any regulations from time to time made under this Act.

“(3) At every such election of a member of the Authority every elector shall have one vote and no more, even though he is an elector of more than one of the local districts comprised within the combined district.”

4. Cost of election—Section 7 of the principal Act is hereby amended by adding, after subsection (2), the following subsection:

“(3) The cost of every such election incurred by the Authority, including the cost payable by the Authority pursuant to the provisions of subsections (1) and (2) of this section, shall be payable by all the local authorities within the district in proportion to the mean percentage of rateable

capital value and population of their respective local districts, and shall be recoverable accordingly by the Authority, and such costs shall be deemed to be charges and expenses of the Authority coming within the provisions of paragraph (h) of subsection (2) of section 61 of this Act, and shall be assessed and charged accordingly by the Authority.”

5. Qualification of elected members—Section 10 of the principal Act is hereby amended by adding at the end of subsection (1) the following proviso:

“Provided that if an elector is entitled to vote in more than one local district, he shall be qualified to be elected as a member of the Authority for one only of such local districts, and if any candidate consents to be nominated for more than one local district at any election, his nomination shall in every case be void.”

6. Vacancies—(1) Section 13 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) The office of a member shall not, pending the next succeeding election of members of the Authority, but subject always to the provisions of subsections (7), (8), and (9) of section 5 of this Act (as inserted by section 2 of the Auckland Regional Authority Amendment Act 1965), become vacant, under paragraph (d) of subsection (1) of this section, by reason only that the local district for which he was elected, or any part thereof, has since his election become part of any other existing local district or of any new local district.”

(2) Section 13 of the principal Act is hereby further amended by omitting from subsection (6) the words “Any extraordinary vacancy” where those words first occur, and substituting the words “Subject to the provisions of subsections (7), (8), and (9) of section 5 of this Act (inserted as aforesaid) and section 6A of this Act (as inserted by section 3 of the Auckland Regional Authority Amendment Act 1965), any extraordinary vacancy”.

7. Regional reserves—Section 37 of the principal Act is hereby amended by omitting from subsection (3) the words “The Authority shall, in respect of any”, and substituting the words “The Authority may set aside as a reserve any land vested in it, and shall, in respect of any land so set aside, and in respect of any other”.

8. Roads at Airport—The principal Act is hereby further amended by inserting, after section 41, the following section:

“41A. Those areas within the Auckland International Airport (being the Airport referred to in section 40 of this Act) which have been made available by the Authority for the movement or standing or parking of vehicles shall, for the purposes of the Transport Act 1962 and of any regulations made thereunder (but not otherwise), be deemed to be roads, and in relation to those areas the Authority shall be deemed to be a local authority for the purposes of Part V of the said Act and of the regulations made under section 77 thereof, except for regulations relating to the issue of warrants of fitness and heavy traffic licences.”

9. Authority to take over bulk water-supply undertaking of Auckland City—Section 42 of the principal Act is hereby amended by deleting the word “undertaking” in subsection (5), and substituting the following: “undertaking, and on the production of a statutory declaration by the Secretary of the Authority purporting to set out or to exhibit a copy of the agreement of the Authority and the City Council, or a copy of the determination of the Local Government Commission, as the case may be, as to what lands of the City Council are to be vested in the Authority pursuant to the provisions of this section, together with such plans and documents as the appropriate District Land Registrar may require, an entry of the title of the Authority to the lands described in such agreement or determination of the Local Government Commission, as the case may be, shall be made by the appropriate District Land Registrar on the relevant certificates of title or other instrument of title.”

10. Authority to take over various bodies—Section 45 of the principal Act is hereby amended by inserting, in subsection (5), after the words “and the provisions thereof”, the words “(except the provisions of subsection (2) of section 21 of the Milk Act 1944)”.
