

Ms Gail McIntosh

**CHATHAM ISLANDS COUNTY COUNCIL (RATES
AND COUNTY DUES VALIDATION)**

[LOCAL]

ANALYSIS

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A BILL INTITULED

An Act to—

- 5 **(a) Validate certain general rates, uniform annual general charges, and county dues purported to have been made and levied by the Chatham Islands County Council; and**
- (b) To validate the fixing of certain scales of county dues purported to have been fixed by the Chatham Islands County Council; and**
- 10 **(c) To repeal section 6 of the Chatham Islands County Council Empowering Act 1980**

15 WHEREAS section 6 (1) of the Chatham Islands County Council Empowering Act 1980 requires that the aggregate of the general rate and county dues levied by the Chatham Islands County Council shall not exceed the sum which the Council could levy by way of a general rate under section 136 (1) of the Local Government Act 1974: And whereas section 136 (3) of the Local Government Act 1974 requires that the producing capacity of the general rate when combined with the producing capacity of any uniform annual general charge shall not exceed

20 the sum which the Council could levy by way of a general rate under section 136 (1) of that Act: And whereas in each of the rating years ended with the 31st days of March 1984, 1985,

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1986, and 1987 the Council did not comply with the said section 6 (1) or with the said section 136 (3): And whereas it is desirable that the general rate, uniform annual general charges, and county dues made and levied by the Council in respect of the rating years ended with the 31st days of March 1984, 1985, 1986, and 1987 be validated: And whereas the Local Government Act 1974 is now repealed and section 12 (3) of the Rating Powers Act 1988 has effect in substitution therefor: And whereas section 12 (4) of the Rating Powers Act 1988 requires that the producing capacity of the general rate, when combined with the producing capacity of any uniform annual general charge, shall not exceed the sum which the Council could levy by way of general rate under section 12 (3) of that Act: And whereas the Council considers it likely that it will not comply with the said section 6 (1) or with the said section 12 (4) in the rating year ending with the 30th day of June 1991: And whereas it is desirable that the general rate, uniform annual general charges, and county dues made and levied in the rating year ending with the 30th day of June 1991 be authorised: And whereas in the rating year ended with the 31st day of March 1985 the Council resolved to levy a general rate but levied a lesser general rate, and in the rating year ended with the 31st day of March 1986 the Council resolved to levy a general rate and did levy such general rate but gave public notice of a greater general rate: And whereas it is desirable that the general rates levied in the rating years ended with the 31st days of March 1985 and 1986 be validated: And whereas section 4 (2) of the Chatham Islands County Council Empowering Act 1980 requires scales of county dues to be fixed by special order: And whereas the Council has purported to fix certain scales of county dues dated the 5th day of July 1981, the 15th day of July 1984, the 6th day of August 1985, the 26th day of June 1986, the 2nd day of November 1987, and the 15th day of August 1989 by resolution otherwise than by special order as so required: And whereas the Council has continued to levy county dues in respect of items not expressly referred to in subsequent resolutions: And whereas it is desirable that the scales of county dues as fixed and levied from time to time since the 5th day of July 1981 be validated: And whereas it is desirable that section 6 of the Chatham Islands County Council Empowering Act 1980 be repealed:

BE IT THEREFORE ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Chatham Islands County Council (Rates and County Dues Validation) Act 1991.

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

“The Act” means the Chatham Islands County Council Empowering Act 1980:

“Council” means the Chatham Islands County Council.

3. Validating general rates and county dues—

10 (1) Notwithstanding that the aggregate of the general rates, uniform annual general charges, and county dues levied by the Council for the rating years ended with the 31st days of March 1984, 1985, 1986, and 1987 exceeded the sum which the Council was entitled to levy under section 6 (1) of the Act, the
15 said general rates, uniform annual general charges, and county dues are hereby validated and declared to have been lawfully made and levied in respect of those rating years.

(2) Notwithstanding that the resolutions fixing the county dues described in the Schedule to this Act did not comply with
20 section 4 (2) of the Act, the said dues are hereby validated and declared to have been lawfully fixed.

(3) All actions of the Council in—

(a) Making, levying, and collecting the said general rates, uniform annual general charges, and county dues in
25 each of the said rating years; and

(b) Fixing the scales of county dues described in the Schedule to this Act—

are hereby validated and declared to have been lawful.

(4) All money received by the Council in payment of the said
30 general rates, uniform annual general charges, and county dues is hereby deemed to have been lawfully received by the Council.

(5) Any part or parts of the said general rates and uniform annual general charges for any rating year or years, and any
35 county dues, as have not yet been paid to the Council are hereby deemed to be lawfully payable and capable of being recovered as if they had always been lawfully payable.

(6) The resolutions of the Council fixing the scales of county dues described in the Schedule to this Act are hereby validated
40 and declared to have been lawfully made and confirmed.

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4. Authorising general rates and county dues—The Council is authorised to levy general rates, uniform annual general charges, and county dues in the rating year ending with the 30th day of June 1991 notwithstanding that the aggregate of the general rates, uniform annual general charges, and county dues that are levied may exceed the sum which the Council is entitled to levy under section 6 (1) of the Act and section 12 (3) of the Rating Powers Act 1988. 5

5. Repeal—Section 6 of the Act is hereby repealed.

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SCHEDULE

COUNTY DUES

*For Period Commencing on the 1st day of July 1981 and Ending With the 30th
day of June 1984*

	Per	Charge \$
Minimum payment (except fruit) ..		0.44
General cargo (including fish, rock lobster, puaa and meat)	1000 kg	11.65
Motor spirits	100 litres	1.92
Coal and coke	1000 kg	10.34
Diesel fuel	100 litres	1.15
Wool	1.07 metre bale	11.39
Rock lobster (payable in addition to the general cargo rate)	kilogram	0.066
Puaa (payable in addition to the general cargo rate)	kilogram	0.03

COUNTY DUES (IMPORTS AND EXPORTS BY SEA)

For Period Commencing on the 15th day of July 1984

Minimum payment (except fruit) ..		0.46
Minimum payment for fruit ..		0.18
General cargo	1000 kg	14.46
Artificial manures	1000 kg	8.49
Motor spirits (where not otherwise provided for)	100 litres	2.00
Boats (computed by weight minimum charge one tonne)	1000 kg	14.46
Box timber	1000 kg	3.26
Chaff	sack	11.65
Coal and coke	tonne	10.75
Diesel fuel	100 litres	1.90
Empty cartons	1000 kg	3.59
Empty returns (being containers for benzine or motor spirits or diesel fuel)		Free
Empty returns (not being containers for fuel)	1000 kg	2.70
Empty tanks (1818 litres)	tank	2.19
Fruit	1000 kg	3.58
Motor cars	each	18.20
Motor cycles	each	9.10
Motor trucks	each	30.72
Posts	cubic metre	10.50
Skins (1.08 bales)	cubic metre	10.50
Stakes	cubic metre	10.50
Stays	cubic metre	10.50
Strainers	cubic metre	10.50
Timber	cubic metre	11.59

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SCHEDULE—*continued*

COUNTY DUES (IMPORTS AND EXPORTS BY SEA)—*continued*
For Period Commencing on the 15th day of July 1984—continued

	Per	Charge \$
Tractors	each	30.94
Cattle	head	3.64
Dogs	head	0.46
Horses	head	3.64
Pigs	head	0.91
Sheep and lambs	head	0.37
Wool (1.07 metre bales)	bale	11.82
Rock lobster	1000 kg	66.00
Paua	1000 kg	30.00

COUNTY DUES (IMPORTS AND EXPORTS BY AIR)

For Period Commencing on the 15th day of July 1984

Five percent of the air freight charge payable on goods.

Rock lobster	kilogram	0.066
Paua	kilogram	0.030

COUNTY DUES (IMPORTS AND EXPORTS BY SEA)

For Period Commencing on the 6th day of August 1985

General cargo (including frozen cargo)

By weight	1000 kg	18.08
By measurement	cubic metre	16.28
Minimum	36 kg/.04 cubic metre	0.58
Agriculture implements	cubic metre	4.98
Horses	head	4.55
Cattle	head	4.55
Sheep	head	0.80
Pigs	head	0.80
Dogs	head	0.80
Boats	cubic metre	1.55
Boats	sq metre	3.09
Coal and coke	1000 kg	13.44
Diesel oil (bulk)	1000 litres	23.75
Fertilizer	1000 kg	10.61
Frozen crayfish	1000 kg	198.00
Frozen paua	1000 kg	90.00
Fruit	cubic metre	4.96
Fruit (minimum)	-	0.23
Dangerous goods	cubic metre	16.28
Motor vehicles and tractors	cubic metre	4.36
Motor cycles	each	11.38
Paua shells	1000 kg	18.08

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SCHEDULE—*continued*

COUNTY DUES (IMPORTS AND EXPORTS BY SEA)—*continued*

For Period Commencing on the 6th day of August 1985—continued

	Per	Charge \$
Petrol	200 litre drum	5.00
Petrol (bulk)	1000 litres	20.00
Empty returns	200 litre drum	Free
Empty returns	cubic metre	3.75
Timber	cubic metre	11.59
Wines and spirits	cubic metre	16.28
Wool	bale	11.82

COUNTY DUES (IMPORTS AND EXPORTS BY AIR)

For Period Commencing on the 6th day of August 1985

For goods carried by Safe Air Limited or any other Government contracted service

Rock lobster	1000 kg	198.00
Paua	1000 kg	90.00

All other goods charged at six percent of the freight charge with a minimum charge of \$10 for each incoming or outgoing flight.

For Goods Carried By All Other Air Services or Private Contractors

Rock lobster	1000 kg	198.00
Paua	1000 kg	90.00

All other goods charged at six percent on the freight charge with a minimum charge of \$10 for each incoming or outgoing flight.

COUNTY DUES (IMPORTS OR EXPORTS BY SEA)

For Period Commencing on the 26th day of June 1986

General cargo		
By weight	1000 kg	18.08
By measurement	cubic metre	16.28
Minimum	36 kg/.04 cubic metres	0.58
Agriculture implements		
Horses	head	4.55
Cattle	head	4.55
Sheep	head	0.80
Pigs	head	0.80
Dogs	head	0.80
Boats	cubic metre	16.28
Coal and coke	1000 kg	13.44
Diesel oil (bulk)	1000 litres	23.75
Fertilizer	1000 kg	10.61
Frozen and general cargo:		
By weight	1000 kg	18.08
By measurement	cubic metre	16.28
Minimum	36 kg/0.4 cubic metre	0.58

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SCHEDULE—*continued*

COUNTY DUES (IMPORTS OR EXPORTS BY SEA)—*continued*

For Period Commencing on the 26th day of June 1986—continued

	Per	Charge \$
Crayfish	1000 kg	198.00
Paua	1000 kg	200.00
Fruit	cubic metre	4.96
Fruit minimum charge	36 kg/0.04 cubic metre	0.23
Dangerous goods	cubic metre	16.28
Motor vehicles	cubic metre	4.36
Tractors	cubic metre	4.36
Motor cycles	each	11.38
Paua shell	1000 kg	18.08
Petrol (200 litre drums)	drum	5.00
Petrol (bulk)	1000 litres	20.00
Empty returns—200 litre drums	drum	Free
—others	cubic metre	3.75
Timber	cubic metre	11.59
Wines and spirits	cubic metre	16.28
Wool	bale	11.82

COUNTY DUES (IMPORTS OR EXPORTS BY AIR)

For Period Commencing on the 26th day of June 1986

Rock lobster	1000 kg	198.00
Paua	1000 kg	200.00

All other goods charged at six percent of the freight charge or a minimum of \$10 for each inwards or outwards flight.

COUNTY DUES (IMPORTS OR EXPORTS BY SEA)

For Period Commencing on the 2nd day of November 1987

General cargo:		
By weight	1000 kg	18.08
By measurement	cubic metre	16.28
Minimum	36 kg/0.04 cubic metre	0.58
Agriculture implements	cubic metre	4.98
Horses	head	4.55
Cattle	head	4.55
Sheep	head	0.80
Pigs	head	0.80
Dogs	head	0.80
Boats	cubic metre	2.28
Coal and coke	1000 kg	13.44
Diesel oil (bulk)	1000 litres	23.75
Fertilizer	1000 kg	10.61

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SCHEDULE—*continued*

COUNTY DUES (IMPORTS OR EXPORTS BY SEA)—*continued*

For Period Commencing on the 2nd day of November 1987—continued

	Per	Charge \$
Frozen and general:		
By weight	1000 kg	18.08
By measurement	cubic metre	16.28
Minimum	36 kg/0.4 cubic metre	0.58
Crayfish	1000 kg	198.00
Paua	1000 kg	200.00
Fruit	cubic metre	4.96
Fruit minimum	36 kg/0.04 cubic metre	0.23
Dangerous goods	cubic metre	16.28
Motor vehicles	cubic metre	4.36
Tractors	cubic metre	4.36
Motor cycles	each	11.38
Paua shell	1000 kg	18.08
Petrol (200 litre drums)	drum	5.00
Petrol (bulk)	1000 litres	20.00
Empty returns (200 litre drums)	drum	Free
Empty returns (other)	cubic metre	3.75
Timber	cubic metre	11.59
Wines and spirits	cubic metre	16.28
Wool	bale	11.82

COUNTY DUES (IMPORTS OR EXPORTS BY AIR)

For Period Commencing on the 2nd day of November 1987

Rock lobster/crayfish	1000 kg	198.00
Paua	1000 kg	200.00
All other goods charged at six percent of the freight charge or a minimum of \$10 whichever is the greater.		

COUNTY DUES (IMPORTS OR EXPORTS BY SEA)

For Period Commencing on the 15th day of August 1989

Rock lobster	1000 kg	200.00
Scallops and oysters	1000 kg	200.00
Paua	1000 kg	200.00
All other fish and shellfish as listed below:		
By weight	1000 kg	18.08
By measurement	cubic metre	16.28
Minimum		0.58

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SCHEDULE—*continued*

COUNTY DUES (IMPORTS OR EXPORTS BY SEA)—*continued*

For Period Commencing on the 15th day of August 1989—continued

List of Fish and Shellfish Subject to County Dues

Fish:

Snapper	..	..	..	Trumpeter
Tarakihi	..	..	..	Warehou
Elephant fish	..	..	..	Mullet
Trevally	..	..	..	Ling
Gurnard	..	..	..	Groper
Flatfish	..	..	..	Bluenose
Monkfish	..	..	..	Bass
Red cod	..	..	..	Kahawai
Moki	..	..	..	Kingfish
Butterfish	..	..	..	Mackeral
Blue cod	..	..	..	Bluefin tuna
John dory	..	..	..	Albacore tuna
Rig	..	..	..	Skipjack tuna
Spiny dogfish	..	..	..	Eel
Shark	..	..	..	Whitebait
Barracouta	..	..	..	Salmon

Shellfish:

Kina	..	..	..	Crabs
Cockles	..	..	..	Octopus
Clams	..	..	..	Squid
Pipis	..	..	..	Tuatuas
Toheroas	..	..	..	Mussels

COUNTY DUES (IMPORTS OR EXPORTS BY AIR)

For Period Commencing on the 15th day of August 1989

			Per	Charge \$
Rock lobster/crayfish	..	..	1000 kg	200.00
Scallops and oysters	..	..	1000 kg	200.00
Paua	..	..	1000 kg	200.00

All other goods at six percent of the freight charged or a minimum of \$25 for each inwards and outwards flight whichever is the greater.