

## COUNTIES AMENDMENT (No. 2) BILL

### EXPLANATORY NOTE

THIS Bill amends the Counties Act 1956.

*Clause 1* relates to the Short Title.

*Clause 2* inserts new *sections 111A to 111G* in the principal Act providing for the making and levying of a differential general rate in the county or, where the general rate is made and levied separately in each riding, in any such riding.

*Section 111A* is an interpretation provision defining the terms "differential general rate" and "differential rating area" for the purposes of the new sections, and also defining how 15 percent of the ratepayers are to be determined for the purposes of the provisions relating to polls.

*Subsection (2)* provides that the new sections will not derogate from the provisions of sections 61 and 84 of the Counties Amendment Act 1968 (which relate to differential general rates in county towns and county boroughs) or from the provisions of any other enactment authorising a County Council to make and levy differential general rates.

*Subsection (3)* is a formal provision only, declaring that the new sections are to have effect notwithstanding anything in sections 105 to 111 of the principal Act relating to general rates.

*Section 111B* provides that a County Council may, pursuant to a special order, declare that for the purpose of levying the general rate in the county or, where the general rate is levied separately in each riding, in any riding of the county, the county or riding shall be divided into differential rating areas.

The boundaries of any such areas may be altered pursuant to a special order, and the division of the county or riding into differential rating areas may be revoked pursuant to a special order.

A poll on the proposal to divide the county or riding into differential rating areas or to alter the boundaries of any such areas or to revoke the division of the county or riding into such areas must be held if 15 percent or more of the ratepayers of the county or riding so demand before the date on which the confirming resolution is to be passed.

*Subsection (3)* provides that before making any special order under this section for the division of the county or a riding into differential rating areas or for an alteration of boundaries, the Council is to cause a plan showing the proposed division or alteration of boundaries to be deposited in the office of the Council together with a statement setting out the basis on which the division or alteration is proposed to be made and the general effect the division or alteration is expected to have on the incidence of general rates as between the several areas. That plan and statement are to be open for inspection by the public.

*Section 111c* provides that where the Council itself has not initiated a proposal to divide the county or riding into differential rating areas or to alter the boundaries of any such areas or to revoke the division of the county or riding into such areas, not less than 15 percent of the ratepayers of the county, or, where the general rate is made and levied separately in each of the ridings, not less than 15 percent of the ratepayers of any riding, may demand a poll on such a proposal.

*Section 111d* provides that the boundaries of any differential rating areas may not be altered by special order of the Council under *section 111b* or to a demand for a poll of ratepayers made under *section 111c* at intervals of less than 5 years unless the district valuation roll for the county is revised in the meantime under the Valuation of Land Act 1951.

*Section 111e* provides that if while the county or any riding is divided into differential rating areas the boundaries of the county or riding are altered, the Council may by resolution alter the boundaries of any such areas in such manner as it considers necessary in consequence of the alteration of the boundaries of the county or riding. In such a case, no special order will be necessary and there will be no right to demand a poll of ratepayers.

*Section 111f* provides that if the division of the county or any riding into differential rating areas is based on zoning under an operative district scheme under the Town and Country Planning Act 1953 and the boundaries of any of those zones are changed as a result of any change made in the district scheme or of the substitution of a new district scheme, the Council may by resolution alter the boundaries of any of those areas in order to conform to the changes made in the boundaries of those zones. In such a case, no special order will be necessary and there will be no right to demand a poll of ratepayers.

*Section 111g* provides that if a demand for a poll is made under *section 111b* or *section 111c*, the County Clerk must notify the Returning Officer within 14 days and the poll must be taken not less than 35 nor more than 42 days after that notification. Provision is made for extending that time if a demand is received after 8 November and before 27 December in any year. If a demand is received after 31 January and before 1 September in any year in which a triennial election of Councillors is to be held, the poll is to be taken on the day fixed for that election.

*Section 111h* provides that if a poll is held, the proposal is not to be proceeded with unless a majority of the valid votes is in favour of the proposal.

*Section 111i* provides that the result of a poll on a proposal is to be published in one or more newspapers circulating in the county.

*Section 111J* provides the manner in which the result of a poll may be disputed, and applies the appropriate provisions of the Local Elections and Polls Act 1966 for this purpose.

*Section 111K* provides that if a proposal is carried at a poll demanded under *section 111C*, it is to be implemented on the next 1st day of April.

*Section 111L* provides that any division of the county or a riding into differential rating areas or the revocation of the division of the county or any riding into such areas or an alteration of the boundaries of any such areas is to be notified to the Valuer-General.

*Section 111M* provides that so long as the county or any riding is divided into differential rating areas, the Council, instead of making and levying a uniform general rate over the county or riding as a whole, shall make and levy a differential general rate over each differential rating area. The amount of the rate over each area is to be fixed by the Council each year, but is not to exceed the maximum general rate permitted by section 105 (2) of the principal Act.

*Section 111N* provides that where any dependent town district within the county, or any part of any such dependent town district, is constituted as or forms a part of a differential rating area—

- (a) Where the town district or part thereof comprises the whole of a differential rating area, the maximum differential general rate is not to exceed the maximum general rate over the town district permitted by the proviso to section 105 (2) of the principal Act.
- (b) Where the town district or part thereof comprises part only of a differential rating area, the differential general rate over the town district or part is to be half the differential general rate that is made and levied for the year over the rest of that differential rating area.

*Section 111O* provides that the proceeds of any differential general rate are to be applied by the Council in the same manner as a general rate made and levied over the county or riding as a whole otherwise than on a differential basis.

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*Hon. Mr Seath*

## COUNTIES AMENDMENT (No. 2)

### ANALYSIS

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1. Short Title	111f. Alteration of boundaries of differential rating areas on alteration of zoning under district scheme
2. New sections as to differential general rating inserted	111g. Taking of polls
<i>Differential General Rates</i>	111h. Majority required to carry proposal
111A. Interpretation	111i. Result of poll to be published
111B. Council may declare differential rating areas	111j. Disputed polls
111C. Ratepayers may demand poll to constitute, alter, or revoke differential rating areas	111k. Date of implementation of proposal if carried
111D. Alteration of boundaries of differential rating areas	111l. Notice to Valuer-General
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	111n. Differential general rate in dependent town district
	111o. Application of proceeds of differential general rate

### A BILL INTITULED

#### An Act to amend the Counties Act 1956

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 Counties Amendment Act (No. 2) 1969, and shall be read together with and deemed part of the Counties Act 1956\* (hereinafter referred to as the principal Act).

\*1957 Reprint, Vol. 3, p. 1

Amendments: 1958, No. 60; 1959, No. 58; 1960, No. 54; 1961, No. 131; 1962, No. 38; 1963, No. 82; 1964, No. 129; 1965, No. 76; 1966, No. 56; 1967, No. 6; 1968, No. 124; 1969, No. 30

**2. New sections as to differential general rating inserted—**  
The principal Act is hereby amended by inserting, after section 111, the following heading and sections:

*“Differential General Rates*

**“111A. Interpretation—**(1) For the purposes of sections 111B to 111o of this Act,— 5

“‘Differential general rate’ means a general rate on all rateable property within a differential rating area:

“‘Differential rating area’ means any part of the county constituted a differential rating area pursuant to section 111B of this Act or to a poll held pursuant to a demand under section 111c of this Act, and having such name as the Council assigns to it: 10

“‘15 percent’, in relation to the ratepayers of the county or of any riding, means 15 percent of the total number of ratepayers who were on the rolls of electors for all the ridings of the county or, as the case may be, the roll of electors for the riding concerned for the immediately preceding general election of Councillors. 15 20

**“(2) Nothing in sections 111B to 111o of this Act shall derogate from the provisions of section 61 of the Counties Amendment Act 1968 (relating to differential rating in county towns), or from the provisions of the said section 61 as applied to county boroughs by section 84 of that Act, or from the provisions of any other enactment authorising the Council to make and levy differential general rates. 25**

**“(3) The provisions of sections 111B to 111o of this Act shall have effect notwithstanding anything in sections 105 to 111 of this Act. 30**

**“111B. Council may declare differential rating areas—**  
**(1) Subject to the succeeding provisions of this section, the Council may, pursuant to a special order,—**

**“(a) Declare that for the purposes of making and levying the general rate in the county or, where the general rate is made and levied separately in each riding, in any specified riding, the county or, as the case may be, that riding shall be divided into such differential rating areas as are described in the special order; or 35 40**

“(b) Alter the boundaries of any differential rating areas;  
or

“(c) Declare that any division of the county, or, as the case  
may be, of any riding, into differential rating areas  
shall be revoked:

“Provided that—

“(d) A poll of the ratepayers of the county or, as the case  
may be, of the riding shall be taken on the proposal  
to divide the county or the riding into differential  
rating areas or to alter the boundaries of any such  
areas or to revoke the division of the county or  
riding into differential rating areas, where not less  
than 15 percent of the ratepayers of the county or,  
as the case may be, of the riding, by writing under  
their hands in a form provided by the Council  
delivered or sent by post to the County Clerk  
and received at the office of the Council not  
later than the day before the date fixed for the con-  
firmation of the resolution to make the special  
order, demand that a poll be taken on the proposal;  
and

“(e) Where a poll is so demanded, the county or riding  
shall not be divided into differential rating areas  
or, as the case may be, the boundaries of any such  
areas shall not be altered or the division of the  
county or riding into such areas shall not be re-  
voked unless the proposal is carried in accordance  
with section 111H of this Act.

“(2) Every resolution to which this section applies shall  
specify the date on which the division of the county or riding  
into differential rating areas or, as the case may be, the  
alteration of boundaries or the revocation of the division of  
the county or riding into such areas shall come into force,  
which shall be a day not earlier than the 1st day of April next  
succeeding the date fixed for the confirmation of the resolution  
and not later than 12 months after that 1st day of April.

“(3) Before making any special order under this section  
for the division of the county or, as the case may be, any  
riding into differential rating areas or for the alteration of  
the boundaries of any such areas, the Council shall cause to  
be deposited in the office of the Council—

“(a) A plan of the county or riding showing the boundaries  
of the proposed differential rating areas or, as the  
case may be, showing the proposed alteration of  
boundaries; and

“(b) A statement specifying—

“(i) The matters taken into account as the basis for the proposed division of the county or riding, or, as the case may be, for the proposed alteration of boundaries; and 5

“(ii) The general effect that the division or alteration of boundaries is expected to have on the incidence of general rates as between the several proposed differential rating areas or, as the case may be, between the altered differential rating 10 areas.

“(4) Every such plan and statement shall be open for inspection by the public without fee for at least 1 month before the passing of the resolution to make the special order, and public notice of the times when and the place where that 15 inspection may be made shall be given by the Council.

“(5) Every public notice of a resolution to which this section applies shall, in addition to any other particulars required to be given therein, contain a statement to the effect that a 20 poll of ratepayers of the county or, as the case may be, of the riding is required to be taken if 15 percent of the ratepayers of the county or riding so demand by writing under their hands delivered or sent by post to the County Clerk and received at the office of the Council not later than the day 25 before the date fixed for the confirmation of the resolution.

“111c. Ratepayers may demand poll to constitute, alter, or revoke differential rating areas—(1) Subject to the succeeding provisions of this section, not less than 15 percent of the ratepayers of the county, or, where the general rate is made and levied separately in each riding, not less than 15 percent of the 30 ratepayers of any riding, may demand that a poll be taken on a proposal that—

“(a) For the purposes of making and levying the general rate in the county or, as the case may be, in the riding, the county or the riding be divided into 35 differential rating areas as described in the demand; or

“(b) The boundaries of any differential rating areas be altered in the manner specified in the demand; or

“(c) The division of the county or, as the case may be, of the 40 riding into differential rating areas be revoked.

“(2) Every demand to which this section applies shall be in writing in a form provided by the Council, shall be signed by the ratepayers demanding the poll, and shall be delivered or sent by post to the County Clerk at the office of the Council.

5 “(3) Every ratepayer who signs any demand for a poll under this section shall at the same time enter on the demand the date on which he signed it, and no signature on such a demand shall be valid for the purposes of this section if it is dated more than 12 months before the date on which the demand  
10 is delivered or sent by post to the County Clerk.

“111D. Alteration of boundaries of differential rating areas—Where the boundaries of any differential rating areas have been altered pursuant to section 111B of this Act or pursuant to a demand for a poll of ratepayers under section  
15 111C of this Act, the next alteration of boundaries shall not be made pursuant to the said section 111B or to such a poll so as to come into effect before—

“(a) The expiration of 5 years after the coming into effect of the immediately preceding alteration of boundaries made pursuant to the said section 111B  
20 or to such a poll of ratepayers; or

“(b) The date of the coming into force of the first revision of the district valuation roll for the county under the Valuation of Land Act 1951 made after the  
25 coming into effect of the immediately preceding alteration of boundaries pursuant to the said section 111B or to such a poll,—

whichever is the earlier.

“111E. Alteration of boundaries of differential rating areas  
30 on alteration of boundaries of county or riding—Where at any time while the county or any riding is divided into differential rating areas the boundaries of the county or, as the case may be, that riding are altered, then, notwithstanding anything in section 111B or section 111C or section 111D of this  
35 Act, the Council may, by resolution, alter the boundaries of any such differential rating areas in such manner as it considers to be necessary in consequence of that alteration in the boundaries of the county or riding.



**“111F. Alteration of boundaries of differential rating areas on alteration of zoning under district scheme—Where—**

**“(a) The county or any riding has been divided into differential rating areas having the same boundaries as the several zones into which the county or riding, as the case may be, is divided under an operative district scheme under the Town and Country Planning Act 1953; and**

**“(b) The boundaries of any of those zones are altered by any change of that district scheme or by the substitution of another operative district scheme for that district scheme or of an operative part of a district scheme for any part of that district scheme,—**

**then, notwithstanding anything in section 111B or section 111C or section 111D of this Act, the Council may, by resolution, alter the boundaries of any of those differential rating areas or redivide the county or riding, as the case may be, into differential rating areas, in such manner as may be necessary in order that the boundaries of the several differential rating areas will continue to be the same as the boundaries of the several zones under the changed or substituted district scheme.**

**“111G. Taking of polls—(1) Upon receipt of a valid demand for a poll made and delivered to the County Clerk pursuant to section 111B or section 111C of this Act, the County Clerk shall, not later than 14 days after receiving the demand, deliver it to the Returning Officer of the county.**

**“(2) The day on which a poll is to be taken pursuant to a demand for a poll made and delivered under section 111B or section 111C of this Act shall be a day fixed by the Returning Officer of the county, being not less than 35 nor more than 42 clear days after the date of the receipt by him of a copy of the demand for a poll:**

**“Provided that where the demand for a poll is received by the Returning Officer on any day after the 8th day of November and before the 27th day of December in any year, the day to be so fixed shall be a day not less than 35 nor more than 42 clear days after the 27th day of December.**

“(3) Notwithstanding the provisions of subsection (2) of this section, where the demand is so received after the 31st day of January and before the 1st day of September immediately preceding the date on which a triennial general election of  
5 Councillors is to be held pursuant to the Local Elections and Polls Act 1966, the poll shall be taken on the day fixed for that election.

“(4) On the day appointed, a poll shall be taken in the manner provided by the Local Elections and Polls Act 1966  
10 for the taking of polls other than elections, and every ratepayer of the county or riding, as the case may be, shall be entitled to vote accordingly.

“111H. **Majority required to carry proposal**—If the majority of valid votes recorded at the poll is in favour of the  
15 proposal, then, and not otherwise, the proposal shall be deemed to be carried, and the Council shall proceed with the proposal accordingly; but if the proposal is not carried the Council shall not so proceed.

“111I. **Result of poll to be published**—Within 21 days  
20 after a poll has been taken, the Returning Officer shall cause to be published in one or more newspapers circulating in the county a notice stating the number of votes recorded for and against the proposal, the number of informal votes recorded, and declaring the proposal to be carried or rejected, as the  
25 case may be.

“111J. **Disputed polls**—(1) If the result of any poll is disputed, any 10 ratepayers of the county or, as the case may be, of the riding may, in the manner and within the time prescribed by the Local Elections and Polls Act 1966, require  
30 an inquiry to be held, and the matter in dispute shall be determined in the manner prescribed by that Act in the case of disputed polls.

“(2) For the purposes of this section, the period of 14 days after the giving of public notice under section 42 or  
35 section 43 of the Local Elections and Polls Act 1966, as the case may be, declaring the result of a poll prescribed by section 69 of that Act shall be deemed to be the period of 14 days after the date on which notice of the result of the poll is first published in a newspaper.

**“111K. Date of implementation of proposal if carried—**  
Where a proposal on which a poll is taken pursuant to demand  
under section 111C of this Act is carried, the proposal shall  
have effect on the 1st day of April next succeeding the date  
on which the result of the poll is published.

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**“111L. Notice to Valuer-General—**Where the county or  
any riding is divided into differential rating areas or the  
division of the county or of any riding into such areas is  
revoked or the boundaries of any such areas are altered, the  
County Clerk shall forthwith give notice thereof in writing  
to the Valuer-General.

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**“111M. Levying of general rate in differential rating  
areas—**So long as the county, or, as the case may be, any  
riding of the county, is divided into differential rating areas,  
the Council, instead of making and levying a uniform general  
rate over the county as a whole, or, as the case may be, over  
that riding as a whole, shall make and levy a general rate on  
all rateable property within each differential rating area of  
such differential amounts in the dollar on the rateable value  
of the rateable property in each such area as the Council by  
resolution fixes and determines from year to year:

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**“Provided that the rate in the dollar of the differential  
general rate that may be made and levied in any year in any  
differential rating area shall not exceed the maximum rate  
in the dollar permitted by subsection (2) of section 105 of  
this Act to be made and levied on rateable property in the  
county otherwise than in a dependent town district situated  
within the county.**

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**“111N. Differential general rate in dependent town  
district—**Notwithstanding anything in section 111M of this  
Act, where any dependent town district situated within the  
county or any part of any such town district is constituted as  
or forms part of a differential rating area, the following  
provisions shall apply:

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- 5 “(a) When the town district or any part thereof comprises the whole of a differential rating area, the maximum differential general rate that may be made and levied pursuant to section 111M of this Act over that area in any year shall not exceed the maximum rate in the dollar permitted by the proviso to subsection (2) of section 105 of this Act to be made and levied on rateable property in that town district:
- 10 “(b) Where the town district or any part thereof comprises part only of a differential rating area, there shall be made and levied in any year pursuant to section 111M of this Act on rateable property situated in that town district, or, as the case may be, in that
- 15 part of the town district, a differential rate equal to half the differential general rate that is made and levied in that year over the remainder of the differential rating area.

20 **“111o. Application of proceeds of differential general rate**—The proceeds of any differential general rate made and levied by the Council pursuant to section 111M of this Act shall be applied by the Council as if it were a general rate made and levied over the county as a whole or, as the case may be, over the riding as a whole.”