

17 November 2014

Official Information Request No. 9000132305
(Please quote this in any correspondence)

Ms Grace Haden

By email: fyi-request-2131-8e8cd0f4@requests.fyi.org.nz

Dear Ms Haden

Local Government Official Information and Meetings Act 1987

Re: Delegation of the Ratings Act

I refer to your email, which we received on 24 October 2014, requesting information about the delegation of the Ratings Act.

You have asked that the Council respond to the following:

1. To whom have the provisions of section 57 penalties on unpaid rates been delegated to in each years 2006- 2014 (for Auckland City Council pre 2010)?
2. How was that duty delegated?
3. If that delegation was done on an annual basis, please provide a copy of the minutes which gave effect to that delegation.
4. Please also let me know the authority under which the council can collect rates by way of instalments and impose penalties on those instalments.

In relation to points 1 to 3, I note that the provisions of section 57 of the Local Government (Rating) Act 2002 are not able to be delegated. Under that section, the Council itself passes a resolution each year authorising penalties. Copies of the relevant resolutions will be provided when we respond to your request dated 23 October 2014 requesting copies of those resolutions and other information. We are progressing that second request urgently.

Once a resolution has been passed, it is the responsibility of the Chief Executive under section 42 of the Local Government Act 2002 to implement that decision.

In answer to point 4, the authority under which the Council can collect rates by way of instalments and impose penalties on those instalments comes from sections 24 and 57(1) which provide:

24 Due date or dates for payment

A local authority must state, in the resolution setting a rate, -

- (a) the financial year to which the rate applies; and
- (b) the date on which the rate must be paid or, if the rate is payable by instalments, the dates by which the specified amounts must be paid.

57 Penalties on unpaid rates

- (1) A local authority may, by resolution, authorise penalties to be added to rates that are not paid by the due date.

If you have any further queries please contact me on 09 301 0101, quoting Official Information Request No. 9000132305.

Yours sincerely



James Stephens
Information Advisor
AKLC Electoral Office/Public Info Unit

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