

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

*House of Representatives, 8 March 1990.*

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

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE HOUSE]

*House of Representatives, 27 March 1990.*

**Words struck out are shown with double black rule at beginning and after last line; words inserted are shown in roman with double rule before first line and after last line.**

*Hon. Philip Woollaston*

**LOCAL GOVERNMENT REFORM (TRANSITIONAL  
PROVISIONS)**

ANALYSIS

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No. 236—3

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

*New*

(2) This Act shall be deemed to have come into force on the 16th day of December 1989. 10

PART I

TRANSITIONAL PROVISIONS IN RELATION TO RATING

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

“District” means the district of a territorial authority or the region of a regional council, as the case may require: 15

“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*) amounts required to be paid to a regional council in accordance with section 11 of this Act or to a public body in accordance 20

with section 18 of this Act) which exceeds the local authority's estimated income from sources other than rates:

5 "Explanatory statement" means a statement which is designed to inform the public about the transitional rating procedure and which includes—

10 (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

15 (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*) amounts payable is based on the proportion of the rates made and levied in the previous financial year; and

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

25 "Former (*district*) authority", 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—

30 (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:

*New*

35 "Levy" includes any levy, contribution, or assessment which is payable to a public body by any local authority under any enactment, or which was in the previous financial year payable to any former authority by any other former authority:

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

40 "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—

(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 1990: 5

“Public body” means any public body which, under the provisions of any Act, is empowered to assess levies that are payable by local authorities: 10

“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: 15

“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:

“Transitional quarter” means the period commencing on the 1st day of April 1990 and ending on the 30th day of June 1990. 20

**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. 25

(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 30

(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)) subsections (4) and (4A)** of this section, separately in respect of its net revenue requirement for any specified function or group of functions. 35

(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. 40

(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.

*New*

5 (4A) Where in the previous financial year any former authority rated in respect of any function or group of functions within any ward or community or separate rating area, a local authority may adopt the transitional rating procedure separately in respect of any such function or group of functions  
10 within any part of its district that comprises any such ward or community or separate rating area of the former authority.

*Struck Out*

(5) The adoption of the transitional rating procedure shall not affect—  
15 (a) The imposition, payment, or receipt of any charge authorised by sections 26 to 31 of the Rating Powers Act 1988; or  
(b) The payment of any charges authorised by the Valuation of Land Act 1951 during the transitional quarter.

*New*

20 (5) The adoption of the transitional rating procedure shall not affect the payment of any charges authorised by the Valuation of Land Act 1951 during the transitional quarter.

25 (5A) A local authority may, in relation to charges authorised by sections 26 to 31 of the Rating Powers Act 1988, either—

(a) Resolve to include any such charges in the transitional rating procedure; or  
(b) Resolve that the imposition of any such charges in respect  
30 of the transitional quarter should be imposed separately by resolution adopted not less than 10 days after the date on which the local authority has given public notice of its intention to so impose any such charges.

35 (6) Where a local authority has adopted the transitional rating procedure for the funding of all or any of its functions, the ~~(sums)~~ amounts 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.

**4. Exclusions from transitional rating procedure—**

- (1) Where a function of a local authority is— 5
  - (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 10
  - (d) A function in respect of which the local authority has resolved to continue *(and)* to make a separate rate during the transitional quarter,— 15  
 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— 20
  - (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,— 25  
 the local authority may, by the resolution adopting the transitional rating procedure, exclude that function from the operation of the procedure. 30
- (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. 35
- (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. 40

**5. Public notice of intention to adopt transitional rating procedure**—(1) A local authority shall, not less than *(10 working)* 14 days before making a resolution to adopt the transitional rating procedure, give public notice of its intention to adopt the transitional rating procedure.

5

(2) The public notice—

(a) Shall indicate, as the case may require, whether the procedure is intended to be adopted—

10

(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

15

(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.

20

(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

25

(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

30

(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.

35

(4) Where the *(sums)* amounts raised under the transitional rating procedure are to include any *(sums)* amounts 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)* amounts raised will include *(sums)* amounts to be so paid.

40

*New*

(5) The public notice required by **subsection (1)** of this section is in substitution for the public notice required by section 110 (1) of the Rating Powers Act 1988.

**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,—
  - (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
- (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,—
  - (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
  - (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.

*Struck Out*

**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



*Struck Out*

payable under the transitional rating procedure shall be calculated in accordance with the following provisions:

- 5 (a) The local authority shall prepare estimates of income and expenditure for the transitional quarter, and establish its estimated net revenue requirement:
- 10 (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:
- 15 (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:
- 20 (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.
- 25 (e) Every sum levied in accordance with **paragraph (d)** of this subsection shall be deemed to be a rate and—
- 30 (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—
- 35 in all respects as if it were a rate made and levied in accordance with the provisions of the Rating Powers Act 1988.
- 40 (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—

*Struck Out*

- (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. 5
- (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— 10
  - (a) The estimated net revenue requirement in respect of the relevant function or group of functions only; and 15
  - (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. 20

*New*

- 7. Calculation by territorial authorities of amounts payable under transitional rating procedure—**(1) Where a territorial authority adopts the transitional rating procedure in respect of any function or all of its functions, the amounts payable under the transitional rating procedure shall be calculated in accordance with the following provisions: 25
- (a) The territorial authority shall prepare estimates of income and expenditure for the transitional quarter and establish its estimated net revenue requirement for the transitional quarter: 30
  - (b) The territorial authority shall calculate the proportion that its estimated net revenue requirement for the transitional quarter 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: 35

*New*

*Struck Out*

5 (c) The territorial authority shall determine in respect of each separately rateable property in the district the amount that stands in the same proportion as that calculated in accordance with **paragraph (b)** of this subsection to the total amount of rates made in respect of that separately rateable property by former authorities in the previous financial year:

10 *New*

15 (c) The territorial authority shall determine in respect of each separately rateable property in the district the amount that represents, in relation to the total amount of rates made in respect of that separately rateable property by former authorities in the previous financial year, the same proportion as that calculated in accordance with **paragraph (b)** of this subsection:

20 (d) The territorial authority shall levy, in respect of every separately rateable property in the district, the amount calculated in accordance with **paragraph (c)** of this subsection by delivering to the occupier an assessment complying with **section 13** of this Act:

25 (e) Every amount levied in accordance with **paragraph (d)** of this subsection shall be deemed to be a rate and—

(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 to the territorial authority; and

30 (iii) Shall be recorded in the rate records for the district; and

(iv) Shall be a charge on the land—  
in all respects as if it were a rate made and levied in

*New*

- accordance with the provisions of the Rating Powers Act 1988.
- (2) Where a territorial authority has resolved, in accordance with **section 4** of this Act, to exclude any function from the transitional rating procedure, the calculation of the amounts payable under the transitional rating procedure in accordance with **subsection (1)** of this section shall exclude—
- (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 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.
- (3) Where a territorial authority has resolved to adopt the transitional rating procedure separately in relation to any function or any group of functions, the calculation of the amounts payable under the transitional rating procedure, in accordance with **subsection (1)** of this section, shall include—
- (a) The estimated net revenue requirement in respect of the relevant function or group of functions only; and
  - (b) Any separate rates or uniform annual charge made and levied on rateable property in the district in respect of any such relevant function or group of functions only.

*Struck Out*

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

- (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
  - (b) The regional council adopts the transitional rating procedure,—

*Struck Out*

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

- 5       (2) The regional council shall—
- (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:
- 10       (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
- 15       (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
- 20       (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:
- 25       (e) Notify every territorial authority of the sum calculated in accordance with **paragraph (d)** of this subsection.

30

*New*

**8. Calculation by regional councils of amounts payable under transitional rating procedure—**(1) Where a regional council adopts the transitional rating procedure, the amounts payable to it shall, except as provided in **sections 9, 10, and 11A** of this Act, be calculated in accordance with this section.

35

- (2) The regional council shall—
- (a) Prepare estimates of income and expenditure for the transitional quarter and establish its estimated net revenue requirement for the transitional quarter:

*New*

*Struck Out*

- (b) Calculate the proportion that its estimated net revenue requirement for the transitional quarter represents of the rates and levies that were levied by or on behalf of former authorities in the previous financial year: 5

*New*

- (b) Determine the total of the rates and levies that were levied by or on behalf of former authorities in the previous financial year: 10

- (c) Determine, in relation to each territorial authority wholly or partly in the region, the amount of the rates and levies in the previous financial year that relate to areas now within the district of the territorial authority: 15

*Struck Out*

- (d) Allocate the estimated net revenue requirement (calculated under **paragraph (a)** of this subsection) among the territorial authorities wholly or partly in the region, so that the amount assessed in respect of each territorial authority stands in the same proportion as that calculated in accordance with **paragraph (b)** of this subsection to the amount calculated in accordance with **paragraph (c)** of this subsection: 20  
25

*New*

*New*

5 (d) Allocate the estimated net revenue requirement  
(calculated under **paragraph (a)** of this subsection)  
among the territorial authorities wholly or partly in  
the region, so that the amount assessed in respect of  
each territorial authority stands in relation to the  
10 amount determined under **paragraph (c)** of this  
subsection in the same proportion as the estimated  
net revenue requirement stands in relation to the  
amount calculated in accordance with **paragraph (b)** of  
this subsection:

(e) Notify every territorial authority of the amount calculated  
in accordance with **paragraph (d)** of this subsection.

15 (3) Where a regional council has resolved, in accordance with  
**section 4** of this Act, to exclude any function from the  
transitional rating procedure, the calculation of the amounts  
payable under the transitional rating procedure in accordance  
with **subsection (2)** of this section shall exclude—

20 (a) The estimated net revenue requirement in respect of any  
such excluded function during the transitional  
quarter; and

(b) Any rates or levies made and levied by or on behalf of any  
former authority in respect of any such excluded  
25 function by the former authority in the previous  
financial year.

(4) Where a regional council has resolved to adopt the  
transitional rating procedure separately in relation to any  
function or any group of functions, the calculation of the  
30 amounts payable under the transitional rating procedure, in  
accordance with **subsection (2)** of this section, shall include—

(a) The estimated net revenue requirement in respect of the  
relevant function or group of functions only; and

35 (b) Any rates or levies made and levied by or on behalf of any  
former authority in respect of any such relevant  
function or group of functions only.

**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)* passing 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. 5

(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. 10

(3) Where the Auckland Regional Council is unable, within *(10 working)* 14 days after the *(commencement)* passing 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. 15 20

(4) The Local Government Commission shall make a determination on the question within *(20 working)* 28 days after the date on which the question is referred to it.

(5) Every such determination shall be final.

*New*

(5A) The Auckland Regional Council shall allocate the estimated net revenue requirement calculated under **section 8 (2) (a)** of this Act among the territorial authorities in the region so that the amount assessed in respect of each territorial authority represents the proportion agreed under **subsection (1)** of this section or determined under **subsection (4)** of this section. 25 30

(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. 35

(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.



*Struck Out*

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

- 5 (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
- 10 (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,—
- 15 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
- 20 regional council may determine.

*New*

**10. Power for regional council to make assessment on different basis—(1) Where—**

- 25 (a) A regional council has assumed any significant responsibility in respect of which no rate or levy was made by a former authority in the previous financial year; or
- 30 (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 rate or levy,—
- the regional council may, instead of calculating the amounts payable to it by the territorial authorities in the region in accordance with **section 8 (2)** of this Act, calculate such amounts
- 35 in accordance with the provisions of any Act that would have governed the assessment of a levy or the making of a rate for that purpose by any former authority in the previous financial

*New*

year, or, in the absence of any such provision, on such basis as the regional council may determine.

(2) Except where a regional council is exercising the power conferred on it by **section 11A** of this Act, any amount calculated in accordance with this section shall be notified to the territorial authorities in the region 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.

*Struck Out*

**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—

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

*New*

**11. Collection by territorial authorities of amounts notified by regional councils**—(1) Where a territorial authority that has adopted the transitional rating procedure receives notice under **section 8 (2) (e)** or **section 9 (7)** or **section 10 (2)** of this Act, the territorial authority shall do one of the following things:

- (a) That territorial authority shall—

*New*

- (i) Include the amount so notified in its estimated net revenue requirement calculated under **section 7 (1) (a)** of this Act; and
- 5 (ii) Within 14 days after the date upon which rates levied under **section 7 (1) (d)** of this Act which remain unpaid will attract an additional charge, pay the amount collected to the regional council; or
- (b) The territorial authority shall—
- 10 (i) Proceed to allocate the sum notified among separately rateable properties in accordance with **section 7 (1) (c)** of this Act; and
- (ii) Levy, in accordance with **section 7 (1) (d)** of this Act, the amount notified on behalf of the regional council; and
- 15 (iii) Within 14 days after the date upon which any rates levied under this paragraph which remain unpaid will attract an additional charge, pay the amount collected to the regional council; or
- 20 (c) The territorial authority shall, within 14 days after the date upon which any rates levied for its own purposes under the transitional rating procedure which remain unpaid will attract an additional charge, pay the amount so notified from its general funds to the regional council.
- 25 (2) Where a territorial authority that 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 after receiving the notice, pay to the regional council the amount so notified.
- 30

**11A. Collection of rates by regional councils—**  
Notwithstanding the provisions of **sections 8 and 10** of this Act, where a regional council is otherwise authorised to calculate, levy, and collect amounts of the kind payable under the transitional rating procedure, that regional council may calculate, levy, and collect the amounts payable under the transitional rating procedure as if it were a territorial authority, and the provisions of **section 7** of this Act shall apply accordingly with all necessary modifications.

**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:

- (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:
- (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:
- (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:
- (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:
- (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 successor authorities have agreed otherwise.

(2) Sections 154 and 155 of the Rating Powers Act 1988 shall, with the necessary modifications, apply to the (sum) amount determined and levied in accordance with **paragraphs (c) and (d) of section 7(1)** of this Act as if that (sum) amount were an instalment of rates calculated and levied pursuant to section 153 (a) of that Act.

*Struck Out*

**13. Transitional rates assessment**—(1) Every assessment issued in accordance with the transitional rating procedure—

(a) Shall include—

5 (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

10 (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  
15 total sum levied.

*New*

**13. Transitional rates assessment**—Every assessment issued in accordance with the transitional rating procedure—

20 (a) Shall include the particulars described in section 122 (1) (other than paragraphs (e) and (i)) of the Rating Powers Act 1988; and

(b) Shall include or be accompanied by an explanatory statement; and

25 (c) Where any rates are to be collected by a local authority on behalf of another local authority, or any amounts 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 either—

30 (i) Indicate the proportion of the total amounts being raised under the transitional rating procedure within the district of the territorial authority which is to be paid on to a regional council or public body; or

35 (ii) Separately identify the portion of the amount specified in the assessment that is to be paid to a regional council or public body.

**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)* amount 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)* amount 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, in relation to the rates assessment issued in respect of that instalment of rates, 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)* amount 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.”.

5 **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—

10 (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.

15 (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)* credited by the local authority to the appropriate  
20 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)* an amount that the  
25 local authority considers inequitable, it may remit such part of that *(sum)* amount as it considers fair and reasonable.

*New*

30 (1A) Where a territorial authority proposes to remit rates levied under the transitional rating procedure in respect of any group of properties, and the rates concerned include amounts to be paid to a regional council, the territorial authority shall first obtain the agreement of the regional council to the remission.

35 (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.

(2) Any public body may resolve to make assessments of the *(sums)* amounts necessary to cover its estimated net revenue requirement for the transitional quarter. 5

(3) Where any public body so resolves, it may proceed to calculate the *(sums)* amounts 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)* amounts so calculated shall be levied and collected by territorial authorities and paid to the public body accordingly. 10

(4) For the purposes of the calculation, notification, levying, collection, and payment of any *(sum)* amount assessed in accordance with this section, the provisions of section 8 of this Act shall apply— 15

(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. 20

*New*

**18A. Transitional rating procedure of Auckland Institute and Museum**—(1) Where the Council of the Auckland Institute and Museum so resolves before the 1st day of May 1990, that Council may, in the transitional quarter, use the procedure prescribed by section 9 of this Act as if it were the Auckland Regional Council and that section shall apply accordingly with all necessary modifications. 25 30

(2) This section shall have effect notwithstanding anything in section 18 of this Act.

**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. 35



PART II

MISCELLANEOUS AMENDMENTS

*Amendments to Local Government Act 1974*

*New*

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5     **19A. Sections to be read with Local Government Act 1974**—This section and sections 19B to 23 of this Act shall be read together with and deemed part of the Local Government Act 1974\* (hereinafter in those sections referred to as the principal Act).

\*R.S. Vol. 20, p. 1

Amendments: 1988, No. 71; 1988, No. 104; 1988, No. 109; 1989, No. 1; 1989, No. 29; 1989, No. 72; 1989, No. 76

10    **19B. Interpretation**—Section 181 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 to the definition of the term “component authority”.

15    **19C. Distribution of proceeds**—(1) The principal Act is hereby amended by repealing section 198 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977), and substituting the following section:

20    “198. (1) Subject to this Part of this Act, the proceeds of the tax in a tax area in any year shall be distributed by the distribution authority among the component authorities of the tax area (including the distribution authority) according to the proportion which the total rate revenue of each such component authority for the immediately preceding financial year bears to the total rate revenue of all the component authorities for that preceding financial year.

25    “(2) For the purposes of this section, the expression ‘rate revenue’—

30    “(a) In relation to any component authority, other than a united council or the Auckland Regional Authority, means—

35    “(i) All rates, and all charges and fees deemed under any enactment to be rates, made and levied by it on its own behalf, or levied on its behalf under sections 127 and 128 of the Rating Powers Act 1988 within the tax area, less the amount of any assessments made on such a component authority

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*New*

by a united council or by the Auckland Regional Authority; and

“(ii) All rates and levies made and levied by it, or authorised to be collected subject to an agreement with a special purpose authority under sections 127 and 128 of the Rating Powers Act 1988, over the whole or so much of the district of the special purpose authority as is included in the district of the component authority within the tax area;— but does not include any separate rate for any work or service made and levied or authorised to be collected subject to an agreement under sections 127 and 128 of the Rating Powers Act 1988 on behalf of a special purpose authority over a defined portion of the district of the special purpose authority: 5 10 15

“(b) In relation to any component authority which is a united council and to the Auckland Regional Authority, means all levies by that council or Authority on other component authorities within the tax area: 20

“(c) In relation to any component authority that is a regional council, includes all assessments made and levied under section 35 of the Rating Powers Act 1988 by that council within the tax area. 25

“(3) Nothing in this section shall be deemed to prevent a region or district forming part of 2 or more tax areas.

“(4) Any money paid to any component authority under this section shall form part of the general revenues of that component authority.” 30

(2) For the purposes of the distribution of the proceeds of the local authorities petroleum tax in the year commencing on the 1st day of July 1990, section 198 (1) of the principal Act shall be read as if, for the words “immediately preceding financial year bears to the total rate revenue of all the component authorities for that preceding financial year”, there were substituted the words “financial year commencing on the 1st day of April 1989 and ending on the 31st day of March 1990 bears to the total rate revenue of all the component authorities for that financial year”. 35 40

*New*

(3) The following enactments are hereby consequentially repealed:

5 (a) Section 26 of the Local Government Amendment Act 1980:

(b) So much of the Fifth Schedule to the Rating Powers Act 1988 as relates to section 198 of the principal Act.

**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:

15 “(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”.

**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”.

*New*

25 **21A. Power of Commission to amend schemes**—Section 63 of the Local Government Amendment Act (No. 2) 1989 is hereby amended by omitting the words “31st day of March 1990”, and substituting the words “30th day of September 1990”.

30 **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.

35 (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.

*New*

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- 22A. Election of Chairperson and Deputy Chairperson of Chatham Islands County Council**—(1) Notwithstanding sections 101N (a) and 101U (1) of the principal Act (as enacted by section 13 of the Local Government Amendment Act (No. 2) 1989),— 5
- (a) The Chatham Islands County Council shall, until the Mayor and Deputy Mayor elected in 1992 at the general election of members of the Council take office, have a Chairperson and a Deputy Chairperson; and 10
- (b) The provisions of Part IVA of the principal Act (as enacted by section 13 of the Local Government Amendment Act (No. 2) 1989) relating to Chairpersons and Deputy Chairpersons of regional councils shall, with all necessary modifications, apply in respect of the Chairperson and Deputy Chairperson of the Chatham Islands County Council as if that county council were a regional council. 15 20
- (2) The election of the Chairperson and Deputy Chairperson of the Chatham Islands County Council conducted on the 10th day of November 1989 is hereby declared to be and always to have been valid. 25
- 

- 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,— 30
- (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 35
- (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 40

Government Act 1974 (as inserted by section 39 of the Local Government Amendment Act (No. 2) 1989).

*New*

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*Amendments to Rating Powers Act 1988*

5     **23A. Sections to be read with Rating Powers Act 1988**—  
This section and sections 23B to 23I of this Act shall be read  
together with and deemed part of the Rating Powers Act 1988\*  
(hereinafter in those sections referred to as the principal Act).

10    **23B. Additional charge on unpaid rates**—(1) Section  
132 (4) of the principal Act is hereby amended by repealing  
paragraph (b), and substituting the following paragraph:

“(b) A second additional charge to be added to the amount of  
rates remaining unpaid on a date which shall—

15           “(i) In the case of any rates made and levied in  
any financial year commencing before the 1st day of  
July 1990, be a date not sooner than the 1st day of  
April next succeeding the due date; and

20           “(ii) In the case of any rates made and levied in  
any financial year commencing on or after the 1st  
day of July 1990, be a date not sooner than the 1st  
day of July next succeeding the due date.”.

(2) Nothing in subsection (1) of this section limits the provisions  
of section 14 of this Act.

25    **23C. Commencement and duration of instalment  
rating**—Section 152 of the principal Act is hereby amended by  
repealing paragraph (a), and substituting the following  
paragraph:

30           “(a) In the case of a special order made by a local authority  
other than a harbour board, on the 1st day of July  
next succeeding the date of the confirmation of the  
resolution to make the special order.”.

35    **23D. Abandonment of instalment system**—Section  
157 (2) (a) of the principal Act is hereby amended by omitting  
the words “31st day of March”, and substituting the words  
“30th day of June”.

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*New*

**23E. Adjustment of valuations of land in constituent districts**—Section 192 (2) of the principal Act is hereby amended by omitting the word “December”, and substituting the word “March”.

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**23F. Valuer-General to supply certificate**—Section 193 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) On receipt of any application under section 192 of this Act, the Valuer-General shall—

10

“(a) By the next succeeding 1st day of June, or as soon thereafter as may be; or

“(b) In any case where the Valuer-General has accepted an application made after the 1st day of March in any year, within 2 months after the receipt of that application, or as soon thereafter as may be,—

15

supply to the special purpose authority a certificate specifying the total amount of the rateable values on the land value or capital value (according to the system of rating in force in the district of the special purpose authority or, as the case may be, according to the values on which levies made by the special purpose authority are assessed), calculated as at the 31st day of March of the year in which the certificate is given or such other date as may be determined by the Valuer-General (being the date as at which the valuation roll of one of those constituent districts was last revised), of all the rateable property, or, as the case may be, of the improvements on all the rateable property, in each constituent district comprising the district of the special purpose authority.”

20

25

**23c. Effect of certificate**—Section 194 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

30

“(1) Every certificate by the Valuer-General under section 193 of this Act shall have effect for the purposes of rates or levies made by or on behalf of the special purpose authority after the 30th day of June in the year in which the certificate is given, and until—

35

*New*

- “(a) It is superseded by a certificate issued under this section by the Valuer-General on a subsequent application; or  
5 “(b) A subsequent revaluation is made by the Valuer-General of any of the constituent districts; or  
“(c) Where the boundaries of the special purpose authority or of any of the constituent districts are altered after the date of the issue of that certificate to such an extent that in the opinion of the Valuer-General the adjusted values do not fairly reflect the relative values of the constituent districts, the 30th day of June following the date of that alteration,—  
10 whichever event first occurs.”

15 **23H. Adjusted valuation**—Section 203 of the principal Act is hereby amended—

- (a) By omitting from subsection (3) the words “31st day of March” in both places where they occur, and substituting in each case the words “30th day of June”; and  
20 (b) By omitting from subsection (4) the word “April”, and substituting the word “July”.

**23I. Transitional provision**—The amendments made by sections 23E to 23H of this Act shall not have effect in relation to  
25 any certificate required to be issued, before the 1st day of June 1990, under section 193 or section 203 of the principal Act, and, in relation to any such certificate and in relation to any application under section 192 or section 203 (1) of the principal Act on which any such certificate is issued, the principal Act shall have effect as if the amendments made by those sections  
30 had not been made.

*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  
35 term “rating year”, and substituting the following definition:  
“‘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."

*Struck Out*

**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 20

*New*

**25. Rates rebate in rating year ending on 30 June 1990**—(1) For the purposes of any application for a rates rebate in respect of the rating year commencing on the 1st day of April 1990 and ending with the 30th day of June 1990, the provisions of section 3 of the Rates Rebate Act 1973 shall be read as if, for subsection (1), there were substituted the following subsection: 25

"(1) Any ratepayer who, at the commencement of the rating year commencing on the 1st day of April 1990, was the occupier of any residential property shall be entitled, on making application therefor, in accordance with this Act, to a rebate of— 30

"(a) So much of the rates payable for that rating year in respect of the property as represents— 35

"(i) Two-thirds of the amount by which those rates exceed \$40, reduced by



*New*

5 “(ii) \$1 for each \$8 by which one-quarter of the  
ratepayer’s income for the rating year commencing  
on the 1st day of April 1989 exceeded \$1,730, that  
last-mentioned amount being increased by \$39 in  
respect of each person who was a dependant of the  
ratepayer at the commencement of the rating year  
in respect of which the application is made; or  
“(b) \$50,—  
10 whichever amount is the less.”  
(2) 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  
15 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*

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:

35 “(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:

“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.”.

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

“(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:

“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 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:

“(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 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 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 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*

*Struck Out*

5 **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”.

10 (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”.

*New*

15 **32. Interpretation**—(1) Section 2 (1) of the Auckland War Memorial Museum Maintenance Act 1979 is hereby amended by omitting the word “April”, and substituting the word “July”.

(2) Section 2 of the Auckland War Memorial Museum Maintenance Act 1979 is hereby further amended by repealing subsection (2), and substituting the following subsection:

20 “(2) For the purposes of this section—

25 “(a) The capital value of rateable property within the district of each contributing authority shall be deemed to be the capital value thereof as at a date as near as is reasonably practicable to the last day of the financial year immediately preceding the financial year in respect of which the levy is to be made, such value being determined under the Valuation of Land Act 1951 and certified as correct by the Valuer-General who shall (without further direction than is contained herein) apply thereto the provisions of

30 “(b) The population of the district of each contributing authority shall be that which is ascertained or calculated by the Government Statistician as at a date as near as is reasonably practicable to the last day of the financial year immediately preceding the financial year in respect of which the levy is to be made, and before the last-mentioned date the

*New*

Council shall have made a written request to the Government Statistician for that information.”

(3) Section 2 of the Auckland War Memorial Museum Maintenance Act 1979 is hereby further amended by repealing subsection (6), and substituting the following subsection: 5

“(6) The Council shall, in the resolution referred to in subsection (1) of this section, fix the amount to be levied against each of the contributing authorities, and a copy of the resolution shall be forwarded to each of the contributing authorities on or before the 31st day of May preceding the financial year in respect of which the levy is made. The relevant amount so levied shall be due and payable by each local authority on the 1st day of July next following, and it may at the option of the contributing authority be paid out of its general funds, or out of the proceeds of a rate as provided for in section 3 of this Act.” 10 15

*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: 20

“(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.” 25

(2) Section 2 (2) of the Local Authorities Loans Amendment Act 1989 is hereby consequentially repealed. 30

*Amendments to Wellington Regional Water Board Act 1972*

**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

**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”.

*Amendments to Auckland Metropolitan Drainage Act 1960*

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