

LOCAL LEGISLATION BILL

EXPLANATORY NOTE

Clause 1 relates to the Short Title.

Clause 2 relates to the making of payments to members of the Auckland Regional Authority and its committees and subcommittees for attending conferences or meetings on behalf of the Authority, and to members of such committees and subcommittees who are not members of the Authority, for attending meetings of their committees and subcommittees. Clause 29 of the Local Government Amendment Bill (No. 2), at present before the House, will, if passed, authorise the making of such payments. That Bill is expressed to come into force on 1 April 1983.

This clause has 2 effects. It authorises such payments for the period between its commencement and 1 April 1983; and it validates the illegal making of such payments in the past.

Clause 3 validates fees charged by the Bay of Islands County Council for the processing of scheme plans for the subdivision of land before 1 November 1982. The Local Government Act 1974 requires such fees to be fixed by bylaw, but the Council purported to fix them by resolution before that date.

Clause 4 validates a contract under which the Dunedin City Council has purchased a computer and undertaken to pay for it by instalments. Section 23 (1) of the Local Authorities Loans Act 1956 requires local authorities to provide for their "ordinary obligations and engagements in any year" out of their revenue for that year. But the contract provides for instalments to be paid over 5 years.

Clause 5 validates certain water rates and charges levied by the Mackenzie, Strathallan, and Waimate County Councils in the 1979–80, 1980–81, and 1981–82 rating years. The rates and charges all relate to the Downlands Water Supply Scheme, and are invalid because the notifications required by section 52 of the Rating Act 1967 were not given.

Clause 6 relates to the acquisition by the West Coast Electric Power Board of shares in a company known as Westland Data Processing Limited. Electric Power Boards are not authorised to acquire shares of this kind. The clause has 2 effects. First, it validates the Board's actions in subscribing for 3333 \$1 shares, and later agreeing to purchase a further 6666 \$1 shares from existing shareholders. Secondly, it authorises the Board to deal with those shares as it thinks fit.

Hon. Mr Highet

LOCAL LEGISLATION

ANALYSIS

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

A BILL INTITULED

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

BE IT ENACTED by the General Assembly of New Zealand
5 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.

2. Auckland Regional Authority: Authorising payments to persons attending meetings and conferences, and validating illegal payments made to such persons—
10 (1) Before the 1st day of April 1983, subsections (1) (d) and 3 (c) of section 214 of the Local Government Act 1974 shall apply with respect to persons who—

15 (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,—
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.

4. Dunedin City Council: Validating unlawful contract for purchase of computer—Notwithstanding section 23 (1) of the Local Authorities Loans Act 1956,—

- 10 (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
- 15 (b) All payments made by the Council under the Contract are hereby deemed to have been as lawfully made; and
- 20 (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.

25 **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),—

- 30 (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:
- 35 (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:
- 40 (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.

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 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 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 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 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 m².

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.

*Local Legislation*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.