

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 13 September 1956

Words struck out by the Local Bills Committee are shown in italics within bold round brackets; words inserted are shown in bold within bold square brackets.

Mr Scott

WAITEMATA COUNTY COUNCIL EMPOWERING

[LOCAL BILL]

ANALYSIS

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A BILL INTITULED

An Act to empower the Waitemata County Council to reduce the values on which general rates may be made and levied over the whole county

5 WHEREAS a general revision of values of the Waitemata County became effective for rating purposes on the thirty-first day of March, nineteen hundred and fifty-four: And whereas in the opinion of the Waitemata County Council the rateable values placed on certain farm lands will result in
10 excessively high general rates being made and levied on such lands: And whereas the payment of such general rates will in the opinion of the Council make the farming of such lands uneconomic: And whereas the Council is of the opinion that
15 such lands are not immediately required for subdivision and are being used for purposes of primary production: And whereas it is expedient that the Council be empowered to reduce the rateable values of such lands for the purpose of making and levying general rates over the whole county:

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

No. 29—2

1. Short Title and commencement—(1) This Act may be cited as the Waitemata County Council Empowering Act 1956.

(2) This Act shall come into force on the thirty-first day of March, nineteen hundred and fifty-seven. 5

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

“Council” means the Waitemata County Council:

“County” means the Waitemata County:

“Occupier” has the same meaning as in the Rating Act 1925: 10

“Rateable value” has the same meaning as in the Rating Act 1925:

“Special farm land” means (*the*) land which for the time being— 15

(a) Is subject to any general rates made and levied by the Council; and

(b) Is used exclusively or principally for agricultural, horticultural, or pastoral purposes or for the keeping of bees or of poultry or other livestock; and 20

(c) Is not in the opinion of the Council likely to be required for building purposes within any reasonable period; and

(d) Is shown in the valuation roll for the time being in force as having an area of not less than three acres and an unimproved value of not less than (*fifty*) [thirty-five] pounds per acre: 25

“Special farm-land list” means a special farm-land list made by the Council in accordance with this Act:

“Valuation roll” means the valuation roll for the time being in force for the purposes of the Rating Act 1925. 30

3. Special farm-land list—(1) At any time after the thirty-first day of March and before the first day of June in each year, the Council may cause a special farm-land list to be made, in the form in the Schedule to this Act, or to the like effect, of all pieces of special farm land in the county which are liable to be rated separately by the Council. 35

(2) The particulars in the special farm-land list, other than the special rateable value, shall be taken from the valuation roll. 40

(3) The Council shall determine with respect to every property described in the special farm-land list whether or not the rateable value should be reduced for the purposes of this Act, after taking into consideration all relevant matters, including the following matters, namely:

(a) Whether the general rates payable by the occupier are excessive or unduly burdensome:

(b) Whether any reduction would be likely to impose an undue burden of rates on the other ratepayers of the county, or any of them:

(c) Any alteration of the rateable value since the valuation roll came into force.

(4) The amount to which the Council determines to reduce the rateable value of any property, or, if it determines not to make any reduction, the existing rateable value, shall be entered in the special farm-land list as the special rateable value of the property.

(5) The Council shall not, for the purposes of this Act, reduce the unimproved value of any special farm land to a sum less than ~~(fifty)~~ [thirty-five] pounds an acre.

4. Deposit of list for inspection—(1) After the preparation of the special farm-land list as aforesaid, the Council shall deposit the list or a true copy thereof for a period of not less than twenty-one days at the office of the Magistrate's Court at Auckland for inspection without fee, and shall, forthwith after such deposit, cause public notice to be given, at least twice in a daily newspaper circulating in the county, of the deposit of the list for inspection as aforesaid, and of the right of objection conferred by section *five* of this Act and the time allowed by that section for the lodging of objections, and of the day and place for the hearing of objections and the revision of the list by a Magistrate.

(2) If within the time so allowed for the lodging of objections no objection is lodged, the list shall be signed by two members of the Council, and shall be the special farm-land list for the county for the year ending on the thirty-first day of March next following the signing of the list.

5. Objections to list and revision thereof—(1) Any person who considers himself aggrieved by reason of the insertion or incorrectness of any matter in the list so deposited, or of the omission of any matter therefrom, or of the inconsistency or unfairness of any special rateable value entered therein in

relation to any other special rateable value entered therein, may object by lodging with the Registrar of the Magistrate's Court at Auckland, not later than three clear days before the date fixed for the hearing of objections, or within such further time as a Magistrate may in his discretion allow, an objection 5
in writing under his hand or under the hand of his solicitor or duly authorised agent. A copy of any such objection shall immediately thereafter be lodged with or sent by registered letter to the Clerk of the county.

(2) On the day fixed for hearing objections, or on any day 10
to which the hearing may from time to time be adjourned, a Magistrate shall hear and determine all objections lodged under this section, and may alter the special farm-land list in respect of anything objected to by correcting any special rateable value therein, or by inserting any matter therein or 15
erasing any matter therefrom, which it is proved to his satisfaction ought to be altered, inserted, or erased, as the case may be.

(3) The Magistrate shall have power to determine whether any property is special farm land within the meaning of this 20
Act.

(4) Any determination of the Magistrate under this section shall be final and binding on all parties.

(5) When all the objections have been disposed of, the Magistrate shall initial the alterations, insertions, and erasures 25
(if any) made in the special farm-land list, and shall sign the list, and it shall be the special farm-land list for the county for the year ending on the thirty-first day of March next following the signing of the list.

(6) For the purposes of this section the Magistrate shall 30
have all the powers to summon witnesses and examine them on oath, and to compel their attendance and the answering of questions and the production of papers, and all other powers in respect of the hearing of matters before him, including the power to award costs in his discretion, that may 35
be exercised by a Magistrate's Court in its ordinary civil jurisdiction.

6. Evidence and inspection of list—(1) The special farm-land list so signed by two members of the Council or, as the case may be, by the Magistrate shall be conclusive evidence 40
of the contents thereof and that it has been made in accordance with this Act.

(2) A copy of the special farm-land list shall be kept in the public office of the Council, and shall at all times be open to public inspection, without fee, during office hours.

7. List to be part of valuation roll for rating purposes—The special farm-land list made under this Act shall be deemed to be part of the valuation roll; and all general rates becoming payable to the Council while the special farm-land list is in force in respect of any property described in such list, whether levied before or after the coming into force of the list, shall be assessed on or by reference to the special rateable value of such property as appearing in the special farm-land list.

SCHEDULE

SPECIAL FARM-LAND LIST

SPECIAL farm-land list for the County of Waitemata, to come into force on the day of 19 :

No. on Valuation Roll	Occupier			Owner			Description and Situation of Rateable Property	If Let, for What Term, and in What Manner	Rateable Value	Special Rateable Value
	Surname	Christian Name	Trade or Occupation	Surname	Christian Name	Trade or Occupation				