LOCAL GOVERNMENT AMENDMENT BILL (NO. 2)

EXPLANATORY NOTE

THIS Bill amends the Local Government Act 1974.

Clause 1 relates to the Short Title and commencement.

Clause 2: The effect of this clause is that works and services rates become separate rates.

Clause 3: The effect of this clause is that where lump sum contributions are invited and ratepayers do not elect to pay lump sum contributions, the rate that may be struck in respect of the capital costs of the works is not restricted by the unavailability of the service or the decision of the ratepayer not to connect his property to the service, as would otherwise often be the case.

Clause 4 substitutes new provisions relating to the allowances and remuneration that may be paid to Chairmen, Deputy Chairmen, chairmen of standing committees, and other members of certain local authorities. Those local authorities are—

(a) Regional and united councils and territorial authorities:
(b) Harbour boards:
(c) Electric power boards:
(d) Area health boards:
(e) Hospital boards
(f) Catchment boards, catchment commissions, and regional water boards:
(g) Drainage boards, irrigation boards, and river boards:
(h) Pest destruction boards:
(i) Various individual authorities broadly similar to those described above.

The local authorities are grouped in classes set out in the First Schedule to this Bill.

The proposed system is that the Higher Salaries Commission will determine the maximum annual allowances payable to selected Chairmen of certain classes of local authorities. The Minister of Local Government will then determine the maximum annual allowances or remuneration of other Chairmen and the Deputy Chairmen, chairmen of standing committees, and other members of the local authorities. The determinations by the Minister are to be made having due regard to the determination of the Higher Salaries Commission and are not to vary the relativity of the annual allowances and remuneration payable as between local authorities. In addition, classes of local authorities and individual local authorities may apply to the appropriate Minister and the Minister of Finance to determine the annual allowances or remuneration of their Chairmen, Deputy Chairmen, chairmen of standing committees, and other members. While these determinations

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will set the maximum amounts of annual allowances and remuneration that may be paid, the actual amounts to be paid will continue to be set by the local authorities concerned.

The proposed *section 214* defines terms used in the proposed *sections 214A to 214J*.

The proposed *section 214A* provides that the Higher Salaries Commission is to determine the maximum annual allowances that may be paid to the Chairmen of regional and united councils that contain within their districts at least one territorial authority with a population exceeding 50 000, and territorial authorities with a population exceeding that figure.

The Commission is also required to determine the annual allowances payable to the Chairman of one harbour board, one electric power board, one area health board, one hospital board, and one catchment board.

The determination of the Commission under this section sets the basis of the determinations by the Minister under the proposed *section 214B*.

The proposed *section 214B* provides that the Minister of Local Government is to determine the maximum annual allowances payable to Chairmen whose annual allowances are not set under the proposed *section 214A*, and the maximum annual allowances or remuneration payable to Deputy Chairmen, chairmen of standing committees, and other members of local authorities. The determination is to be made having due regard to any changes in maximum annual allowances determined by the Higher Salaries Commission under the proposed *section 214A*, and is not permitted to vary the relativity between local authorities except as a consequence of any change in relativity made by a determination of the Higher Salaries Commission under the proposed *section 214A*.

The proposed *section 214C* provides for the alteration of allowances or remuneration payable to Chairmen, Deputy Chairmen, chairmen of standing committees, and other members of local authorities. The alterations may be made by the appropriate Minister and the Minister of Finance at the request of organisations representing local authorities or the majority of the local authorities of any class if there is no such organisation, and individual local authorities. Where the alteration is to an allowance determined by the Higher Salaries Commission, the consent of the Commission must be obtained.

The proposed *section 214D* provides for the remuneration of members of committees and subcommittees of local authorities and district community councils who are not members of the local authority or district community council on the same basis as members of the local authority or district community council who are members of the committee or subcommittee.

The proposed *section 214E* makes it clear that these provisions do not authorise the payment of annual allowances or remuneration to any person unless the payment is authorised by a determination under those provisions or is authorised by the Act under which the local authority is constituted. The effect is that payments of allowances and remuneration may only be made where expressly authorised.

The proposed *section 214F* provides for the payment of an annual allowance to the Chairmen of district community councils and the remuneration of members of those councils.

The proposed *section 214G* provides for the payment of annual allowances to the Chairmen of community councils and the remuneration of members of those councils.

The proposed *section 214H* provides that where a determination reduces any annual allowance or remuneration the allowance or remuneration of the current holder of the office is not to be reduced during his current term without his consent.

The proposed *section 214I* provides that Chairmen and members of local authorities may decline to accept all or part of their annual allowances or remuneration, and where they do so, the allowances and remuneration will not be treated as income for income tax purposes.

In determining a person's entitlement to other allowances or remuneration under a determination under the Act, that person will be treated as not being entitled to any annual allowance or remuneration that has been declined.

The proposed *section 214J* provides that allowances and remuneration payable under determinations made under the proposed *sections 214A, 214B, and 214C* are to be paid out of the general revenues of the local authority.

Clause 5 inserts a schedule in the Local Government Act 1974 that specifies the local authorities to which the above provisions apply, and divides those local authorities into classes.

Clause 6 makes consequential amendments.

Clause 7 provides for the continuation of existing rates of allowances and remuneration, however they are fixed, until they are replaced by determinations made under the proposed provisions.

The clause also provides that determinations under the proposed *sections 214A, 214B, and 214C* may revoke Orders in Council, notices, and other documents that they replace.

Clause 8 gives councils the power to purchase motor vehicles, equipment, machinery, and furnishings on hire purchase or by instalment payments. The clause also makes it clear that nothing in the Local Authorities Loans Act 1956 applies to such purchases.

Clause 9 substitutes a new section 228 in the principal Act. The provision deals with the purchase of land by instalment payments. The principal features of the provision are—

(a) The maximum rate of interest that may be paid by a council is to be set by the Minister in granting his approval to the purchase. The present restriction on the maximum rate, expressed by reference to the Local Authorities Loans Act 1956, is removed:

(b) The maximum rate of interest that may be paid must be a specific rate and it cannot be increased:

(c) If no approval of a maximum rate of interest is given then no interest may be paid by the council:

(d) The existing exemptions are retained:

(e) It is made clear that nothing in the Local Authorities Loans Act 1956 applies to the purchase of land in accordance with the section.

Clauses 10 to 12 deal with the application to relocatable home parks of Part XX of the principal Act (which relates to subdivisions and developments). The combined effect of the clauses is that the construction of a relocatable home park will be treated as a development for residential purposes by the owner of the land being developed.

Clause 13 repeals section 559 of the principal Act which empowers a council to refuse to sell or lease land or buildings without giving reasons for its refusal.

Clause 14 provides that money received by a council from the sale or lease of building lots is to be paid into a bank account and credited to the Housing and Property Account. At present, section 562 requires that the money be paid into a separate account, but is silent as to its further application. The change reflects the change in emphasis of local authority accounting following the substitution of a new section 202 in 1980. A similar change is made in the new *section 572* (see *clause 15*).

Clause 15 substitutes a new section 572 in the principal Act. The provision deals with the powers of a council to subdivide, develop, sell, and lease land and buildings for commercial or industrial purposes.

The principal features of the provision are—

(a) The powers apply to land purchased by the council for commercial or industrial purposes, as at present. They also apply to any building so purchased. The application of the powers to other land at present applies to any land held by the council for the general purposes of the district and not for any particular purpose. Under the proposed section the powers apply to buildings as well as land, but their application to land or buildings acquired or held on trust or as an endowment is restricted to the extent to which such action is permitted by the terms of the trust or endowment:

(b) The power to sell or lease land or buildings for commercial or industrial purposes is no longer subject to sections 230 and 231 of the principal Act, and it is made clear that the Public Bodies Leases Act 1969 does not apply to any such lease.

Clause 16 restricts the powers of a local authority to make bylaws conferring powers of entry. At present, there is no specific provision relating to this subject.

The effect of the clause is that bylaws may not confer a power to enter without consent unless the power is a condition of a licence or permit, or is necessary to ensure compliance with the conditions of a licence or permit, and the power is expressed to be exercisable only in accordance with the new *section 710 (see clause 17)*.

Clause 17 deals with the powers of entry of council officers and agents. The principal features (not all of which are new) are:

(a) The combination of the powers and responsibilities in one section:

(b) The power to enter without consent can only be exercised after reasonable efforts have been made to obtain consent to the entry and is subject to the giving of at least 24 hours' notice to the occupier unless—

(i) It is being exercised in an emergency; or

(ii) It is being exercised in connection with a licence or permit granted by the council; or

(iii) The giving of the notice would defeat the purpose of the entry:

(c) The power to enter without consent cannot be exercised on a Sunday or public holiday unless—

(i) It is being exercised in an emergency situation; or

(ii) Any premises on the land are open for business on that day:

(d) Entry into dwellinghouses and the residential part of other premises is permitted only if authorised by a judicial warrant that must be applied for on oath and can only be granted if the person granting the warrant is satisfied that reasonable efforts have been made to obtain consent to the entry or that those efforts would defeat the purpose of the entry:

(e) Any person exercising the power must have with him a warrant of authority, and the warrant and evidence of his identity must be produced, if practicable, when he first enters the land or property and at any reasonable time thereafter on request.

The powers specified in this clause are in addition to, and not in substitution for, powers conferred by any other Act. The conditions relating to them do not apply where powers conferred by any other Act are being exercised.

Clause 18 makes a consequential repeal and consequential amendments.

Hon. Mr Highet

LOCAL GOVERNMENT AMENDMENT (NO. 2)

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A BILL INTITULED

An Act to amend the Local Government Act 1974

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

1. Short Title and commencement—(1) This Act may be cited as the Local Government Amendment Act (No. 2) 1983, and shall be read together with and deemed part of the Local Government Act 1974* (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 28th day after the date on which it receives the Governor-General's assent.

*R.S. Vol. 5, p. 77
Amendments: 1980, No. 82; 1981, Nos. 23, 111; 1982, Nos. 3, 166

2. Works and services rate—(1) Section 142 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by inserting in subsection (1), after the words "make and levy", the words "as a separate rate".

(2) Section 142 of the principal Act (as so enacted) is hereby further amended by omitting from subsection (2) the words "a separate rate", and substituting the words "another separate rate".

3. Separate rates—Section 143 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by inserting, after subsection (1), the following subsection:

"(1A) No restriction imposed by subsection (1) of this section relating to the availability of or connection to services shall apply in any case where—

"(a) The rate is made and levied in respect of the capital costs of any work in the district or part of the district; and

"(b) The work is one in respect of which the territorial authority has resolved under section 164C of this Act to invite lump sum contributions towards capital costs."

4. New sections substituted—(1) The principal Act is hereby amended by repealing sections 214 and 214A, and substituting the following sections:

"214. **Interpretation**—In **sections 214A to 214J** of this Act, unless the context otherwise requires,—

" 'Appropriate Minister'—

"(a) Means the Minister charged with the administration of the Act by or under which the local authority is constituted:

"(b) Where there is no such Minister,—

"(i) In relation to any electric power board (including the Auckland Electric Power Board), or to any area electricity authority, means the Minister of Energy:

"(ii) In relation to any area health board or hospital board, means the Minister of Health:

"(iii) In relation to the Christchurch Drainage Board, the Hutt Valley Drainage Board, and the North Shore Drainage Board, means the Minister of Local Government:

"(iv) In relation to the Waikato Valley Authority, means the Minister of Works and Development:

"(v) In relation to any harbour board and to the Christchurch Transport Board, means the Minister of Transport:

" 'Class of local authorities' means a class of local authorities specified in **Schedule 1A** to this Act:

" 'Higher Salaries Commission' or 'Commission' means the Higher Salaries Commission established by section 4 (1) of the Higher Salaries Commission Act 1977:

" 'Local authority' means a local authority specified in **Schedule 1A** to this Act, either by name or by reference to the class of local authority of which it is a member.

"214A. **Annual allowances to be determined by Higher Salaries Commission**—(1) The Higher Salaries Commission shall, on the completion of a general review of salaries and allowances carried out under section 19 (3) of the Higher Salaries Commission Act 1977, or on determining an interim adjustment to the salaries of local authority officers under section 20 (1) (c) or section 23 (1) of that Act, and may at any other time,—

"(a) Determine the maximum annual allowances that may be paid to the Chairman of the following local authorities:

"(i) Regional councils and united councils that contain within their districts at least one territorial authority with a population exceeding 50 000 at a date fixed by the Commission:

"(ii) Those territorial authorities with populations exceeding 50 000 at a date fixed by the Commission:

"(b) Determine the maximum annual allowances that may be paid to the Chairman of one local authority of each of the following classes:

"(i) Harbour boards:

"(ii) Electric power boards (including the Auckland Electric Power Board and the Rotorua Area Electricity Authority):

"(iii) Area health boards:

"(iv) Hospital boards:

"(v) Catchment boards and catchment commissions (including regional water boards and the Waikato Valley Authority).

"(2) For the purpose of any determination under **subsection (1)** of this section, the following persons, local authorities, and organisations shall be entitled to make submissions to the Commission at a time and place and in a manner to be determined by the Commission:

"(a) Any person for whom the maximum annual allowance that may be paid is to be determined under that subsection:

"(b) Any local authority whose Chairman is a person for whom the maximum annual allowance that may be paid is to be determined under that subsection:

"(c) Any organisation recognised by the Higher Salaries Commission as representing a local authority whose Chairman is a person for whom the maximum annual allowance that may be paid is to be determined under that subsection.

"(3) Any determination under **subsection (1) (a)** of this section may establish different annual allowances for the Chairmen concerned as between different regional and united councils and territorial authorities.

"(4) The Higher Salaries Commission shall advise the Minister of every determination by it under **subsection (1)** of this section.

"(5) Every determination under **subsection (1)** of this section shall come into force on the day 6 months after the date on which it was made, or such earlier date as may be specified in any determination under **section 214B (1)** of this Act.

"214B. **Annual allowances and remuneration to be determined by Minister following determination by Higher Salaries Commission**—(1) Within 6 months after the Higher Salaries Commission has advised the Minister of a determination under **section 214A (1)** of this Act, the Minister shall determine—

"(a) The maximum annual allowance of the Chairman of a local authority where that allowance is not determined by the Commission under **section 214A** of this Act:

"(b) The maximum annual allowance of the Deputy Chairman of a local authority (not being a town council) appointed under section 96 (4) of this Act, or the corresponding provisions of any other Act:

"(c) The maximum annual allowance or remuneration of members (other than the Chairman) of a local authority or district community council who are chairmen of standing committees appointed by the local authority under section 104 of this Act, or standing committees appointed under the corresponding provisions of any other Act:

"(d) The maximum remuneration of other members of a local authority:

"(e) The conditions subject to which any such annual allowance or remuneration is to be paid, including conditions as to the kinds of meetings or conferences (whether of the local authority or its committees or otherwise) and the number of meetings or conferences in respect of which annual allowances or remuneration may be paid.

"(2) Every determination under **subsection (1)** of this section shall be made having due regard to any changes in the annual allowances determined by the Commission under **section 214A (1)** of this Act.

"(3) Any determination under **subsection (1)** of this section may establish different annual allowances or remuneration for the persons concerned as between different classes of local authorities and as between local authorities of the same class.

"(4) No determination under **subsection (1)** of this section shall vary the relativity as between the annual allowances or remuneration payable to the Chairman, Deputy Chairman, chairmen of standing committees, and other members of one local authority and the Chairman, Deputy Chairman, chairmen of standing committees, and other members of any other local authority whether of the same class or not, unless that variation is a consequence of any changes in relativity effected by a determination of the Commission under **section 214A** of this Act.

"(5) Every determination under **subsection (1)** of this section shall—

"(a) Set out in full any current determination of the Commission that preceded the determination:

"(b) Specify the date on which the determination under **subsection (1)** of this section and the determination of the Commission shall take effect, which shall be a day not later than 6 months after the date on which the determination of the Commission was made under **section 214A** of this Act.

"(6) Every determination under **subsection (1)** of this section is hereby deemed for the purposes of any Act to be a regulation.

Cf. 1974, No. 66, s. 214 (1) (1A); 1977, No. 122, s. 2; 1980, No. 82, s. 28

"214C. **Alteration to annual allowances or remuneration of Chairmen, Deputy Chairmen, chairmen of standing committees, and other members of local authorities**—(1) The appropriate Minister and the Minister of Finance may, at the request of any organisation recognised by the appropriate Minister as representing a class of local authorities or, where no such organisation is so recognised, at the request of a majority of the local authorities of any class, determine the annual allowances or remuneration payable to the Chairmen, Deputy Chairmen, chairmen of standing committees, and other members of the local authorities of that class.

"(2) The appropriate Minister and the Minister of Finance may, at the request of a particular local authority, determine the annual allowances and remuneration payable to the Chairman, Deputy Chairman, and members of that local authority.

"(3) For the purpose of any determination under **subsection (1) or subsection (2)** of this section, the following persons, local authorities, and organisations shall be entitled to make submissions to the appropriate Minister and the Minister of Finance at a time and place and in a manner to be determined by those Ministers:

"(a) Any person for whom the maximum annual allowance or remuneration that may be paid may be determined under those subsections:

"(b) Any local authority whose Chairman, Deputy Chairman, chairmen of standing committees, or other members are persons for whom the maximum annual allowance that may be paid may be determined under those subsections:

"(c) Any organisation recognised by the appropriate Minister as representing a local authority whose Chairman, Deputy Chairman, chairmen of standing committees, or other members are persons for whom the maximum annual allowance or remuneration that may be paid may be determined under those subsections.

"(4) Any determination under this section may, with the consent of the Higher Salaries Commission, make any necessary amendment to any determination under **section 214A** of this Act.

"(5) Any determination under this section may make any necessary amendment to any determination under **section 214B** of this Act.

"(6) Every determination under this section is hereby deemed for the purposes of any Act to be a regulation.

"214D. **Remuneration of persons who are neither members nor employees of local authority**—(1) The members of any committee or subcommittee of a local authority or district community council who are not members of that authority or council shall, if the authority or council is entitled to pay remuneration to its members in their capacity as members of the committee or subcommittee, be entitled to receive remuneration in respect of that membership as if they were members of the local authority or district community council and members of that committee or subcommittee.

"(2) This section shall not apply to any member of a committee or subcommittee who is a member or employee of the local authority or any local authority under whose authority the committee or subcommittee was established.

Cf. 1974, No. 66, s. 214 (4); 1977, No. 122, s. 2

"214E. **Annual allowances and remuneration not payable in certain circumstances**—Where a determination under **section 214A or section 214B or section 214C** of this Act does not determine the maximum annual allowances or remuneration payable to the Chairman, Deputy Chairman, or members of a local authority, no allowances or remuneration shall be payable to those persons in their capacities as the holders of those offices, unless some other current determination under those sections or the Act under which the local authority is constituted makes such provision.

"214F. **Annual allowance of Chairman of district community council**—(1) The Chairman of a district community council shall be paid such annual allowance as the territorial authority from time to time determines, not exceeding half the amount that would be payable to him if the community were the district of a territorial authority and he were the Chairman of the territorial authority.

"(2) The members of a district community council may be paid such remuneration as the territorial authority from time to time determines, not exceeding that which would be payable to them if the community were the district of a territorial authority and they were members of that territorial authority.

"(3) Notwithstanding anything in **subsection (1)** of this section, where the Chairman of the district community council is also the Chairman of the district in which the community is situated, the annual allowance payable to him as Chairman of the district community council together with the annual allowance payable to him as Chairman of the district shall not exceed the maximum amount payable to him as Chairman of the district.

"(4) The annual allowance paid under this section shall be paid out of general revenues derived in respect of the community.

Cf. 1974, No. 66, s. 214 (2); 1977, No. 122, s. 2

"214G. **Remuneration of Chairman and other members of community council**—(1) The Chairman of a community council may be paid such remuneration as the territorial authority from time to time determines, at a rate not exceeding that which would be payable to him if the community were the district of a territorial authority and he were the Chairman of a standing committee of that territorial authority.

"(2) The members of a community council may be paid such remuneration as the territorial authority from time to time determines, not exceeding that which would be payable to them if the community were the district of a territorial authority and they were members of that territorial authority.

"(3) The remuneration paid under this section shall be paid out of general revenues derived in respect of the community.

Cf. 1974, No. 66, s. 214A; 1980, No. 111, s. 8

"214H. **Annual allowance or remuneration payable to existing office holder not to be reduced**—Where any determination under **section 214A, section 214B, or section 214C** of this Act fixes the annual allowance or remuneration payable to any Chairman, Deputy Chairman, or member of a local

authority at a rate that is lower than that being lawfully received by the holder of that office, the annual allowance or remuneration of the holder of that office shall not be reduced as a result of that determination, without his consent, during the term of his office in which the determination is made.

"214I. **Office holder may decline to accept annual allowance or remuneration**—(1) Any Chairman, Deputy Chairman, or member of a local authority who is entitled to receive any annual allowance or remuneration to which **section 214A, section 214B, or section 214C** of this Act applies may by written notification to the local authority, decline to accept all or part of the annual allowance or remuneration to which he is entitled.

"(2) Where any such notification is given and complied with the person concerned shall, for the purposes of the Income Tax Act 1976 and any determination under **section 214A, section 214B, or section 214C** of this Act, be deemed not to be entitled to receive the annual allowance or remuneration to the extent to which the notification applies.

"214J. **Fund from which allowances and remuneration to be paid**—Subject to the provisions of any other Act, all allowances and remuneration payable under a determination made under **section 214A, section 214B, or section 214C** of this Act shall be paid out of the general revenues of the local authority."

Cf. 1974, No. 66, s. 214 (5); 1977, No. 122, s. 2

(2) Section 28 of the Local Government Amendment Act 1980 and section 8 of the Local Government Amendment Act (No. 2) 1981 are hereby repealed.

5. New Schedule inserted—The principal Act is hereby amended by inserting, after the First Schedule, the **Schedule 1A** set out in the **First** Schedule to this Act.

6. Amendments to and repeals of other Acts—(1) The enactments specified in the **Second** Schedule to this Act are hereby amended in the manner indicated in Part I of that Schedule.

(2) The enactments specified in Part II of the **Second** Schedule to this Act are hereby repealed.

7. Savings and revocations—(1) Notwithstanding **sections 214 to 214J** of the principal Act (as inserted by **section 4** of this Act) and the amendments made by **section 6** of this Act, every

Order in Council, notice, or other document determining the allowances or remuneration of any person whose allowances or remuneration are to be determined in accordance with this Act shall continue in force until the allowances or remuneration are determined in accordance with this Act, and shall then expire.

(2) Any determination under **section 214A, section 214B, or section 214C** of the principal Act may revoke any Order in Council, notice, determination or other document that has expired in accordance with **subsection (1)** of this section or that will expire on the coming into force of the determination.

8. Councils may acquire property on hire purchase—Section 225 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by adding the following subsections:

"(3) The Council may, pursuant to a special order, purchase by means of hire purchase or instalment payments any item that it is empowered by paragraph (c) or paragraph (d) of subsection (2) of this section to purchase.

"(4) For the avoidance of doubt it is hereby declared that nothing in the Local Authorities Loans Act 1956 shall apply to the purchase of any item by means of hire purchase or instalment payments under the authority of this section."

9. Council may purchase land by instalments—The principal Act is hereby amended by repealing section 228 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977), and substituting the following section:

"228. (1) Any land purchased by the council may, with the approval of the Minister, be paid for by the council out of revenue over a period not exceeding 20 years.

"(2) Where interest is to be paid by the council in respect of any unpaid purchase money for the purchase of any land, the Minister may, in approving the purchase, approve a specified maximum rate of interest that may be paid in respect of that unpaid purchase money; and the Minister shall not approve the purchase of any land on terms or conditions that provide for or permit any increase in that specified maximum rate.

"(3) Where no approval is given by the Minister under **subsection (2)** of this section, the council shall not pay any interest in respect of any unpaid purchase money for the purchase of any land.

"(4) The approval of the Minister under **subsections (1) and (2)** of this section to any purchase or maximum rate of interest shall not be required—

"(a) In the case of the purchase of land from the Crown on deferred payment licence under the Land Act 1948, if the instalments under the licence extend over a period not exceeding 30 years; or

"(b) Where the total purchase money is to be paid by the council within 3 years after the date of the contract to purchase.

"(5) For the avoidance of doubt it is hereby declared that nothing in the Local Authorities Loans Act 1956 shall apply to any purchase of land in accordance with this section."

Cf. 1974, No. 66, s. 228; 1977, No. 122, s. 2

10. Interpretation—(1) Section 270 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by adding to the definition of the term "owner" the words "but, in relation to any relocatable home park, does not include any person whose only interest in the land is as a lessee or licensee of a site for a relocatable home, or otherwise as the owner of any such home:".

(2) Section 270 (1) of the principal Act (as so enacted) is hereby further amended by inserting, after the definition of the term "regional council", the following definitions:

" 'Relocatable home' means a household unit that is designed to be relocatable:

" 'Relocatable home park' means an area of land used or intended to be used to accommodate relocatable homes:".

11. Provision of relocatable home park to constitute development—Section 271A (1) of the principal Act (as enacted by section 6 of the Local Government Amendment Act 1981) is hereby amended by inserting, after paragraph (a), the following paragraph:

"(aa) Constructing or carrying out works for the purpose of providing a relocatable home park; or".

12. New section relating to Part XX of principal Act inserted—The principal Act is hereby amended by inserting, after section 273B (as enacted by section 11 of the Local Government Amendment Act (No. 2) 1981), the following section:

"273C. **Application of this Part to relocatable home parks**—This Part of this Act shall apply to the development of a relocatable home park as if it were a development for residential purposes carried out by the owner of the land being developed."

13. Repeal of power to refuse to give reasons for refusal to sell or lease—Section 559 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby repealed.

14. Accounting of proceeds of sale or lease of building allotments—Section 562 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by omitting from subsection (1) the words "separate account", and substituting the words "bank account and credited to the Housing and Property Account".

15. Development, sale, or lease of land and buildings for commercial or industrial purposes—The principal Act is hereby amended by repealing section 572, and substituting the following section:

"572. (1) This section applies to—

"(a) Any land or building within the district purchased by the council by agreement with the owner for commercial or industrial purposes:

"(b) Any land or building owned by the council for the general purposes of the district, and not held for any particular purpose:

"(c) Any land or building held by the council on trust or endowment to the extent to which the subdivision, development, sale, or lease of the land or buildings is permitted by the terms of the trust or endowment.

"(2) Subject to Part XX of this Act, the council may from time to time in respect of any land to which this section applies—

"(a) Subdivide the land into suitable allotments for commercial or industrial purposes:

"(b) Erect or alter buildings for commercial or industrial purposes:

"(c) Construct roads and other works and provide services so that the land and buildings may be used for commercial or industrial purposes:

"(d) Generally develop the land for commercial or industrial purposes.

"(3) The council may sell or lease any land to which this section relates or any building on that land on such terms as it considers proper to any person desiring to use the land or building for commercial or industrial purposes.

"(4) The Public Bodies Leases Act 1969 shall not apply to any lease granted under **subsection (3)** of this section.

"(5) Subject to sections 230 and 231 of this Act, the council may sell or lease any land or building that it has purchased for commercial or industrial purposes to any person for any purpose on such terms as it considers proper, if it considers the land or building to be unsuitable for use for commercial or industrial purposes, or to be in excess of its requirements for those purposes.

"(6) All money received by the council from the sale or lease of land in respect of which the powers conferred by this section are exercised shall be paid into a bank account and credited to the Housing and Property Account."

Cf. 1974, No. 66, s. 572; 1979, No. 59, s. 2

16. Powers of entry in bylaws—Section 682 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by adding the following paragraph:

"(e) Bylaws may not confer upon any officer or agent of the council any power to enter land or buildings without the consent of the occupier or person in apparent charge of the land or buildings, unless—

"(i) The power is a condition of any licence or permit granted under the bylaws, or is necessary to ensure that the conditions of the licence or permit have been, are being, or will be complied with; and

"(ii) The power is expressed to be exercisable only in accordance with **section 710** of this Act."

17. Power to enter land or buildings—The principal Act is hereby amended by repealing section 710 (as enacted by section 2 of the Local Government Amendment Act 1979), and substituting the following section:

"(1) Subject to this section, any officer or agent of the council authorised by the council may at any reasonable time enter on any land or premises for the purpose of performing any function or duty or exercising any power imposed or conferred on the council or the officer or agent by or under this Act or any other Act, or any regulation or bylaw, without the consent of the owner or occupier or person in apparent charge of the land or premises.

"(2) The power of entry conferred by **subsection (1)** of this section shall not be exercised unless—

"(a) Reasonable efforts have been made to obtain consent to the entry; and

"(b) At least 24 hours' notice of the intended time and purpose of the entry has been given to the occupier either personally or, where that is not practicable, by leaving a notice specifying the intended time and purpose of the exercise of the power at the land or premises concerned—

unless the efforts to obtain consent to the entry or the giving of the notice would have the effect of defeating the purpose of the entry.

"(3) Nothing in **subsection (1)** of this section shall confer on any person the power to enter on any land or building on any Sunday or public holiday unless—

"(a) The power is being exercised in any situation to which **subsection (5)** of this section applies; or

"(b) Any premises or the land are open for business on that day.

"(4) Nothing in **subsection (1)** of this section shall confer on any person the power to enter any dwellinghouse or, where premises are being used for residential and other purposes, the power to enter the residential part of those premises, unless the entry is authorised by a warrant given by a judicial officer on written application on oath, which shall not be granted unless the judicial officer is satisfied that reasonable efforts have been made to obtain consent to the entry or that efforts to obtain that consent would have the effect of defeating the purpose of the entry.

"(5) Nothing in **subsection (2) or subsection (4)** of this section shall apply to the exercise of the power of entry conferred by **subsection (1)** of this section in any situation of sudden emergency causing or likely to cause loss of life, or disease or injury, or damage to any works, premises, property, or land, whether on the land or premises entered or not; but notice of the entry shall be given to the occupier of the land or premises before, during, or as soon as practicable after the exercise of the power of entry.

"(6) Nothing in **subsection (2), subsection (3), or subsection (4)** of this section shall apply in any way to limit any power of entry that is a condition of any licence or permit granted by the council, or necessary to enable the council to ensure that the conditions of the licence or permit have been, are being, or will be complied with.

"(7) Every person exercising the power of entry conferred by **subsection (1)** of this section shall have with him a warrant of authority issued by the council and specifying—

"(a) The name and the office or offices held by the person:

"(b) That the person is authorised by the council to exercise the power conferred by **subsection (1)** of this section to enter land or premises:

"(c) The purposes for which that power may be exercised.

"(8) Every person exercising the power of entry conferred by **subsection (1)** of this section shall produce his warrant of authority and evidence of his identity—

"(a) If practicable on first entering the land or premises; and

"(b) Whenever subsequently reasonably required to do so by any person appearing to be in charge of the land or premises.

"(9) Nothing in this section shall apply—

"(a) To any dog control officer or dog ranger acting under any power of entry conferred by the Dog Control and Hydatids Act 1982:

"(b) To any noise control officer exercising any power of entry under section 15 of the Noise Control Act 1982:

"(c) To any other officer or agent of the council exercising any power of entry conferred by any other Act."

18. Consequential repeal and amendments—(1) Section 238 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by repealing paragraph (a).

(2) Section 708 (3) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by omitting the expression "section 238", and substituting the expression "**section 710**".

(3) Section 709 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by omitting the expression "section 238", and substituting the expression "**section 710**".

SCHEDULES

FIRST SCHEDULE

Section 5

NEW SCHEDULE 1A

"SCHEDULE 1A

CLASSES OF LOCAL AUTHORITIES FOR THE PURPOSES OF SECTIONS 214 TO 214J

Class of Local Authority	Act under which Constituted
1. Regional and united councils	1974, No. 66—The Local Government Act 1974 (R.S. Vol. 5, p. 77)
2. (a) Borough, county, district, and town councils	1974, No. 66—The Local Government Act 1974 (R.S. Vol. 5, p. 77)
(b) The Waimakariri-Ashley Water Supply Board	1961, No. 131—The Waimakariri-Ashley Water Supply Act 1961
3. Harbour boards	1950, No. 34—The Harbours Act 1950 (R.S. Vol. 2, p. 551)
4. (a) Electric power boards	1925, No. 38—The Electric Power Boards Act 1925 (Reprinted 1976, Vol. 4, p. 3465)
(b) The Auckland Electric Power Board	1978, No. 11 (Local)—The Auckland Electric Power Board Act 1978
(c) The Rotorua Area Electricity Authority	1967, No. 160—The Electricity Distribution Act 1967 (Repealed by section 643 of the principal Act; see section 643 (3))
5. Area Health Boards	**1983, No. 00**—The Area Health Boards Act 1983
6. Hospital boards	1957, No. 40—The Hospitals Act 1957 (R.S. Vol. 2, p. 757)
7. (a) Catchment boards and catchment commissions	1941, No. 12—The Soil Conservation and Rivers Control Act 1941 (Reprinted 1969, Vol. 4, p. 3063)
(b) Regional Water Boards	1967, No. 135—The Water and Soil Conservation Act 1967 (Reprinted 1973, Vol. 2, p. 1703)
(c) The Waikato Valley Authority	1956, No. 104—The Waikato Valley Authority Act 1956
8. (a) Drainage Boards and Irrigation Boards	1908, No. 96—The Land Drainage Act 1908 (R.S. Vol. 7, p. 641)
(b) River Boards	1908, No. 165—The River Boards Act 1908 (R.S. Vol. 10, p. 765)
(c) The Christchurch Drainage Board	1951, No. 21 (Local)—The Christchurch District Drainage Act 1951
(d) The Hutt Valley Drainage Board	1967, No. 3 (Local)—The Hutt Valley Drainage Act 1967
(e) The North Shore Drainage Board	1963, No. 15 (Local)—The North Shore Drainage Act 1963
9. Pest Destruction Boards and the South Canterbury Wallaby Board	1967, No. 147—The Agricultural Pests Destruction Act 1967"

SECOND SCHEDULE **Section 6**

PART I

ENACTMENTS AMENDED

Act Amended	Amendment
1908, No. 96—The Land Drainage Act 1908 (R.S. Vol. 6, p. 641)	By repealing section 11A. By repealing section 13A (as substituted by section 3 (1) of the Land Drainage Amendment Act 1978), and substituting the following section: "13A. **Annual allowances and remuneration of Chairman, Deputy Chairman, and members**—The Chairman, Deputy Chairman, and each member of the Board may be paid annual allowances or remuneration as determined by the Board, but not exceeding the amounts for the time being determined under **section 214B or section 214C** of the Local Government Act 1974."
1908, No. 165—The River Boards Act 1908 (R.S. Vol. 10, p. 765)	By repealing section 48A. By repealing section 66A (as substituted by section 3 (1) of the River Boards Amendment Act 1978), and substituting the following section: "66A. **Annual allowances and remuneration of Chairman, Deputy Chairman, and members**—The Chairman, Deputy Chairman, and each member of the Board may be paid annual allowances or remuneration as determined by the Board, but not exceeding the amounts for the time being determined under **section 214B or section 214C** of the Local Government Act 1974."
1920, No. 15 (Local)—The Christchurch Tramway District Act 1920	By repealing section 25 (as substituted by section 2 (1) of the Christchurch Tramway District Amendment Act (No. 2) 1975) and section 26 (as substituted by section 2 (1) of the Christchurch Tramway District Amendment Act 1974), and substituting the following section: "25. **Annual allowances and remuneration of Chairman and members**—The Chairman and each member of the Board may be paid annual allowances or remuneration as determined by the Board, but not exceeding the amounts for the time being determined under **section 214B or section 214C** of the Local Government Act 1974."

SECOND SCHEDULE—*continued*

Act Amended	Amendment
1925, No. 38—The Electric Power Boards Act 1925 (Reprinted 1976, Vol. 4, p. 3465)	By repealing section 27. By repealing section 43, and substituting the following section: "43. **Annual allowances and remuneration of Chairman, chairmen of standing committees, and members**—The Chairman, the chairmen of standing committees, and each member of the Board may be paid annual allowances or remuneration as determined by the Board, but not exceeding the amounts for the time being determined under **section 214A, section 214B, or section 214C** of the Local Government Act 1974."
1941, No. 12—The Soil Conservation and Rivers Control Act 1941 (Reprinted 1969, Vol. 4, p. 3063)	By repealing section 59. By repealing section 114A (as substituted by section 3 (1) of the Soil Conservation and Rivers Control Amendment Act 1979), and substituting the following section: "114A. **Annual allowances and remuneration of Chairman, chairmen of standing committees, and members**—The Chairman, the chairmen of standing committees, and each member of a Board or Commission may be paid annual allowances or remuneration as determined by the Board or Commission, but not exceeding the amounts for the time being determined under **section 214A, section 214B, or section 214C** of the Local Government Act 1974."
1950, No. 34—The Harbours Act 1950 (R.S. Vol. 2, p. 551)	By repealing section 51 (as substituted by section 3 (1) of the Harbours Amendment Act 1980), and substituting the following section: "51. **Annual allowances and remuneration of Chairman, Deputy Chairman, chairmen of standing committees, and members**—The Chairman, Deputy Chairman, chairmen of standing committees, and each member of the Board may be paid annual allowances or remuneration as determined by the Board, but not exceeding the amounts for the time being determined under **section 214A, section 214B, or section 214C** of the Local Government Act 1974."

SECOND SCHEDULE—*continued*

Act Amended	Amendment
1951, No. 21 (Local)—The Christchurch District Drainage Act 1951	By repealing section 19 (2) (as substituted by section 2 (1) of the Christchurch District Drainage Amendment Act 1979), and substituting the following subsection: "(2) The number of Chairmen of Standing Committees who may receive allowances or remuneration in that capacity shall not exceed 4. If more than 4 Chairmen of Standing Committees are appointed the Board shall determine which 4 of them shall be entitled to receive allowances or remuneration in that capacity." By repealing subsections (3), (4), and (5) of section 20 (as substituted by section 2 (1) of the Christchurch District Drainage Amendment Act 1979), and substituting the following subsection: "(3) Subject to **section 19 (2)** of this Act, the Chairman, Deputy Chairman, Chairmen of Standing Committees, and each member of the Board may be paid annual allowances or remuneration as determined by the Board, but not exceeding the amounts for the time being determined under **section 214B or section 214C** of the Local Government Act 1974."
1957, No. 40—The Hospitals Act 1957 (R.S. Vol. 2, p. 757)	By repealing section 39. By repealing section 95A (as substituted by section 2 (1) of the Hospitals Amendment Act 1978), and substituting the following section: "95A. **Annual allowances and remuneration of Chairman, Deputy Chairman, chairmen of standing committees, and members**—The Chairman, Deputy Chairman, chairmen of standing committees, and each member of the Board may be paid annual allowances or remuneration as determined by the Board, but not exceeding the amounts for the time being determined under **section 214A, section 214B, or section 214C** of the Local Government Act 1974."

SECOND SCHEDULE—*continued*

Act Amended	Amendment
1961, No. 131—The Waimakariri-Ashley Water Supply Act 1961 (R.S. Vol. 5, p. 925)	By repealing section 80 (1A). By repealing section 83 (2) (c) (as substituted by section 8 (2) of the Local Government Amendment Act 1979), and substituting the following paragraph: "(c) References in those Parts to the Chairman, chairmen of standing committees, and members of a territorial authority were references to the Chairman, chairmen of standing committees, and members of the Board;".
1963, No. 15 (Local)—The North Shore Drainage Act 1963	By repealing subsections (2), (3), and (5) of section 11. By repealing section 18 (as substituted by section 5 of the North Shore Drainage Amendment Act 1971), and substituting the following section: "18. **Annual allowances and remuneration of Chairman, chairmen of standing committees, and members**—The Chairman, the chairmen of standing committees, and each member of the Board may be paid annual allowances or remuneration as determined by the Board, but not exceeding the amounts for the time being determined under **section 214B or section 214C** of the Local Government Act 1974."
1967, No. 147—The Agricultural Pests Destruction Act 1967	By repealing section 50 (as substituted by section 4 (1) of the Agricultural Pests Destruction Amendment Act 1980), and substituting the following section: "50. **Annual allowance of Chairman**—The Chairman of the Board may be paid an annual allowance as determined by the Board, but not exceeding the amount for the time being determined under **section 214B or section 214C** of the Local Government Act 1974." By repealing section 99E (as substituted by section 17 (1) of the Agricultural Pests Destruction Amendment Act 1980), and substituting the following section: "99E. **Annual allowance of Chairman of South Canterbury Wallaby Board**—The Chairman of the Board may be paid an annual allowance as determined by the Board, but not exceeding the amount for the time being determined under **section 214B or section 214C** of the Local Government Act 1974."

SECOND SCHEDULE—*continued*

Act Amended	Amendment
1967, No. 3 (Local)—The Hutt Valley Drainage Board Act 1967	By repealing section 14. By repealing subsections (2) and (3) of section 18 (as substituted by section 6 of the Hutt Valley Drainage Board Amendment Act 1978), and substituting the following subsection: "(2) The Chairman, the chairmen of standing committees, and each member of the Board may be paid annual allowances or remuneration as determined by the Board, but not exceeding the amounts for the time being determined under **section 214B or section 214C** of the Local Government Act 1974."
1970, No. 17 (Local)—The Marlborough Foresty Corporation Act 1970	By omitting from section 5 (2) the words "with the approval of the Minister of Forests".
1977, No. 110—The Higher Salaries Commission Act 1977	By inserting in section 14, before the words "Every determination", the words "Except in the case of a determination under **section 214A** of the Local Government Act 1974,".
1978, No. 11 (Local)—The Auckland Electric Power Board Act 1978	By repealing section 23. By repealing section 37, and substituting the following section: "37. **Annual allowances and remuneration of Chairman, Deputy Chairman, chairmen of standing committees, and members**—The Chairman, Deputy Chairman, chairmen of standing committees, and each member of the Board may be paid annual allowances or remuneration as determined by the Board, but not exceeding the amounts for the time being determined under **section 214A, section 214B, or section 214C** of the Local Government Act 1974."
1983, No. 00—The Area Health Boards Act 1983	By repealing **section 24**, and substituting the following section: **"24 Annual allowance of chairman**—The chairman of an area health board may be paid an annual allowance as determined by the board, but not exceeding the amounts for the time being determined under **section 214A, section 214B, or section 214C** of the Local Government Act 1974."

SECOND SCHEDULE—*continued*

PART II

ENACTMENTS REPEALED

1964, No. 10 (Local)—The Thames Valley Drainage Board Empowering Act 1964: Section 5.
1967, No. 80—The Hospitals Amendment Act 1967. (R.S. Vol. 2, p. 890.)
1971, No. 129—The Soil Conservation and Rivers Control Act 1971: Section 3.
1971, No. 11 (Local)—The North Shore Drainage Board Amendment Act 1971: Sections 4 and 5.
1974, No. 10 (Local)—The Christchurch Tramway District Amendment Act 1974: Section 2.
1975, No. 12 (Local)—The Christchurch Tramway District Amendment Act (No. 2) 1975.
1978, No. 93—The Electric Power Boards Amendment Act 1978.
1978, No. 97—The Hospitals Amendment Act 1978. (R.S. Vol. 2, p, 912.)
1978, No. 102—The Land Drainage Amendment Act 1978. (R.S. Vol. 6, p. 727.)
1978, No. 122—The River Boards Amendment Act 1978. (R.S. Vol. 10, p. 823.)
1978, No. 10 (Local)—The Hutt Valley Drainage Amendment Act 1978: Sections 5 and 6.
1979, No. 110—The Soil Conservation and Rivers Control Amendment Act 1979: Section 3.
1979, No. 9 (Local)—The Thames Valley Drainage Board Empowering Amendment Act 1979: Section 3.
1979, No. 16 (Local)—The Auckland Electric Power Board Amendment Act 1979: Section 2.
1980, No. 57—The Electric Power Boards Amendment Act 1980: Section 3.
1980, No. 80—The Agricultural Pests Destruction Amendment Act 1980: Sections 4 and 17.
1980, No. 118—The Land Drainage Amendment Act 1980: Section 2.
1980, No. 140—The River Boards Amendment Act 1980: Section 2. (R.S. Vol. 10, p. 823.)
1981, No. 4 (Local)—The Auckland Electric Power Board Amendment Act 1981: Section 3.

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