

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

*House of Representatives, 17 November 1982.*

**Words inserted are shown with double rule before first line and after last line.**

*Hon. Mr Hight*

## LOCAL LEGISLATION

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### ANALYSIS

Title	}	4. Dunedin City Council: Validating unlawful contract for purchase of computer
1. Short Title		5. Mackenzie, Strathallan, and Waimate County Councils: Validating invalid rates
2. Auckland Regional Authority: Authorising payments to persons attending meetings and conferences, and validating illegal payments made to such persons		6. West Coast Electric Power Board: Validating unlawful purchase of shares and authorising purchase of further shares
3. Bay of Islands County Council: Validating invalid fees		Schedule

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### A BILL INTITULED

**An Act to confer certain powers on certain public bodies and to authorise and validate certain transactions and other matters**

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

**1. Short Title**—This Act may be cited as the Local Legislation Act 1982.

10 **2. Auckland Regional Authority: Authorising payments to persons attending meetings and conferences, and validating illegal payments made to such persons—**

(1) Before the 1st day of April 1983, subsections (1) (d) and 3 (c) of section 214 of the Local Government Act 1974 shall  
15 apply with respect to persons who—

(a) Are members of any committee or subcommittee of the Auckland Regional Authority (hereafter in this section referred to as the Authority); and

(b) Are neither members nor employees of the Authority,—  
20 as if they are members of the Authority.

(2) Where, pursuant to a resolution of the Authority, any member of the Authority, or any member of a committee or subcommittee of the Authority (whether or not a member of the Authority), attends any conference or meeting before the 1st day of April 1983 as a representative of the Authority, not being a meeting of any local authority of which he is a member, the said section 214 shall apply to that member's attendance at that meeting or conference as if the term "regional council" included the Authority. 5

(3) Every payment made before the commencement of this Act by the Authority to any person in respect of his attendance at a conference or meeting is hereby deemed to be as valid as if subsection (1) of this section had come into force on the commencement of the said section 214, and subsection (2) of this section had come into force on the commencement of section 28 of the Local Government Amendment Act 1980. 10 15

**3. Bay of Islands County Council: Validating invalid fees—**(1) Notwithstanding that the Bay of Islands County Council has purported to fix all fees charged before the 1st day of November 1982 in relation to scheme plans for the subdivision of land (hereafter in this section referred to as the said fees) by resolution,— 20

- (a) Each of the said fees is hereby validated and deemed to have been as lawful; and
- (b) All actions of the said Council in charging the said fees are hereby validated and deemed to have been as lawful; and 25
- (c) All money received by the said Council in payment of any of the said fees is hereby deemed to have been as lawfully paid and received; and 30
- (d) Such of the said fees, and such part of any of the said fees, charged in respect of any plan submitted to the said Council before the 1st day of November 1982 as has not yet been paid to the said Council is hereby deemed to be as lawfully payable, and as capable of being recovered as if it had always been lawfully payable,— 35

as if each of the said fees had been fixed by a bylaw of the said Council, duly made, and confirmed on the day on which the said Council purported to fix that fee by resolution. 40

(2) Every resolution of the said Council purporting to fix any of the said fees may be amended or revoked by the said Council in the same manner and to the same extent as if it were a bylaw.

(3) Where any resolution of the said Council made before the 1st day of November 1982 purported to amend or revoke any earlier resolution of the said Council purporting to fix any of the said fees, that first-mentioned resolution shall be deemed to have had effect according to its tenor.

*New*

**3A. Clutha County Council: Validating illegal lump sum payment scheme**—The Silverpeaks County Council (Lump Sum Contributions) Empowering Act 1981 is hereby deemed to apply, and to have applied from its commencement, to the Clutha County Council as if—

- (a) Every reference in that Act to the Silverpeaks County Council were a reference to the Clutha County Council; and
- (b) Every reference in that Act to the Silverpeaks County were a reference to the Clutha County; and
- (c) The reference in section 3 (1) of that Act to section 443 of the Local Government Act 1974 were a reference to section 241 of the Counties Act 1956; and
- (d) The words “Pursuant to the Silverpeaks County Council (Lump Sum Contributions) Empowering Act 1981” had been omitted from Form 1 in the Schedule to that Act.

**4. Dunedin City Council: Validating unlawful contract for purchase of computer**—Notwithstanding section (1) of the Local Authorities Loans Act 1956,—

- (a) The contract dated the 11th day of June 1982 between the Dunedin City Council (hereafter in this section referred to as the Council) and International Computers (New Zealand) Limited for the purchase of certain computer equipment and software (hereafter in this section referred to as the Contract) is hereby deemed to be as valid and lawful; and
  - (b) All payments made by the Council under the Contract are hereby deemed to have been as lawfully made; and
  - (c) Any future payment by the Council provided for in the Contract is hereby deemed to be as lawfully payable,—
- as if the period over which the Council is required by the Contract to make payments were part of the year ending with the 31st day of March 1983.

## New

**4A. Kaiapoi Borough Council: Authorising lease of land held in trust**—(1) Subject to subsection (2) of this section, the Kaiapoi Borough Council is hereby authorised and empowered—

(a) To lease to the Boy Scouts Association of New Zealand—

(i) That part of the land described in subsection (4) of this section (hereafter in this section referred to as the said land) upon which there was, immediately before the commencement of this Act, a building erected by that Association; and

(ii) Such other part or parts of the said land as, in the opinion of the said Council, it is necessary or desirable to lease to that Association in order to enable it to obtain adequate access to and benefit from the land described in subparagraph (i) of this paragraph; and

(b) To subdivide the said land accordingly.

(2) The said Council shall not lease more than 1000 m<sup>2</sup> of the said land to that Association.

(3) Such part of the said land as the said Council leases to that Association shall thereupon be freed from all trusts, reservations, and restrictions to which it was theretofore subject; and the District Land Registrar of the Canterbury Land Registration District shall, upon the presentation to him for registration of any lease of any part of the said land to that Association by the said Council, take all such steps, and make all such entries in his registers, as are necessary to give effect to the foregoing provisions of this subsection.

(4) The said land comprises all that parcel of land situated in the Borough of Kaiapoi containing approximately 6677m<sup>2</sup> being part R.S. 320 and being all the land comprised and described in certificate of title No. 390/289 (Canterbury Registry).

**5. Mackenzie, Strathallan, and Waimate County Councils: Validating invalid rates**—(1) Notwithstanding that the notice required by section 52 of the Rating Act 1967 was not given in respect of the rates and charges specified in the Schedule to this Act (hereafter in this section referred to as the said rates),—

(a) The said rates are hereby validated and deemed to have been lawfully made:

- (b) All actions of any County Council in levying and collecting any of the said rates made by it are hereby validated and deemed to have been lawful:
- 5 (c) All money received by any County Council in respect of any of the said rates made by it is hereby deemed to have been lawfully paid to and received by it:
- (d) Such part of any of the said rates as has not yet been paid to the County Council by which it was made is hereby deemed to be lawfully payable, and capable of being collected as if it had always been lawfully payable.
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*New*

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- 5A. **Te Puke Borough Council: Authorising use of proceeds from sale of endowment for reserve development**—(1) Notwithstanding section 230 of the Local Government Act 1974, if the proceeds from the sale of all or any part or parts of the endowment land described in subsection (2) of this section exceed the full cost to the Te Puke Borough Council of developing that land for sale for industrial purposes, the said Council may expend all or such part as it thinks fit of the amount of the excess for either or both of the following purposes:
- 25 (a) The development of the Council Reserve known as Centennial Park:
  - (b) The construction of facilities on that reserve.
  - (2) The said land comprises all those parcels of land situated in the Borough of Te Puke together containing approximately 1.1093 hectares being Lot 1 D.P.S. 13934 and Lots 3 to 5 and 7 to 10, and Part Lots 1, 2, and 6, D.P.S. 30 30558, and being—
  - (a) All the land comprised and described in certificates of title Nos. 27C/796, 27C/797, 27C/798, 27C/799, 27C/800, 27C/801, and 27C/802 (South Auckland Registry):
  - 35 (b) The residue of the land comprised and described in certificate of title No. 12B/133 (South Auckland Registry):
  - (c) So much of the land comprised and described in certificates of title Nos. 27C/795 and 28B/332 (South Auckland Registry) as was formerly comprised and described in the said certificate of title No. 12B/133.
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**6. West Coast Electric Power Board: Validating unlawful purchase of shares and authorising purchase of further shares—**(1) Notwithstanding that it is not authorised by law to do so, the actions of the West Coast Electric Power Board in—

(a) Purchasing 3333 \$1 shares in Westland Data Processing Limited for \$3333 on the 27th day of April 1977; and

(b) Entering into—

(i) An agreement with Milne David Barrymore 10  
Jellie, Philip John Heaphy, and John Michael  
Marshall dated the 14th day of September 1982 to  
purchase a further 3333 \$1 shares in that company  
at a price to be agreed between the parties to that  
agreement; and

(ii) An agreement with Trumans Limited dated 15  
the 27th day of October 1982 to purchase a further  
3333 \$1 shares in that company at a price to be  
agreed between the parties to that agreement,—

are hereby validated and deemed to have been lawful; and 20  
those agreements are hereby validated and deemed to be  
lawful and binding according to their tenor.

(2) The West Coast Electric Power Board is hereby  
authorised and empowered to have and exercise all the rights  
and powers in respect of any shares that it holds in Westland 25  
Data Processing Limited and in respect of that company,  
including the right to subscribe for or purchase further shares  
in that company, that it would have if it were an individual  
person.

SCHEDULE

Section 5

RATES AND CHARGES VALIDATED

RATES and Charges in respect of the Year that ended with the 31st day of March 1980 made by the Mackenzie County Council, the Strathallan County Council, and the Waimate County Council by resolutions passed on 1 June 1979, 6 June 1979, and 30 April 1979, respectively, and confirmed by resolutions passed on 6 July 1979, 11 July 1979, and 28 May 1979, respectively, on rateable property within its district:

- (1) A charge of \$47.50 for each ordinary domestic water supply.
- (2) An area water rate of 117.4 cents per hectare on all rateable property situated within the Downlands Water Supply District.
- (3) A charge of \$12.50 for each sheep-dip water supply, tank water supply, and domestic slaughterhouse water supply.
- (4) A charge of \$25 for each water supply to a cowyard where the number of cows milked does not exceed 5, and each pigsty water supply.
- (5) A charge of \$25, plus 70 cents for every 1000 gallons of water in excess of 50 000 gallons supplied during the year, for each water supply to a cowyard where the number of cows milked exceeds 5.
- (6) A charge of \$10 for each public hall water supply and domain water supply.
- (7) A charge of \$10.50 for each water supply to a school with fewer than 101 pupils.
- (8) A charge of \$17.50 for each water supply to a school with more than 100 and fewer than 201 pupils.
- (9) A charge of \$26.25 for each water supply to a school with more than 200 and fewer than 401 pupils.
- (10) A charge of \$35 for each water supply to a school with more than 400 pupils.
- (11) A charge of \$70, plus 70 cents for every 1000 gallons of water in excess of 50 000 gallons supplied during the year, for each water supply to a hotel, motel, market garden, golf club, sawmill, racecourse, shop, or other establishment of an extraordinary nature.
- (12) A charge of \$55, plus 70 cents for every 1000 gallons of water in excess of 50 000 gallons supplied during the year, for each high-pressure water supply.
- (13) A minimum water charge of \$25 for each rateable property serviced by the Downlands Water Scheme whose area exceeds 2024 m<sup>2</sup>.

RATES and Charges in respect of the Year that ended with the 31st day of March 1981 made by the Mackenzie County Council, the Strathallan County Council, and the Waimate County Council by resolutions passed on 30 May 1980, 18 June 1980, and 26 May 1980, respectively, and confirmed by resolutions passed on 4 July 1980, 2 July 1980, and 16 June 1980, respectively, on rateable property within its district:

- (1) The rates and charges specified in clauses (1) to (6) and (11) to (13) of that part of this Schedule relating to the year that ended with the 31st day of March 1980.
- (2) A charge of \$20 for each water supply to a school with fewer than 101 pupils.

SCHEDULE—*continued*

- (3) A charge of \$35 for each water supply to a school with more than 100 and fewer than 201 pupils.
- (4) A charge of \$50 for each water supply to a school with more than 200 and fewer than 401 pupils.
- (5) A charge of \$100 for each water supply to a school with more than 400 pupils.

RATES and Charges in respect of the Year that ended with the 31st day of March 1982 made by the Mackenzie County Council, the Strathallan County Council, and the Waimate County Council by resolutions passed on 29 May 1981, 17 June 1981, and 13 May 1981, respectively, and confirmed by resolutions passed on 3 July 1981, 22 July 1981, and 15 June 1981, respectively, on rateable property within its district:

- (1) A charge of \$53 for each ordinary domestic water supply.
- (2) An area water rate of \$1.30 per hectare on all rateable property situated within the Downlands Water Supply District.
- (3) A charge of \$14 for each sheep-dip water supply, tank water supply, and domestic slaughterhouse water supply.
- (4) A charge of \$27.50 for each water supply to a cowyard where the number of cows milked does not exceed 5, and each pigsty water supply.
- (5) A charge of \$27.50, plus 80 cents for every 1000 gallons of water in excess of 50 000 gallons supplied during the year, for each water supply to a cowyard where the number of cows milked exceeds 5.
- (6) A charge of \$11 for each public hall water supply and domain water supply.
- (7) A charge of \$22 for each water supply to a school with fewer than 101 pupils.
- (8) A charge of \$38 for each water supply to a school with more than 100 and fewer than 201 pupils.
- (9) A charge of \$55 for each water supply to a school with more than 200 and fewer than 401 pupils.
- (10) A charge of \$110 for each water supply to a school with more than 400 pupils.
- (11) A charge of \$77, plus 80 cents for every 1000 gallons of water in excess of 50 000 gallons supplied during the year, for each water supply to a hotel, motel, market garden, golf club, sawmill, racecourse, shop, or other establishment of an extraordinary nature.
- (12) A charge of \$60.50, plus 80 cents for every 1000 gallons of water in excess of 50 000 gallons supplied during the year, for each high-pressure water supply.
- (13) A minimum water charge of \$25 for each rateable property in respect of which a single rates assessment is issued.