

LOCAL GOVERNMENT AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Local Government Act 1974.

Clause 1 relates to the Short Title and commencement.

Clause 2 changes the term “principal officer” to “principal administrative officer”, and provides that all references to “principal officer” are to be read as references to “principal administrative officer”.

Clause 3 amends section 11 of the principal Act which empowers the Local Government Commission to invite the attendance of experts at its meetings. At present, this power can only be exercised in respect of meetings conducted under Part I of the principal Act. The effect of this clause is to extend this power to all meetings conducted by the Commission.

Clause 4 amends section 12 (1) of the principal Act, which empowers the Local Government Commission to employ staff for the purposes of Part I of the principal Act. The effect of this clause is to extend that power to enable the employment of staff as required for the exercise of the functions, duties, and powers of the Commission.

Clause 5 adds to the specified functions of the Local Government Commission a general provision referring to such other functions as may be conferred by the principal Act or any other Act.

Clause 6 provides that a reorganisation scheme may provide for the declaration, alteration, or abolition of an out-district. Out-districts may be constituted under section 269 of the principal Act and are an extension of the jurisdiction of a regional council or a united council beyond its region in respect of a particular function.

Clause 7 provides that the Minister of Agriculture is the appropriate Minister in relation to District Noxious Plants Authorities for the purposes of section 26 of the principal Act which relates to reorganisation schemes.

Under section 26 of the principal Act, the appropriate Minister has the power to request the Local Government Commission to consider a proposal that a reorganisation scheme be prepared in relation to the local authority.

Clause 8 inserts a new provision in the principal Act empowering the Commission to decide at any time not to proceed with a proposal for a reorganisation scheme. At present, the decision not to proceed can be made only after conciliation procedures under section 27 of the principal Act have been completed.

Clause 9 provides that where the local authorities affected by a proposed reorganisation scheme are in agreement with the proposal, the Commission is not required to embark upon the conciliation procedures. At present, the Commission is required to follow the conciliation procedures in all cases.

Clause 10 makes it clear that an appeal on a point of law against a determination or decision of the Local Government Commission be made to the High Court irrespective of whether the determination or decision was given under the principal Act or any other Act.

Clause 11 makes a consequential amendment following the repeal and re-enactment in the Local Government Amendment Act 1979 of a provision relating to the delegation of certain functions and powers by a territorial authority to a community council.

Clause 12 provides that where a person is qualified to be enrolled in respect of more than 1 ward and does not select a ward, the selection made by the principal officer is binding unless the person notifies the principal officer of his selection of a ward before the date of the close of the roll.

Clause 13 relates to the alterations that a united council may make to the basis on which contributions to the net expenditure of a united council are determined. The effect of the clause is to confine such resolutions to the period beginning with the 2nd day of April and ending with the 31st day of August in any year. This has the effect of ensuring that sufficient time is available for the objection procedures specified in section 125A of the principal Act to be followed through if necessary.

Clause 14 imposes additional time limits on 2 of the stages of the objection procedure relating to the alteration of the basis on which contributions to the net expenditure of a united council is determined. The intended effect is to ensure that the objection procedure can be completed before notice is required to be given of the proposed contributions for the next financial year.

Clause 15 is consequential upon the substitution of a new section 202 of the principal Act by *clause 26* of this Bill. This clause omits a reference to section 202 that would no longer be appropriate.

Clause 16 corrects a drafting error.

Clause 17 substitutes 4 new sections relating to differential rating. *Section 147* is in similar terms to subsections (1), (4), and (5) of the present section 147 except that express provision is made that the characteristics of the ratepayers or occupiers are not to be used as a criterion. At present, the types or groups of property can be determined by a council on whatever criteria the council thinks fit.

Section 147A deals with the procedures surrounding the making of the special order to introduce differential rating. Much of the section is similar to the present section 147 (3), but the following matters are new:

- (a) In *subsection (1) (b)* the final date by which differential rating must come into force has been changed so that it may come into force during the year in which the special order is confirmed or the next following year. At present, the second option is not available:
- (b) In *subsection (1) (c)* the requirement that the resolution to make the special order shall include a statement stating that there is an objective of maintaining relativity between the amount of income derived from rating various types or groups of property if that is the case, is new:

- (c) The public notice that the statement setting out the proposed differential rating system is available for public inspection must now state that any person has the right to be advised of the type or group to which a particular property would be allocated and that there is a right to object under the Rating Act 1967 to that allocation:
- (d) The minimum period of public notice of the proposal before its confirmation is increased from 1 month to 60 days:
- (e) Any council proposing a differential rating system is required to ensure that information on the proposal is distributed to ratepayers.

Section 148 provides for the alteration of differential rating systems. Alterations must follow the same procedures as the introduction of a differential rating system. The present provision that alterations may only take effect every 5 years or on the coming into force of a revision of the district valuation roll is not retained.

Section 148A is new and provides that where it has been specified that an objective of the differential rating system is that a relationship should be set between the proceeds of rates from various types of property, then changes in rates to maintain that relationship are not alterations to the system requiring compliance with the procedures set out in *section 147A*.

Clause 18 provides that any system of differential rating that complied with *section 147* as enacted in 1977 but does not comply with *section 147* as substituted by this Bill is not to continue in force beyond 31 March 1982.

Clause 19 adds 2 subsections to *section 149*. The first requires the council to specify the matters taken into account in proposing the revocation of the differential rating system, and the second requires notice of the special order and its availability for public inspection to be given at least 60 days before it is confirmed.

Clause 20 is a consequential amendment following a change of wording in the new *sections 147 to 148A* of the principal Act (set out in *clause 17* of this Bill).

Clause 21 permits the levying of a uniform annual charge for water in respect of each separately occupied part of a property. At present, such a charge can be levied only on the basis of an entire property.

Clause 22 empowers a territorial authority to prescribe water race charges by publicly notified resolution. At present, this must be done by bylaw.

Clause 23: Subclause (1) empowers territorial authorities to fix and levy uniform annual charges instead of rates for works and services, lighting, recreational, telephone, and harbour purposes. It also incorporates in the system a uniform charge instead of rates for underground conversion purposes. This matter is covered by the present *section 164A*. *Subclause (2)* authorises the making and levying of different charges for different parts of a district.

Clause 24 is consequential upon the substitution of a new *section 202* by *clause 26* of this Bill. This clause removes a proviso relating to the keeping of separate accounts for uniform annual charges. The effect of the clause is that the proposed *section 202* will apply to the accounting systems for uniform charges.

Clause 25: Subclause (1) includes in the definition of the term "rate revenue" any rates levied on behalf of certain component authorities by other authorities.

Subclause (2) amends the definition of the term "rate revenue" in relation to regional councils, and provides, in effect, that any assessments levied by a regional council are included in the rate revenue of that council for petroleum tax purposes.

The effect of the clause is to ensure that, for petroleum tax purposes, the rate revenue of each component authority includes rate revenue gathered on its behalf by other component authorities.

Clause 26 relates to the keeping of financial records by regional councils, united councils, and territorial authorities. The principal change lies in the emphasis to be placed on showing fully the allocation of income and expenditure for various purposes rather than on the operation of separate accounts for each purpose.

Clause 27 provides, in effect, that a member of a council who attends a meeting as a representative of the council is entitled to be remunerated as if it were a meeting of the council.

Clause 28 amends provisions relating to the charging of interest on money advanced to a council or owed to a council. At present, the maximum amount is determined according to a formula that must be applied as at the date of the advance or the date on which the debt was incurred. This amendment retains a formula but enables its application from time to time at the discretion of the council. The effect is that the maximum interest payable could be varied during the period of the advance or debt.

Clause 29 is consequential upon the substitution of a new section 202 of the principal Act by *clause 26* of this Bill. The effect of this clause is to omit specific reference to the establishment of an Administration Account.

Clause 30: At present, endowment land that is vested in a council cannot be disposed of at less than its capital value without the consent of the Minister. The effect of this clause is to permit the disposal of land to a lessee at unimproved value plus the value of any improvements not previously made or purchased by the lessee, without the consent of the Minister.

Clause 31 repeals a provision whereby the Crown is exempted from the requirement to have a scheme plan of a proposed subdivision prepared and signed by a registered surveyor.

Clause 32 relates to the conditions that may be imposed on owners in relation to the subdivision of land. The clause inserts a provision that where conditions were imposed under a former Act and a caveat was lodged then—

- (a) The provisions of section 304 of the principal Act (which relate to bonds for the performance of such conditions) apply; and
- (b) The caveat is deemed to have lapsed on registration of the bond.

Clause 33 amends the requirements that must be satisfied before a survey plan may be deposited. At present, the council must certify that the plan is in accordance with the operative district scheme or a specified departure. The effect of this clause is that the plan may also be deposited where the council has certified that the plan is in accordance with the operative district scheme as it was when the scheme plan was approved.

Clause 34: Subclause (1) makes it clear that conditions imposed by the council restricting the sale of land in certain circumstances only create an interest in favour of the council and become a covenant running with the land on the registration of the appropriate instrument under the Land Transfer Act 1952.

Subclause (2) adds to subsection (5) of section 308 a reference to subsection (3) of that section so as to give full effect to subsections (5) and (6) of section 308.

Clause 35 amends section 312 (2) of the principal Act which provides that certificates of title for land that is part of such a subdivision can only be issued in certain specified situations. The effect of this clause is to include as one of those situations the case where a council has certified that the allotment is in accordance with the operative district scheme as it was when the scheme plan was approved.

Clause 36 provides that where a road is named for the first time, advice is to be given to the appropriate District Land Registrar and Chief Surveyor.

Clause 37 amends section 326 of the principal Act relating to betterment payments by owners of land taken by a council for roading purposes. At present, section 326 (1) (b) refers to the acquisition of land that will have access or frontage to the road. However, betterment can only be payable where some land is retained by the owner. The effect of this clause is to amend section 326 (1) (b) so that the provision will apply where some land is taken and that which remains will have access or frontage to the road.

Clause 38 corrects an erroneous reference.

Clause 39 repeals a provision empowering local authorities to make bylaws setting charges for the reception and disposal of trade wastes. Section 494 of the principal Act provides for the setting of such charges by special order.

Clause 40 makes it clear that the charges payable in respect of trade wastes are payable by the owner or occupier of the appropriate premises. The clause also extends the provisions relating to charges for the reception and disposal of excess sewage to the treatment of such sewage.

Clause 41 inserts new sections 501A to 501E in the principal Act. These provisions empower a local authority to use the trade wastes system of another local authority or to extend its trade wastes system to areas outside its own district. The powers are similar to those given in sections 453 to 457 of the principal Act relating to drainage works.

Clause 42 amends section 525 (b) of the principal Act which relates to the powers of a territorial authority to make contracts for the supply of energy. At present, such contracts can only be made with the local authority of an adjoining district or a person carrying on business in an adjoining district. The effect of the clause is to remove those restrictions and permit the making of such contracts with any local authority or other person.

Clause 43 adds a provision that enables a territorial authority, regional council, or united council to enter into arrangements with other bodies or persons for the supply of energy. The powers conferred are similar to those conferred on councils in relation to forestry by section 577 (3) (c) of the principal Act.

Clause 44 empowers councils to guarantee the repayment of interest on money advanced to various non-profit making organisations for community purposes. At present, there is power to guarantee the repayment of the advances, but not any interest payable on them.

Clause 45 defines the term "residential elector" for the purposes of the provisions relating to community centres. This clause should be read with *clause 46* of this Bill which substitutes the term "residential elector" for "occupier" in section 610 (5) of the principal Act.

Clause 46 substitutes references to "residential elector" for references to "occupiers" in section 610 (5) of the principal Act. That provision relates to petitions and polls concerning the levying of community centre fees. The effect of the clause is to give the rights, at present exercisable by occupiers, relating to petitions and polls affecting community centre fees to residential electors.

Clause 47 substitutes a new definition of the term "apartment building" for the purposes of section 636 of the principal Act which relates to the licensing of such buildings and other institutions. The effect of this clause is to totally exclude from the definition any single storey building comprising apartments that are each self-contained and have their own outside entrances. At present, such a building is not excluded where the council is satisfied that it is to be used solely or principally for letting purposes.

Clause 48 corrects a drafting error.

Clause 49, in effect, empowers a council to construct works on private land that is outside its district. At present, a council can only construct works on private land within its district.

Clause 50 includes District Noxious Plants Authorities in Part II of the First Schedule to the principal Act. The effect is to bring such Authorities within the scope of section 26 (2) of the principal Act, which relates to reorganisation schemes. This clause should be read with *clause 4* of this Bill which specifies the Minister of Agriculture as the appropriate Minister in relation to such Authorities for the purposes of reorganisation schemes.

Clause 51 is consequential upon *clause 41*, which relates to trade wastes systems in areas outside the district of the local authority. It amends the Fourteenth Schedule to the principal Act which relates to the giving of notice to appropriate local authorities and other bodies before certain works are carried out.

Clause 52: Paragraph (a) is consequential upon *clause 49*, which relates to the construction of works on private land outside the district of the council.

Paragraph (b) requires the council to make details of the works available in the district in which they are to be constructed or undertaken as well as the district of the council.

Clause 53 is consequential upon the change of the term "principal officer" to "principal administrative officer" effected by *clause 2* of this Bill, and makes a similar change in relation to references in other legislation and documents to a Town Clerk or a County Clerk.

Clause 54 amends the Rural Housing Act 1939 by substituting a reference to “district” for a reference to “county”. The effect of the change is to enable a council to make advances to farmers where the farm is situated within the district of a territorial authority. At present, advances can only be made if the farm is situated within a county.

Clause 55 substitutes a new definition of the term “local authority” in the Harbours Act 1950, and removes confusion that has arisen over the definition as inserted by the Harbours Amendment Act 1977 and amended by the Local Government Amendment Act (No. 3) 1977.

Clause 56: Subclause (1) provides that the rate records to be maintained by a local authority shall include a statement of the allocation of that property to any type or group of property under a differential rating system adopted by that authority.

Subclause (2) provides a right of objection to the rates records of any local authority on the grounds that any property has been incorrectly allocated to any type or group of property under a system of differential rating.

Clause 57 repeals section 74 (4) of the Town and Country Planning Act 1977. The repeal is consequential upon the substitution of a new paragraph (g) to section 306 (1) of the principal Act by *clause 33* of this Bill.

Hon. Mr Highet

LOCAL GOVERNMENT AMENDMENT

ANALYSIS

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	147. Differential rates
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	18. Expiry of certain systems of differential rating
	19. Revocation of differential rating
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32. Bonds
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34. Plan approved subject to amalgamation or transfer of allotments
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39. Bylaws relating to charges for trade wastes disposal
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Powers of Local Authority as to Trade Wastes Disposal Outside District

- 501A. Local authority may construct trade wastes disposal works outside district
 - 501B. Construction and repair of trade wastes disposal works outside district
 - 501C. Local authority may agree to use trade wastes works under control of other local authority
 - 501D. Local authority may deal with trade wastes from areas outside district
 - 501E. Discontinuance of trade wastes system outside own district
42. Contracts for supply of energy outside district

43. New heading and section inserted
Agreements for Supply of Energy

- 536B. Territorial authority, regional council, or united council may enter into arrangements with other bodies for the supply of energy
44. Council may guarantee payment of interest
45. Definition of "residential elector" in relation to polls concerning uniform fees for community centres
46. Residential electors may petition for and participate in poll relating to uniform fee for community centre
47. Definition of term "apartment building"
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50. District Noxious Plants Authorities included in Part II of First Schedule
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PART II

AMENDMENTS OF OTHER ACTS

54. Rural Housing Act 1939
55. Harbours Act 1950
56. Rating Act 1967
57. Town and Country Planning Act 1977

A BILL INTITULED

An Act to amend the Local Government Act 1974

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

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1. Short Title and commencement—(1) This Act may be cited as the Local Government Amendment Act 1980, and shall be read together with and deemed part of the Local Government Act 1974* (hereinafter referred to as the principal Act).

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(2) Sections 49 and 52 of this Act shall come into force on the day on which this Act receives the Governor-General's assent.

*1974, No. 66

Amendments: 1975, No. 86; 1976, No. 55; 1977, Nos. 6, 109, 122; 1978, No. 43; 1979, No. 59

(3) Except as provided in subsection (2) of this section, this Act shall come into force on the 28th day after the day on which it receives the Governor-General's assent.

PART I

5

AMENDMENTS OF PRINCIPAL ACT

2. Interpretation—(1) Section 2 (1) of the principal Act is hereby amended by inserting in the definition of the term “principal officer” (as enacted by section 7 (2) of the Local Government Amendment Act (No. 3) 1977), after the word
10 “Principal”, the word “administrative”.

(2) Section 2 of the principal Act (as amended by section 8 (1) of the Local Government Amendment Act 1979) is hereby further amended by adding the following subsection:

15 “(7) Every reference in this Act or in any other enactment to the principal officer of a local authority shall be read as a reference to the principal administrative officer of that local authority.”

3. Commission may co-opt specialist advice—Section 11 of the principal Act (as enacted by section 2 of the Local
20 Government Amendment Act (No. 2) 1977) is hereby amended by omitting the words “under this Part of this Act”, and substituting the words “by the Commission”.

4. Officers of Commission—Section 12 (1) of the principal Act (as enacted by section 2 of the Local Government Amend-
25 ment Act (No. 2) 1977) is hereby amended by omitting the words “for the purposes of this Part of this Act”, and substituting the words “to enable the Commission to carry out and exercise its functions, duties, and powers”.

5. Functions of Commission—Section 15 (1) of the prin-
30 cipal Act (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977) is hereby amended by adding the following paragraph:

“(e) To perform such other functions as may be conferred upon it by this Act or by any other Act.”

35 **6. Reorganisation scheme may apply to out-districts**—Section 25 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977) is hereby amended by inserting, after paragraph (g), the following paragraph:

“(ga) The declaration, alteration, or abolition of any out-district:”.

7. Reorganisation schemes affecting District Noxious Plants Authorities—Section 26 (3) (b) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977) is hereby amended by adding the following subparagraph: 5

“(v) In relation to any District Noxious Plants Authority, means the Minister of Agriculture.”

8. Commission may decide not to proceed with proposal— 10
The principal Act is hereby amended by inserting, after section 26 (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977), the following section:

“26A. Notwithstanding anything in this Part of this Act, the Commission may, if it thinks fit, decide at any time not to proceed with a proposal initiated or requested under section 26 of this Act.” 15

9. Conciliation procedures not required where local authorities in agreement—Section 27 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977) is hereby amended by repealing subsections (1) and (2), and substituting the following subsections: 20

“(1) Where the Commission is to consider any proposal under section 26 of this Act, it shall ascertain whether or not all the local authorities that are likely, in the opinion of the Commission, to be affected, are in agreement on the proposal. 25

“(2) Where the Commission has ascertained that all the local authorities that are likely, in its opinion, to be affected by the proposal are in agreement on the proposal, it may, if it thinks fit, proceed forthwith under subsections (7) and (8) of this section. 30

“(2A) Where the Commission has ascertained that the local authorities that are likely to be affected by a proposal are not all in agreement on the proposal, the Commission shall, as a first step, appoint not more than 2 persons (whether members of the Commission or not) to be a conciliator or conciliators to make such inquiries, conduct such negotiations, and obtain such information (hereinafter referred to as conciliation proceedings) as he or they think necessary 35 40

or desirable, or as the Commission directs, for the purpose of inducing the local authorities concerned to come to a fair and reasonable agreement in respect of the proposal.”

5 **10. Appeal against determination of Commission**—Section 37A (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977) is hereby amended by inserting, after the words “proceedings before the Commission”, the words “(whether conducted under the authority of this Act or any other Act)”.

10 **11. Purpose of community council**—Section 61 (d) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by omitting the expression “section 632”, and substituting the expression “section 666”.

15 **12. Enrolment where person holds more than one qualification**—(1) Section 75 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by omitting from subsection (4) the words “A person having qualifications”, and substituting
20 the words “Notwithstanding subsection (2) of this section, any person having rating or residential qualifications”.

(2) Section 75 of the principal Act (as so enacted) is hereby further amended by adding the following subsection:

25 “(5) The selection by the principal officer of the ward for which a person’s name shall be entered on the roll shall be binding unless the person notifies the principal officer, before the date of the close of the roll as determined under section 111 (1) of the Local Elections and Polls Act 1976, of his
30 desire to have his name entered on the roll of any other ward in respect of which he has a qualification.”

13. Alterations to apportionment of expenditure—Section 125 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby
35 amended—

(a) By inserting, after the words “from time to time”, the words “within the period beginning with the 2nd day of April and ending with the 31st day of August in any year”:

40 (b) By inserting, after the words “apportionment is made”, the words “with effect on and after the 1st day of April next following the date of the resolution”.

14. Objections as to alterations to apportionment of expenditure—(1) Section 125A of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by omitting from subsection (5) the words “after the passing of the resolution”, and substituting the words “after the date of the decision, but in any case not later than the 1st day of February next following the date of the decision”. 5

(2) Section 125A of the principal Act (as so enacted) is hereby further amended by repealing subsection (6), and substituting the following subsection: 10

“(6) The Commission shall, within 1 month after receiving any such objection but in any case not later than the 8th day of March next following the date of the decision, consider and determine the objection.” 15

15. Separate general rates in each ward—Section 138 (3) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by omitting the words “kept pursuant to section 202 of this Act”. 20

16. Fire protection rate—(1) Section 143 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977 and amended by section 8 (1) of the Local Government Amendment Act 1979) is hereby amended by repealing paragraph (a), and substituting the following paragraph: 25

“(a) A fire protection rate, for the purpose of meeting expenditure incurred under Part XXXIX of this Act:”.

(2) The Local Government Amendment Act 1979 is hereby amended by repealing so much of Part I of the Third Schedule as relates to section 143 (1) (a) of the principal Act. 30

17. New sections relating to differential rating substituted—The principal Act is hereby amended by repealing sections 147 and 148 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977), and substituting the following sections: 35

“147. **Differential rates**—(1) Instead of making and levying any rates that it is empowered to make and levy under this Act or any other enactment as uniform rates over the 40

district as a whole, or, as the case may be, over any ward as a whole or over any special rating area as a whole, the council may, pursuant to a special order, decide to adopt a system of rating on a differential basis, so that the rates made
5 and levied in respect of any one or more specified types or groups of property may vary from those rates made and levied in respect of another specified type or group of property.

“(2) Nothing in subsection (1) of this section shall
10 empower a council to determine a type or group of property for the purposes of that subsection according to the characteristics of any ratepayers or occupiers.

“(3) Where under this section the council decides to make and levy on a differential basis any specified rate or rates
15 but not all rates, or all rates with the exception of any specified rates, in the district or in any ward or special rating area, then, unless the context otherwise requires, sections 147A to 152 of this Act shall have effect only in relation to the rate or rates to be made and levied on a
20 differential basis.

“(4) Nothing in this section or in sections 147A to 152 of this Act shall apply with respect to any uniform charge on rateable property made and levied by the council, notwithstanding that by any other provision of this Act or by any
25 other Act the charge is deemed to be a rate, or that the council has resolved to make and levy the charge as a rate.”

“**147A. Introduction of differential rating**—(1) The following provisions shall apply with respect to every special order under section 147 (1) of this Act:

30 “(a) The special order may be made with respect to all rates made and levied by the council over the district or ward or special rating area, as the case may be, or with respect to any of those rates specified in the order, or with respect to all those
35 rates with the exception of any specified rates:

“(b) The resolution to make the special order shall specify the date on which differential rating shall come into force in the district, ward, or special rating area, as the case may be, which shall be a day
40 not earlier than the 1st day of April preceding the date fixed for the confirmation of the resolution and not later than the 1st day of April next following the confirmation of that resolution:

- “(c) The resolution to make the special order shall include a statement specifying—
- “(i) The matters taken into account in preparing the proposed system of differential rating:
 - “(ii) The proposed types or groups of property for differential rating within the district, ward, or special rating area, as the case may be: 5
 - “(iii) That the proposed system of differential rating has the object of establishing and preserving a stated relationship between the total proceeds of rates received from any type or group or combination of types or groups of property and any other type or group or combination of types or groups of property, if such is the case: 10
 - “(iv) The general effect that the introduction of differential rating is expected to have on the incidence of rates as between ratepayers or groups of ratepayers within the district, ward, or special rating area, as the case may be: 15
 - “(v) Such other matters as the council considers relevant: 20
- “(d) Every such statement shall be open for inspection by the public without fee:
- “(e) The first public notice of the resolution to make the special order shall be given not less than 60 days before the date fixed for the confirmation of the resolution to make the special order, and shall state— 25
- “(i) The times when and the places where inspection of the statement referred to in paragraph (c) of this subsection can be made; and 30
 - “(ii) That any person upon inquiry either in person at the public office of the council, or in writing addressed to the principal officer, shall be advised of the type or group of property to which a particular property will be allocated; and 35
 - “(iii) That any ratepayer may, at any time after the confirmation of the special order, object to the council in accordance with section 57 of the Rating Act 1967 against the allocation of a property to a particular type or group of property. 40
- “(2) Any council proposing to adopt a system of differential rating shall take such further action as it thinks fit, whether by notice to the individual ratepayers or otherwise, to ensure that information on the proposed system of differential rating is fully disseminated among ratepayers. 45

“148. Alteration to system of differential rating—

(1) Subject to section 148A of this Act, the Council may from time to time, by special order, alter the system of differential rating as applied in the district or in any ward or special rating area, as the case may be, and section 147A of this Act shall, with the necessary modifications, apply in respect of every such alteration as if the resolution to make the special order were a resolution passed under that section.

“(2) For the purposes of subsection (1) of this section, any alteration to a particular stated relationship between the total proceeds of rates received from any type or group or combination of types or groups of property and any other type or group or types or groups of property shall constitute an alteration to the system of differential rating.

“148A. **Certain changes not to comprise alteration to system of differential rating—**Where it is specified in the statement required under section 147A (1) (c) of this Act that the system of differential rating has, as a purpose, the object of establishing and preserving a stated relationship between the total proceeds of rates received from any type or group or combination of types or groups of property and any other type or group or combination of types or groups of property, any change in the rate in the dollar made in respect of any type or group of property to preserve that stated relationship shall be deemed not to be an alteration to the system of differential rating for the purposes of section 148 of this Act.”

18. Expiry of certain systems of differential rating—

(1) Subject to subsection (2) of this section, the repeal of section 147 of this Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) by section 17 of this Act shall not affect the validity of any system of differential rating adopted by a council before the commencement of this Act.

(2) Any system of differential rating adopted before the commencement of this Act that does not comply with section 147 of the principal Act (as substituted by section 17 of this Act) shall not continue in force beyond the 31st day of March 1982.

19. Revocation of differential rating—Section 149 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by adding the following subsections:

“(3) The resolution to make the special order shall include a statement specifying the matters taken into account in proposing the revocation of the system of differential rating.

“(4) Every such statement shall be open for inspection by the public without fee, and the first public notice of the resolution to make the special order shall be given not less than 60 days before the date fixed for the confirmation of the resolution to make the special order, and shall state the times when and the places where the statement may be inspected.”

20. Levying of differential rate—Section 151 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by omitting from subsection (1) the words “basis or bases”, and substituting the words “different types or groups of property”.

21. Water charges—Section 158 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Any uniform annual charge made and levied under subsection (1) of this section may be made and levied in respect of each separately occupied portion of any property.”

22. Water race charge—(1) Section 160 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The territorial authority may from time to time, by resolution publicly notified,—

“(a) Prescribe the charges to be paid for water supplied under Part XXV of this Act and the area of land that shall be liable for such charges:

“(b) Prescribe a scale of charges differing in any water race area from those in another, or differing in the several subdivisions of any water race area according to circumstances.”

(2) The Local Government Amendment Act 1979 is hereby amended by repealing so much of Part I of the Third Schedule as relates to section 160 of the principal Act.

23. Territorial authority may levy uniform annual charge instead of rates for certain purposes—The principal Act is hereby amended by repealing section 164A (as enacted by section 7 (1) of the Local Government Act 1979), and substituting the following section:

- “164A. (1) Instead of making and levying—
- “(a) A works and services rate under section 142 of this Act; or
 - “(b) A lighting rate under section 143 (1) (d) of this Act; or
 - “(c) A recreation rate under section 143 (1) (e) of this Act; or
 - “(d) A telephone rate under section 143 (1) (g) of this Act; or
 - “(e) An underground conversion rate under section 143 (1) (h) of this Act; or
 - “(f) A harbour rate under section 143 (1) (l) of this Act,—

a territorial authority may, by resolution, make and levy a uniform annual charge or charges on every property in respect of which such rate or rates would be payable.

“(2) Different charges may be made and levied under this section in different parts of the district.”

24. Charges deemed to be rates—Section 167 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by repealing the proviso.

25. Distribution of proceeds of local authorities petroleum tax—(1) Section 198 (2) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by inserting in paragraph (a) (i), after the words “on its own behalf”, the words “or levied on its behalf under section 133 of this Act,”.

(2) Section 198 (2) of the principal Act (as so enacted) is hereby further amended by adding the following paragraph:

- “(c) In relation to any component authority that is a regional council, means all assessments made and levied under section 141 of this Act by that council within the tax area.”

26. Financial records—(1) The principal Act is hereby amended by repealing sections 202 and 203 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977), and substituting the following section:

“202. (1) Subject to the succeeding provisions of this section, every council shall keep such financial records, and in such manner, as may be prescribed by regulations made under section 223 of this Act, and shall enter in those records full and correct details of all money received and spent by it.

“(2) Every council shall keep its financial records in such manner that clearly shows whether or not all transactions involving money received by way of loan raised under the Local Authorities Loans Act 1956 have been conducted as required by or under section 56 of that Act.

“(3) Every council shall keep its financial records in such manner that—

“(a) Any money received on trust; and

“(b) Any money received for special purposes—
is properly accounted for.

“(4) Every regional council shall keep its financial records in such manner that the allocation of the proceeds of—

“(a) Any regional rate levied under section 135 of this Act; and

“(b) Any regional works and services rate levied under section 140 of this Act; and

“(c) Any rate or assessment levied under section 141 of this Act; and

“(d) The distribution of the local authorities petroleum tax to the council under section 198 of this Act—
to the various activities and purposes carried on by the council, and the proper charging of the expenditure on those activities and purposes, is clearly recorded.

“(5) Every united council shall keep its financial records in such manner that the allocation of the revenue of the council, including the contributions paid to the council by any constituent authority or by the territorial authority for any out-district of the region, to the various activities and purposes carried on by the council, and the proper charging of the expenditure on those activities and purposes, is clearly recorded.

“(6) Every territorial authority shall keep its financial records in such manner that the allocation of the proceeds of—

5 “(a) Any general rate levied under section 136 of this Act; and

“(b) Any works and services rate levied under section 142 of this Act; and

“(c) Any separate rate levied under section 143 of this Act; and

10 “(d) Any uniform annual charge levied under any of the provisions of sections 158, 160, 162, 163, 164, or 164A of this Act—

to the various activities and purposes carried on by the authority, and the proper charging of the expenditure on
15 those activities and purposes, is clearly recorded.

“(7) Subject to section 122 of this Act, every territorial authority shall keep its financial records in such manner that the allocation of the proceeds of—

20 “(a) Any general rate levied in any ward or other division of the district under section 137 of this Act; and

“(b) Any community general rate levied in any community under section 139 of this Act; and

“(c) Any works and services rate levied in any part of a district under section 142 of this Act; and

25 “(d) Any separate rate levied in any part of a district under section 143 of this Act; and

“(e) Every improvement and development rate levied in any community under section 144 of this Act—

30 to the service of that ward, division, community, or part of a district, as the case may be, and the expenditure of that ward, division, community, or part of a district is clearly recorded.

“(8) Where the Audit Office is satisfied that any money received is not properly allocated to any account, or that any
35 expenditure incurred is not properly charged to any account, it shall direct that the money be allocated or charged to such account as it considers proper, and the council shall comply with any such direction.

40 “(9) The decision of the Audit Office as to whether or not any money received is properly allocated to any account, or any expenditure incurred is properly charged to any account, shall be final.”

(2) The Local Government Amendment Act 1979 is hereby amended by repealing so much of the Second Schedule as relates to section 202 of the principal Act.

27. Remuneration of Mayor or Chairman and other members attending meetings as representative of council— 5
Section 214 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Where, pursuant to a resolution of the council, any member of the council attends any conference or meeting as a representative of the council, not being a meeting of any other local authority of which he is a member, he shall be deemed, for the purposes of this section and any notice under subsection (1) of this section, to be attending a meeting of the council.” 15

28. Rates of interest—(1) The principal Act is hereby amended by repealing section 221 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977), and substituting the following section: 20

“221. (1) Where, under this Act or any other Act, a council advances money to any person, it may, subject to any agreement between the council and that person, charge interest on the money advanced at a rate per annum of not more than 1 percent above the maximum rate for the time being fixed under section 9 of the Local Authorities Loans Act 1956 with respect to money to which that section applies. 25

“(2) Where a Council is owed money under section 459 (6) or section 673 (1) of this Act, the council may, subject to any agreement between the council and that person, charge interest on the amount owing at a rate per annum of not more than 1 percent above the maximum rate for the time being fixed under section 9 of the Local Authorities Loans Act 1956 with respect to money to which that section applies.” 30

(2) The Local Government Amendment Act 1979 is hereby amended by repealing so much of Part I of the Third Schedule as relates to section 221 of the principal Act. 35

29. **Regulations relating to accounting**—Section 223 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by repealing paragraph (d), and substituting the following paragraph:

“(d) The establishment of such separate accounts as are specified in the regulations:”.

30. **Sale or exchange of council land**—(1) Section 230 (3) of the principal Act (as substituted by section 7 (1) of the Local Government Amendment Act 1979) is hereby amended by inserting in paragraph (a) of the second proviso, before the words “The land shall not be sold”, the words “Subject to paragraph (aa) of this proviso,”.

(2) Section 230 (3) of the principal Act (as so substituted) is hereby further amended by inserting, after paragraph (a) of the second proviso, the following paragraph:

“(aa) In the case of leased land to be sold to the lessee, the land shall not be sold for a price that is less than the unimproved value of the land plus the value of any improvements not formerly made by or purchased by the lessee, that price being determined by the Valuer-General under the Valuation of Land Act 1951 not earlier than 6 months before the date of the sale:”.

(3) Section 230 (3) of the principal Act (as so substituted) is hereby further amended by inserting in paragraph (b) of the second proviso, before the words “In the case of an exchange”, the words “Subject to paragraph (c) of this proviso,”.

(4) Section 230 (3) of the principal Act (as so substituted) is hereby further amended by adding to the second proviso, the following paragraph:

“(c) In the case of an exchange between the council and the lessee of leased land, the total of—

“(i) The value of the land received by the council in exchange, as determined by the Valuer-General under the Valuation of Land Act 1951 not earlier than 6 months before the date of the exchange; and

“(ii) Any money received by the council by way of equality of exchange,— shall not be less than the unimproved value of the land given by the council in exchange, plus the

value of any improvements not formerly made by or purchased by the lessee, as determined by the Valuer-General under the Valuation of Land Act 1951 not earlier than 6 months before the date of the exchange.”

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31. Removal of Crown exemption from requirements relating to scheme plan of subdivision—Section 275 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by repealing paragraph (b) of the proviso.

10

32. Bonds—Section 304 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by adding the following subsection:

“(4) Where, pursuant to the provisions of any former enactment corresponding to this Part of this Act, the owner of any parcel of land, or his predecessor in title, has, before the commencement of this Part of this Act, become bound by any condition imposed by a council that, if it had been imposed under this Part of this Act could have been subject to a bond for its performance, this section shall apply with respect to that condition as if it were a condition in respect of which a bond has been entered into under this section, and any caveat lodged by the council to protect the interest created by the condition shall, on the registration of the bond, be deemed to have lapsed.”

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33. Certification by council of scheme plan for subdivision—Section 306 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by repealing paragraph (g), and substituting the following paragraph:

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“(g) The council has certified on the plan that—

“(i) It is in accordance with the requirements and provisions of the operative district scheme; or

“(ii) It was in accordance with the requirements and provisions of the operative district scheme that was in force at the date of approval of the scheme plan; or

35

“(iii) It is in accordance with a specified departure consented to under section 74 of the Town and Country Planning Act 1977.”

40

34. Plan approved subject to amalgamation or transfer of allotments—(1) Section 308 (3) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by repealing paragraph (a),
5 and substituting the following paragraph:

“(a) To be an instrument capable of registration under the Land Transfer Act 1952, and, when so registered, to create in favour of the council an interest in the several parcels of land within the meaning of section 62 of that Act; and”.

10 (2) Section 308 (5) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by omitting the words “owing to the provisions of”, and substituting the words “because of the
15 provisions of subsection (3) or”.

35. Issue of certificate of title relating to subdivision—Section 312 (2) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by repealing paragraph (f), and substituting the
20 following paragraph:

“(f) The council has certified on the plan or on a copy thereof—

25 “(i) That the allotment is in accordance with the requirements and provisions of the operative district scheme; or

“(ii) That the allotment was in accordance with the requirements and provisions of the operative district scheme that was in force at the date of approval of the scheme plan; or

30 “(iii) That the issue of the certificate of title was authorised by a specified departure consented to under section 74 of the Town and Country Planning Act 1977.”

36. Initial naming of roads—The principal Act is hereby
35 amended by inserting, after section 319 (as enacted by section 2 of the Local Government Amendment Act 1978), the following section:

“319A. Where the council names any road for the first time, it shall, as soon as conveniently may be after doing so,—

- “(a) Advise the District Land Registrar of the land registration district within which the land is situated, who shall note his records accordingly; and
- “(b) Advise the Chief Surveyor of the land district within which the land is situated.” 5

37. Betterment arising from creation or widening of road—Section 326 (1) (b) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by omitting the words “land that”, and substituting the words “part of any land and the other part of that land”. 10

38. Rights in respect of private drains—Section 461 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by omitting the expression “paragraph (c)”, and substituting the expression “paragraph (e)”. 15

39. Bylaws relating to charges for trade wastes disposal—Section 491 (1) (h) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby repealed. 20

40. Charges relating to trade wastes—(1) Section 494 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended—

- (a) By inserting, after the words “The charges”, the words “payable by the owner or occupier of trade premises”:
- (b) By inserting in paragraph (b), after the words “in respect of the”, the word “treatment,”.

(2) Section 494 (3) (b) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by inserting, after the words “in respect of the”, the word “treatment,”. 30

41. New sections relating to trade wastes outside district substituted—The principal Act is hereby amended by inserting, after section 501 (as enacted by section 2 of the Local Government Amendment Act 1979), the following heading and sections: 35

*“Powers of Local Authority as to Trade Wastes Disposal
Outside District*

“501A. **Local Authority may construct trade wastes disposal works outside district**—Subject to the provisions of this Act or
5 any other Act relating to pollution of waters or to nuisances,
a local authority may construct such trade wastes treatment,
reception, or disposal works as it thinks necessary through
any lands outside the district for the purpose of conveying
trade wastes into the sea, or into any lagoon, river, or water-
10 course, or to any place convenient for the purposes of treating
or disposing of trade wastes.

“501B. **Construction and repair of trade wastes disposal works outside district**—The Fourteenth Schedule to this Act
shall apply to such parts of any trade wastes disposal works
15 as lie beyond the district.

“501c. **Local authority may agree to use trade wastes works under control of other local authority**—The local authority
may agree with any local authority or other body for the
use of any trade wastes treatment, reception, or disposal
20 works under the control of that other local authority or other
body for the purpose of conveying trade wastes upon such
terms and conditions for that use, or for the alteration,
enlarging, covering in, or maintenance of any part of those
trade wastes treatment, reception, or disposal works as may
25 be agreed on by the local authority and that other local
authority or other body.

“501D. **Local authority may deal with trade wastes from areas outside district**—(1) The local authority may, with the
consent of the local authority of any district, extend its trade
30 wastes treatment, reception, or disposal system into any area
within that district.

“(2) Where any local authority so extends its trade wastes
treatment, reception, or disposal system, it may, at the
request of the owner of any premises in that area, and on
35 such terms and conditions as it determines, including the
payment by the owner of any charges in respect of the
service rendered by the connection, connect those premises
with the system as so extended.

“(3) For the purposes of this section, all the provisions of this Part of this Act relating to trade wastes, and all the powers given to the local authority thereby, shall apply equally to all premises, places, persons, and things in any area to which the trade wastes treatment, reception, or disposal system of a local authority has been extended as if that area were within the district of that local authority. 5

“501E. **Discontinuance of trade wastes system outside own district**—(1) At any time, after giving not less than 12 months’ notice in writing to the owner of its intention to do so, the local authority may disconnect from its trade wastes treatment, reception, or disposal system any premises connected to its system under section 501D of this Act. 10

“(2) Where any local authority disconnects any premises from its trade wastes treatment, reception, or disposal system after giving the notice required by subsection (1) of this section, the local authority shall not be liable to the owner for any loss or damage suffered by him because the service is no longer rendered.” 15

42. Contracts for supply of energy outside district—Section 525 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by repealing paragraph (b), and substituting the following paragraph: 20

“(b) Contract with any local authority or person carrying on business outside the district to supply such energy to that local authority or person upon such terms and conditions as may be mutually agreed upon.” 25

43. New heading and section inserted—The principal Act is hereby amended by inserting, after section 536A (as enacted by section 2 of the Local Government Amendment Act 1979), the following heading and section: 30

“Agreements for Supply of Energy

“536B. **Territorial authority, regional council, or united council may enter into arrangements with other bodies for the supply of energy**—In the exercise of its powers and functions under this Part of this Act, any territorial authority, regional council, or united council may enter into any 35

contract or arrangement for sharing of profits, union of interest, co-operation, joint venture, reciprocal concession, or otherwise with any Government department, local authority, corporation, company, or person carrying on or engaged in, or about to carry on or engage in, any activity that the territorial authority, regional council, or united council is authorised to undertake under this Part of this Act.”

10 **44. Council may guarantee payment of interest**—(1) Section 596 (5) of the principal Act (as inserted by section 2 of the Local Government Amendment Act 1979) is hereby amended by inserting, after the words “of any money”, the words “(including any interest payable on that money)”.

15 (2) Section 598 (4) (b) of the principal Act (as inserted by section 2 of the Local Government Amendment Act 1979) is hereby amended by inserting, after the words “of any money”, the words “(including any interest payable on that money)”.

20 (3) Section 601 (5) (b) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by inserting, after the words “of any money”, the words “(including any interest payable on that money)”.

25 **45. Definition of “residential elector” in relation to polls concerning uniform fees for community centres**—Section 604 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by adding the following definition:

30 “‘Residential elector’ means any person who is qualified to be an elector of the district of the territorial authority and has his permanent home at a place within the community centre area.”

35 **46. Residential electors may petition for and participate in poll relating to uniform fee for community centre**—Section 610 (5) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by omitting the word “occupiers” in each place where it occurs, and substituting in each case the words “residential electors”.

47. Definition of term “apartment building”—Section 636 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by repealing the definition of the term “apartment building”, and substituting the following definition: 5

“‘Apartment building’ means a building in which accommodation is provided for 3 or more families living independently of one another, with or without a common right to the use of cooking or laundry facilities, sanitary conveniences, entrances, passages, stairways, or open spaces; and where necessary includes a portion of such a building or a combination of 2 or more such buildings or parts of such buildings; but does not include— 10

“(a) Any building comprising wholly or principally owner-occupier flats, except where the council is satisfied that the building is being used or is to be used solely or principally for letting purposes; or 15

“(b) Any single storey building comprising wholly or principally apartments each of which is completely self-contained and has its own separate outside entrance.”. 20

48. Wilful or negligent destruction of or damage to works or property—Section 694 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by inserting, after the words “on indictment”, the words “to imprisonment”. 25

49. Works on private land—Section 708 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by omitting the words “in the district” in both places where they occur. 30

50. District Noxious Plants Authorities included in Part II of First Schedule—The First Schedule to the principal Act (as substituted by section 2 of the Local Government Amendment Act 1976) is hereby amended by inserting in Part II, after the item relating to Catchment Commissions, the following item: 35

“District Noxious Plants Authorities	1978, No. 15—The Noxious Plants Act 1978”.	40
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51. Amendments to Fourteenth Schedule—The Fourteenth Schedule to the principal Act (as enacted by section 6 of the Local Government Amendment Act 1979) is hereby amended—

- 5 (a) By inserting in the heading, after the expression “477,”, the expression “501B,”:
- (b) By inserting in the heading, after the words “DRAINAGE WORKS,”, the words “TRADE WASTES SYSTEMS,”:
- 10 (c) By inserting in clause 1, after the words “or drainage works”, the words “or trade wastes systems”:
- (d) By inserting in clause 3, after the words “or drainage works”, the words “or trade wastes systems”:
- 15 (e) By inserting in clause 4, after the words “or drainage works”, the words “or trade wastes systems”.

52. Amendments to Sixteenth Schedule—The Sixteenth Schedule to the principal Act (as enacted by section 6 of the Local Government Amendment Act 1979) is hereby amended—

- 20 (a) By omitting from clause 1 the words “in the district” in both places where they occur:
- (b) By adding to paragraph (a) of clause 1, after the words “within the district”, the words “in which the works are to be undertaken”.

25 **53. References to principal administrative officer substituted**—Section 9 (17) of the Local Government Amendment Act (No. 3) 1977) is hereby amended by inserting, after the words “the principal”, the word “administrative”.

PART II

30 AMENDMENTS OF OTHER ACTS

54. Rural Housing Act 1939—Section 3 (2) of the Rural Housing Act 1939 is hereby amended by omitting the word “county”, and substituting the word “district”.

35 **55. Harbours Act 1950**—(1) Section 2 (1) of the Harbours Act 1950 is hereby amended by repealing the definition of the term “local authority” (as substituted by section 2 (3) of the Harbours Amendment Act 1977), and substituting the following definition:

“‘Local authority’ means a regional council, united council, city council, borough council, district council, county council, or town council:”.

(2) Section 2 (3) of the Harbours Amendment Act 1977 is hereby consequentially repealed. 5

(3) The Local Government Amendment Act (No. 3) 1977 is hereby amended by consequentially repealing so much of Part II of the Third Schedule as relates to the Harbours Act 1950.

56. Rating Act 1967—(1) Section 54 (2) of the Rating Act 1967 is hereby amended by inserting, after paragraph (c), the following paragraph: 10

“(ca) The allocation of the property to any type or group of property under any system of differential rating adopted under Part IX of the Local Government Act 1974:” 15

(2) Section 57 (1) of the Rating Act 1967 is hereby amended by inserting, after paragraph (d), the following paragraph:

“(da) That a property is incorrectly allocated to any type or group of property under any system of differential rating adopted under Part IX of the Local Government Act 1974:” 20

57. Town and Country Planning Act 1977—Section 74 (4) of the Town and Country Planning Act 1977 is hereby 25 repealed.