

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

House of Representatives, 3 June 1987.

Words struck out are shown in italics within bold round brackets, 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 INTERNAL AFFAIRS AND LOCAL
GOVERNMENT COMMITTEE]

House of Representatives, 11 November 1987

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

Mr Lee

**THAMES-COROMANDEL DISTRICT COUNCIL
(RATING VALIDATION)**

[LOCAL]

ANALYSIS

Title	3. Validation of uniform annual charge
Preamble	4. Validation of expenditure
1. Short Title	5. Validation of writing-off of charge
2. Validation of rates	6. Validation of resolution seeking lump sum contributions

A BILL INTITULED

**An Act to validate certain rates and expenditure of the
Thames-Coromandel District Council**

WHEREAS by resolution on the 25th day of June 1981 the
5 Thames-Coromandel District Council (hereinafter referred to as
the Council) made a works and services rate pursuant to section
142 of the Local Government Act 1974 on all rateable property
in its district: And whereas by resolution on the 24th day of
June 1982 the Council made 3 works and services rates
10 pursuant to section 142 of the Local Government Act 1974 of

No. 111—3

Price
incl. GST \$1.90

differing amounts in each of the 3 divisions of the Council's district: And whereas rates made pursuant to section 142 of the Local Government Act 1974 are required to be made on every separately rateable property within the district where the function, work, or service will benefit the district as a whole or, 5 where the function, work, or service will benefit only part of the district, within the part of the district so benefitting: And whereas the making and levying of those rates, and the subsequent expenditure of the product of those rates, was not in accordance with that requirement: And whereas by 10 resolution on the 24th day of June 1982 the Council made a uniform annual charge for works and services purposes pursuant to section 164A of the Local Government Act 1974: And whereas the resolution failed to comply with the provisions of that Act in that it did not specify a particular work or service: 15 And whereas by resolution on the 16th day of December 1982 the Council wrote-off and waived payment of the charge on properties with a land value of less than \$2,000: And whereas the Council did not have the power to write-off such charges or waive such payments: And whereas by resolution on the (24th) 20 23rd day of February 1984 the Council resolved to invite ratepayers of the Te Puru area to make a lump sum contribution towards the capital costs of works pursuant to section 164C of the Local Government Act 1974: And whereas the resolution did not comply with the provisions of that Act in 25 that the invitation to make a lump sum contribution was made after the completion of the works: And whereas the lump sum contribution was calculated by the Council pursuant to a classification of land under section 153 of the Local Government Act 1974: And whereas in calculating the costs 30 according to the classification the Council did not comply with the provisions of sections 164D to 164I of the Local Government Act 1974:

BE IT THEREFORE ENACTED by the Parliament of New Zealand as follows: 35

1. Short Title—This Act may be cited as the Thames-Coromandel District Council (Rating Validation) Act 1987.

2. Validation of rates—The said works and services rates made and levied pursuant to section 142 of the Local Government Act 1974 by the Thames-Coromandel District 40 Council for the years ended with the 31st day of March 1982 and the 31st day of March 1983 are hereby validated and declared to have been lawfully made and levied.

3. Validation of uniform annual charge—The said uniform annual charge made and levied pursuant to section 164A of the Local Government Act 1974 by the Thames-Coromandel District Council for the year ended with the 31st day of March 1983 is hereby validated and declared to have been lawfully made and levied.

4. Validation of expenditure—The expenditure of the product of the said rates and the said uniform annual charge validated by sections 2 and 3 of this Act is hereby validated and declared to have been lawful.

5. Validation of writing-off of charge—All actions of the Thames-Coromandel District Council in resolving for the year ended with the 31st day of March 1983 to write-off and waive payment of the said uniform annual charge on properties with a land value of less than \$2,000 are hereby validated and declared to have been lawful.

6. Validation of resolution seeking lump sum contributions—The said resolution made pursuant to section 164C of the Local Government Act 1974 by the Thames-Coromandel District Council is hereby validated and declared to have been lawfully made.

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New

7. Payment of unpaid rates, etc.—(1) Notwithstanding anything in the Rating Act 1967, if payment has not been made, before the commencement of this Act, of any rates or charges the making and levying of which are validated by this Act—

- (a) Those unpaid rates and charges shall be payable within 12 months after the commencement of this Act;
- (b) A penalty shall not be charged by the Thames-Coromandel District Council in respect of any such rates and charges paid within that 12 month period;
- (c) The penalty prescribed in the Rating Act 1967 for the late payment of rates and charges may be charged by the Thames-Coromandel District Council in respect of

Struck Out

New

any such rates and charges not paid within that 12 month period.

(2) If, before the commencement of this Act, any penalty has been charged by the Thames-Coromandel District Council in respect of the late payment of any rates or charges the making and levying of which are validated by this Act, the penalty shall be refunded. 5

(3) For the purposes of section 79 of the Rating Act 1967, the rates and charges to which **subsection (1)** of this section applies shall be deemed to have become due and payable on the commencement of this Act. 10

New

7. Provision for unpaid rates and charges— 15

(1) Notwithstanding anything in the Rating Act 1967, if payment has not been made before the commencement of this Act of any rates the making and levying of which are validated by this Act, those unpaid rates shall be payable within 12 months after the commencement of this Act. 20

(2) Subject to **subsection (6)** of this section, if any ratepayer who, before the commencement of this Act, has not paid the uniform annual charge validated by this Act or has paid only part of that charge was, on the date on which payment was due, the occupier of 2 or more separately rateable properties, that ratepayer shall be liable to pay only one charge of \$100 in respect of those properties. 25

(3) Every charge or part charge payable under **subsection (2)** of this section shall be payable within 12 months after the commencement of this Act. 30

(4) Notwithstanding anything in the Rating Act 1967,—

(a) A penalty shall not be charged by the Thames-Coromandel District Council in respect of any such rates and charges paid within the said period of 12 months: 35

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- 5 (b) The penalty prescribed in the Rating Act 1967 for the late payment of rates and charges may be charged by the Thames-Coromandel District Council in respect of any such rates and charges not paid within the said period of 12 months.
- 10 (5) For the purposes of section 79 of the Rating Act 1967, the rates and charges to which this section applies shall be deemed to have become due and payable on the commencement of this Act.
- (6) Nothing in this section shall be construed as requiring the payment of any annual charge the writing-off of which is validated by section 5 of this Act.
- 15 (7) As soon as practicable after the commencement of this Act, the Thames-Coromandel District Council shall send to every ratepayer liable to pay any rates or charge under this section written notification of—
- 20 (a) The effect of this section; and
(b) The amount payable by the ratepayer under this section; and
(c) The date on or before which payment is due; and
(d) The penalty payable if payment is not made on or before that date.
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