

Hon. Mr McIntyre

**BAY OF PLENTY CATCHMENT COMMISSION AND
REGIONAL WATER BOARD ADMINISTRATIVE
EXPENSES RECOVERY**

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to empower the Bay of Plenty Catchment Commission and Regional Water Board to recover from constituent territorial local authorities by way of a special levy the amount of the general administrative expenses incurred by it during the 4 financial years ended with the 31st day of March 1974, 1975, 1976, and 1977

WHEREAS the Bay of Plenty Catchment Commission has, in accordance with the provisions of the Soil Conservation and Rivers Control Act 1941 and as a regional water board in accordance with the provisions of the Water and Soil Conservation Act 1967, provided for its estimated annual expenditure in such sums and on such terms as have from time to time been approved by the Soil Conservation and Rivers Control Council for the financial years ended with the 31st day of March 1974, 1975, 1976, and 1977: And whereas the

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Soil Conservation and Rivers Control Council has not levied or directed that an administrative rate be levied on all rateable property within the Bay of Plenty Catchment Area nor have the local authorities within the area agreed to apportion amongst themselves and pay sufficient money to meet the administrative expenditure of the Bay of Plenty Catchment Commission and Regional Water Board in any of those years: 5
And whereas the general administration levy suspense account of the Bay of Plenty Catchment Commission and Regional Water Board was in deficit as at the 31st day of March 1977 10
to the extent of \$468,153: And whereas the local authorities within the catchment area have from time to time made voluntary contributions towards the general administrative expenses of the Bay of Plenty Catchment Commission and Regional Water Board: And whereas it is desirable and 15
expedient that the general administrative expenses incurred by the Bay of Plenty Catchment Commission and Regional Water Board be recovered on an orderly basis over a period of years and that a refund should be made to any local authority which may have voluntarily contributed more 20
money than would have been due had a rate been levied pursuant to the Soil Conservation and Rivers Control Act 1941:

BE IT THEREFORE ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of 25
the same, as follows:

1. Short Title—This Act shall be cited as the Bay of Plenty Catchment Commission and Regional Water Board Administrative Expenses Recovery Act 1977.

2. Interpretation—(1) In this Act, unless the context 30
otherwise requires,—

“Catchment Commission” means the Bay of Plenty Catchment Commission as constituted pursuant to the provisions of the Soil Conservation and Rivers Control Act 1941; and includes its constitution and 35
function as a regional water board pursuant to the provisions of the Water and Soil Conservation Act 1967:

“Catchment area” means the Bay of Plenty Catchment Area as defined in accordance with the provisions of 40
the Soil Conservation and Rivers Control Act 1941:

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5 “Council” means the Soil Conservation and Rivers Control Council established under the Soil Conservation and Rivers Control Act 1941 or the National Water and Soil Conservation Authority established under the Water and Soil Conservation Act 1967, as the context may require:

“Local authority” means a County Council, a Borough or City Council, or a District Council, within the catchment area:

10 “Administration deficit” means the accumulated general administrative expenses of the Catchment Commission in respect of its function both as a Catchment Commission under the provisions of the Soil Conservation and Rivers Control Act 1941 and as a Regional Water Board under the provisions of the Water and Soil Conservation Act 1967 incurred between the 15 1st day of April 1973 and the 31st day of March 1977 as shown in the books of account of the Catchment Commission.

20 (2) In this Act, any reference to the Whakatane District Council shall, as the context so requires, include a reference to the former Whakatane Borough Council and Whakatane County Council as if those councils were amalgamated and constituted as the Whakatane District Council.

25 **3. Administration deficit to be debt due by local authorities—**(1) Notwithstanding anything to the contrary in any other enactment, the sum of \$468,153, being the administration deficit of the Catchment Commission, shall constitute a debt due to the Catchment Commission and owed jointly by 30 the local authorities.

(2) Notwithstanding anything to the contrary in any other enactment, it shall be lawful for the Catchment Commission to include in the administration deficit the general administrative expenses incurred by it both as a Catchment 35 Commission and as a Regional Water Board.

4. Voluntary contributions by local authorities to be debt due by Catchment Commission—(1) Notwithstanding any rule of law to the contrary the voluntary payments made by 40 local authorities to the Catchment Commission for the purposes of assisting the continued functioning of the Catchment Commission shall constitute a debt due to the local authorities by the Catchment Commission.

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(2) The amounts due by the Catchment Commission to each local authority shall be the amounts specified in the First Schedule to this Act.

5. Debt due by local authorities to be paid out of general funds—(1) The amounts due by each local authority to the Catchment Commission in payment of its share of the administration deficit shall be the amounts specified in the Second Schedule to this Act. 5

(2) Every local authority shall make payment of its debt to the Catchment Commission over a period of not more than 3 years. 10

(3) No local authority shall pay to the Catchment Commission in any one year a sum less than one third of the debt specified in the Second Schedule to this Act.

(4) The amount of the debt due to be paid by any local authority in any one year shall be deemed to be a rate duly made and levied at the direction of the Catchment Commission in accordance with the Soil Conservation and Rivers Control Act 1941. 15

(5) The first payments to be made under this Act shall fall due on the 28th day of February 1978 and subsequent payments shall fall due on the 28th day of February 1979 and the 28th day of February 1980, respectively. 20

6. Debt due to local authorities to be repaid from revenue—

(1) The Catchment Commission shall make payment of its debts to the local authorities from time to time as it thinks fit out of the revenue obtained by it by virtue of the powers given to it under this Act. 25

(2) Subject to subsection (3) of this section, the Catchment Commission shall, not later than the 30th day of June in the year following receipt of the money paid to it under this Act by the local authorities, distribute to them pro rata such of the money as it has received under this Act as is not required to be applied in reduction of the administration deficit. 30

(3) The Catchment Commission may if it thinks fit, at the request of a local authority, set off against the amount due by the local authority under this Act the whole or any part of the debt owing to that local authority by the Catchment Commission under this Act, and the local authority and the Catchment Commission shall each be deemed to have paid to the other the amounts so set off. 35 40

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7. **Deficit deemed to be revenue lawfully due**—For the purposes of the Local Authorities Loans Act 1956, the administration deficit and the annual deficits shown in the administration levy suspense account in the books of account
5 of the Catchment Commission are hereby deemed (and are deemed to have always been) revenue lawfully due to the Catchment Commission as at the 31st day of March in each of the financial years 1974, 1975, 1976, and 1977, respectively.

8. **Savings**—Nothing in this Act shall in any way be construed as limiting or affecting the rights, duties, and powers of any person or persons under the Soil Conservation and Rivers Control Act 1941 or the Water and Soil Conservation Act 1967 other than in respect of the recovery by the Catchment Commission of its accumulated general administrative
10 expenses for the period commencing on the 1st day of April 1973 and ending with the 31st day of March 1977.

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SCHEDULES

FIRST SCHEDULE

NAME OF LOCAL AUTHORITY	AMOUNT OF DEBT OWED BY CATCHMENT COMMISSION
	\$
Kawerau Borough Council	16,270.00
Matamata County Council	450.00
Mt Maunganui Borough Council	7,615.60
Murupara Borough Council	6,935.64
Opotiki County Council	1,000.00
Rotorua City Council	28,732.14
Rotorua County Council	58,101.00
Taupo County Council	3,152.00
Tauranga City Council	24,088.79
Tauranga County Council	95,397.00
Te Puke Borough Council	9,735.00
Whakatane District Council	83,664.00
Total	\$335,141.17

SECOND SCHEDULE

NAME OF LOCAL AUTHORITY	AMOUNT OF DEBT OWED TO CATCHMENT COMMISSION
	\$
Kawerau Borough Council	19,855.00
Matamata County Council	371.00
Mt Maunganui Borough Council	38,533.00
Murupara Borough Council	2,263.00
Opotiki County Council	550.00
Rotorua City Council	87,610.00
Rotorua County Council	43,413.00
Taupo County Council	5,485.00
Tauranga City Council	106,790.00
Tauranga County Council	83,607.00
Te Puke Borough Council	9,002.00
Whakatane District Council	70,674.00
Total	\$468,153.00