

[AS REPORTED FROM THE LOCAL BILLS COMMITTEE]

House of Representatives, 20 March 1985.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; 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 COMMITTEE OF THE WHOLE HOUSE]

House of Representatives, 27 March 1985.

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Hon. Dr Michael Bassett

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) 1984, and shall be read together with and deemed part of the Local Government Act 1974* (hereinafter referred to as the principal Act).

*R.S. Vol. 5, p. 77

Amendments: 1980, No. 82; 1981, Nos. 23, 111; 1982, Nos. 3, 166; 1983, No. 132

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

New

(2) Except as provided in **section 37 (5)** of this Act, this Act shall come into force on the day after the date on which it receives the Governor-General's assent.

2. Terms used in connection with roading—(1) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term "financial year" (as substituted by section 7 (2) of the Local Government Amendment Act (No. 3) 1977), the following definition:

" 'Formation', in relation to any road (or footpath), has the same meaning as the construction of the road (or footpath), and includes gravelling, metalling, sealing,

or permanently surfacing the road (*or footpath*); and 'form' has a corresponding meaning:".

(2) Section 2 (1) of the principal Act is hereby further amended by inserting, after the definition of the term "Government road" (as inserted by section 3 (2) of the Local Government Amendment Act 1978), the following definition:

" 'Laying out', in relation to any road (*or footpath*), means the legal and survey actions necessary to enable the road (*or footpath*) to be formed; but does not include the formation of the road (*or footpath*):".

(3) Section 2 (1) of the principal Act is hereby further amended by inserting, after the definition of the term "united council", the following definition:

" 'Upgrading', in relation to any road (*or footpath*), includes any change to the composition, width, or surfacing of the road (*or footpath*):".

3. Local Government Commission—Section 3 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977) is hereby amended by repealing subsection (2), and substituting the following subsections:

"(2) The Commission shall consist of not less than 4 members nor more than 6 members who shall be appointed by the Minister.

"(2A) The Minister shall, in appointing the members of the Commission, appoint one of the members as the Chairman."

New

3A. Term of office of members—The principal Act is hereby amended by repealing section 4 (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977), and substituting the following section:

"4 (1) Every member of the Commission (including the member appointed as the Chairman) shall be appointed for such term, not exceeding 5 years, as is specified in his appointment.

"(2) Every member of the Commission shall be eligible for reappointment."

4. Deputies of members—The principal Act is hereby amended by repealing section 6 (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977), and substituting the following section:

"6. (1) Where any member of the Commission is unable or likely to be unable to perform his duties because of illness, absence, or any other reason, and it appears to the Minister that the inability to perform the duties is likely to continue for a period of more than 14 days, the Minister may appoint

a deputy to perform all the functions, duties, and powers of the member, or such of the functions, duties, and powers as are specified in the document appointing the deputy.

“(2) If the Commission is considering a proposal affecting any local authority and a member of the Commission is also a member of that local authority, the member of the Commission shall be deemed to be unable to perform the duties of his office in respect of the proposal. 5

“(3) Any person appointed by the Minister under subsection (1) of this section shall, while acting in terms of the appointment, be deemed to be a member of the Commission; and no acts done by the Commission while any person is so acting shall be capable of being questioned in any proceedings on the grounds that the occasion for the appointment of the person had not arisen or had ceased.” 15

5. New sections substituted relating to Commission—The principal Act is hereby amended by repealing sections 8 and 9 (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977), and substituting the following sections: 20

“**8. Temporary members**—(1) The Minister may, at the request of the Commission, appoint a person having special knowledge of the functions, duties, and powers of any local authority to be a temporary member of the Commission for the purposes of considering any proposal affecting that local authority. 25

“(2) An appointment may be made under subsection (1) of this section notwithstanding that there may already be 6 members of the Commission, and any person so appointed shall, subject to the terms of his appointment, be deemed for all purposes to be a member of the Commission; and no acts done by the Commission while any person is so acting shall be capable of being questioned in any proceedings on the grounds that the occasion for the appointment had not arisen or had ceased. 35

“**8A. Committees**—(1) The Commission may from time to time appoint, discharge, alter, continue, or reconstitute committees comprising 3 or more members of the Commission, one of whom shall be appointed as chairman of the committee.

“(2) The Commission may refer to any committee appointed by it under this section any proposal or matter for investigation or inquiry, and may delegate to any such committee any of the functions, powers, or duties conferred or imposed upon the Commission by this or any other enactment, except *(the power to give directions under section 16 (1) of this Act and)* the power to delegate any function, duty, or power. 45

“(3) Subject to any general or special directions given or conditions attached by the Commission, any functions, powers, or duties delegated to a committee may be performed and exercised by the committee with the same effect as if those
5 functions, powers, or duties had been directly conferred or imposed and not by delegation.

“(4) Every committee purporting to act under any delegation under this section shall be presumed, in the absence of proof to the contrary, to be acting in accordance with the terms of
10 the delegation.

“(5) Every delegation under this section shall be revocable at will, and no delegation shall prevent the performance or exercise of any function, power, or duty by the Commission.

“(6) Until any delegation under this section is revoked, it
15 shall continue in force, notwithstanding any change in the membership of the Commission or of the committee.

“9. **Meetings**—(1) Meetings of the Commission or any committee appointed by it shall be held at such times and places as the Commission or its Chairman or the committee
20 or its chairman, as the case may be, appoints.

“(2) At every meeting of the Commission or any committee appointed by it the quorum shall be half of the members if the number of members is even, and a majority of the members if the number is odd.

25 “(3) The Chairman of the Commission shall preside at all meetings of the Commission at which he is present, and if he is not present at any meeting the Deputy Chairman shall preside at that meeting.

“(4) In the absence of both the Chairman and the Deputy
30 Chairman from any meeting of the Commission, the members present shall elect 1 of their number to preside at that meeting, and the member presiding shall have all the powers of the Chairman for the purposes of that meeting.

“(5) The chairman of any committee of the Commission shall
35 preside at all meetings of the committee at which he is present and, if he is absent, the members present shall elect 1 of their number to preside at that meeting, and the member shall have all the powers of the chairman for the purposes of that meeting.

“(6) Every question before the Commission or any committee
40 shall be determined by a majority of the votes of the members present at the meeting.

“(7) The presiding member shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

45 “(8) Subject to this Act, the rules of natural justice, and any regulations made under this Act, and, in the case of a committee, subject to any directions by the Commission, the Commission and any committee may regulate its procedure in such manner as it thinks fit.”

6. Statement relating to proposed provisional reorganisation scheme—Section 27 (9) (a) of the principal Act (as substituted by section 2 of the Local Government Amendment Act (No. 2) 1977) is hereby amended by inserting, after the words “provisional reorganisation scheme,” the words “including” 5

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the name of the local authority designated by it as the principal authority for the purposes of any survey of electors, and 10

a statement as to whether or not any alteration to the boundaries of any districts are agreed to by all the territorial authorities affected”.

7. Survey of electors—The principal Act is hereby amended by repealing sections 28 (*and 29*) to 31 (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977), and substituting the following sections: 15

“28. Electors may request survey to ascertain extent of public opposition to proposal—(1) Except as provided in subsection (4) of this section, where the Commission gives notice under section 27 (9) (a) of this Act that it has prepared a statement of the matters proposed to be dealt with in a provisional reorganisation scheme that provides— 20

“(a) For the constitution of a new district of a territorial authority; or 25

“(b) For the union into one district of 2 or more adjoining districts of territorial authorities; or

“(c) For the abolition of the district of a territorial authority and its inclusion in another such district; or

“(d) For the exclusion of any separately described area from the district of any territorial authority and its inclusion in another such district by the alteration of the boundaries of those districts,— 30

a survey of electors may be requested in accordance with this section in order to ascertain the extent of any public opposition to the Commission’s proposal. 35

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“(2) Every such request shall be in writing and signed by not less than 15 percent of the electors or total electors, as the case may be, of— 40

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- 5 “(a) The area proposed to be constituted a new district; or
“(b) The area of the proposed united district; or
“(c) The area comprising the district proposed to be abolished
together with the district within which that district
is to be included; or
“(d) The area proposed to be included in a district together
with that district,—
as the case may require.

New

- 10 “(2) Every such request shall be in writing and signed—
“ (a) In the case of a proposal for the constitution of a new
district of a territorial authority, by not less than 15
15 percent of the electors of any district all or part of
whose area is to form all or part of the new district:
“ (b) In the case of a proposal for the union into one district
of 2 or more adjoining districts of territorial
authorities, by not less than 15 percent of the
20 electors of any district that is to form part of the
proposed new district:
“ (c) In the case of a proposal for the abolition of the district
of a territorial authority and its inclusion in another
such district, by not less than 15 percent of the
electors of—
25 “ (i) The district proposed to be abolished; or
“ (ii) The district into which it is proposed that the
abolished district be included:
“ (d) In the case of a proposal for the exclusion of any
30 separately described area from the district of a
territorial authority and its inclusion in another such
district, by not less than 15 percent of the electors
of—
“ (i) The district from which it is proposed that the
area be excluded; or
35 “ (ii) The district into which it is proposed that the
area be included,—
as the case may require.

- 40 “(3) Every signatory to the request shall, against his signa-
ture, state his *(full)* name and address with sufficient particu-
larity to enable him to be identified as an elector, and the
territorial authority district of which he is an elector.

“(4) No survey may be requested under this section on any proposal to alter the boundaries of any district where the alteration has been agreed to by all the territorial authorities whose district boundaries are affected.

“(5) For the purposes of **subsection (4)** of this section, any statement by the Commission in a notice under section 27 (9) (a) of this Act as to whether or not any alteration to the boundaries of any districts have been agreed to by all the territorial authorities affected shall, unless the contrary is proved, be sufficient evidence of that agreement. 5
10

“(6) A copy of every request made under **subsection (2)** of this section shall be delivered or sent to the principal administrative officer at the office of *(each territorial authority affected by the proposal at any time)* the territorial authority whose electors have signed the request within 1 month after the date of the last public notification of the statement of the proposal given under section 27 (9) (a) of this Act, or such greater period as may be permitted under **subsection (7)** of this section. 15
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“(7) Where the final day of the 1 month period within which a survey may be requested falls within the period commencing on the 24th day of December in any year and ending with the 31st day of January in the next year, the date by which the survey may be requested shall be the 10th day of February in that next year. 20
25

“(8) Every principal administrative officer who receives a copy of a request under **subsection (6)** of this section— 25

“(a) Shall forthwith check from the roll for his district *(or part of the district, as the case may be,)* the number of electors who are signatories to the request whose names also appear on that roll; and 30

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“(b) Shall, not later than 14 days after receiving the copy of the request, deliver to the principal administrative officer of the principal authority a certificate stating— 35

“(i) The total number of electors appearing on that roll; and

“(ii) The total number of signatories to the request whose names appear on that roll,—
and that certificate shall be final. 40

New

- “**(b)** Shall, not later than 14 days after receiving the copy of the request, deliver to the Commission a certificate stating—
- 5 “**(i)** The total number of electors appearing on that roll; and
- “**(ii)** The total number of signatories to the request whose names appear on that roll; and
- 10 “**(iii)** Whether or not the request has been signed by 15 percent or more of the electors of the district.
- “**(9)** Where the Commission receives one or more certificates under **subsection (8)** of this section indicating that a survey has been requested by 15 percent or more of the electors of any district it shall, not later than 2 months after the date of public
- 15 notification under section 27 (9) (a) of this Act, or not later than the 10th day of March in any case where the period for requesting a survey be taken has been extended by **subsection (7)** of this section,—
- 20 “**(a)** Determine, in consultation with the territorial authorities concerned and in accordance with **subsections (4) and (5)** of section 29 of this Act, the day on which the survey is to be conducted, which shall be the same day for each territorial authority; and
- 25 “**(b)** Advise the Secretary and the Returning Officer and principal administrative officer of each territorial authority concerned of the day on which the survey is to be conducted.
- “**(10)** Where the Commission receives a certificate or certificates under **subsection (8)** of this section and none of those
- 30 certificates indicates that a survey has been requested by 15 percent or more of the electors of any of the districts concerned the Commission shall, not later than 2 months after the date of public notification under section 27 (9) (a) of this Act, or not later than the 10th day of March in any case where the period
- 35 for requesting that survey be taken has been extended by **subsection (7)** of this section,—
- “**(a)** Give public notice accordingly; and
- “**(b)** Certify accordingly to the principal administrative officer of each territorial authority affected by the proposal.
- 40 “**(11)** For the purposes of determining—
- “**(a)** The minimum number of electors who are required to sign a request under **subsection (2)** of this section:
- “**(b)** The electors who may sign a request under **subsection (2)** of this section:

New

“(c) The electors who may participate in any survey conducted following a request under **subsection (2)** of this section—

the electors of any district shall be the electors who are on the roll of electors of that district, and shall include any person who is deemed to be an elector by virtue of **subsection (12)** of this section.

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“(9) If the principal administrative officer of the principal authority is satisfied from the certificates received by him pursuant to **subsection (8)** of this section (including any such certificate given by him), that the request for a survey to be taken is valid, he shall not later than 2 months after the date of public notification under section 27 (9) (a) of this Act, or not later than the 10th day of March in any case where the period for requesting a survey be taken has been extended by **subsection (7)** of this section,—

“(a) Advise the Commission and the Secretary that a valid request for a survey has been received; and

“(b) Deliver the request for a survey to the Returning Officer for the principal authority, together with a certificate to the effect that the request for a survey is valid; and

“(c) Send a copy of his certificate to the principal administrative officer of each territorial authority affected by the proposal.

“(10) If the principal administrative officer of the principal authority is satisfied that the request for the survey is not valid, he shall, not later than 2 months after the date of public notification under section 27 (9) (a) of this Act, or not later than the 10th day of March in any case where the period for requesting that a survey be taken has been extended by **subsection (7)** of this section,—

“(a) Give public notice accordingly; and

“(b) Certify accordingly to the principal administrative officer of each territorial authority affected by the proposal, and that certificate shall be final.

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“(11) For the purpose of determining the minimum number of electors who are required to sign a request under **subsection (2)** of this section, the persons who may sign such a request, and the persons who may participate in any survey following such a request,—

5 “(a) The electors of any district, ward, or other electoral subdivision shall be the electors who were on the roll of electors of that district, ward, or subdivision for the immediately preceding general election of members of the territorial authority:

10 “(b) The electors of any area that is not a district, ward, or other electoral subdivision of the district shall be the electors who were on the roll of the district for the immediately preceding general election of members of the territorial authority and who would be on a roll of electors for that area if that area were a ward or other electoral subdivision of the district,—

15 and shall include any person who is deemed to be an elector by virtue of **subsection (12)** of this section.

“(12) For the purposes of **subsection (11)** of this section, the electors of any district (~~ward, electoral subdivision, or area~~) shall include any person—

25 “(a) Whose name is included on the most recently published electoral roll for the Parliamentary election; or

“ (b) Whose name was omitted from the most recently published electoral roll for the Parliamentary election by virtue of a direction under section 62A of the Electoral Act 1956; or

30 “(c) Who has enrolled on the roll for the Parliamentary election since that roll was most recently published,—

if the address shown on the most recently published roll for 35 the Parliamentary election or the address in respect of which he is registered as a Parliamentary elector is within the relevant district (~~ward, electoral subdivision, or area,~~) and is his present residential address.

“29. **Conduct of survey**—(1) Subject to this section and any 40 regulations made under this Act, this Act and the Local Elections and Polls Act 1976 shall apply to every survey

conducted pursuant to a request under **section 28** of this Act as if the survey were a poll of electors *(in a combined district and the Returning Officer for the principal authority were the Returning Officer for the combined district)* in each of the districts concerned.

Struck Out

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“(2) Every survey conducted under this Part of this Act shall,—

“(a) In the case of a survey on a proposal for the constitution of a new district of a territorial authority, be a survey of electors of the area proposed to be constituted a new district: 10

“(b) In the case of a survey on a proposal for the union into one district of 2 or more adjoining districts of territorial authorities, be a survey of the electors of the area comprising the districts proposed to be united: 15

“(c) In the case of a survey on a proposal for the abolition of the district of a territorial authority and its inclusion in another such district, be a survey of the electors of the area comprising the district proposed to be abolished and the district in which it is to be included: 20

“(d) In the case of a survey on a proposal for the exclusion of any separately described area from the district of a territorial authority and its inclusion in another such district, be a survey of the electors of the area comprising the area proposed to be so excluded and the district in which it is to be included. 25

New

“(2) Every survey conducted under this Part of this Act shall be conducted separately in each of the districts of the territorial authorities that were entitled to request the survey, whether or not the electors of the district requested the survey. 30

“(3) Notwithstanding anything to the contrary in this Act or any other enactment, it shall be the duty of the Returning Officer of the *(principal)* territorial authority to advise the electors, in such manner as he considers appropriate, which may include advice printed on or accompanying survey papers, 35

that the purpose of the survey is to ascertain the extent of any public opposition to the proposal and will not determine whether or not the proposal is to proceed unless more than 50 percent of the *(number of electors on the roll)* total number of electors on the rolls of all the districts in which the survey is being taken record their opposition to the proposal, in which case the Commission cannot proceed with the proposal.

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“(4) The day on which the survey is to be taken shall be fixed by the Returning Officer of the principal authority, and shall be not later than 49 days after the date of receipt by him of the request for the survey or such later date as may be permitted under **subsection (5)** of this section.

“(5) Where the request for a survey is received by the Returning Officer of the principal authority on any day after the 8th day of November and before the 27th day of December in any year, the day fixed for the survey shall be a day not later than 49 days after the 27th day of December.

“(6) Where any survey is required to be taken of the electors of any part of the district of a territorial authority which is not a ward or other subdivision for electoral purposes, the principal administrative officer of that territorial authority shall, on receipt of a certificate pursuant to **section 28 (9)** of this Act, cause to be prepared a special roll comprising the names of all persons in that part who are entitled to participate in the survey; and that roll shall be prepared in accordance with the appropriate provisions of this Act.

New

“(4) The day on which the survey is to be taken shall be fixed by the Commission and, except as provided in **subsection (5)** of this section, shall not be later than 49 days after the receipt by it under **section 28 (8)** of this Act of the first or only certificate indicating that a survey has been requested by 15 percent or more of the electors of any district.

“(5) Where the certificate referred to in **subsection (4)** of this section is received by the Commission on any day after the 8th day of November and before the 27th day of December in any year, the day fixed for the survey shall be a day not later than 49 days after the 27th day of December.

“(7) Notwithstanding anything in section 66 (1) of the Local Elections and Polls Act 1976, but subject to any regulations made under this Act, any survey under this section shall be taken in accordance with the Local Elections and Polls Act 1976 as if it were a poll to be taken by postal vote. 5

“(8) The validity of any election, poll, or survey taken by postal vote shall not be questioned on the ground that the Returning Officer of the (*principal*) territorial authority conducts any survey taken pursuant to this section in conjunction with an election or poll. 10

New

“**30. Action to be taken after survey taken**—(1) Every Returning Officer who conducts a survey under section 29 of this Act shall, as soon as practicable after the taking of the survey, send to the Commission a certificate stating the number of electors on the roll used for the purposes of the survey, and the number of electors who at that survey have validly recorded their opposition to the proposal. 15

“(2) The Commission shall, upon the receipt of all the certificates relating to any survey, calculate from those certificates— 20

“(a) The total number of electors on the rolls used for the survey:

“(b) The total number of electors who have validly recorded their opposition to the proposal: 25

“(c) The percentage of the total number of electors on the rolls used for the survey who have validly recorded their opposition to the proposal—

and shall give notice to the territorial authorities concerned and public notice of the content of the certificates received under subsection (1) of this section, its calculations under this subsection, and whether or not the proposal cannot be proceeded with by virtue of section 31 (1) of this Act. 30

“**31. Fate of proposal after survey**—(1) Where at a survey conducted under section 29 of this Act the number of electors who have validly recorded their opposition to the proposal is more than 50 percent of the total number of electors on the rolls used for the survey, the Commission shall not proceed with that proposal. 35

“(2) Where the percentage of the total number of electors on the rolls used for the survey who have validly recorded their opposition to the proposal is 50 percent or less, the Commission shall decide whether or not to prepare and issue 40

New

a provisional reorganisation scheme, and without limiting the matters that may be considered by the Commission, the Commission may in making that decision have regard to the
5 results of the survey.”

7A. Special membership and representation provision in schemes—Section 35 (3) (b) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977) is hereby amended by inserting, before the words “any
10 other Act” the words “this Act or”.

8. New sections inserted relating to wards for larger councils—The principal Act is hereby amended by inserting after section 56 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) the following
15 sections:

“56A. Review of basis of election and division of district with population over 70,000 into wards—

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(1) Every council
20 to which this section applies shall, in the year immediately preceding any year in which a triennial general election of the council is to be held, but not later than 15 months before the date of that election, determine by resolution—

25 “(a) The number of members of the council (excluding the Mayor, if any); and

“(b) Subject to **section 56c** of this Act, the proposed boundaries and proposed number of wards, and the proposed number of members to be elected by the electors of each ward.

30 “(2) The council shall give public notice of the proposals contained in the resolution made in accordance with **subsection (1) (b)** of this section, and shall in that notice—

35 “(a) Specify the communities of interest considered by the council as required by **section 56c** of this Act, and the ratio of electors to proposed members for each proposed ward; and

“(b) Invite any interested person or organisation wishing to make submissions on the proposals to lodge those

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submissions in writing at the office of the council on or before a date specified in the public notice, which shall be 1 month after the date of the first or only publication of that notice.

“(3) Every resolution made under **subsection (1) (b)** of this section shall include or be accompanied by a description of the proposed wards so as to make them readily identifiable to the public.

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New

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(1) Every council to which this section applies shall, in the year immediately preceding any year in which a triennial general election of the council is to be held, but not later than 15 months before the date of that election, determine by resolution, and in a manner that complies with **sections 56c and 56d** of this Act so far as they are applicable, the proposed boundaries and proposed number of wards, and the proposed number of members (other than the Mayor, if any) to be elected by the electors of each ward.

15

“(2) Every resolution made under **subsection (1)** of this section shall include or be accompanied by a description of the proposed wards so as to make them readily identifiable to the public.

20

“(3) The council shall, within 14 days after making a resolution under **subsection (1)** of this section, give public notice of the proposals contained in the resolution, and shall in that notice—

25

“(a) Specify the communities of interest considered by the council as required by **section 56c (2) (a)** of this Act, and the ratio of population to proposed members for each proposed ward; or

30

“(b) In the case of a council to which **section 56d** of this Act applies, specify the communities of interest considered by the council as required by **section 56c (2) (a)** of this Act, and the factors (if any) that the council had regard to under **section 56d (2)** of this Act.

35

“(3A) Every public notice given under **subsection (3)** of this section shall invite any interested person or organisation wishing to make submissions on the proposals to lodge those submissions in writing at the office of the council on or before a date specified in the public notice, which shall be 1 month after the date of the first or only publication of that notice.

40

“(4) The council shall, within 6 weeks of the closing date for submissions,—

5 “(a) Consider all submissions received, and may by resolution make such amendments to its proposals and the number of members of the council as it thinks fit; and

“(b) Forward to the Commission—

10 “(i) Any resolution made under **subsection (1)** of this section and **paragraph (a)** of this subsection; and
 “(ii) Every submission received from any person or organisation under **subsection (2)** of this section.

“(5) This section shall apply to every council whose district has a population of 70,000 or more.

15 “56B. **Commission to determine wards**—(1) The Commission shall, before the 1st day of January of the year of each triennial general election,—

“(a) Consider the resolutions and submissions forwarded to it under **section 56A** of this Act; and

20 “(b) Subject to **(section 56c) sections 56c and 56d** of this Act so far as they are applicable, determine the number of wards and their boundaries, and the number of members to be elected by the electors of each ward.

Struck Out

and advise the council of that determination.

25 “(2) The Commission shall not have power to vary the number of members of the council as determined by the council under **section 56A** of this Act.

30 “(3) For the purposes of making a determination under **subsection (1) (b)** of this section the Commission may, but shall not be obliged to, hold meetings with the council or any persons or organisations who have indicated a desire to be heard by the Commission.

35 “(4) The Commission shall obtain a certificate from the Chief Surveyor of every land (*registration*) district in which the district is situated that the description of the wards contained in the determination is sufficient to render the boundaries of each ward readily capable of identification.

New

40 “(4A) Notice in writing of every determination under **subsection (1) (b)** of this section, setting out the reasons for the determination, shall be given by the Commission to the council concerned, and by public notice.

“(5) Subject to section 37A of this Act, the determination of the Commission made under **subsection (1) (b)** of this section shall be final and shall come into force for the next general election.

“56c. **Factors to be used in determining wards—**

5

Struck Out

(1) No ward of the district of a council to which **section 56A** of this Act applies shall contain more than 20,000 persons.

New

10

(1) Except as provided in **section 56D** of this Act, no ward of the district of a council to which **section 56A** of this Act applies shall have a population of more than 25,000 persons.

“(2) The council and the Commission shall ensure that the definition of the wards of those districts—

15

“(a) Gives due consideration to community of interest when determining ward boundaries; and

“(b) Has regard to the need to comply with **subsection (3)** of this section (*concerning the representation of the electors of each ward*); and

20

“(c) Coincides with the boundaries of statistical meshblock areas determined by the Department of Statistics and used for parliamentary electoral purposes.

Struck Out

25

“(3) The number of members to be elected by the electors of each ward shall be determined by allocating to that ward the number of members necessary to ensure that the members are able to be elected by a ratio of electors to members that is not greater by more than 5 percent or lesser by more than 5 percent than the ratio of electors to members of any other ward.

30

New

“(3) Except as provided in **section 56D** of this Act, wards shall be defined in such a way that the population of each ward divided by the number of members to be elected by it shall
 5 produce a figure no more than 5 percent greater nor less than
 5 percent smaller than the population of the district divided by the total number of members (other than the Mayor, if any).”

Struck Out

10 “(4) For the purposes of this section, the certificate of the Government Statistician under section 2 (5) of this Act as to the population of any district or ward or proposed ward shall be a certificate of the most recently published census of
 15 population and dwellings figures, other than those for a census carried out in the year preceding a triennial general election of the council or the year in which such an election is to be held.”

New

20 “(4) For the purposes of this section and **section 56A** of this Act, the certificate of the Government Statistician under section 2 (5) of this Act as to the population of any district or ward or proposed ward shall be a certificate of the ordinarily resident population as shown in the most recently published census of
 25 population and dwellings figures (other than those for a census carried out in the year preceding a triennial general election of the council or the year in which such an election is to be held), or the ordinarily resident population as assessed by the Government Statistician at any later date determined by the
 30 Government Statistician; and every territorial authority shall supply to the Government Statistician such information as may be required by him concerning the definition of any area to which any such certificate is to relate.

“**56D. Ward system where members of territorial authority elected on ward system in 1983**—(1) Nothing in
 35 **subsection (1), subsection (2) (b), or subsection (3) of section 56C** of this Act shall apply in respect of any council that conducted its triennial general election in the year 1983 on a ward basis.”

New

“(2) In addition to complying with paragraphs (a) and (c) of section 56c (2) of this Act, in relation to the wards of any council that conducted its triennial general election in the year 1983 on a ward basis the council and the Commission may have regard to such other factors as the council or the Commission considers relevant.”

9. No district community councils where council must be elected on ward system—(1) Section 59 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by omitting from subsection (1) the expression “subsection (2)”, and substituting the expression “subsections (2) and (3)”.

(2) Section 59 of the principal Act (as so enacted) is hereby further amended by adding the following subsection:

“(3) No district community council may be established in respect of any community in any district whose council is required to be elected on a ward system determined under sections 56A to **(56c) 56D** of this Act.”

Struck Out

10. Savings for councils that used ward system for 1983 triennial general election—Where any council to which sections 56A to 56c of the principal Act (as enacted by section 8 of this Act) apply conducted its triennial general election in the year 1983 on a ward basis, that council may, if it resolves not later than 15 months before the date of the triennial general election in the year 1986 to maintain that ward system without any change for that election, conduct the triennial general election in the year 1986 on the basis of the ward system used for the triennial general election in the year 1983, and nothing in sections 56A to 56c of that Act shall apply in respect of that council for that election.

11. 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”.

12. 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:

5 “(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;
10 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.”

15 **13. Water charges**—Section 158 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 (1A) (as enacted by section 22 of the Local Government Amendment Act 1980), the following subsection)* **subsection (1B)** (as
20 enacted by section 8 of the Local Government Amendment Act 1983), the following subsection:

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

25 “(a) The uniform annual charge 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
30 Act to invite lump sum contributions towards capital costs.”

14. Sewerage and stormwater drainage charges—Section 162 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended
35 by inserting, after subsection (2), the following subsection:

“(2A) No restriction imposed by subsection (2) of this section relating to the availability of or connection to services shall apply in any case where—

40 “(a) The uniform annual charge 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
45 costs.”

15. New sections substituted relating to allowances and remuneration—The principal Act is hereby amended by repealing sections 214 and 214A, and substituting the following sections:

“214. **Interpretation**—In sections 214A to 214M of this Act, 5
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: 10

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

“(i) In relation to any electric power board
(including the Auckland Electric Power
Board and the Rotorua Area Electricity
Authority), means the Minister of Energy: 15

“(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 Waimakariri-Ashley Water Supply
Board, the Masterton Trust Lands Trust, 20
the Hutt Valley Drainage Board, the
North Shore Drainage Board, and the
Christchurch Town Hall Board of
Management means the Minister of
Local Government: 25

“(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 30
the Minister of Transport:

“(vi) In relation to the Selwyn Plantation Board and
the Marlborough Forestry Corporation,
means the Minister of Forests:

“ ‘Class of local authorities’ means a class of local 35
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 40
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, and may at any other time,—

5 “(a) Determine the maximum or actual annual allowances that may be paid to the Chairmen of the following local authorities:

10 “(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:

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

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

20 “(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:

25 “(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:

30 “(a) Any person in respect of whom that subsection applies:

“(b) Any local authority whose Chairman is a person in respect of whom that subsection applies:

35 “(c) Any organisation recognised by the Higher Salaries Commission as representing a local authority whose Chairman is a person in respect of whom that subsection applies.

40 “(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.

45 “(4) The Higher Salaries Commission shall advise the Minister and the appropriate Minister of every determination by it under subsection (1) of this section.

“(5) Every determination under **subsection (1)** of this section shall take effect on and from a date to be specified in that determination, which may be before, on, or after the date on which the determination is made.

“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, acting with the consent of the appropriate Minister, shall determine—

“(a) The maximum or actual annual allowance of the Chairman of a local authority where that allowance is not determined by the Commission under **section 214A** of this Act: 15

“(b) The maximum or actual 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 or actual annual allowance or remuneration of members (other than the Chairman) of a local authority or district community council who are chairmen of standing or special committees appointed by the local authority under section 104 of this Act, or standing or special committees appointed under the corresponding provisions of any other Act: 20 25

“(d) The maximum or actual remuneration of other members of a local authority:

“(e) The conditions subject to which the remuneration referred to in **paragraph (d)** of this subsection may be paid, including conditions as to the maximum number of meetings or conferences in respect of which payments may be made. 30

“(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. 35

“(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. 40

“(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, 45

chairmen of standing or special committees, and other members of one local authority and the Chairman, Deputy Chairman, chairmen of standing or special 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—

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

“(b) Specify the date on and from which the determination under **subsection (1)** of this section shall take effect, which shall be the date on and from which the determination of the Commission under **section 214A** of this Act is to take effect and may be before, on, or after the date of the determination under **subsection (1)** of this section.

“(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

25 “214C. **Alteration to annual allowances or remuneration of Chairmen, Deputy Chairmen, chairmen of standing committees, and other members of local authorities—**

(1) The Minister, acting with the consent of the appropriate Minister, 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 maximum or actual annual allowances or remuneration payable to the Chairmen, Deputy Chairmen, chairmen of standing or special committees, and other members of the local authorities of that class.

“(2) The Minister, acting with the consent of the appropriate Minister may, at the request of a particular local authority, determine the maximum or actual 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 Minister and the appropriate Minister at a time and place and in a manner to be determined by those Ministers:

“(a) Any person for whom the maximum or actual annual allowance or remuneration that may be paid may be determined under those subsections: 5

“(b) Any local authority whose Chairman, Deputy Chairman, chairmen of standing or special committees, or other members are persons for whom the maximum or actual annual allowance that may be paid may be determined under those subsections: 10

“(c) Any organisation recognised by the appropriate Minister as representing a local authority whose Chairman, Deputy Chairman, chairmen of standing or special committees, or other members are persons for whom the maximum or actual annual allowance or remuneration that may be paid may be determined under those subsections. 15

“(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. 20

“(5) Any determination under this section may make any necessary amendment to any determination under **section 214B** of this Act. 25

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

“**214D. Payment of annual allowances and remuneration**—(1) Where any maximum annual allowance or remuneration is determined under **section 214A**, **section 214B**, or **section 214C** of this Act, the local authority may, subject to the conditions of the determination, **sections 214K and 214L** of this Act, and any other Act affecting that local authority, pay to the persons concerned such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as it by resolution determines. 30 35

“(2) Where any actual annual allowance or remuneration is determined under **section 214A** or **section 214B** or **section 214C** of this Act, the local authority shall, subject to the conditions of the determination, **sections 214K and 214L** of this Act, and any other Act affecting that local authority, pay to the person concerned that annual allowance or remuneration. 40

“214E. **Attendance at certain conferences and meetings to be remunerated**—(1) Subject to subsections (2) and (3) of this section, where, pursuant to a resolution of the local authority, any member of that authority attends any meeting or
5 conference as a representative of the authority, he shall be deemed, for the purposes of determining the remuneration to which he is entitled, to be attending a meeting of the local authority that passed the resolution.

“(2) Nothing in subsection (1) of this section shall apply in any
10 case where the meeting attended by the person is a meeting (of a local authority of which he is also a member) in respect of which he receives remuneration from any other source for his attendance.

“(3) No payment shall be made under the authority of
15 subsection (1) of this section if the making of the payment would be in breach of any condition imposed under section 214B (1) (e) of this Act relating to the maximum number of meetings or conferences in respect of which remuneration may be paid.

“214F. **Remuneration of persons who are neither
20 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 pays or resolves that it would pay remuneration to its members
25 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.

30 *Struck Out*

“(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.

35 *New*

“(2) This section shall not apply to any member of a committee or subcommittee who is an employee of the local authority under whose authority the committee or subcommittee was established or the district community council
40 operates, and who is acting in the course of his employment.

New

“(3) This section shall not apply to any member of a committee or subcommittee who receives remuneration from any other source for his attendance at a meeting of the committee or subcommittee.

5

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

“214G. **Annual allowances and remuneration not payable in certain circumstances**—Where a determination under section 214A, section 214B, or section 214C of this Act does not determine the maximum or actual 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.

“214H. **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 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

“214I. **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
5 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
10 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.
15 Cf. 1974, No. 66, s. 214A; 1980, No. 111, s. 8

“214J. **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
20 to any Chairman, Deputy Chairman, chairman of a standing or special committee, 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
25 determination, without his consent, during the term of his office in which the determination is made.

“214K. **Reduction of annual allowance where full term not served**—(*Notwithstanding section 214L of this Act,*) Where any person holds an office in respect of which an annual allowance
30 is payable and he does not hold that office for the full year to which the allowance relates, he shall be entitled to receive the proportion of the annual allowance that his holding of the office bears in relation to the full year.

“214L. **Office holder may decline to accept annual allowance or remuneration**—(1) Any Chairman, Deputy Chairman, chairman of a standing or special committee, or member of a local authority who is entitled to receive any annual allowance or remuneration to which **section 214A, section 214B, section 214C, section 214D, section 214E, section 214F, section 214H, or section 214I** of this Act applies may, by written
40 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 **sections 214A, 214B, 214C, 214D, 214E, 214F, 214H, and 214I** of this Act, be deemed not to be entitled to receive the annual allowance or remuneration to the extent to which the notification applies. 5

“**214M. 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.” 10

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

16. 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. 15

17. Savings and revocations—(1) Notwithstanding **sections 214 to 214M** of the principal Act (as inserted by **section 15** of this Act) and the amendments made by **section 38** 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. 20

(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. 25

18. Miscellaneous expenditure relating to associations of local authorities—Section 219 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 paragraph: 30

“(k) The payment of subscriptions, fees, or general contributions to any national or regional association of local authorities, and the payment of any reasonable expenses incurred in connection with the holding of meetings or conferences of any such association within its district or elsewhere, including the payment of the reasonable travelling expenses of its representatives in attending any such conference or meeting.” 35 40

19. 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:

5 “(3) The Council may, by resolution, 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.

10 “(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.”

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

“228. (1) The Council may, pursuant to a special order, purchase land on terms that provide for the payment of the purchase price and interest over a period not exceeding 20
20 years.

“(2) 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

25 **21. 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
30 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:

35 “‘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:”.

22. 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: 5

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

23. 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: 10

“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.” 15

24. Powers of council where scheme plan submitted—Section 279 (2) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by repealing paragraph (n), and substituting the following paragraph: 20

“(n) Such other fair and reasonable conditions of any kind whatsoever (not being conditions relating to any matter in respect of which conditions can be imposed under this Part or any other Part of this Act) as the council thinks fit be complied with.” 25

25. Application of Part XXI—The principal Act is hereby amended by repealing section 281 (as enacted by section 2 of the Local Government Amendment Act 1978), and substituting the following section: 30

“281. The council may, by virtue of this section, make in respect of any subdivision or development any decision relating to roads, private roads, or road access that it is entitled to make under Part XXI of this Act as a condition of approval of a scheme plan.” 35

26. Application of development levies to housing functions and powers of united council or regional council—Section 294H (3) of the principal Act (as enacted by section 12 (1) of the Local Government Amendment Act 1981) is hereby amended by inserting in paragraph (d), after the numeral “XXXI,” the numeral “XXXII.” 40

27. Appeals to Planning Tribunal—(1) Section 300 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by repealing paragraph (b), and substituting the following paragraph:

“(b) Any owner or occupier of land affected by the decision, or any other body or person affected by the decision:”.

New

(2) Section 300 (2) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by omitting from subsection (2) (a) the words “of the council”.

28. Allocation of road numbers—The principal Act is hereby amended by inserting, after section 319A (as enacted by section 37 of the Local Government Amendment Act 1980), the following section:

Struck Out

“319B. (1) The council may allocate a road number to any area of land within its district and may change the number allocated to any such area of land.

“(2) The council shall comply with any request from a Registrar of Electors or Chief Surveyor to allocate a road number to or change the road number of any area of land in its district.

“(3) The principal administrative officer shall advise the Registrar of Electors for the electorate in which the land is situated, and the Chief Surveyor of the land district in which the land is situated, of the road numbers allocated under **subsection (1) or subsection (2)** of this section.”

New

“319B. For electoral, postal, and other purposes the council may allocate a number to any area of land or building or part of a building within its district and may change the number allocated to any such area of land or building.

“(2) The council shall comply with any request from a Chief Surveyor to allocate a number to or change the number of any area of land or building or part of a building in its district.

“(3) The principal administrative officer shall advise the Chief Surveyor of the land district in which the land or building is situated of the numbers allocated under **subsection (1) or subsection (2)** of this section.”

29. Roading contributions as condition of approval of scheme plan—(1) The principal Act is hereby amended by repealing section 321A (as enacted by section 2 of the Local Government Amendment Act 1978), and substituting the following section:

“321A. (1) For the purpose of forming, diverting, or upgrading any (*new or existing road or footpath*) existing road or forming any new road because of new or increased traffic owing to the subdivision (*and development*) of any land the council may, as a condition of approval of a scheme plan, require the owner to—

“(a) Pay, or enter into a binding contract to pay, to the council a fair and reasonable contribution towards the cost of forming or upgrading roads (*or footpaths*) or parts of roads (*or footpaths*) within or adjacent to the subdivision or any other land vested in the same owner to a state or standard that may be specified by the council, or require him to carry out, or enter into a binding contract to carry out, that work; or

“(b) Dedicate a strip of land for widening any road; or

“(c) Comply with both **paragraph (a) and paragraph (b)** of this subsection.

“(2) No requirement under **subsection (1) (a)** of this section shall require contributions from or the carrying out of work by an owner—

“(a) That exceed the extent to which the road (*or footpath*) serves or is intended to serve the subdivision; or

“(b) In the case of a road (*or footpath*) that is adjacent to the subdivision or other land vested in the same owner, that exceed half the estimated cost of the work,—

whichever is the lesser.

“(3) No requirement under **subsection (1) (b)** of this section may require the dedication of land having a total value in excess of the maximum contribution that could be required of the owner under **subsection (1) (a)** of this section.

“(4) No requirements under **paragraph (c) of subsection (1)** of this section may require contributions, works, or dedication of land of a total value in excess of the maximum value of the contributions, work, or land to be dedicated that could be required if the requirements were made under only one of **paragraphs (a) and (b)** of that subsection.

“(5) In determining the contributions or extent of work to be carried out by an owner for the purposes of **subsection (2)** of this section, the fair market value of any land required to be dedicated by the owner under **subsection (1) (b)** of this section

shall, to the extent that the land is required to serve the subdivision, be counted as a contribution by the owner.

“(6) Where an owner is required to dedicate land under **subsection (1) (b)** of this section, he shall be entitled to be paid
5 by way of compensation from the council the fair market value of so much of the land as is in excess of the land required for any road that serves or is intended to serve the subdivision.

“(7) The fair market value of any land required to be
10 **determined for the purposes of subsection (1) (b), subsection (3), (or subsection (4),) subsection (4), or subsection (6)** of this section shall be determined as at the date when the allotments on the scheme plan are first available for sale or such other date as may be agreed by the owner and the council; and the fair market value shall be fixed by agreement between the owner
15 of the land and the council or, in default of agreement (*by a registered valuer within the meaning of the Valuers Act 1948*) or if the council so decides, by the Valuer-General.

“(8) The value of any work carried out or required to be carried out by an owner and the estimated cost of any work
20 shall, for the purposes of **subsection (1) or subsection (2)** of this section, be determined by decision of the council.”

New

(2) Paragraph (c) of section 322 (2) of the principal Act (as enacted by section 2 of the Local Government Amendment
25 Act 1978) is hereby repealed.

30. Housing functions and powers of united council and regional council—Section 549(1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by repealing the definitions of
30 the terms “council” and “district”, and substituting the following definitions:

“ ‘Council’ means a territorial authority; and, except in
35 **section 572** of this Act and sections 574 and 575 of this Act so far as they relate to **section 572** of this Act, includes a united council and a regional council:

“ ‘District’, in relation to a territorial authority, means the district of that territorial authority, and, in relation to a united council or regional council, means the region, including any out-district of the region, of
40 the united council or regional council.”

31. United council and regional council may only act under this Part in response to developments for which it may determine development levy—The principal Act is hereby amended by inserting, after section 549 (as enacted by section 2 of the Local Government Amendment Act 1979), the following section: 5

“549A. A united council or regional council may exercise its functions and powers under this Part of this Act only in response to a development for which it is entitled to determine a development levy under section 294A of this Act.” 10

32. 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.

33. 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 20

34. 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— 25

“(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: 30

“(c) Any land or building held by the council on trust or endowment *(to the extent to which)* unless the subdivision, development, sale, or lease of the land or building is *(permitted)* prohibited by the terms of the trust or endowment. 35

“(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: 40

“(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:

5 “(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.

10 “(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
15 other 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.

20 “(6) **(Section 40) Sections 40 to 42** of the Public Works Act 1981 shall not apply to the sale of any land under this section.

“(7) All money received by the council from the sale or lease of land or buildings 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.”

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

35. Licensing of residential institutions—Section 636 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by
30 repealing the definition of the term “residential institution”, and substituting the following definition:

“‘Residential institution’ means a building or portion of a building or combination of buildings or parts of buildings in which lodging or board and lodging are provided for a single night or longer for 5 or more
35 lodgers or boarders, with or without the use of furniture, and includes—

“(a) Any boardinghouse, guest house, rooming house, private hotel, motel, residential club, or hostel; and

“(b) For the purposes of subsection (3) of this section, but for no other purpose of this section or section 636A of this Act,—

“(i) Any youth camp, youth hostel, short-stay hostel, ski lodge, or similar accommodation, that is not operated for private pecuniary gain or profit: 5

“(ii) Any alpine hut, trampers’ hut, or similar accommodation:

but does not include— 10

“(c) Any premises in respect of which a licence under the Sale of Liquor Act 1962 is in force or deemed to be in force by section 34A (2), section 50 (1), or section 73 (3) of the Licensing Trusts Act 1949, section 34A (2) of the Masterton Licensing Trust Act 1949, or section 35A (2) of the Invercargill Licensing Trust Act 1950: 15

“(d) Any hospital as defined in section 2 of the Hospitals Act 1957:

“(e) Any home for aged persons required to be licensed under section 120A of the Health Act 1956: 20

“(f) Any private hospital required to be licensed under Part V of the Hospitals Act 1957:

“(g) Any institution licensed under section 9 of the Mental Health Act 1969: 25

“(h) Any home that is required to be registered or deemed to be registered under Part IX of the Children and Young Persons Act 1974:

“(i) Any child care centre required to be licensed by regulations made under section 105 of the Children and Young Persons Act 1974: 30

“(j) Any home required to be registered under Part II of the Disabled Persons Community Welfare Act 1975:

“(k) Any camping ground required to be licensed under regulations made under section 120B of the Health Act 1956:” 35

36. Bylaws relating to road numbers—Section 684 (1) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by inserting, after paragraph (14), the following paragraph: 40

Struck Out

“(14A) Requiring the owner or occupier of any area of land on which a building is erected and to which a road number has been allocated to display that number in a position visible
5 from the road:”.

New

“(14A) Requiring the owner or occupier of any area of land on which a building is situated or the owner or occupier of any building or part of a building, being land or a building
10 or part of a building to which a number has been allocated under **section 319B** of this Act, to display that number in a position visible from the road:”.

37. Municipal Association Act 1939 and New Zealand Counties Association Act 1949 repealed—(1) The Municipal
15 Association Act 1939* and the New Zealand Counties Association Act 1949† are hereby repealed.

New

(2) The Municipal Association of New Zealand Incorporated and the New Zealand Counties Association Incorporated shall
20 each have the power to transfer to any society incorporated under the Incorporated Societies Act 1908 their assets, rights, and liabilities.

(3) All proceedings pending by or against the Municipal Association of New Zealand or the New Zealand Counties
25 Association Incorporated may be carried on, completed, and enforced by or against the appropriate society to which the assets, rights, and liabilities have been transferred under **subsection (2)** of this section.

(4) All money that was or would have been payable to either
30 Association shall be payable to the appropriate society to which assets, rights, and liabilities have been transferred under **subsection (2)** of this section.

*R.S. Vol. 10, p. 237

†R.S. Vol. 10, p. 475

New

(4A) The enactments specified in the **Second Schedule** to this Act are hereby consequentially repealed.

New

(5) This section shall come into force on the 1st day of November 1985.

38. Consequential amendments and repeals—(1) The principal Act is hereby amended in the manner indicated in Part I of the **((Second)) Third** Schedule to this Act.

(2) The enactments specified in the first column of Part II of the **((Second)) Third** Schedule to this Act are hereby amended in the manner indicated in the second column of that Part of that Schedule.

(3) The enactments specified in Part III of the **((Second)) Third** Schedule to this Act are hereby repealed. 15

SCHEDULES

FIRST SCHEDULE

Section 16

NEW SCHEDULE 1A

"SCHEDULE 1A

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

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 (<u>R.S. Vol. 5, p. 925</u>)
(c) The Masterton Trust Lands Trust	1966, No. 27 (Local)—The Masterton Trust Lands Act 1966
(d) The Christchurch Town Hall Board of Management	1976, No. 2 (Local)—The Christchurch Town Hall Board of Management Act 1976
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 Commission Act 1967 (Repealed by section 726 of the principal Act; see section 726 (3))
5. Area Health Boards	1983, No. 134—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 (<u>R.S. Vol. 11, p. 819</u>)

FIRST SCHEDULE—*continued*NEW SCHEDULE 1A—*continued*“SCHEDULE 1A—*continued*”CLASSES OF LOCAL AUTHORITIES FOR THE PURPOSES OF SECTIONS 214 TO 214M—*continued*

Class of Local Authority	Act under which Constituted
8. (a) Drainage Boards and Irrigation Boards	1908, No. 96—The Land Drainage Act 1908 (R.S. (Vol. 7) Vol. 6, 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. (a) Pest Destruction Boards and the South Canterbury Wallaby Board	1967, No. 147—The Agricultural Pests Destruction Act 1967
(b) Nassella Tussock Boards	1978, No. 15—The Noxious Plants Act 1978
10. The Christchurch Transport Board	1920, No. 15 (Local)—The Christchurch Tramway District Act 1920
11. (a) The Selwyn Plantation Board	1953, No. 96—The Selwyn Plantation Board Act 1953
(b) The Marlborough Forestry Corporation	1970, No. 17 (Local)—The Marlborough Forestry Corporation Act 1970”

New

SECOND SCHEDULE

Section 37

ENACTMENTS REPEALED WITH EFFECT ON AND FROM 1 NOVEMBER 1985

- 1941, No. 26—The Statutes Amendment Act 1941: Section 53 (Reprinted 1976, Vol. 5, p. 4475; R.S. Vol. 10, p. 241)
- 1950, No. 93—The Finance Act 1950: Section 36 (R.S. Vol. 2, p. 505; Vol. 10, p. 480)
- 1951, No. 78—The Finance Act 1951: Section 26 (R.S. Vol. 2, p. 508; Vol. 10, p. 480)
- 1974, No. 66—The Local Government Act 1974: The items in the Seventeenth Schedule (as enacted by section 6 of the Local Government Amendment Act 1979) relating to the Municipal Association Act 1939 and the New Zealand Counties Association Act 1949 (R.S. Vol. 5, p. 77)
- 1979, No. 59—The Local Government Amendment Act 1979: So much of the Third Schedule as relates to the Municipal Association Act 1939 and the New Zealand Counties Association Act 1949 (R.S. Vol. 5, p. 683)
- 1980, No. 123—The Municipal Association Amendment Act 1980 (R.S. Vol. 10, p. 241)
- 1980, No. 124—The New Zealand Counties Association Amendment Act 1980 (R.S. Vol. 10, p. 481)

((SECOND)) THIRD SCHEDULE

Section 38

Part I

AMENDMENTS OF PRINCIPAL ACT

Provision Amended	Amendment
Section 7 (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977) Section 35 (as so enacted)	By omitting from subsection (2) the words "Subject to section 6 of this Act,". By inserting, after subsection (1), the following subsection: " (1A) Notwithstanding subsection (1) (i) of this section, where a new district is constituted or the boundaries of any district are altered, and the district has a population of 70,000 or more, the Commission shall divide the district into wards and determine the number of members to be elected by the electors of each ward in accordance with the criteria specified in section 56c of this Act."
Section 55 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977)	<i>Struck Out</i>
	By inserting in subsection (3), after the expression "section 56", the expression " or section 56B ".
	<i>New</i>
	By omitting from subsection (3) the expression "section 56", and substituting the expression " sections 56 to 56D ".
Section 56 (as so enacted)	By inserting in subsection (1), after the words "Every council", the words "to which this section applies". By adding the following subsection: "(8) Nothing in this section shall apply to any council whose district has a population of 70,000 or more."
Section 216 (as so enacted)	By repealing subsection (2), and substituting the following subsection: "(2) Nothing in this section shall apply in any case where the member is entitled to payment of travelling expenses by any national or regional association of local authorities."
Section 230 (as enacted by section 3 (1) 31 (1) of the Local Government Amendment Act 1980)	By inserting in subsection (8) (c), after the expression "section 345", the expression " or section 572 (3) ".
Section 315 (as enacted by section 2 of the Local Government Amendment Act 1978)	By inserting in the definition of the term "private road" in subsection (1), after the words "laid out", the words "or formed".
Section 319 (as so enacted)	By inserting in paragraph (a), after the word "construct", the word " upgrade ". By omitting paragraph (b).

((SECOND)) THIRD SCHEDULE—continued*Part I*—continued

AMENDMENTS OF PRINCIPAL ACT—continued

Provision Amended	Amendment
<i>New</i>	
Section 322 (as so enacted)	By omitting from subsection (1) the words “or further or other provision”. By omitting from subsection (2) the words “extending, or widening”, and substituting the words “or upgrading”.
Section 324 (as so enacted)	By omitting from subsection (1) and from subsection (2) the words “otherwise improving”, and substituting in each case the word “upgrading”.
Section 326 (as so enacted)	By omitting from subsection (1)(c) the word “creation”, and substituting the word “formation”. By omitting from subsection (11) the word “creation” from both places where it occurs, and substituting in each case the word “formation”.
Section 331 (as so enacted)	By omitting from subsection (1) the words “and construct or make permanent improvements of”, and substituting the words “or upgrade”.
Section 348 (as so enacted)	By omitting from subsection (1) the word “make”, and substituting the word “form”.
Section 349 (as so enacted)	By omitting from subsection (3) the word “make”, and substituting the word “form”. By omitting from subsection (2) the words “and constructed”.
Section 350 (as so enacted)	By omitting the word “makes”, and substituting the word “forms”.
Section 366 (as so enacted)	By omitting from subsection (2) the word “construction”.
Section 367 (as so enacted)	By omitting from subsection (1) and from subsection (3) (a) the word “construction”.
<i>Struck Out</i>	
Section 708 (as enacted by section 2 of the Local Government Amendment Act 1979)	By omitting from subsection (3) the expression “section 238”, and substituting the expression “ section 710 ”.
Section 709 (as so enacted)	By omitting the expression “section 238”, and substituting the expression “ section 710 ”.
<i>Struck Out</i>	
Twelfth Schedule (as enacted by section 3 (1) of the Local Government Amendment Act 1978)	By omitting from the heading the word “CREATION”, and substituting the word “FORMATION”. By omitting from the second paragraph of Form 1 the word “created”, and substituting the word “formed”.
<i>Struck Out</i>	
Seventeenth Schedule (as enacted by section 6 of the Local Government Amendment Act 1979)	By omitting the references to the Municipal Association Act 1939 and the New Zealand Counties Association Act 1949.

((SECOND)) THIRD SCHEDULE—*continued*

Part II

AMENDMENTS OF OTHER ENACTMENTS

Enactment	Amendment
1908, No. 96—The Land Drainage Act 1908 (R.S. Vol. 6, p. 641)	<p>By repealing section 13B (as substituted by section 3 (1) of the Land Drainage Amendment Act 1978), and substituting the following section:</p> <p>“13B. Annual allowances and remuneration of Chairman, Deputy Chairman, and members—(1) Where any maximum annual allowance or remuneration is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the Chairman, Deputy Chairman, or members of the Board, there may, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to each of those persons such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as the Board determines.</p> <p>“(2) Where any actual annual allowance or remuneration is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the Chairman, Deputy Chairman, or members of the Board, there shall, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to each of those persons the annual allowance or remuneration so determined.”</p>
1908, No. 165—The River Boards Act 1908 (R.S. Vol. 10, p. 765)	<p>By repealing section 66A (as substituted by section 3 (1) of the River Boards Amendment Act 1978), and substituting the following section:</p> <p>“66A. Annual allowances and remuneration of Chairman, Deputy Chairman, and members—(1) Where any maximum annual allowance or remuneration is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the Chairman, Deputy Chairman, or members of the Board, there may, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to each of those persons such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as the Board determines.</p>

SECOND SCHEDULE—*continued*Part II—*continued*AMENDMENTS OF OTHER ENACTMENTS—*continued*

Enactment	Amendment
<p>1920, No. 15 (Local)—The Christchurch Tramway District Act 1920</p>	<p>“(2) Where any actual annual allowance or remuneration is determined under section 214B or section 214c of the Local Government Act 1974 in respect of the Chairman, Deputy Chairman, or members of the Board, there shall, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to each of those persons the annual allowance or remuneration so determined.”</p> <p>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:</p> <p>“25. Annual allowances and remuneration of Chairman and members—(1) Where any maximum annual allowance or remuneration is determined under section 214B or section 214c of the Local Government Act 1974 in respect of the Chairman or members of the Board, there may, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to each of those persons such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as the Board determines.</p> <p>“(2) Where any actual annual allowance or remuneration is determined under section 214B or section 214c of the Local Government Act 1974 in respect of the Chairman or members of the Board, there shall, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to each of those persons the annual allowance or remuneration so determined.”</p>
<p>1925, No. 38—The Electric Power Boards Act 1925 (Reprinted 1976, Vol. 4, p. 3465)</p>	<p>By repealing section 43, and substituting the following section:</p> <p>“43. Annual allowances and remuneration of Chairman, chairmen of standing committees, and members—(1) Where any maximum annual allowance or remuneration is determined under section 214B or section 214c of the Local Government Act 1974 in respect of the Chairman, chairmen of standing committees, or members of the</p>

((SECOND)) THIRD SCHEDULE—*continued**Part II*—*continued*AMENDMENTS OF OTHER ENACTMENTS—*continued*

Enactment	Amendment
<p>1941, No. 12—The Soil Conservation and Rivers Control Act 1941 (Reprinted 1969, Vol. 4, p. 3063)</p>	<p>Board, there may, subject to the conditions of that determination and sections 214k and 214L of that Act, be paid to each of those persons such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as the Board determines.</p> <p>“(2) Where any actual annual allowance or remuneration is determined under section 214B or section 214c of the Local Government Act 1974 in respect of the Chairman, chairmen of standing committees, or members of the Board, there shall, subject to the conditions of that determination and sections 214k and 214L of that Act, be paid to each of those persons the annual allowance or remuneration so determined.”</p> <p>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:</p> <p>“114A. Annual allowances and remuneration of Chairman, chairmen of standing committees, and members—</p> <p>(1) Where any maximum annual allowance or remuneration is determined under section 214B or section 214c of the Local Government Act 1974 in respect of the Chairman, chairmen of standing committees, or members of the Board, there may, subject to the conditions of that determination and sections 214k and 214L of that Act, be paid to each of those persons such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as the Board determines.</p> <p>“(2) Where any actual annual allowance or remuneration is determined under section 214B or section 214c of the Local Government Act 1974 in respect of the Chairman, chairmen of standing committees, or members of the Board, there shall, subject to the conditions of that determination and sections 214k and 214L of that Act, be paid to each of those persons the annual allowance or remuneration so determined.”</p>

((SECOND)) THIRD SCHEDULE—*continued**Part II*—*continued*AMENDMENTS OF OTHER ENACTMENTS—*continued*

Enactment	Amendment
1950, No. 34—The Harbours Act 1950 (R.S. Vol. 2, p. 551)	<p>By repealing section 51 (as substituted by section 3 (1) of the Harbours Amendment Act 1980), and substituting the following section:</p> <p>“51. Annual allowances and remuneration of Chairman, Deputy Chairman, chairmen of standing committees, and members—(1) Where any maximum annual allowance or remuneration is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the Chairman, Deputy Chairman, chairmen of standing committees, or members of the Board, there may, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to each of those persons such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as the Board determines.</p> <p>“(2) Where any actual annual allowance or remuneration is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the Chairman, Deputy Chairman, chairmen of standing committees, or members of the Board, there shall, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to each of those persons the annual allowance or remuneration so determined.”</p>
1951, No. 21 (Local)—The Christchurch District Drainage Act 1951	<p>By repealing section 19 (2) (as substituted by section 2 (1) of the Christchurch District Drainage Amendment Act 1979), and substituting the following subsection:</p> <p>“(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.”</p> <p>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 subsections:</p> <p>“(3) Where any maximum annual allowance or remuneration is determined under section 214B or section 214C of the Local</p>

((SECOND)) THIRD SCHEDULE—continued

Part II—continued

AMENDMENTS OF OTHER ENACTMENTS—continued

Enactment	Amendment
<p>1953, No. 96—The Selwyn Plantation Board Act 1953</p>	<p>Government Act 1974 in respect of the Chairman, Deputy Chairman, Chairmen of Standing Committees, or members of the Board, there may, subject to the conditions of that determination and sections 214k and 214L of that Act and section 19 (2) of this Act, be paid to each of those persons such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as the Board determines.</p> <p>“(4) Where any actual annual allowance or remuneration is determined under section 214b or section 214c of the Local Government Act 1974 in respect of the Chairman, Deputy Chairman, Chairmen of Standing Committees, or members of the Board, there shall, subject to the conditions of that determination, sections 214k and 214L of that Act, and section 19 (2) of this Act, be paid to each of those persons the annual allowance or remuneration so determined.”</p> <p>By repealing section 21, and substituting the following section:</p> <p>“21. Annual allowance and remuneration of Chairman, Deputy Chairman, and members—(1) Where any maximum annual allowance or remuneration is determined under section 214b or section 214c of the Local Government Act 1974 in respect of the Chairman, Deputy Chairman, or members of the Board, there may, subject to the conditions of that determination and sections 214k and 214L of that Act, be paid to each of those persons such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as the Board determines.</p> <p>“(2) Where any actual annual allowance or remuneration is determined under section 214b or section 214c of the Local Government Act 1974 in respect of the Chairman, Deputy Chairman, or members of the Board, there shall, subject to the conditions of that determination and sections 214k and 214L of that Act, be paid to each of those persons the annual allowance or remuneration so determined.</p> <p>“(3) For the purposes of determining the travelling allowances or expenses payable to members of the Board and members of</p>

((SECOND)) THIRD SCHEDULE—continued**Part II—continued****AMENDMENTS OF OTHER ENACTMENTS—continued**

Enactment	Amendment
<p>1957, No. 40—The Hospitals Act 1957 (R.S. Vol. 2, p. 757)</p>	<p>any committee appointed by the Board, the Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.</p> <p>“(4) There shall be paid out of the Fund to the members of the Board and any committee of the Board travelling allowances or expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.”</p> <p>By repealing section 95A (as substituted by section 2 (1) of the Hospitals Amendment Act 1978), and substituting the following section:</p> <p>“95A. Annual allowances and remuneration of Chairman, Deputy Chairman, chairmen of standing committees, and members—(1) Where any maximum annual allowance or remuneration is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the Chairman, Deputy Chairman, chairmen of standing committees, or members of the Board, there may, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to each of those persons such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as the Board determines.</p> <p>“(2) Where any actual annual allowance or remuneration is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the Chairman, Deputy Chairman, chairmen of standing committees, or members of the Board, there shall, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to each of those persons the annual allowance or remuneration so determined.”</p>
<p>1961, No. 131—The Waimakariri-Ashley Water Supply Act 1961 (R.S. Vol. 5, p. 925)</p>	<p>By repealing section 83 (2) (c) (as substituted by section 8 (2) of the Local Government Amendment Act 1979), and substituting the following paragraph:</p> <p>“(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.”</p>

((SECOND)) THIRD SCHEDULE—*continued**Part II*—*continued*AMENDMENTS OF OTHER ENACTMENTS—*continued*

Enactment	Amendment
1963, No. 15 (Local)—The North Shore Drainage Act 1963	<p>By repealing section 11.</p> <p>By repealing section 18 (as substituted by section 5 of the North Shore Drainage Amendment Act 1971), and substituting the following section:</p> <p>“18. Annual allowances and remuneration of Chairman, chairmen of standing committees, and members—(1) Where any maximum annual allowance or remuneration is determined under section 214b or section 214c of the Local Government Act 1974 in respect of the Chairman, chairmen of standing committees, or members of the Board, there may, subject to the conditions of that determination and sections 214k and 214l of that Act, be paid to each of those persons such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as the Board determines.</p> <p>“(2) Where any actual annual allowance or remuneration is determined under section 214b or section 214c of the Local Government Act 1974 in respect of the Chairman, chairmen of standing committees, or members of the Board, there shall, subject to the conditions of that determination and sections 214k and 214l of that Act, be paid to each of those persons the annual allowance or remuneration so determined.</p> <p>“(3) For the purposes of determining the travelling allowances or expenses payable to members of the Board and members of any committee appointed by the Board, the Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.</p> <p>“(4) There shall be paid out of the Fund to the members of the Board and any committee of the Board travelling allowances or expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.”</p>
1966, No. 27 (Local)—The Masterton Trust Lands Act 1966	By repealing section 47 (as substituted by section 2 of the Masterton Trust Lands Amendment Act 1980), and substituting the following section:

((SECOND)) THIRD SCHEDULE—*continued**Part II*—*continued*AMENDMENTS OF OTHER ENACTMENTS—*continued*

Enactment	Amendment
<p>1967, No. 147—The Agricultural Pests Destruction Act 1967</p>	<p>“47. Allowances and remuneration of Chairman and members—(1) Where any maximum annual allowance or remuneration is determined under section 214b or section 214c of the Local Government Act 1974 in respect of the Chairman or members of the Board, there may, subject to the conditions of that determination and sections 214k and 214l of that Act, be paid to each of those persons such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as the Board determines.</p> <p>“(2) Where any actual annual allowance or remuneration is determined under section 214b or section 214c of the Local Government Act 1974 in respect of the Chairman or members of the Board, there shall, subject to the conditions of that determination and sections 214k and 214l of that Act, be paid to each of those persons the annual allowance or remuneration so determined.</p> <p>“(3) The receipt of an allowance or remuneration under this section shall not constitute cause of disqualification from office under section 10 of this Act.”</p> <p>By repealing section 50 (as substituted by section 4 (1) of the Agricultural Pests Destruction Amendment Act 1980), and substituting the following section:</p> <p>“50. Annual allowance of Chairman—(1) Where any maximum annual allowance is determined under section 214b or section 214c of the Local Government Act 1974 in respect of the Chairman of the Board, there may, subject to the conditions of that determination and sections 214k and 214l of that Act, be paid to the Chairman such annual allowance, not exceeding that maximum allowance, as the Board determines.</p> <p>“(2) Where any actual annual allowance is determined under section 214b or section 214c of the Local Government Act 1974 in respect of the Chairman of the Board, there shall, subject to the conditions of that determination and sections 214k and 214l of that Act, be paid to the Chairman the annual allowance so determined.”</p> <p>By repealing section 99E (as substituted by section 17 (1) of the Agricultural Pests Destruction Amendment Act 1980), and substituting the following section:</p>

((SECOND)) THIRD SCHEDULE—*continued**Part II*—*continued*AMENDMENTS OF OTHER ENACTMENTS—*continued*

Enactment	Amendment
<p>1967, No. 3 (Local)—The Hutt Valley Drainage Board Act 1967</p>	<p>“99E. Annual allowance of Chairman of South Canterbury Wallaby Board— (1) Where any maximum annual allowance is determined under section 214B or section 214c of the Local Government Act 1974 in respect of the Chairman of the Board, there may, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to the Chairman such annual allowance, not exceeding that maximum allowance, as the Board determines.</p> <p>“(2) Where any actual annual allowance is determined under section 214B or section 214c of the Local Government Act 1974 in respect of the Chairman of the Board, there shall, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to the Chairman the annual allowance so determined.”</p> <p>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 subsections:</p> <p>“(2) Where any maximum annual allowance or remuneration is determined under section 214B or section 214c of the Local Government Act 1974 in respect of the Chairman, chairmen of standing committees, or members of the Board, there may, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to each of those persons such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as the Board determines.</p> <p>“(3) Where any actual annual allowance or remuneration is determined under section 214B or section 214c of the Local Government Act 1974 in respect of the Chairman, chairmen of standing committees, or members of the Board, there shall, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to each of those persons the annual allowance or remuneration so determined.”</p>
<p>1970, No. 17 (Local)—The Marlborough Forestry Corporation Act 1970</p>	<p>By omitting from section 5 (2) the words “with the approval of the Minister of Forests”.</p>

((SECOND)) THIRD SCHEDULE—*continued**Part II*—*continued*AMENDMENTS OF OTHER ENACTMENTS—*continued*

Enactment	Amendment
1976, No. 2 (Local)—The Christchurch Town Hall Board of Management Act 1976	<p>By repealing section 11, and substituting the following section:</p> <p>“11. Allowances and remuneration of Chairman and members—(1) Where any maximum annual allowance or remuneration is determined under section 214b or section 214c of the Local Government Act 1974 in respect of the Chairman or members of the Board, there may, subject to the conditions of that determination and sections 214k and 214l of that Act, be paid to each of those persons such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as the Board determines.</p> <p>“(2) Where any actual annual allowance or remuneration is determined under section 214b or section 214c of the Local Government Act 1974 in respect of the Chairman or members of the Board, there shall, subject to the conditions of that determination and sections 214k and 214l of that Act, be paid to each of those persons the annual allowance or remuneration so determined.”</p>
1978, No. 15—The Noxious Plants Act 1978	<p>By repealing section 12 (2).</p> <p>By repealing section 65, and substituting the following section:</p> <p>“65. Annual allowance and remuneration of Chairman, Deputy Chairman, and members—(1) Where any maximum annual allowance or remuneration is determined under section 214b or section 214c of the Local Government Act 1974 in respect of the Chairman, Deputy Chairman, or members of the Board, there may, subject to the conditions of that determination and sections 214k and 214l of that Act, be paid to each of those persons such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as the Board determines.</p> <p>“(2) Where any actual annual allowance or remuneration is determined under section 214b or section 214c of the Local Government Act 1974 in respect of the Chairman, Deputy Chairman, or members of the Board, there shall, subject to the conditions of that determination and sections 214k and 214l of that Act, be paid to each of those persons the annual allowance or remuneration so determined.</p>

((SECOND)) THIRD SCHEDULE—continued*Part II*—continued

AMENDMENTS OF OTHER ENACTMENTS—continued

Enactment	Amendment
<p>1978, No. 11 (Local)—The Auckland Electric Power Board Act 1978</p>	<p>“(3) For the purposes of determining the travelling allowances or expenses payable to members of the Board and members of any committee appointed by the Board, the Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.</p> <p>“(4) There shall be paid out of the Fund to the members of the Board and any committee of the Board travelling allowances or expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.”</p> <p>By repealing section 36, and substituting the following section:</p> <p>“36. Annual allowances and remuneration of Chairman, Deputy Chairman, chairmen of standing committees, and members—(1) Where any maximum annual allowance or remuneration is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the Chairman, Deputy Chairman, chairmen of standing committees, or members of the Board, there may, subject to the conditions of that determination and to sections 214K and 214L of that Act, be paid to each of those persons such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as the Board determines.</p> <p>“(2) Where any actual annual allowance or remuneration is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the Chairman, Deputy Chairman, chairmen of standing committees, or members of the Board, there shall, subject to the conditions of that determination and to sections 214K and 214L of that Act, be paid to each of those persons the annual allowance or remuneration so determined.</p> <p>“(3) For the purposes of determining the travelling allowances or expenses payable to members of the Board and members of any committee appointed by the Board, the Board is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.</p>

((SECOND)) THIRD SCHEDULE—*continued**Part II—continued*AMENDMENTS OF OTHER ENACTMENTS—*continued*

Enactment	Amendment
1983, No. 134—The Area Health Boards Act 1983	<p>“(4) There shall be paid out of the Fund to the members of the Board and any committee of the Board travelling allowances or expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.”</p> <p>By repealing section 24, and substituting the following section:</p> <p>“24. Annual allowance of Chairman—</p> <p>(1) Where any maximum annual allowance is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the Chairman of the Board, there may, subject to the conditions of that determination and to sections 214K and 214L of that Act, be paid to the Chairman such annual allowance, not exceeding that maximum allowance, as the Board determines.</p> <p>“(2) Where any actual annual allowance is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the Chairman of the Board, there shall, subject to the conditions of that determination and to sections 214K and 214L of that Act, be paid to the Chairman the annual allowance so determined.”</p>

Part III

ENACTMENTS REPEALED

- 1908, No. 96—The Land Drainage Act 1908: Section 11A. (R.S. Vol. 6, p. 641.)
- 1908, No. 165—The River Boards Act 1908: Section 48A. (R.S. Vol. 10, p. 765.)
- 1925, No. 38—The Electric Power Boards Act 1925: Section 27. (Reprinted 1976, Vol. 4, p. 3465.)
- 1941, No. 12—The Soil Conservation and Rivers Control Act 1941: Section 51. (Reprinted 1969, Vol. 4, p. 3063.)

Struck Out

- 1941, No. 26—The Statutes Amendment Act 1941: Section 53.
- 1950, No. 93—The Finance Act 1950: Section 36.
- 1951, No. 78—The Finance Act 1951: Section 26.

- 1957, No. 40—The Hospitals Act 1957: Section 39. (R.S. Vol. 2, p. 757.)
- 1961, No. 131—The Waimakariri-Ashley Water Supply Act 1961: Section 80 (1A). (R.S. Vol. 5, p. 925.)

((SECOND)) THIRD SCHEDULE—*continued*

Part III—*continued*

ENACTMENTS REPEALED—*continued*

Struck Out

1963, No. 15 (Local)—The North Shore Drainage Act 1963: Subsections (2), (3), and (5) of section 11.

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.)

1967, No. 3 (Local)—The Hutt Valley Drainage Board Act 1967: Section 14.

1971, No. 129—The Soil Conservation and Rivers Control Amendment Act 1971: Section 3.

1971, No. 11 (Local)—The North Shore Drainage Amendment Act 1971: Sections 4 and 5.

Struck Out

1974, No. 66—The Local Government Act 1974: Section 322 (2) (c). (R.S. Vol. 5, p. 77.)

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.

1978, No. 11 (Local)—The Auckland Electric Power Board Act 1978: Section 23.

1979, No. 59—The Local Government Amendment Act 1979: So much of the Second Schedule as relates to paragraph (b) of section 300 (1) and section 322 of the principal Act.

Struck Out

and so much of the Third Schedule as relates to the Municipal Association Act 1939 and the New Zealand Counties Association Act 1949. (R.S. Vol. 5, p. 683.)

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.

((SECOND)) THIRD SCHEDULE—*continued**Part III—continued*ENACTMENTS REPEALED—*continued*

1980, No. 82—The Local Government Amendment Act 1980: Section 28.

1980, No. 118—The Land Drainage Amendment Act 1980: Section 2.

Struck Out

1980, No. 123—The Municipal Association Amendment Act 1980. (R.S. Vol. 10, p. 241.)

1980, No. 124—The New Zealand Counties Association Amendment Act 1980. (R.S. Vol. 10, p. 481.)

1980, No. 140—The River Boards Amendment Act 1980: Section 2. (R.S. Vol. 10, p. 823.)

1980, No. 3 (Local)—The Masterton Trust Lands Amendment Act 1980.

1981, No. 111—The Local Government Amendment Act (No. 2) 1981: **(Section 8)** Sections 3, 4, and 8.

1981, No. 4 (Local)—The Auckland Electric Power Board Amendment Act 1981: Section 3.

1982, No. 166—The Local Government Amendment Act (No. 2) 1982: Section 25 (1).