

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 7 December 1983.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Hon. A. P. D. Friedlander

AUCKLAND HARBOUR BRIDGE AUTHORITY DISSOLUTION

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A BILL INTITULED

An Act to abolish tolls for use of the Auckland Harbour Bridge and to dissolve the Auckland Harbour Bridge Authority

5 BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

10 **1. Short Title and commencement**—(1) This Act may be cited as the Auckland Harbour Bridge Authority Dissolution Act 1983.

(2) This Act shall come into force on the 1st day of April 1984.

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

“Authority” means the Auckland Harbour Bridge Authority established under section 3 of the Auckland Harbour Bridge Act 1950:

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“Board” means the National Roads Board constituted under the National Roads Act 1953:

“Bridge” means the Auckland Harbour Bridge constructed under the authority of the Auckland Harbour Bridge Act 1950 and shown on plan No. 1/26/25/1104/1 deposited in the office of the Commissioner of Works at Wellington and thereon coloured red; and includes all road approaches and on-ramps and off-ramps shown coloured red on that plan; but does not include—

(a) Any land or water over which the bridge passes on a structure where there is air space between the land or water and the structure:

(b) Any building, structure, or other work not forming part of the bridge, or not forming part of such road approaches, on-ramps, or off-ramps.

3. Dissolution of Authority and abolition of tolls—(1) The Auckland Harbour Bridge Authority is hereby dissolved.

(2) All tolls prescribed in respect of the use of the Auckland Harbour Bridge are hereby abolished.

4. Vesting of assets and liabilities of Authority in Crown—(1) On the commencement of this section—

(a) All real property (including the bridge) belonging to the Authority, and all rights and obligations attaching thereto, shall be vested in the Crown:

(b) All other assets, and debts, loan charges, liabilities, and obligations of any nature (other than under contracts of employment), whether present or contingent, belonging to or subsisting immediately before the date of commencement of this Act in the name of or on behalf of the Authority shall become the assets, debts, loan charges, liabilities, and obligations of the Crown.

(2) The land described in the Schedule to this Act shall be deemed to be held by the Crown under the Public Works Act 1981 for a Ministry of Works and Development depot.

(3) All land vested in the Crown under **subsection (1) (a)** of this section which does not form part of the bridge and which is not referred to in the Schedule to this Act shall be deemed to be held by the Crown for motorway purposes under the Public Works Act 1981.

(4) On receiving a written request from the Minister of Works and Development incorporating a reference to this section and on the presentation or deposit of such plans as the District Land Registrar may require, the District Land Registrar for the North Auckland Land Registration District shall without fee make such entries in his registers and on any outstanding documents of title and generally do all such things as may be necessary to give effect to the provisions of **subsections (1) to (3)** of this section in respect of land and interests in land specified in the request.

(5) All references to the Authority in any security or other document whatever which is subsisting immediately before the date of commencement of this section, or in any notice or other communication served, given, or sent before, on, or after that date in relation to any such security or other document shall, unless the context otherwise requires, be read as references to the Crown.

5. Continuance of proceedings—(1) All proceedings pending by or against the Authority on the date of commencement of this Act in respect of its undertaking or functions may be carried on, completed, and enforced by or against the Crown.

(2) Any proceedings resulting from any matter arising before the date of commencement of this Act but not commenced before that date may be commenced, carried on, completed, and enforced by or against the Crown.

6. Bridge declared motorway—(1) The bridge is hereby declared to be a motorway within the meaning of the Public Works Act 1981; and the provisions of that Act and of any other Act and of any regulations relating to motorways shall accordingly apply to the bridge.

(2) On receiving a written request from the Minister of Works and Development incorporating a reference to this section and on the presentation to him of such plans as he may require, the District Land Registrar for the North Auckland Land Registration District shall without fee note the provisions of **subsection (1)** of this section on the appropriate folio of the proper register.

7. Saving of bylaws and bylaw-making powers—

(1) Notwithstanding the repeal of the Auckland Harbour Bridge Act 1950 but subject to **section 3 (2)** of this Act, all bylaws made by the Authority under the Auckland Harbour Bridge Act 1950, shall become bylaws of the Board, and may be revoked or altered by the Board as if they had been made under section 72 of the Transport Act 1962, but until so revoked every such bylaw shall remain in force. 5

(2) In addition to any powers to make bylaws that the Board may have under any other Act, the Board may from time to time, in respect of the bridge, make, revoke, or alter any bylaw as it thinks fit for all or any of the following purposes: 10

- (a) Protecting any property belonging to the Crown, or controlled by the Crown, from damage or injury: 15
- (b) Conserving public health, safety, and convenience, and preventing and abating nuisances on the bridge: 15
- (c) Regulating and preventing the taking on to or over the bridge of any noxious or dangerous goods or any thing which may cause pollution in the Waitemata Harbour: 20
- (d) Regulating the speed, times, and manner at or in which vehicles or any class of vehicles may be driven on to, over, or off the bridge:
- (e) Classifying traffic and regulating or prohibiting the use of the bridge by any class or classes of traffic: 25
- (f) Regulating the speed of traffic crossing the bridge:
- (g) Regulating the weights of vehicles which may use the bridge:
- (h) Regulating or prohibiting the sale of goods on the bridge:
- (i) The preservation of order and public safety on the bridge: 30
- (j) Generally for regulating the travelling upon, the using of, and the proper and efficient control and management of the bridge.

(3) The making, revocation, or alteration of any such bylaw shall be by resolution of the Board and be done in the same manner as the Board may make, revoke, and alter bylaws under section 72 of the Transport Act 1962. 35

New

(3A) Before making any bylaw that is likely to affect, or altering any bylaw in such a way that it is likely to affect, the navigation or control of the Waitemata Harbour, the Board shall consult, and take into account the views of, the Auckland Harbour Board. 40

(4) For the purposes of the Transport Act 1962, every bylaw for the time being in force under this section shall be deemed to be in force under section 72 of that Act.

(5) Every person who acts in contravention of or fails to
5 comply with any bylaw for the time being in force under this section commits an offence and shall be liable on summary conviction to a fine not exceeding \$500 and, if the offence is a continuing one, to a further fine not exceeding \$50 for every day or part of a day during which the offence has continued.

10 *New*

7A. Rights of navigation, etc.—Except as provided in section 7 of this Act, neither this Act nor the repeal by section 15 of this Act of the enactments specified in that section shall authorise the Board or any other person to prevent, hinder,
15 or in any way interfere with the control and jurisdiction of the Auckland Harbour Board over the Waitemata Harbour or with the passage or repassage of any ship or vessel under the bridge.

8. Bridge to be properly lighted—The Board shall at all
20 times ensure that the bridge is adequately lighted so as to provide for the safety of ships and aircraft in the vicinity of the bridge.

9. Installation of services on bridge—(1) No person or body shall provide, instal, maintain, or repair any water main,
25 gas pipe, or other pipe, or any power or telecommunications line, wire, or cable on the bridge without the consent of the Board, which may be given subject to such conditions as the Board considers necessary for the protection and safety of the bridge and of traffic using the bridge.

(2) The person or body responsible for any such installation
30 on the bridge shall pay to the Board such annual amount for the use of the bridge as may be agreed upon by the Board and the person or body.

10. Advertising matter prohibited—No advertising matter
35 of any description shall be placed or fixed on any part of the bridge.

11. Minister of Works and Development to be designating authority—For the purposes of the Town and Country Planning Act 1977, the Minister of Works and Development shall be deemed to have financial responsibility for any designations relating to the bridge or any buildings, structures, or works of the Auckland Harbour Bridge Authority in the district schemes of the Auckland City Council and the Northcote Borough Council. 5

12. Redemption of toll tickets—Complete unused toll tickets shall be redeemable by the Crown if presented for redemption at the office of the District Commissioner of Works in Auckland before the 30th day of September 1984. 10

13. Amending Trustee Act 1956—(1) Section 4 (1) of the Trustee Act 1956 is hereby amended by repealing paragraph (i), and substituting the following paragraph: 15

“(i) In any debentures, stock, bonds, or other securities issued by any body or person if payment of all money secured by the debentures, stock, bonds, or securities is guaranteed by the Government of New Zealand:”. 20

(2) Section 3 of the Trustee Amendment Act 1968 is hereby consequentially repealed.

14. Consequential amendments to other Acts—(1) The Ombudsmen Act 1975 is hereby amended by omitting from Part III of the First Schedule the words “The Auckland Harbour Bridge Authority” and also the words “The Christchurch-Lyttelton Road Tunnel Authority”. 25

(2) The Public Works Act 1981 is hereby amended by omitting from the Seventh Schedule the words “The Auckland Harbour Bridge Act 1950”, and substituting the words “The Auckland Harbour Bridge Authority Dissolution Act 1983”. 30

15. Repeals—The following enactments are hereby repealed:

- (a) The Auckland Harbour Bridge Act 1950:
- (b) The Auckland Harbour Bridge Amendment Act 1954:
- (c) The Auckland Harbour Bridge Amendment Act 1956: 35
- (d) The Auckland Harbour Bridge Amendment Act 1957:
- (e) The Auckland Harbour Bridge Amendment Act 1958:
- (f) So much of Part II of the First Schedule to the Public Bodies Contracts Act 1959 as relates to the Auckland Harbour Bridge Authority and to the Christchurch-Lyttelton Road Tunnel Authority, and so much of 40

the Second Schedule to that Act as relates to the Auckland Harbour Bridge Act 1950 and to the Christchurch-Lyttelton Road Tunnel Act 1956:

- (g) The Auckland Harbour Bridge Amendment Act 1962:
 - 5 (h) So much of Part II of the Schedule to the Public Bodies Meetings Act 1962 as relates to the Auckland Harbour Bridge Authority and to the Christchurch-Lyttelton Road Tunnel Authority:
 - (i) The Auckland Harbour Bridge Amendment Act 1963:
 - 10 (j) The Auckland Harbour Bridge Amendment Act 1965:
 - (k) So much of Part II of the First Schedule to the Local Authorities (Members' Interests) Act 1968 as relates to the Auckland Harbour Bridge Authority and to the Christchurch-Lyttelton Road Tunnel Authority:
 - 15 (l) The Auckland Harbour Bridge Amendment Act 1971:
 - (m) So much of Part III of the First Schedule to the Local Government Act 1974 (as substituted by section 2 (1) of the Local Government Amendment Act 1976) as relates to the Auckland Harbour Bridge Authority and to the Christchurch-Lyttelton Road Tunnel Authority:
 - 20 (n) The Auckland Harbour Bridge Amendment Act 1979:
 - (o) So much of Part III of the Third Schedule to the Local Government Amendment Act 1979 as relates to the Auckland Harbour Bridge Act 1950:
 - 25 (p) The Auckland Harbour Bridge Amendment Act 1980.
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Section 4 (2)

SCHEDULE

NORTH AUCKLAND LAND REGISTRATION DISTRICT

1. All that piece of land containing 4743 square metres, more or less, being Allotment 527, Parish of Takapuna, and being all of the land comprised and described in certificate of title 14D/335.

2. All that piece of land containing 7252 square metres, more or less, being Lot 1, D.P. 55110, and Lots 5, 6, 7, 8, 113, and 114 and part Lot 112, D.P. 1216, and being all of the land comprised and described in certificate of title 7B/584.

3. All that piece of land containing 1502 square metres, more or less, being Lot 1, D.P. 58407, and being all of the land comprised and described in certificate of title 13D/1369.

4. All that piece of land containing 731 square metres, more or less, being Lot 21, D.P. 1216, and being all of the land comprised and described in certificate of title 152/43.

5. All that piece of land containing 604 square metres, more or less, being Lot 2, D.P. 58407, and being all of the land comprised and described in certificate of title 13D/1368.