

Constitution of the Borough of Waitemata

DENIS BLUNDELL, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 22nd day of July 1974

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to the Local Government Commission Act 1967. His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following order.

ORDER

1. This order shall come into effect on 1 August 1974.
2. (a) The area described in the First Schedule hereto shall be excluded from the district of Waitemata County;
- (b) The area described in the Second Schedule hereto shall be excluded from the district of the City of Auckland.
3. The areas described in the Third, Fourth, Fifth, and Sixth Schedules hereto (which include adjacent islands) shall together be constituted a borough to be known as the Borough of Waitemata, or such other name as may be requested pursuant to section 10 of the New Zealand Geographic Board Act 1946.
4. The area of the borough as hereinbefore constituted shall, for the purposes of this order, hereinafter be referred to as the "said borough".
5. For the purpose of representation only, the district of the said borough herein described shall for the period of the first 3 year term of office of the council of the said borough, be divided into four wards as follows:
 - (i) The Titirangi Ward being all that area described in the Third Schedule hereto;
 - (ii) The Waitakere Ward being all that area described in the Fourth Schedule hereto;
 - (iii) The Te Atatu Ward being all that area described in the Fifth Schedule hereto;
 - (iv) The Lincoln Ward being all that area described in the Sixth Schedule hereto.
6. Nothing herein provided shall operate to prevent the Council of the said borough from continuing a ward system for representation purposes beyond the period hereinbefore prescribed in accordance with the provisions of section 23 of the Municipal Corporations Act 1954.
7. For the period of 3 years specified in clause 5 hereof the council of the said borough (hereinafter referred to as the "said council") shall comprise 13 members, exclusive of the mayor, and ward representation shall be as follows:

Titirangi Ward: 3 members,
Waitakere Ward: 1 member,
Te Atatu Ward: 5 members, and
Lincoln Ward: 4 members.
8. The first election for the mayor and councillors of the said council following the constitution of the said borough shall be held on the date fixed for the next triennial general elections to be held in October 1974 pursuant to the provisions of the Local Elections and Polls Act 1966.
9. Until the first councillors of the said borough come into office following the election of councillors referred to in clause 8 the interim council of the said borough shall comprise nine (9) members, inclusive of the mayor, to be appointed as follows:
 - (i) 2 Members to represent the Titirangi Ward who shall be the members of the Waitemata County Council elected to represent the Titirangi Riding of the County of Waitemata and holding office on the date immediately prior to the date the constitution of the said borough herein provided takes effect;
 - (ii) 2 Members to represent the Waitakere Ward who shall be the members of the Waitemata County Council elected to represent the Waitakere Riding of the County of Waitemata and holding office on the date immediately prior to the date the constitution of the said borough herein provided takes effect;
 - (iii) 3 Members to represent the Te Atatu Ward who shall be the members of the Waitemata County Council elected to represent the Te Atatu Riding of the County of Waitemata and holding office on the date immediately prior to the date the constitution of the said borough herein provided takes effect;

- (iv) 2 Members to represent the Lincoln Ward who shall be the members of the Waitemata County Council elected to represent the Lincoln Riding of the County of Waitemata and holding office on the date immediately prior to the date the constitution of the said borough herein provided takes effect.

10. At the first meeting of the interim council a mayor shall be elected by that council from amongst its members and shall hold office until the mayor duly elected at the first election for the mayor and councillors of the said borough comes into office.

11. In the event of any vacancy occurring in the interim council prior to the first election, such vacancy shall be filled by the appointment by the interim council of a person qualified to be elected a councillor.

12. Pending the appointment of a Town Clerk, the County Clerk of the County of Waitemata shall be the officer responsible for calling the first meeting of the council of the said borough.

13. Subject to the provisions of the Rating Act 1967, the system of rating shall be on the basis of the land value and the said council may, if it so resolves, for a period of ten years apply with any necessary modifications the provisions of sections 111A to 111O of the Counties Act 1956 relating to the making and levying of differential general rates as if the said borough was a county. Notwithstanding the constitution of the said borough the provisions of Parts IV and V of the Rating Act 1967, shall continue to have application to the area described in the First Schedule hereto for the year ending 31 March 1975.

14. The transfer of any members of the staff of the Waitemata County Council to the service of the said council shall be deemed to be transfers of permanent employees within the meaning of section 4 of the Local Authorities (Employment Protection) Act 1963, and the provisions of that Act shall, with any necessary modifications, apply accordingly.

15. So far as they are applicable and with the necessary modifications the provisions of section 99A of the Land Transfer Act 1957 shall apply.

16. All valuation rolls, electors' lists, electors' rolls, other rolls and lists and rate records in force within the areas comprising the said borough immediately prior to the constitution of the said borough shall be deemed to be the valuation rolls, electors' lists, electors' rolls, other rolls and lists and rate records of the said borough until new valuation rolls, electors' lists, electors' rolls, other rolls and lists and rate records are made for the said borough and any action or procedure commenced or in progress in respect of the preparation of those rolls, lists and records and not completed by the date this Order comes into force may be continued and completed by the said Council, and on completion the said rolls, lists and records shall be rolls, lists and records of the said borough.

17. Except as otherwise provided in this Order, the said Council shall have and may exercise all the powers which were previously exercised by the Auckland City Council and the Waitemata County Council in respect of the areas described in clause 3 hereof or would have been so exercised by those Councils if they had remained in control of those areas, and the said council shall be subject to the same duties, obligations and liabilities as were or would similarly have been imposed on the Auckland City Council and the Waitemata County Council, and all actions, suits and proceedings pending by or against the Corporations of the City of Auckland and the County of Waitemata in respect of the aforesaid areas may be carried on and prosecuted by or against the Corporation of the said borough.

18. All bylaws in force in that portion of the county of Waitemata included in the said borough immediately prior to constitution of the said borough shall continue in force until altered or revoked in the manner provided for by the Municipal Corporations Act 1954.

19. Except as otherwise provided herein or in the Local Government Commission Act 1967, the provisions of the Municipal Corporations Act 1954, shall, with the necessary modifications and so far as they are applicable, apply to the constitution of the said borough.

20. For the purpose of section 19 of the Local Authorities (Petroleum Tax) Act 1970:

- (a) The said borough shall be deemed always to have been the district of a constituent local authority of the Auckland Tax Area.