

[AS REPORTED FROM THE INTERNAL AFFAIRS AND LOCAL  
GOVERNMENT COMMITTEE]

*House of Representatives, 16 October 1991.*

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

*Ms Gail McIntosh*

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

[LOCAL]

ANALYSIS

Title	4. Authorising general rates and county dues
Preamble	5. Repeal Schedule
1. Short Title	
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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)* 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)* 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

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Validation)

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  
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,  
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Government Act 1974 is now repealed and section 12 (3) of the  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 in the rating year ended with the 31st day of March  
1990 the Council did not comply with the said section 6 (1) or  
with the said section 12 (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 year  
ended with the 31st day of March 1990 be validated: And  
whereas the Council considers it likely that it *(will)* did not  
comply with the said section 6 (1) or with the said section 12 (4)  
in the rating year *(ending)* ended with the 30th day of June  
1991: And whereas, if so, it is desirable that the general rate,  
uniform annual general charges, and county dues made and  
levied in the rating year *(ending)* ended with the 30th day of  
June 1991 be *(authorised)* validated: 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:

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

*New*

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

(2) This Act shall be deemed to have come into force on the 1st day of July 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**—

(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) 1987, and 1990 exceeded the sum which the Council was entitled to levy under section 6 (1) of the Act, the said general rates, uniform annual general

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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 section 4 (2) of the Act, the said dues are hereby validated and declared to have been lawfully fixed. 5

(3) All actions of the Council in—

(a) Making, levying, and collecting the said general rates, uniform annual general charges, and county dues in each of the said rating years; and 10

(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 general rates, uniform annual general charges, and county dues is hereby deemed to have been lawfully received by the Council. 15

(5) Any part or parts of the said general rates and uniform annual general charges for any rating year or years, and any 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. 20

(6) The resolutions of the Council fixing the scales of county dues described in the Schedule to this Act are hereby validated and declared to have been lawfully made and confirmed. 25

*Struck Out*

**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. 30 35

*New*

**4. Further validating general rates and county dues—**

5 (1) If, in the rating year ended with the 30th day of June 1991, the Council levied general rates, uniform annual general charges, and county dues in excess of the sum which the Council was entitled to levy under section 6 (1) of the Act and section 12 (3) of the Rating Powers Act 1988, the said general rates, uniform annual general charges, and county dues are hereby validated and declared to have been lawfully made and  
10 levied.

(2) **Subsections (3) to (5) of section 3** of this Act, so far as they are applicable and with the necessary modifications, shall apply in respect of the general rates, uniform annual general charges, and county dues to which **subsection (1)** of this section applies.

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

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Validation)*

**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 lob- ster, paua 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
Paua (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 pro- vided 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 ben- zine 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/0.4 cubic metres	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	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.