



ANALYSIS

Title
Preamble
1. Short Title

2. Validation of resolutions, special order,
and declaration of differential rating
system
3. Validation of rates

1983, No. 8—*Local*

An Act to validate certain resolutions and a special order made by the Hokianga County Council altering a system of differential rating and to validate rates made and levied in reliance on those resolutions and that special order

[16 November 1983]

WHEREAS at an ordinary meeting, held on the 30th day of June 1982, the Hokianga County Council (in this Act referred to as the Council) passed a resolution (hereinafter referred to as Resolution No. 1) pursuant to the Local Government Act 1974 establishing a works and services uniform annual charge of \$60 per assessment on all rateable properties in the ridings of the Council being Mangamuka, Waihou, Whangape, Motukaraka, Kohukohu, Horeke, Omapere, Rawene, and Taheke: And whereas Resolution No. 1 was invalid by virtue of the fact that the said works and services uniform annual charge was not intended to apply to the Rawene Community Council area, the Kohukohu Community Council area, and the Omapere and Opononi Community Council area, but those areas were not specifically excluded: And whereas Resolution No. 1 was further invalid by virtue of the fact that the public notice of the intention to levy rates and the resolution making the said works and services uniform annual charge did not specify the function, work, or service for which the said charge was intended contrary to sections 142 and 164A (1) of the Local Government Act 1974: And whereas in reliance on Resolution

No. 1 the Council has made and levied the said works and services uniform annual charge throughout the county, except the Rawene Community Council area, the Kohukohu Community Council area, and the Omapere and Opononi Community Council area, for the rating year beginning on the 1st day of April 1982: And whereas it is desirable that the said Resolution No. 1 and the said charge be validated: And whereas at an ordinary meeting held on the 30th day of June 1982 the Council passed a resolution (hereinafter referred to as Resolution No. 2) pursuant to the Local Government Act 1974 making and levying a general rate of \$0.01965 in the dollar land value on all rateable property within the Rawene Community Council area: And whereas Resolution No. 2 was invalid by virtue of the fact that the Council intended to make and levy a community general rate for the Rawene Community Council area pursuant to section 139 of the Local Government Act 1974 and the Council did not, by resolution, declare that the general rate under section 136 of that Act should not be made and levied on the rateable property within the community and that instead a community general rate should be made and levied on every rateable property within the community as required by the said section 139: And whereas Resolution No. 2 was further invalid by virtue of the fact that the public notice of intention to levy rates, and Resolution No. 2, did not specify that a community general rate was to be made and levied: And whereas in reliance on Resolution No. 2, the Council has made and levied the said rate of \$0.01965 in the dollar land value on all rateable property in the Rawene Community Council area for the rating year beginning on the 1st day of April 1982: And whereas it is desirable that Resolution No. 2 and the said rate be validated: And whereas at an ordinary meeting held on the 30th day of June 1982 the Council passed a resolution (hereinafter referred to as Resolution No. 3) pursuant to the Local Government Act 1974 making and levying a general rate of \$0.015724 in the dollar land value on all rateable property within the Omapere and Opononi Community Council area: And whereas Resolution No. 3 was invalid by virtue of the fact that the Council intended to make and levy a community general rate for the Omapere and Opononi Community Council area pursuant to section 139 of the Local Government Act 1974 and the Council did not, by resolution, declare that the general rate under section 136 of that Act should not be made and levied on the rateable property within the community and that

instead a community general rate should be made and levied on every rateable property within the community as required by the said section 139: And whereas Resolution No. 3 was further invalid by virtue of the fact that the public notice of intention to levy rates, and Resolution No. 3, did not specify that a community general rate was to be made and levied: And whereas in reliance on Resolution No. 3, the Council has made and levied the said rate of \$0.015724 in the dollar land value on all rateable property within the Omapere and Opononi Community Council area for the rating year beginning on the 1st day of April 1982: And whereas it is desirable that Resolution No. 3 and the said rate be validated: And whereas at an ordinary meeting held on the 30th day of June 1982 the Council passed a resolution (hereinafter referred to as Resolution No. 4) pursuant to the Local Government Act 1974 making and levying a differential general rate of \$0.013275 in the dollar land value on all rateable properties within the boundaries of the Kohukohu Community Council area, excluding those commercial properties in code C as defined in a statement approved by the Council on the 17th day of May 1982, and a differential general rate of \$0.039825 in the dollar land value on the rateable value of all commercial properties within the boundary of the Kohukohu Community Council area as defined in a statement approved by the Council on the 17th day of May 1982: And whereas Resolution No. 4 was invalid by virtue of the fact that the Council intended to make and levy the said rates as differential community general rates for the Kohukohu Community Council area pursuant to section 139 of the Local Government Act 1974 and the Council did not, by resolution, declare that the general rate under section 136 of that Act should not be made and levied on the rateable property within the community and that instead differential community general rates should be made and levied on every rateable property within the community as required by the said section 139: And whereas Resolution No. 4 was further invalid by virtue of the fact that the public notice of intention to levy rates, and Resolution No. 4, did not specify that differential community general rates were to be made and levied: And whereas in reliance on Resolution No. 4 the Council has made and levied the said differential rate of \$0.013275 in the dollar land value and \$0.039825 in the dollar land value, respectively, on the category of rateable property in the Kohukohu Community Council area to which each relates for the rating year beginning on the 1st day of April 1982: And

whereas it is desirable that Resolution No. 4 and the said rates be validated: And whereas at an ordinary meeting held on the 30th day of June 1982 the Council passed a resolution (hereinafter referred to as Resolution No. 5) pursuant to the Local Government Act 1974 establishing a works and services uniform annual charge of \$40 per assessment for the Kohukohu Community Council area: And whereas Resolution No. 5 was invalid by virtue of the fact that the public notice of the intention to levy rates and the resolution making and levying the works and services uniform annual charge did not specify the function, work, or service for which the charge was intended contrary to sections 142 and 164A (1) of the Local Government Act 1974: And whereas in reliance on Resolution No. 5 the Council has made and levied the said works and services annual charge on all rateable property in the Kohukohu Community Council area for the rating year beginning on the 1st day of April 1982: And whereas it is desirable that Resolution No. 5, and the said charge, be validated: And whereas at a special meeting held on the 6th day of April 1982 the Council passed a special order, pursuant to the Local Government Act 1974, the Rating Act 1967, and all other Acts and powers enabling it to do so, altering its system of differential rating with effect from the 1st day of April 1982: And whereas that special order was invalid by virtue of the fact that the resolution making the special order did not include a statement specifying—

- (a) The matters taken into account in preparing the proposed system of differential rating:
- (b) The proposed types of groups of property for differential rating within the district, ward, or special rating area, as the case may be:
- (c) That the proposed system of differential rating had the object of establishing and preserving, as far as practicable, a stated relationship between the total proceeds of rates received from any type or group or combination of types or groups of property or any other type of groups of property, if such was the case:
- (d) The general effect that the introduction of differential rating was expected to have on the incidence of rates as between ratepayers or groups of ratepayers within the district, ward, or special rating area, as the case may be—

as prescribed by section 147A (1) (c) of the Local Government Act 1974: And whereas that special order was further invalid

by virtue of the fact that the statement made available for public inspection pursuant to section 147A (1) (d) of the Local Government Act 1974 did not contain the particulars required by section 147A (1) (c) of that Act: And whereas in reliance on that special order the Council has made and levied certain rates for the rating year beginning on the 1st day of April 1982: And whereas it is desirable that the said special order, and the said rates, be validated:

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

1. Short Title—This Act may be cited as the Hokianga County Council (Rating Validation) Act 1983.

2. Validation of resolutions, special order, and declaration of differential rating system—Notwithstanding that the resolutions passed on the 20th day of June 1982, namely Resolutions Nos. 1, 2, 3, 4, and 5 were invalid, and notwithstanding that the said special order made on the 6th day of April 1982 was invalid, the said Resolutions Nos. 1, 2, 3, 4, and 5 and the said special order are hereby validated and declared to have been lawfully made and confirmed in respect of the rating year beginning on the 1st day of April 1982; and the said alteration to the differential rating system is hereby declared to be approved.

3. Validation of rates—(1) The rates made and levied by the Council for the year beginning on the 1st day of April 1982 in reliance on the said Resolutions Nos. 1, 2, 3, 4, and 5 and the said special order, are hereby validated and declared to have been lawfully made and levied.

(2) All actions of the Council in levying and collecting the said rates are hereby validated and declared to have been lawful.

(3) All money received by the Council in payment of the said rates is hereby declared to have been lawfully paid to and received by it.

(4) Such part of the said rates as has not yet been paid to the Council is hereby declared lawfully payable and capable of being collected as if it had always been lawfully payable.
