



ANALYSIS

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1970, No. 24—*Local*

An Act to amend the Auckland Regional Authority Act 1963
[3 December 1970]

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 (No. 2) 1970, 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—Section 2 of the principal Act is hereby amended—

(a) By omitting from the definition of the term “local authority” in subsection (1) the words “or the Board of a Road District”:

(b) By omitting from the definition of the term “local district” in subsection (1) the words “town district, or road district”, and substituting the words “or town district”.

3. Auckland Regional District—(1) Paragraph (c) of section 3 of the principal Act is hereby amended by omitting the words “and Franklin”, and substituting the words “Franklin, and Waiheke”.

(2) Paragraph (e) of section 3 of the principal Act is hereby repealed.

4. Members of Authority—(1) The principal Act is hereby amended by repealing section 5 (as amended by section 2 of the Auckland Regional Authority Amendment Act 1965), and substituting the following section:

“**5. Members of Authority**—(1) 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) 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 each 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 $7\frac{1}{2}$ percent, 1 member:

“For each local district with such a mean percentage of at least $7\frac{1}{2}$ percent but less than $12\frac{1}{2}$ percent, 2 members:

“For each local district with such a mean percentage of at least $12\frac{1}{2}$ percent but less than $17\frac{1}{2}$ percent, 3 members:

“For each local district with such a mean percentage of at least $17\frac{1}{2}$ percent but less than $22\frac{1}{2}$ percent, 4 members:

“For each local district with such a mean percentage of at least $22\frac{1}{2}$ percent but less than $27\frac{1}{2}$ percent, 5 members:

“For each local district with such a mean percentage of $27\frac{1}{2}$ percent or more, 6 members.

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

“(a) The City of Auckland and the County 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 1 local district, and also to constitute 1 combined district for the purposes of this section and of section 6A of this Act.

“(4) For the purposes of each election, the population and rateable capital value of each local district shall be ascertained as at the 31st day of March immediately preceding the date of such election, such capital value being adjusted to each such 31st day of March as provided in the Rating Act 1967.

“(5) 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.

“(6) 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.

“(7) 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 of that local district or combined district shall retire from office on the day appointed in that behalf by the Order in Council.

“(8) 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.

“(9) 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 31st 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 (2) and (4) of this section shall apply as though that new local district had been in existence on that preceding 31st 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 31st day of March.”

(2) Section 2 of the Auckland Regional Authority Amendment Act 1965 is hereby repealed.

5. Consequential amendments—(1) Section 6A of the principal Act (as inserted by section 3 of the Auckland Regional Authority Amendment Act 1965) is hereby amended by omitting from the proviso to subsection (1) the words “subsection (4) of section 5 of this Act (as inserted by section 2 of the Auckland Regional Authority Amendment Act 1965)”, and substituting the words “subsection (3) of section 5 of this Act”.

(2) Section 13 of the principal Act (as amended by section 6 of the Auckland Regional Authority Amendment Act 1965) is hereby amended by omitting from subsection (1A) the words “subsections (7), (8), and (9) of section 5 of this Act (as inserted by section 2 of the Auckland Regional Authority Amendment Act 1965)”, and substituting the words “subsections (6) to (8) of section 5 of this Act”.

(3) Section 13 of the principal Act (as so amended) is hereby further amended by repealing subsection (6), and substituting the following subsection:

“(6) Subject to subsections (6) to (8) of section 5 and to section 6A of this Act, any extraordinary vacancy occurring among elected members of the Authority shall be filled or not filled as provided in the Local Elections and Polls Act 1966; and any extraordinary vacancy occurring among appointed members of the Authority shall be filled by the local authority by which the retiring member was appointed.”

(4) Subsection (2) of section 6 of the Auckland Regional Authority Amendment Act 1965 is hereby repealed.

6. Remuneration of members—(1) Section 16 of the principal Act is hereby amended by repealing subsection (3) (as amended by subsections (1) and (2) of section 3 of the Auckland Regional Authority Amendment Act 1964), and substituting the following subsection:

“(3) The Authority may pay to each of its members remuneration in respect of each meeting of the Authority or of any committee or subcommittee thereof attended by him at such rate as may from time to time be paid by any City Council to a member of a City Council pursuant to section 114A of the Municipal Corporations Act 1954:

“Provided that the maximum amount that may be paid under this subsection to any person in respect of any one day shall not exceed the amount that may be paid pursuant to the said section 114A for attendance at a single meeting, 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:

“Provided also that the total amount that may be paid under this subsection to any member of the Authority in any financial year shall not exceed the amount for the time being specified in the proviso to the said section 114A:

“Provided further that no remuneration may be paid under this subsection to any person holding office as the Chairman of the Authority or as the Chairman of any Committee of the Authority if any allowance is for the time being payable to that person pursuant to subsection (2) of this section.”

(2) Subsections (1) and (2) of section 3 of the Auckland Regional Authority Amendment Act 1964 are hereby repealed.

7. How assessments to be calculated—Paragraph (a) of subsection (7) of section 61 of the principal Act is hereby amended by omitting the words “and the Franklin County Council, the Warkworth Town Council, and the Waiheke Road Board”, and substituting the words “the Franklin County Council, the Waiheke County Council, and the Warkworth Town Council”.

8. Differential rating by Waitemata County Council to be mandatory—(1) Section 66A of the principal Act (as inserted by section 10 of the Auckland Regional Authority Amendment Act 1969) is hereby amended—

(a) By omitting the words “any such Council may”, and substituting the words “the Manukau City Council may, and the Waitemata County Council shall,”:

(b) By inserting, after the words “instead of”, the words “paying the amount out of its ordinary revenue or funds or of”.

(2) This section shall come into force on the 1st day of April 1971.

9. Repeal of spent provisions—Sections 9, 11, and 12 of the principal Act and sections 10, 11, 12, and 13 of the Auckland Regional Authority Amendment Act 1964 are hereby repealed.
