

LOCAL GOVERNMENT REFORM (TRANSITIONAL PROVISIONS) BILL

EXPLANATORY NOTE

THIS Bill contains provisions dealing with a number of transitional matters arising from the reform of local government, and, in particular, the change in balance date for local authorities.

Clause 1 relates to the Short Title.

PART I

TRANSITIONAL PROVISIONS IN RELATION TO RATING

Part I contains a transitional rating procedure for the 3 month financial period running from 1 April to 30 June 1990. The procedure is a discretionary one and contains within it a number of options which local authorities may exercise according to local conditions.

Clause 2 defines certain terms used in Part I of the Bill.

Clause 3 provides that local authorities may adopt the transitional rating procedure provided for in the Bill.

Clause 4 provides for a local authority to exclude its funding requirement in respect of particular specified functions from the transitional rating procedure.

Clause 5 requires a local authority to give public notice of its intention to adopt the transitional rating procedure.

Clause 6 provides for the formal adoption of the transitional rating procedure, by resolution of the local authority.

Clause 7 outlines the method by which the sums payable by ratepayers under the transitional rating procedure are to be calculated in relation to functions funded by way of rates in the previous financial year.

A local authority is required to prepare estimates of expenditure in the usual way and to determine its estimated net revenue requirement.

The sum that is to be payable in respect of each rateable property is to be proportionate to the rates levied in the previous financial year.

Clause 8 provides for those functions which in the previous financial year were funded by levies assessed by united councils, or the Auckland Regional

Authority. Any net revenue requirements for these functions in the transitional quarter are to be collected by territorial authorities. This clause outlines the method by which the sums payable by territorial authorities to regional councils under the transitional rating procedure are to be calculated.

Clause 9 contains provision for the relative shares of the funds required by the Auckland Regional Council in the transitional quarter which are to be payable by individual authorities to be settled by agreement among the local authorities concerned, or in the absence of such agreement, to be determined by the Local Government Commission.

Clause 10 relates to the funding of new regional functions or those where there has been a significant change in the scale, nature, or cost of the function.

Clause 11 provides for the payment by territorial authorities to regional councils of sums calculated under the transitional rating procedure.

Clause 12 deems the rating systems, valuation rolls, differential rating systems, and agreements for the levying and collection of rates that were in place in former districts to be continued where the transitional rating procedure has been adopted. In addition the clause sets aside, in respect of the transitional quarter, previous instalment rating systems.

Clause 13 provides for the form of assessment to be used to levy rates under the transitional rating procedure.

Clause 14 provides for the application of additional charges to rates levied under the procedure in the transitional quarter.

Clause 15 provides for the operation of instalment rating in the year commencing 1 July 1990 where rates have been levied under the transitional rating procedure in the previous period.

Clause 16 deems the proceeds of the levying of rates under the transitional rating procedure to be rates and provides for the payment of those proceeds to appropriate accounts by local authorities.

Clause 17 provides for the remission, in certain circumstances, of rates levied under the transitional rating procedure.

Clause 18 relates to public bodies that have power to impose levies on local authorities.

Clause 19 provides for the provisions of this Part of the Bill to override any conflicting or inconsistent provisions of the Rating Powers Act 1988.

PART II

MISCELLANEOUS AMENDMENTS

Amendments to Local Government Act 1974

Clauses 20 and 21 correct errors in the Local Government Amendment Act (No. 3) 1989.

Clause 22 provides that new local authorities may, until 1 October 1990, borrow for transitional purposes related to their establishment. All borrowings under this provision are to be repaid by 31 December 1992. The power conferred by the clause is similar to the power previously granted to transitional committees by section 17 of the Local Government Amendment Act 1989.

Clause 23 permits local authorities to commence, before 1 July 1990, both the preparation of the annual report on plans which local authorities are required to provide under section 223D of the Local Government Act 1974, and the special consultative procedure in relation to those plans.

Amendments to Rates Rebate Act 1973

Clause 24 amends the Rates Rebate Act 1973 to facilitate the operation of that Act both in the transitional quarter and in the subsequent financial years running from 1 July to 30 June.

Clause 25 provides that, notwithstanding anything in sections 5 and 8 of the Rates Rebate Act 1973, in the case of the financial year commencing on 1 April 1990 and ending with 30 June 1990, no territorial authority shall grant a rebate pursuant to section 5 of the Rates Rebate Act 1973 before the rates for that financial year have been made.

Amendments to Dog Control and Hydatids Act 1982

Clauses 26 to 31 amend the Dog Control and Hydatids Act 1982. The amendments will facilitate the fixing of fees under that Act both during the transitional quarter and in subsequent financial years running from 1 July to 30 June.

Amendments to Auckland War Memorial Museum Maintenance Act 1979

Clause 32 amends the Auckland War Memorial Museum Maintenance Act 1979 to adapt the levying provisions of that Act to the financial year running from 1 July to 30 June.

Amendments to Local Authorities Loans Act 1956

Clause 33 amends the Local Authorities Loans Act 1956 to alter the method to be used for the determination of overdraft limits for new local authorities.

Amendments to Wellington Regional Water Board Act 1972

Clauses 34 and 35 amend the Wellington Regional Water Board Act 1972 to adapt the levying provisions of that Act to the financial year running from 1 July to 30 June.

Amendments to Auckland Metropolitan Drainage Act 1960

Clause 36 repeals provisions of the Auckland Metropolitan Drainage Act 1960 that are no longer required.

Hon. Dr. Michael Bassett

LOCAL GOVERNMENT REFORM (TRANSITIONAL PROVISIONS)

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A BILL INTITULED

An Act to provide for transitional arrangements in relation to the reform of local government and to effect miscellaneous amendments to certain Acts

BE IT ENACTED by the Parliament of New Zealand as follows: 5

1. Short Title—This Act may be cited as the Local Government Reform (Transitional Provisions) Bill 1989.

PART I

TRANSITIONAL PROVISIONS IN RELATION TO RATING

2. Interpretation—In this Part of this Act, unless the context otherwise requires,— 10

“District” means the district of a territorial authority or the region of a regional council, as the case may require:

“Estimated net revenue” means, in relation to a local authority, that part of the estimated expenditure of the local authority (including, in the case of a territorial authority, any sums required to be paid to a regional council in accordance with **section 11** of this Act or to a public body in accordance with **section 18** of this Act) which exceeds the local authority’s estimated income from sources other than rates: 15 20

“Explanatory statement” means a statement which is designed to inform the public about the transitional rating procedure and which includes— 25

(a) Information showing that the object of the procedure is to facilitate the operation of rating during the transitional quarter that arises from the change from a financial year commencing on the 1st day of April in each year to one commencing on the 1st day of July in each year; and 30

(b) Information about the necessity of providing funds for the local authority’s estimated expenditure for the transitional quarter; and

(c) Information showing that the method of calculating the sums payable is based on the proportion of the rates made and levied in the previous financial year; and 35

(d) Such other information as the local authority considers relevant: 40

“Former district”, in relation to any local authority, has the same meaning as in the Order in Council by

which the local authority was constituted under section 36 of the Local Government Act 1974:

“Function”, in relation to a local authority, means—

5 (a) Any function, or work, or service, within the meaning of the Rating Powers Act 1988; and

(b) The general administration of the district of the local authority:

“Local authority” means either a territorial authority or a regional council, as the case may require:

10 “Order in Council” means, in relation to any local authority, the Order in Council by which that local authority was constituted under the Local Government Act 1974:

“Previous financial year” means—

15 (a) The financial year ending on the 31st day of March 1990; or

(b) In relation to any former authority that did not have a financial year ending on the 31st day of March 1990, the financial year of that former authority that ended most recently before the 31st day of March 20 1990:

“Public body” means any public body which, under the provisions of any Act, is empowered to assess levies that are payable by local authorities:

25 “Regional council” has the same meaning as in the Local Government Act 1974:

“Special-purpose authority” has the same meaning as in the Rating Powers Act 1988:

30 “Territorial authority” has the same meaning as in the Local Government Act 1974:

“Transitional rating procedure” means the transitional rating procedure authorised by this Act:

35 “Transitional quarter” means the period commencing on the 1st day of April 1990 and ending on the 30th day of June 1990.

3. Power to adopt transitional rating procedure for transitional quarter—(1) For the purposes of the making and levying of rates during the transitional quarter, a local authority may, by resolution, adopt the transitional rating procedure provided for in this Act.

40 (2) A local authority may adopt the transitional rating procedure,—

(a) In respect of its total estimated net revenue requirement for all its functions; or

(b) Subject to **section 4** of this Act, in respect of its estimated net revenue requirement for only some of its functions; or

(c) Subject to **subsection (4)** of this section, separately in respect of its net revenue requirement for any specified function or group of functions. 5

(3) Where a local authority adopts the transitional rating procedure in respect of only some of its functions, it may proceed to make and levy rates in accordance with the Rating Powers Act 1988 in respect of any other of its functions. 10

(4) A local authority may resolve to adopt the transitional rating procedure separately in respect of any function, or group of functions, which, in the previous financial year, were funded by way of a general rate or separate rates made and levied by a former authority. 15

(5) The adoption of the transitional rating procedure shall not affect—

(a) The imposition, payment, or receipt of any charge authorised by sections 26 to 31 of the Rating Powers Act 1988; or 20

(b) The payment of any charges authorised by the Valuation of Land Act 1951 during the transitional quarter.

(6) Where a local authority has adopted the transitional rating procedure for the funding of all or any of its functions, the sums payable under the transitional rating procedure in respect of any such function or functions shall be those calculated in accordance with **section 7** or **section 8** or **section 9** of this Act, as the case may require. 25

4. Exclusions from transitional rating procedure—

(1) Where a function of a local authority is— 30

(a) A function of a former authority that was a special purpose authority; and

(b) A function for which the local authority has assumed responsibility pursuant to an Order in Council; and

(c) A function in respect of which the former authority has made and levied a rate in the previous financial year; and 35

(d) A function in respect of which the local authority has resolved to continue and make a separate rate during the transitional quarter,— 40

the local authority may, by the resolution adopting the transitional rating procedure, exclude that function from the operation of that procedure.

(2) Where a function of a local authority is—

- (a) A function of a former authority; and
 - (b) A function in respect of which the former authority made and levied, in the previous year, a rate on property within a part or parts only of the district of the local authority; and
 - (c) A function in respect of which the local authority has resolved to continue to make and levy a separate rate within the part or parts only of its district within which the former authority made and levied, in the previous year, a rate on property,—
- the local authority may, by the resolution adopting the transitional rating procedure, exclude that function from the operation of the procedure.
- (3) Where it is necessary for a local authority to levy any rate previously deemed to have been made in respect of any special loan, the local authority may, by the resolution adopting the transitional rating procedure, exclude the levying of that rate from the operation of that procedure.
- (4) Where, in any case to which **subsection (1)** or **subsection (2)** or **subsection (3)** of this section does not apply, the local authority resolves to make and levy a separate rate in respect of any function during the transitional quarter, the local authority may, by the resolution adopting the transitional rating procedure, exclude the making and levying of that rate from the operation of that procedure.

5. Public notice of intention to adopt transitional rating procedure—

- (1) A local authority shall, not less than 10 working days before making a resolution to adopt the transitional rating procedure, give public notice of its intention to adopt the transitional rating procedure.
- (2) The public notice—
- (a) Shall indicate, as the case may require, whether the procedure is intended to be adopted—
 - (i) In respect of all the functions of the local authority; or
 - (ii) In respect of only some specified functions of the local authority; or
 - (iii) Separately in respect of any particular function or group of functions of the local authority; and
 - (b) Shall contain an explanatory statement; and
 - (c) In any case where the rates are to be levied and collected on behalf of the local authority by another local authority, state that the rates are to be so levied and collected.

(3) Where the local authority intends levying and collecting the rates on its own account, the public notice given pursuant to **subsection (1)** of this section shall also—

- (a) State the day or days on which it is proposed that the rates should become due and payable; and 5
- (b) Give details of any discount which it is proposed to offer in terms of section 131 of the Rating Powers Act 1988 and the date of the last day upon which it is proposed the rates must be paid for the discount to be available; and 10
- (c) State that the valuation roll and the rate records for the district, and the local authority's estimates of expenditure for the transitional quarter, are available for inspection. 15

(4) Where the sums raised under the transitional rating procedure are to include any sums to be paid to any other local authority in terms of **section 8** or **section 9** of this Act or to any public body in terms of **section 18** of this Act, the public notice given under **subsection (1)** of this section shall state that the sums raised will include sums to be so paid. 20

6. Adoption of transitional rating procedure by local authority—Every resolution of a local authority to adopt the transitional rating procedure—

- (a) Shall specify, as the authority considers appropriate,— 25
 - (i) That the procedure is being adopted in respect of all the functions of the authority; or
 - (ii) The functions of the authority in respect of which the procedure is being adopted; or
 - (iii) The functions of the authority in respect of which the procedure is not being adopted; and 30
- (b) Shall specify the proportion calculated in accordance with **section 7 (1) (b)** or **section 8 (2) (b)** of this Act, as the case may require; and
- (c) Shall specify, except where the rates are to be levied and collected on behalf of the local authority by another local authority,— 35
 - (i) The day or days on which the rates are to become due and payable; and
 - (ii) Details of any discount offered in terms of section 131 of the Rating Powers Act 1988 in respect of the payment of such rates and the date or dates by which the rates must be paid in order for the discount to be available; and 40

(iii) Details of any additional charge that it proposes to impose in accordance with **section 14** of this Act and the date on which the additional amount is to be added to the amount of unpaid rates.

- 5 **7. Calculation of sums payable under transitional rating procedure**—(1) Where a local authority adopts the transitional rating procedure in respect of any function or functions which in the previous financial year were funded by way of a rate made and levied by a former authority, the sums payable under the transitional rating procedure shall be calculated in accordance with the following provisions:
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- 15 (a) The local authority shall prepare estimates of income and expenditure for the transitional quarter, and establish its estimated net revenue requirement:
- 20 (b) The local authority shall calculate the proportion which that estimated net revenue requirement represents of the total of rates (including any uniform annual general charge or separate uniform annual charge) that were made in respect of rateable property within its district by former authorities during the previous financial year:
- 25 (c) The local authority shall determine in respect of each separately rateable property in the district the sum that stands in the same proportion as that calculated in accordance with **paragraph (b)** of this subsection to the total sum of rates made in respect of that separately rateable property by former authorities in the previous financial year:
- 30 (d) The local authority shall levy, in respect of every separately rateable property in the district, the sum calculated in accordance with **paragraph (c)** of this subsection by delivering to the occupier an assessment complying with **section 13** of this Act.
- 35 (e) Every sum levied in accordance with **paragraph (d)** of this subsection shall be deemed to be a rate and—
- 40 (i) Shall be payable at the place or places and by the date specified in the assessment; and
- (ii) Shall be recoverable as a debt due by the local authority; and
- (iii) Shall be recorded in the rate records for the district—
- in all respects as if it were a rate made and levied in accordance with the provisions of the Rating Powers Act 1988.

(2) Where a local authority has resolved, in accordance with **section 4** of this Act, to exclude any function from the transitional rating procedure, the calculation of the sums payable under the transitional rating procedure in accordance with **subsection (1)** of this section shall exclude— 5

- (a) The estimated net revenue requirement in respect of any such excluded function during the transitional quarter; and
- (b) Any separate rates or uniform annual charge or separate uniform annual charge made and levied on rateable property in the district in respect of any such excluded function by any former authority in the previous financial year. 10

(3) Where a local authority has resolved to adopt the transitional rating procedure separately in relation to any function or any group of functions, the calculation, in accordance with **subsection (2)** of this section of the sums payable shall include— 15

- (a) The estimated net revenue requirement in respect of the relevant function or group of functions only; and 20
- (b) Any separate rates or uniform annual charge or separate uniform annual charge made and levied on rateable property in the district in respect of any such relevant function or group of functions only.

8. Transitional rating procedure of regional councils where no rates made in previous financial year— 25

(1) Where—

- (a) A regional council is responsible for any function or group of functions which in the previous financial year was funded by way of a levy assessed on other local authorities under the provisions of Part VIII of the Local Government Act 1974, of the Auckland Regional Authority Act 1963, or of any other Act; and 30
- (b) The regional council adopts the transitional rating procedure,— 35

the sums payable shall, except as provided in **subsection (3)** of this section, be calculated in accordance with **subsection (2)** of this section.

(2) The regional council shall— 40

- (a) Prepare estimates of income and expenditure, for the transitional quarter, and establish its estimated net revenue requirement for the transitional quarter, in respect of the function or group of functions:

- 5 (b) Calculate the proportion which that estimated net revenue requirement in respect of the function or group of functions represents of the total of the levies that were assessed on other local authorities by the former authority or former authorities during the previous financial year:
- 10 (c) Determine the amount of the levies assessed by former authorities in the previous financial year in respect of the function or group of functions, being levies that relate to areas now within the district of each of the territorial authorities within the region:
- 15 (d) Allocate the estimated net revenue requirement (calculated under **paragraph (a)** of this subsection) among the territorial authorities in the region, so that the sum assessed in respect of each represents the proportion calculated under **paragraph (b)** of this subsection of the amount calculated in accordance with **paragraph (c)** of this subsection:
- 20 (e) Notify every territorial authority of the sum calculated in accordance with **paragraph (d)** of this subsection.

9. Transitional rating procedure of Auckland Regional Council—(1) If the Auckland Regional Council decides to adopt the transitional rating procedure, it shall, as soon as practicable after the commencement of this Act, seek the agreement of every territorial authority in the region, as to the proportions of each levy assessed by the Auckland Regional Authority in the previous financial year, which relate to the district of each territorial authority.

30 (2) Every agreement under **subsection (1)** of this section shall be based on the identification of the land within the area of benefit for the levy now falling within the district of each territorial authority, and the proportion of the liability for the former levy that would attach to such land according to the criteria that applied to the assessment of that levy.

35 (3) Where the Auckland Regional Council is unable, within 10 working days after the commencement of this Act, to achieve with any territorial authority an agreement under **subsection (1)** of this section, the Auckland Regional Council shall refer the question to the Local Government Commission.

40 (4) The Local Government Commission shall make a determination on the question within 20 working days after the date on which the question is referred to it.

(5) Every such determination shall be final.

(6) Any sums to be raised by the Auckland Regional Council under this section shall be payable by the territorial authorities in the region in accordance with this subsection, as if they had been determined under **section 8** of this Act.

(7) Any sum determined in accordance with this section shall be notified to the other local authorities concerned and shall be collected and paid to the regional council in all respects as if it had been calculated under **section 8** of this Act. 5

10. Power for regional council to make assessment on different basis—Where— 10

- (a) A regional council to which **section 8** of this Act applies has assumed by virtue of an Order in Council, any significant responsibility not undertaken by—
- (i) Any former regional or united council; or
 - (ii) The Auckland Regional Authority; or 15

(b) There will be in the transitional quarter a significant change in the scale, nature, or cost of any function of a regional council, being a function that was previously funded by a former authority by way of a levy payable by other local authorities,— 20

the regional council may, instead of calculating in accordance with **section 8 (2)** of this Act the sums payable to it, calculate the sums payable to it in accordance with the provisions of any Act that would have governed the assessment of a levy for that purpose by any former authority in the previous financial year or in the absence of any such provision, on such basis as the regional council may determine. 25

11. Payments by territorial authorities—(1) Where a territorial authority which has adopted the transitional rating procedure receives notice under **section 8 (2) (e)** of this Act, that territorial authority— 30

- (a) Shall include the sum so notified in its estimated net revenue requirement calculated under **section 7 (1) (a)** of this Act; and
- (b) Shall proceed to collect the sum so notified; and 35
- (c) Shall, within 10 working days after the date upon which rates unpaid to the territorial authority will attract an additional charge, pay to the regional council the sum so notified.

(2) Where a territorial authority which has not adopted the transitional rating procedure receives notice under **section 8 (2) (e)** of this Act, the territorial authority shall, no later than 40 days 40

after receiving the notice, pay to the regional council the sum so notified.

12. Effect of resolution adopting transitional rating procedure—(1) Where a local authority has, under **section 6** of this Act, adopted the transitional rating procedure, the following provisions shall apply, for the purposes of rating under the transitional rating procedure, during the transitional quarter:

- 5 (a) Notwithstanding any provision of any Order in Council, the systems of rating in force in the districts of the former authorities for the purposes of making rates in the previous financial year shall be deemed to remain in force:
- 10 (b) Except as provided by **subsection (2)** of this section, the rateable value of each separately rateable property which was recorded in the valuation rolls for the districts of the former authorities which were in force for the purposes of the making of rates in the previous financial year, shall be deemed to be the rateable values of those properties:
- 15 (c) Every system of differential rating that was in force in the district of any former authority, or in any part of the district, for the purposes of rates made in the previous financial year, shall be deemed to remain in force in the district or part of the district concerned:
- 20 (d) Any system of rating by instalments in force in the district of any former authority shall have no effect in relation to rates made for the transitional quarter, and all such rates shall be payable on the date or dates specified in the resolution under **section 6** of this Act:
- 25 (e) Every agreement made under section 127 of the Rating Powers Act 1988, or deemed by subsection (4) of that section to have been made, among former authorities and relating to the levying and collection of rates in the previous financial year, shall be deemed to continue in force, and to bind the successors to the powers of those former authorities, for the purposes of the levying and collection of rates in the transitional quarter, except to the extent that those
- 30 successor authorities have agreed otherwise.
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(2) Sections 154 and 155 of the Rating Powers Act 1988 shall, with the necessary modifications, apply to the sum determined and levied in accordance with **paragraphs (c) and (d) of section 7 (1)** of

this Act as if that sum were an instalment of rates calculated and levied pursuant to section 153 (a) of that Act.

- 13. Transitional rates assessment**—(1) Every assessment issued in accordance with the transitional rating procedure—
- (a) Shall include—
 - (i) The particulars described in section 122(1) (other than paragraphs (e) and (i)) of the Rating Powers Act 1988; and
 - (ii) An explanatory statement; and
 - (b) Where any rates are to be collected by a local authority on behalf of another local authority, or any sums calculated in accordance with **section 8** or **section 9** or **section 18** of this Act are to be collected by a territorial authority and paid to any regional council or public body, shall separately identify that portion of the total sum levied.

- 14. Additional charge on unpaid rates in transitional quarter**—(1) Nothing in section 132 of the Rating Powers Act 1988 shall apply during the transitional quarter to any sum levied in accordance with the transitional rating procedure.
- (2) The resolution made by a local authority under **section 6** of this Act may prescribe an additional charge of such amount as the local authority may determine, not exceeding 10 percent, which shall be added to all rates remaining unpaid after a date specified in that resolution.
 - (3) The date specified in accordance with **subsection (2)** of this section shall not in any case be a date sooner than that of the second working day after the due date of the rates.
 - (4) The additional charge shall apply to all rates which are levied during the transitional quarter in accordance with the transitional rating procedure and which remain unpaid at the specified date.
 - (5) Nothing in **subsection (4)** of this section shall derogate from section 133 of the Rating Powers Act 1988.
 - (6) Any resolution in force in a district imposing any additional charge under section 132 (4) (b) of the Rating Powers Act 1988, shall continue to have effect in relation to any rates made and levied before the transitional quarter and remaining unpaid as at the 1st day of April 1990.
 - (7) For the purposes of the operation of section 132 of the Rating Powers Act 1988, every sum levied under the transitional rating procedure shall, after the end of the transitional quarter, be deemed to have been made and levied

during the financial year commencing on the 1st day of July 1990.

15. Instalment rating in financial year commencing 1 July 1990—Where a local authority that has adopted the transitional rating procedure during the transitional quarter, levies, in accordance with section 153 of the Rating Powers Act 1988, an instalment of rates before the making of rates for the financial year commencing on the 1st day of July 1990, that section shall be read as if, for paragraph (a), there were substituted the following paragraph:

“(a) In the case of every rates assessment issued before the date of the passing of the resolution to make the rate, and, if the local authority so decides, every rates assessment issued within 2 months after that date, the sum assessed may, where the transitional rating procedure was adopted in accordance with **section 6** of the Local Government Reform (Transitional Provisions) Act 1989 during the financial year ending on the 30th day of June 1990, be an amount not exceeding that for which an assessment was issued in that financial year:”.

16. Proceeds of transitional rating procedure deemed to be general rates—(1) Except as provided in **subsection (2)** of this section, all sums received by local authorities through the operation of the transitional rating procedure—

(a) Shall be deemed to be general rates; and
(b) May be allocated to the general account of the local authority concerned or to such separate accounts as the local authority concerned may consider appropriate.

(2) Where any local authority, in accordance with this Part of this Act, adopts the transitional rating procedure separately in respect of any function or functions, the proceeds of the procedure are deemed to be the proceeds of a separate rate and shall be paid by the local authority into the appropriate separate account.

17. Power to remit rates—(1) In any case where the operation of the transitional rating procedure results in the occupier of any property, or the occupiers of any group of properties, being required to pay a sum that the local authority considers inequitable, it may remit such part of that sum as it considers fair and reasonable.

(2) A local authority may remit rates under this section either on its own motion or upon application from the occupier of any property.

18. Provisions relating to levies on local authorities by miscellaneous public bodies—(1) Where under the provisions of any Act any public body is empowered to assess levies payable by local authorities, then, notwithstanding anything to the contrary in any such Act, the provisions of this section shall apply in the transitional quarter. 5

(2) Any public body may resolve to make assessments of the sums necessary to cover its estimated net revenue requirement for the transitional quarter. 10

(3) Where any public body so resolves, it may proceed to calculate the sums payable in accordance with section 8 of this Act in all respects as if it were a regional council to which that section applied, and the sums so calculated shall be levied and collected by territorial authorities and paid to the public body accordingly. 15

(4) For the purposes of the calculation, notification, levying, collection, and payment of any sum assessed in accordance with this section, the provisions of section 8 of this Act shall apply— 20

(a) As if each reference to a regional council were a reference to the public body; and

(b) As if each reference to a territorial authority within a region were a reference to a territorial authority liable under the enactment concerned to pay levies assessed by the public body. 25

19. Application of Rating Powers Act 1988—The provisions of this Part of this Act shall apply in substitution for any conflicting or inconsistent provisions of the Rating Powers Act 1988. 30

PART II

MISCELLANEOUS AMENDMENTS

Amendments to Local Government Act 1974 35

20. Continuous service of employees transferred as a result of reorganisation—Section 26A of the Local Government Amendment Act 1989 (as substituted by section 52 of the Local Government Amendment Act (No. 2) 1989) is hereby amended by repealing paragraph (a), and substituting the following paragraph: 40

“(a) A person who is an employee of a local authority and who, pursuant to section 25B of this Act, becomes an employee of another local authority; or”.

5 **21. Terms and conditions of employment of employees transferred**—Section 25D of the Local Government Amendment Act 1989 (as amended by section 4 of the Local Government Amendment Act (No. 3) 1989) is hereby amended by omitting the expression “subsections (2) to (6) of”.

10 **22. Power to borrow for transitional purposes**—(1) A local authority may at any time before the 1st day of October 1990 raise a loan for the purpose of obtaining money with which to meet transitional costs arising from its establishment.

15 (2) Money borrowed pursuant to **subsection (1)** of this section shall be repayable not later than the 31st day of December 1992.

(3) Nothing in the Local Authorities Loans Act 1956 limiting the power of a local authority to borrow money shall apply to any loan raised under **subsection (1)** of this section.

20 **23. Commencement of special consultative procedure**—Notwithstanding section 223B of the Local Government Act 1974 (as inserted by section 24 of the Local Government Amendment Act (No. 2) 1989), a local authority may, before the 1st day of July 1990,—

25 (a) Do such things as it considers necessary or desirable in relation to the preparation of the annual report that it would be required to provide under section 223D of the Local Government Act 1974 for the financial year commencing on the 1st day of July 1990 if that section were in force; and

30 (b) Commence, in relation to the report referred to in **paragraph (a)** of this section, the special consultative procedure required by section 716A of the Local Government Act 1974 (as inserted by section 39 of the Local Government Amendment Act (No. 2) 1989).

Amendments to Rates Rebate Act 1973

24. Interpretation—(1) Section 2 (1) of the Rates Rebate Act 1973 is hereby amended by repealing the definition of the term “rating year”, and substituting the following definition:

40 “‘Rating year’ shall, except as provided in **subsection (3)** of this section, have the same meaning as that given to

the term 'financial year' by section 2 of the Local Government Act 1974:".

(2) Section 2 of the Rates Rebate Act 1973 is hereby further amended by repealing subsection (3), and substituting the following subsection: 5

"(3) For the purposes of the rating year commencing on the 1st day of July 1990, the expression 'immediately preceding rating year' shall refer—

"(a) In sections 3 (1) (a) (ii) and 4 of this Act, to the period of 12 months ending on the 30th day of June 1990: 10

"(b) In section 8 (1) (a) (i) and (ii), to the period of 12 months ending on the 31st day of March 1990."

25. Provisions applying where system of rating by instalments in force—Notwithstanding anything in sections 5 and 8 of the Rates Rebate Act 1973, in the case of the financial year commencing on the 1st day of April 1990 and ending with the 30th day of June 1990, no territorial authority shall grant a rebate pursuant to section 5 of the Rates Rebate Act 1973 before the rates for that financial year have been made. 15

Amendments to Dog Control and Hydatids Act 1982 20

26. Interpretation—Section 2 of the principal Act is hereby amended by repealing the definition of the term "registration year", and substituting the following definition:

" 'Registration year' shall have the same meaning as that given to the term 'financial year' by section 2 of the Local Government Act 1974:" 25

27. Application for registration—Section 36 (1) of the Dog Control and Hydatids Act 1982 is hereby amended by omitting the words "of April in every year", and substituting the words "of every registration year". 30

28. Territorial authority to set fees—Section 49 (3) of the Dog Control and Hydatids Act 1982 is hereby amended by repealing paragraph (e), and substituting the following paragraph:

"(e) Fix by way of penalty an additional fee for the registration on or after the 1st day of the second month of the registration year or such later date as the authority may fix, of any dog that was required to be registered on the 1st day of that registration year: 35 40

“Provided that any additional fee fixed under this paragraph shall not exceed 50 percent of the fee that would have been payable if the dog had been registered on the first day of the registration year.”.

5 (2) Section 49 of the Dog Control and Hydatids Act 1982 is hereby further amended by repealing subsection (5), and substituting the following subsection:

10 “(5) The territorial authority shall, at least once during the month preceding the start of every registration year, publicly notify in a newspaper circulating in its district the dog control fees fixed for the next registration year.”

29. Fees for part of year—The Dog Control and Hydatids Act 1982 is hereby amended by repealing section 50, and substituting the following section:

15 “50. Where any dog to which subsection (2) or subsection (3) of section 36 of this Act applies is first required to be registered after the 1st day of the second month of any registration year, the fee payable shall be calculated on the basis of the number of complete months remaining in the registration year, as if the
20 fee were payable in equal monthly instalments.”

30. Refund and reduction of fees—Section 51 of the Dog Control and Hydatids Act 1982 is hereby amended by repealing subsection (2), and substituting the following subsection:

25 “(2) The part of the fee refundable under subsection (1) of this section shall be calculated on the basis of the number of complete months remaining in the registration year after the date of the request for the refund.”

31. Fees for year ending 30 June 1990—(1) A territorial
30 authority within the meaning of the Dog Control and Hydatids Act 1982 may instead of fixing fees under that Act for the control of dogs and hydatids for the registration year ending on the 30th day of June 1990, resolve to fix fees for the period of 15 months beginning on the 1st day of April 1990 and ending
35 with the 30th day of June 1991.

(2) Where fees are set for a period of 15 months in accordance with subsection (1) of this section, then, notwithstanding anything to the contrary in the Dog Control and Hydatids Act 1982, that period of 15 months shall be
40 deemed to be a single registration year and all references in the Act to a “registration year” shall be read accordingly.

Amendments to Auckland War Memorial Museum Maintenance Act 1979

32. Interpretation—(1) Section 2 (2) of the Auckland War Memorial Museum Maintenance Act 1979 is hereby amended by omitting the expression “the 31st day of March preceding the” in both places where it occurs, and substituting in each case the expression “the last day of the preceding”. 5
 (2) Section 2 (6) of the Auckland War Memorial Museum Maintenance Act 1979 is hereby amended by omitting the word “June”, and substituting the word “September”. 10

Amendments to Local Authorities Loans Act 1956

33. Limitation on power of local authorities to borrow for revenue purposes—(1) Section 20 of the Local Authorities Loans Act 1956 is hereby amended by repealing subsections (5) and (5A) (as substituted by section 2 of the Local Authorities Loans Amendment Act 1989), and substituting the following subsection: 15

“(5) In the case of a local authority that has been constituted for less than 24 months, the limit of its borrowing powers under this section shall be a sum not exceeding three-fourths of its estimated revenue (not including loan revenue) for the current financial year.” 20

(2) Section 2 (2) of the Local Authorities Loans Amendment Act 1989 is hereby consequentially repealed.

Amendments to Wellington Regional Water Board Act 1972 25

34. Assessment of contributions—Section 91 (1) of the Wellington Regional Water Board Act 1972 is hereby amended by omitting the expression “15th day of April”, and substituting the expression “15th day of August”.

35. Payment of assessments—Section 95 (1) of the Wellington Regional Water Board Act 1972 is hereby amended by omitting the words “June, September, and December”, and substituting the words “September, December, and March”. 30

Amendments to Auckland Metropolitan Drainage Act 1960

36. Repeals—Sections 64 to 71 of the Auckland Metropolitan Drainage Act 1960 are hereby repealed. 35