

Hon. Sir Apirana Ngata.

RATING AMENDMENT.

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A BILL INTITULED

AN ACT to amend the Rating Act, 1925.

Title.

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

1. This Act may be cited as the Rating Amendment Act, 1933, and shall be read together with and deemed to form part of the Rating Act, 1925 (hereinafter called the principal Act), and to be included in Part II thereof. It
10 shall come into operation on the *first* day of *April*, nineteen hundred and thirty-four.

Short Title and commencement.
See Reprint of Statutes, Vol. VII, p. 1017

2. Section one hundred and three of the principal Act is hereby amended by adding the following paragraph:—

Papakainga to be exempt.

15 “(d) Native land, not exceeding five acres in any case, occupied by Natives as a papakainga or general dwelling-place.”

No. 89—1.

Owners in common to be represented on valuation roll by nominees.

3. Section one hundred and six of the principal Act is hereby amended by repealing subsection four, and substituting the following subsections:—

“(4) Where Native land is owned in common and is not vested in any trustee or corporate body as aforesaid, it shall be sufficient to insert in the column of owners in the valuation roll the name of any one or more of the owners in common as representing all of those owners, but in such case the name so inserted shall be inserted with the addition of the words ‘as nominated Maori owner’.

“(5) Where the owners in common of Native land or some of them are in occupation of the land it shall be sufficient to insert the name of one or more of such owners as occupiers, together with the addition of the words ‘as nominated Maori occupier’. Where there is no known occupier the name of the nominated owner may be inserted as that of the nominated occupier.

“(6) It shall be the duty of the Registrar to supply to the Valuer-General and to the local authority the names of persons to be inserted as nominated owners or occupiers.

“(7) The names to be furnished shall be those of living owners, and upon the death of any nominated owner or occupier the name of some other living owner in lieu thereof shall be supplied by the Registrar.

“(8) If there is no living owner, or if any person whose name has been inserted as nominated owner or occupier cannot be found, the Registrar may apply to the Court to appoint some person who shall be the nominated owner or occupier, or one of the nominated owners or occupiers, as the case may be.

“(9) The valuation roll may be altered from time to time in accordance with information supplied in accordance with this section.”

Particulars of partitions and alienations to be furnished.

4. (1) As soon as conveniently may be after the making by the Court of a partition order in respect of any Native land that is subject to rating it shall be the duty of the Registrar to forward notice of the partition order to every local authority having power to levy rates in respect of that land or any part thereof, together with a statement of the estimated area of the several parcels and such other particulars as the local authority may in any case require. The Registrar shall also transmit to every local authority concerned a minute of all sales and leases of rateable Native land that may be hereafter confirmed.

(2) It shall be lawful for any local authority to amend its rate-book from time to time in accordance with information received from the Registrar, whether pursuant to the foregoing provisions of this section or otherwise, and the local authority in any such case shall have power to apportion the rates then owing upon any Native land as between two or more parcels into which it may have been partitioned. Such apportionment shall be based upon any order of the Court apportioning such rates, or, if there is no such order, then in accordance with the valuation of each parcel. If a separate valuation of the several parcels has not been made, then, unless and until a special valuation of any parcel is made or agreed to, the valuation of that parcel shall bear to the valuation of the whole area the same proportion as the area of that parcel bears to the whole area.

Local authority may rectify rate-book.

5. Section one hundred and seven of the principal Act is hereby amended by repealing subsections three and four, and substituting therefor the following subsection :—

Section 107 of Rating Act, 1925, amended.

“(3) Where Native land (not being land to which the foregoing provisions of this section apply) is owned by two or more owners in common the vote shall be exercised by the occupier, and, if there is no occupier, then by the person whose name is entered on the roll as the nominated occupier. If there is more than one nominated occupier the vote may be exercised by such one of the nominated occupiers as may be mutually agreed on.”

6. (1) If, on the commencement of this Act or at any time thereafter, any rates are owing to a local authority by any Native (hereinafter in this section referred to as the ratepayer) in respect of any Native land used for the production for sale of dairy-produce, or of wool, crops, or other produce, the local authority may give notice in writing of the fact that rates are owing as aforesaid and of the amount thereof to any dairy company or to any mercantile agent to whom any such produce has theretofore been or may thereafter be sold or delivered, or to the grantee of any instrument by way of security granted over any such produce.

Proceeds of produce may be applied for payment of rates.

(2) Any dairy company, mercantile agent, or grantee to whom any such notice is given as aforesaid is hereinafter in this section referred to as the subdebtor.

(3) A notice given in accordance with the foregoing provisions of this section shall constitute a charge to the amount of the rates specified in the notice upon all moneys then owing by the subdebtor to the ratepayer in respect of any produce produced on the said land, and upon all moneys that may thereafter become owing by the subdebtor to the ratepayer in respect of any such produce, and upon any such produce that may then or thereafter be in the possession or under the control of the subdebtor. 5

(4) On the delivery of any such notice to the subdebtor the local authority shall become entitled, subject to the provisions of this section, to recover as a debt from the subdebtor, in any Court of competent jurisdiction, an amount not exceeding the amount of the charge, or not exceeding any amount equal to the value of the produce sold or delivered to or taken possession of by the subdebtor, reduced by any reasonable costs and expenses incurred by the subdebtor in connection therewith and further reduced by any advances theretofore made by the subdebtor to or on account of the ratepayer (whichever of the aforesaid amounts is the less): 10 15 20

Provided that where in accordance with any established practice payments in respect of any produce as aforesaid have been made to the ratepayer by monthly or other periodical instalments the amount recoverable by a local authority in respect of any period shall not exceed one-fourth of the total amount that would otherwise be payable to the ratepayer by the subdebtor for that period. In estimating the amount that may be recoverable by a local authority in accordance with this proviso, no account shall be taken of any other charges that may exist on the moneys payable by the subdebtor to the ratepayer. 25 30

(5) All amounts paid by a subdebtor pursuant to this section shall be deemed to have been paid on account of the ratepayer, and shall accordingly be deductible from the amount that would otherwise be payable by the subdebtor to the ratepayer. 35

(6) It shall be lawful for any subdebtor to charge, and for the local authority to pay, a sum equivalent to *sixpence* in every pound upon all payments made under this section to defray the cost to the subdebtor of keeping necessary records and accounts. 40

7. Where Native or Native-owned land is being developed under the provisions of section five hundred and twenty-two of the Native Land Act, 1931, then, notwithstanding anything to the contrary in the principal Act or any other Act, the said land shall not be liable for rates to an amount exceeding the net revenue derived therefrom :

Rates on Native development land.

10 Provided that if the Minister of Finance deems it expedient so to do in any case by reason of the necessity of the Natives concerned in farming or working the land being supplied with living expenses in respect of the development of such land, he may, by certificate under his hand, and for a period not exceeding three years from the commencement of this Act, or the
15 commencement of any scheme under the aforesaid section five hundred and twenty-two, whichever is later in date, declare the land not to be liable for more than half rates or such greater proportion of rates as may be specified in the certificate, and thereupon for the balance
20 of such period the land shall be liable only for the proportion so specified of the rates otherwise payable.

25 8. Native lands situate in a borough or town district, and which are non-revenue producing, shall, while remaining non-revenue producing, be liable for one-half only of the rates that would otherwise be payable in respect thereof.

Rates subject to reduction in urban areas.