

LOCAL GOVERNMENT LAW REFORM BILL

EXPLANATORY NOTE

THIS Bill reforms the law relating to local government in New Zealand.

PART I

AMENDMENTS TO LOCAL GOVERNMENT ACT 1974

Part I amends the Local Government Act 1974. Except as provided in *clause 17 (3)*, *Part I* comes into force on 1 July 1991.

Clause 3 repeals section 101D of the principal Act (which relates to wards and constituencies of districts and regions), and substitutes a new section.

The new section—

- (a) Does not repeat the mandatory requirement under which any territorial authority whose district has a population of 20,000 or more is required to be divided into wards for electoral purposes:
- (b) Subject to *Part IVA* of the principal Act, allows any territorial authority to be divided into wards for electoral purposes:
- (c) Continues to require every region to be divided into constituencies for electoral purposes:
- (d) Continues to prohibit the election of a territorial authority or regional council by a mixture of “at large” and ward or constituency representation.

Clause 4 amends section 101E of the principal Act. That section (as enacted in 1989) limits to 4 the number of members of a territorial authority or regional council who may represent any one ward or constituency. The amendment removes that limitation.

Clause 5 repeals section 101F of the principal Act, and substitutes a new section (which sets out the qualifications of residential electors and ratepayer electors).

The section is new to the extent that it provides for ratepayer electors. A ratepayer elector of a region or a district of a territorial authority or a community must—

- (a) Be registered as a parliamentary elector in respect of an address that is outside the region, district, or community; and
- (b) Either—
 - (i) Be shown in the valuation roll as the occupier of rateable property in the region, district, or community; or

(ii) Be the nominee of the occupier of rateable property in the region, district, or community.

Any parliamentary elector who is registered in respect of an address that is within the region, district, or community, qualifies as a residential elector.

Clause 6 repeals section 101H of the principal Act, and substitutes a new section. The section requires every territorial authority and every regional council to review, in the year preceding each triennial general election, its membership, basis of election, and any ward or constituency boundaries.

The principal changes are as follows:

- (a) The deadline for completing the review is changed. Instead of being required to be completed not later than 15 months before the date of the election, it is now to be required to be completed not later than 31 August in the year immediately preceding the year of the election:
- (b) Territorial authority decisions whether to have wards are now part of the review. Under existing legislation, such decisions are made separately by those territorial authorities for whom wards are not mandatory:
- (c) The review will explicitly include the number of members of the council. Previously such a review was implicitly provided for where wards or constituencies were proposed (i.e., by providing for determination of the representation for each ward or constituency) but nowhere was such a review provided for councils elected “at large”:
- (d) There is explicit provision empowering councils to name proposed wards or constituencies:
- (e) The resolution must include an explanation of the reasons for any proposed change from existing arrangements.

Clause 7 repeals section 101J of the principal Act, and substitutes a new section.

The section deals with the timetable and procedure for objections, appeals, and counter-objections to ward proposals. The main changes are—

- (a) Modifications to the timetable; and
- (b) Recognition of the changes made by the new sections 101H and 101L.

Subsection (1) of the new section requires the council to give public notice of its proposals under section 101H within 14 days of the resolution but no later than 8 September in the year immediately preceding the year of the election. The public notice must explain how the proposals were arrived at, in terms of section 101L, and specify the right of objection conferred by *subsection (2)* of the new section.

Subsection (2) of the new section provides that any interested person or organisation may lodge a written objection to the council’s proposals. At least one month must be allowed for the lodging of objections (as at present), but the closing date cannot be later than 9 October in the year immediately preceding the year of the election.

Subsection (3) of the new section provides that the council shall, within 6 weeks after the closing date for objections, consider all objections, make such amendments to its proposals it thinks fit, and give public notice of its decisions. That public notice must give reasons both for any changes to the proposals and for the rejection of any objections. The notice must also specify the rights of appeal and counter-objection to the council’s decisions.

Subsection (4) of the new section confers a right of appeal on any objector, who is dissatisfied with the council’s decision in respect of his or her objection. At least one month must be allowed for the lodging of appeals, but the closing date cannot be later than 20 December in the year immediately preceding the year of the election.

Subsection (5) of the new section provides a right of counter-objection by any person or organisation where the council’s consideration of objections has

resulted in any modification of its proposals. The closing date for counter-objections under *subsection (5)* must be the same as that for appeals under *subsection (4)*.

Subsection (6) re-enacts *subsection (3)* of the existing section 101j.

Subsection (7) of the new section is similar to *subsection (4)* of the existing section. It provides that where any appeals or counter-objections to the council's decisions are received, the council shall, as soon as practicable, but in no case later than 15 January in the year of the election, forward to the Local Government Commission all relevant resolutions, objections, appeals, counter-objections, and information.

Clause 8 amends section 101k of the principal Act (which relates to the power of the Local Government Commission to determine wards and constituencies) by repealing *subsection (1)*, and substituting a new *subsection*.

The date by which the Local Government Commission must consider the resolutions, objections, appeals, counter-objections, and information forwarded to it is extended from 15 March in the year of the election to 29 March in that year.

The new *subsection* recognises that provision is now made for—

- (a) The names of wards and constituencies to be determined; and
- (b) The members of a council to be elected by the electors of the district as a whole.

Clause 9 repeals section 101l of the principal Act, and substitutes a new section.

The section contains modified criteria in relation to decisions determining—

- (a) The basis of election of councils:
- (b) The number of wards and constituencies and their boundaries:
- (c) The number of members to be elected by any ward or constituency.

Subsection (1) is new. It provides that, in determining the number and boundaries of constituencies, the regional council and, where appropriate, the Commission shall ensure—

- (a) That the number and boundaries of constituencies will provide effective representation of communities of interest within the region; and
- (b) That constituency boundaries coincide with the boundaries of current statistical meshblock areas determined by the Department of Statistics and used for Parliamentary electoral purposes; and
- (c) That, so far as is practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or the boundaries of wards.

Subsection (2) is new. It provides that, in determining whether the council is to be elected by the electors of the district as a whole or by the electors of two or more wards and in determining (where necessary) the number and boundaries of wards, the territorial authority and, where appropriate, the Commission shall ensure—

- (a) That the election of members of the council by the electors of the district as a whole or by the electors of the two or more wards whose number and boundaries are determined will provide effective representation of communities of interest within the district; and
- (b) That ward boundaries coincide with the boundaries of current statistical meshblock areas determined by the Department of Statistics and used for Parliamentary electoral purposes; and
- (c) That, so far as is practicable, ward boundaries coincide with community boundaries.

It is not proposed to re-enact subsection (2) (a) of the existing section 101L (as enacted in 1989). That subsection (2) (a) requires that the council and the Commission shall ensure that the definition of the wards and constituencies and the distribution of membership between them is such that the population of each ward or constituency divided by the number of members to be elected by it shall produce a figure no more than 10 percent greater or smaller than the population of the district or region divided by the total number of members (other than the Mayor, if any).

Subsection (4) is intended to have the same effect as subsection (3) of the existing section 101L. The result is that any ward, constituted on 1 November 1989, which is an island or group of islands with a population over 1,000 cannot be altered by a review.

Subsection (5), which deals with the certificates of population, re-enacts subsection (4) of the existing section 101L.

Subclause (2) effects a consequential amendment to section 37zv (c) of the principal Act.

Clause 10 effects a consequential amendment to section 101M of the principal Act (which provides when ward and constituency determinations take effect). The amendment is consequential on the provision for appeals that is now made in section 101J (4) of the principal Act (as substituted by *clause 7 (1)* of the Bill).

Clause 11 repeals section 101zB of the principal Act (which sets out the circumstances in which extraordinary vacancies are created in the membership of territorial authorities and regional councils), and substitutes a new section. That new section (apart from subsection (3)) will apply in respect of community boards.

Clause 12 amends section 101zN (4) of the principal Act. The effect of the amendment is that where a resolution is made constituting a community or communities, a copy of that resolution must be sent by the territorial authority not only to the Secretary for Local Government but also to—

- (a) The Surveyor-General; and
- (b) The Government Statistician; and
- (c) The Local Government Commission.

Clause 13 repeals section 101zQ (which relates to membership of community boards), and substitutes a new section.

The main differences are as follows:

- (a) *Subsection (3)* of the new section provides that the number of appointed members of a community board shall not at any time be more than half the number of elected members:
- (b) *Subsection (5)* of the new section provides that where a person has, at the most recent local authority triennial election, been elected as a member of a community board, that person shall not be appointed under section 101zQ as a member of a community board:
- (c) *Subsection (6)* of the new section provides that where, in the case of a territorial authority divided into wards, the number of vacancies for appointed members on a community board cannot be filled by appointing members of the territorial authority representing the ward or wards in which the community is situated, the territorial authority may fill the vacancies by appointing as members of that community board other elected members of the territorial authority:
- (d) *Subsection (7)* of the new section provides that where a territorial authority has appointed one of its elected members as a member of a community board and that elected member ceases to be a member of the territorial authority, that elected member shall cease to be an

appointed member of the community board and the territorial authority may, subject to *subsections (4) and (5)* of section 101zQ, appoint an elected member of the territorial authority to fill the vacancy:

- (e) Subsection (5) of section 101zQ (as enacted in 1989) is not to be re-enacted. That subsection provided that where a person who is elected as a member of a community board is also elected as a member of the territorial authority in respect of a ward of which the community forms part, that person shall be deemed also to have been appointed as a member of the community board by the territorial authority and the number of members of the community board shall be reduced accordingly.

Clause 14 repeals subsections (2) and (3) of section 101zR (relating to elections of community boards), and substitutes two new subsections.

The new *subsection (2)* makes it clear that any person appointed to fill an extraordinary vacancy in respect of an elected member of a community board must be a person qualified to be elected as a member of that board.

The new *subsection (3)* alters the date by which a territorial authority must, in the year before a year in which a triennial general election is to be held, review the membership of a community board. That date is aligned with the date specified in *clause 6* for a review of the council's membership.

The new *subsection (3A)* provides that where the membership of a community board does not conform to the requirements of *section 101zQ*, the territorial authority shall, in reviewing the membership of that community board under *subsection (3)*, alter the membership of that community board so that that membership conforms to those requirements and the resolution making the alteration shall be effective, whether or not the community board consents to or requests the alteration.

Clause 15 repeals section 223D of the principal Act, and substitutes a new section.

The section requires every local authority to prepare and adopt for each financial year a report on its plans for the financial year. The local authority is required to make the report available for public inspection and to send copies of that report to the Secretary for Local Government, the Controller and Auditor-General, Transit New Zealand, and the Parliamentary Library. The main change is that the new section requires the local authority to include in the report detailed information in relation to the rating policy of the local authority. See *subsection (2) (b) (iii)* and *subsection (3)*.

Clause 16: Section 223E (7) of the principal Act (as enacted in 1989) requires every local authority to include in its annual report, in a form to be determined from time to time by the Minister of Local Government, information on the remuneration being received by each executive officer appointed under section 119c (1) of the principal Act and to send copies of that report to the Secretary for Local Government, the Controller and Auditor-General, Transit New Zealand, and the Parliamentary Library.

The amendment now proposed requires the local authority to include in its annual report the auditor's report on compliance with section 223E (7).

Clause 17, which comes into force on 1 October 1991, repeals sections that provide separately for the compilation of electoral rolls by the Auckland Regional Council. The compilation of rolls by the Auckland Regional Council will, on and after that date, be covered by sections 7B to 7K of the Local Elections and Polls Act 1976 (as amended by this Bill).

Clause 18 makes a minor amendment to the form of the declaration set out in the Fourth Schedule to the principal Act.

Clause 19 provides that territorial authorities and regional councils constituted on 1 November 1989 (i.e., all except the Chatham Islands County Council) may, if they wish, resolve, before 1 August 1991, not to undertake a review of membership and basis of election for the 1992 triennial general elections. Where a council so resolves, the 1992 triennial general election shall be conducted on the same basis as the first election of the council.

Special provision is made for the Ashburton District Council which, unlike any other council, is required by clause 165 (3) of the Local Government (Canterbury Region) Reorganisation Order 1989 to have 12 members, in addition to the Mayor, after the 1992 triennial general election. The Ashburton District Council is accordingly excluded from the application of *clause 19*.

Clause 20: Section 152 of the Rating Powers Act 1988 provides that a system of instalment rating shall come into force on the 1st day of July after the making of the special order to introduce it. Many of the territorial authorities constituted pursuant to the Local Government Commission's final reorganisation schemes in 1989 were not aware that they were required to set up a new instalment rating system until it was drawn to their attention late in the 1989-90 financial year. Most of them were able to make the necessary orders before 1 July, but, in 14 cases, this date was not met. This clause validates the introduction of instalment rating in those 14 cases.

Clause 21 applies the Ombudsmen Act 1975 to community boards. The clause also omits from Part III of the First Schedule to the Ombudsmen Act 1975 obsolete references to certain classes of local authorities.

PART II

AMENDMENTS TO LOCAL ELECTIONS AND POLLS ACT 1976

Part II, which comes into force on 1 October 1991, amends the Local Elections and Polls Act 1976.

Clause 23 repeals sections 7B and 7C of the principal Act (which relate to compilation by local authorities of electoral rolls), and substitutes new sections 7B, 7BA, 7BB, 7BC, 7BD, 7BE, 7BF, and 7C.

The sections provide that the electoral roll that every local authority is required to compile in each election year shall consist of a residential electoral roll and a ratepayer electoral roll.

The new section 7BE provides that, for the purposes of compiling the ratepayer electoral roll, the principal administrative officer shall, before the end of May in each year in which a triennial general election is to be held, send to every occupier listed on the valuation roll an enrolment application in respect of the ratepayer electoral roll.

Any person who qualifies as a ratepayer elector may at any time apply for enrolment as a ratepayer elector.

The new section 7BF enables nominations to be made in respect of the ratepayer electoral roll by occupiers of rateable property such as companies and other corporations, firms, partners, joint tenants, tenants in common, societies, or associations of persons. The section is based on section 110 of the principal Act (which section was repealed in 1989).

The new section 7BF (2) provides that an occupier who owns two or more separately rateable properties within the local government area of any local authority may not nominate more than one person to appear on the ratepayer electoral roll for the local government area or any subdivision of the local government area of that local authority, as the case may be.

Clause 24 repeals section 7F of the principal Act (which relates to the completion of the roll), and substitutes 2 new sections.

The sections are new to the extent that they contain provisions relating to the ratepayer electoral roll.

The new *section 7FA* provides for the removal of names from the ratepayer electoral roll.

Clause 25 amends section 7G of the principal Act by adding a new subsection (3).

The new subsection (which empowers the making of amendments to the roll) is consequential on the provision made for a ratepayer electoral roll.

Clause 26 inserts into the principal Act new sections 7GA and 7GB (which provide for objections and appeals in respect of the ratepayer electoral roll).

These sections enable electors to contest decisions made by the council's principal administrative officer in respect of the inclusion of names on the ratepayer electoral roll.

The sections are based on sections 79 and 81 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977). Those sections have since been repealed. No objection provisions are necessary in respect of the residential electoral roll as that roll is based on the Parliamentary roll.

Clause 27 amends section 7J of the principal Act (which relates to the roll for a by-election or poll) by repealing subsection (4), and substituting a new subsection.

For by-elections the procedure used in relation to the compilation of rolls is to be the same as for the triennial general elections except that, instead of enrolment forms being sent to occupiers, the roll used in the last election, subject to additions and deletions since the election, is to be made available for inspection.

Clause 28 inserts into the First Schedule to the principal Act a new *form 1A* (Application for Enrolment on Ratepayer Electoral Roll).

PART III

AMENDMENTS TO LOCAL AUTHORITIES LOANS ACT 1956

Part III, which comes into force on 1 October 1991, amends the Local Authorities Loans Act 1956.

Clause 30 repeals section 34 of the principal Act, and substitutes new *sections 34 and 34A*.

The new sections enable ratepayers rather than electors to petition for and vote in a loan poll.

Clause 31 amends section 35 of the principal Act (which relates to the publication of a proposal to take a poll). The amendments are consequential on the provisions made by this Part for a poll of ratepayers.

Clause 32 inserts new *sections 35A, 35B, 35C, and 35D* into the principal Act.

The new *section 35A* confers the right to vote in a loan poll on ratepayers who are enrolled on the ratepayer electoral roll and on those whose names appear in the occupiers column of the valuation roll. The effect of this is to confer the right to vote on those already enrolled as ratepayers and also on those residents who are also ratepayers.

The new *section 35B* provides for a roll to be compiled of those persons whose names are on the ratepayer electoral roll by virtue of a nomination and of those persons whose names are not on that roll but whose names are in the occupiers

column of the valuation roll (mostly ratepayers who are on the residential electoral roll).

The new section 35c applies in respect of the roll the provisions for objections and appeals that apply in respect of the ratepayer electoral roll.

The new *section 35D* provides for the amendment and completion of the roll by the principal administrative officer.

Clause 33 repeals section 36 of the principal Act (which relates to the taking of a poll), and substitutes a new section.

Under the existing section the poll must be taken not less than one nor more than 3 weeks after the date of the last publication of the notice required to be published under section 35 of the principal Act.

Under the new section the poll must be taken not less than 50 days nor more than 57 days after the last publication of that notice.

Clause 34 makes consequential amendments to section 39 of the principal Act (which relates to disputed polls).

PART IV

AMENDMENTS TO LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

Part IV, which comes into force on 1 October 1991, amends the Local Government Official Information and Meetings Act 1987.

The significant provisions in this Part of the Bill are as follows:

- (a) A change to the public notification required for local authority meetings held before the 21st day of a month:
- (b) An amendment to provide that a meeting of a local authority shall be invalid if it is not properly notified:
- (c) A new *section 46A* enabling the public to inspect agendas and associated reports at least two working days before meetings of local authorities:
- (d) A new provision for local authorities to resolve that one or more persons may remain once the public has been excluded if that person or those persons possess knowledge that will assist the authority in relation to the matter to be discussed.

Clause 36 amends section 2 of the principal Act, and substitutes a new subsection.

The new section is consequential on section 37s(1)(f) of the Local Government Act 1974 (as enacted in 1989), which conferred on Regional Councils all the functions, duties, and powers of Regional Water Boards.

Clause 37 amends section 45 of the principal Act (which defines terms used in Part VII of that Act).

The amendment makes it clear that any meeting of a local authority that is solely deliberative in nature is not subject to Part VII of the principal Act.

Clause 38 repeals section 46 of the principal Act (which requires meetings of a local authority to be publicly notified), and substitutes a new section.

Subsection (1) of the new section provides that every local authority shall, not more than 10 working days and not less than 5 working days before the end of every month, cause to be publicly notified a list of all meetings of that local authority scheduled to take place before the 21st day of the following month, together with the dates on which, and the times and places at which, those meetings are to be held.

The existing subsection (1) provides that every local authority shall, on one of the last 5 working days of every month, cause to be publicly notified a list of all meetings of that local authority scheduled for the following month, together

with the dates on which and the times and places at which those meetings are to be held.

Subsection (2) of the new section is based on the existing subsection (2).

Subsections (3) and (4) of the new section re-enact the existing subsections (2A) and (2B).

Subsection (5) of the new section provides that a meeting of any local authority shall be invalid, and any resolution passed at the meeting shall be of no effect, if that meeting is not publicly notified in accordance with this section, unless the local authority can show that it made every reasonable effort to have the meeting publicly notified within the time prescribed.

Subsection (3) of the existing section (which is not to be re-enacted) provides on the other hand that no meeting of any local authority shall be invalid merely because that meeting was not publicly notified in accordance with section 46 of the principal Act.

Subsections (6) and (7) of the new section re-enact existing provisions.

Clause 39 inserts, after section 46 of the principal Act, a new *section 46A*. The new section deals with the availability of agendas and reports.

The section provides, subject to certain specified exceptions, that any member of the public may, without payment of a fee, at the public offices of a local authority (including service delivery centres) and public libraries under the authority's control, inspect, during normal office hours, within a period of at least two working days before every meeting, all agendas and associated reports circulated to members of the local authority and relating to that meeting.

Clause 40 repeals section 48 of the principal Act (which relates to the right of local authorities to exclude the public), and substitutes a new section.

Subsection (1) of the new section makes it clear that the method by which a local authority may exclude the public from the whole or any part of the proceedings of a meeting is by the passing of a resolution made on one or more of the grounds set out in the subsection. Provision is no longer made for the exclusion of the public to take place upon motion being made.

Subsection (2) (b) has been amended as a consequence of section 37s (1) (f) of the Local Government Act 1974 (as enacted in 1989), which conferred on Regional Councils all the functions, duties, and powers of Regional Water Boards.

Subsections (5) and (6) of the section are new.

Subsection (5) provides that a resolution pursuant to section 48 (1) of the principal Act may provide for one or more specified persons to remain after the public has been excluded if that person, or persons, has or have, in the opinion of the local authority, knowledge that will assist the authority.

Subsection (6) provides that where a local authority resolves that one or more persons may remain after the public has been excluded, the resolution must state the knowledge possessed by that person or those persons that will be of assistance in relation to the matter to be discussed and how it is relevant to that matter.

Clause 41 repeals the First and Second Schedules to the principal Act, and substitutes the First and Second Schedules set out in the *Third* Schedule to this Bill.

Those First and Second Schedules, which specify the local authorities and classes of local authorities to which Parts I to VII of the principal Act apply, are to be re-enacted in an up-to-date form. In the case of Part I of the new *First* Schedule references to obsolete classes of local authorities have been omitted and a reference to community boards has been inserted.

Clause 42 amends the principal Act by inserting, after the Second Schedule, a new *Schedule 2A*. The new *Schedule 2A* contains the form of a resolution to exclude the public.

PART V

AMENDMENTS TO RATING POWERS ACT 1988

Part V, which comes into force on 1 July 1991, amends the Rating Powers Act 1988.

Clauses 44 and 45 amend sections 84 (1) (b) and 87 (2) of the principal Act (which deal with differential rating) by substituting dates that recognise the change to a financial year beginning on 1 July.

Clause 46 repeals section 110 of the principal Act, and substitutes a new section.

The existing section (as enacted in 1988) provides that every local authority shall, not less than 14 days before making any rate or rates, give public notice of its intention to make the rate or rates and certain other information.

This enables the necessary notice to the public to be given by way of the annual report prepared and adopted by the local authority under *section 223D* of the Local Government Act 1974. A new section 223D is set out in *clause 15* of this Bill.

Subsection (1) of the new section provides that no local authority shall make any rate or rates under the principal Act unless—

- (a) Notice of the intention to make the rate or rates has been included in the annual report prepared and adopted by the local authority under *section 223D* of the Local Government Act 1974 for the financial year for which the rate or rates are to be made; or
- (b) Where *paragraph (a)* of this subsection does not apply, the local authority has, not less than 14 days before making the rate or rates, given, in accordance with *subsection (2)* of this section, public notice of its intention to make the rate or rates.

Where the local authority gives public notice under *subsection (1) (b)* of the new section, the information required to be included in respect of the rate is now more detailed. That information is set out in *subsection (2)* of the new section. The information is the same as that required by *subsection (2A)* of the new *section 223D* of the Local Government Act 1974 (which is set out in *clause 15* of this Bill).

Clause 47 repeals section 132 of the principal Act, and substitutes a new section. The new section alters the provisions that apply in relation to the imposition of additional charges on unpaid rates.

Clause 48 inserts into the principal Act a new *Part XIII A*. The new Part, which contains provisions allowing rates relief for developments, is based on the provisions of 6 local Acts.

Clause 49 repeals the 6 local Acts on which the provisions of the new *Part XIII A* of the principal Act are based.

PART VI

AMENDMENT TO VALUATION OF LAND ACT 1951

Part VI, which comes into force on 1 July 1991, amends section 28 of the Valuation of Land Act 1951.

Subsection (5) of that section (as enacted in 1988) provides that there shall be payable by every local authority to which a valuation roll is supplied by the Valuer-General the reasonable costs of preparing, supplying, and maintaining the roll, as determined from time to time by the Valuer-General.

A new *subsection (5)* is enacted by *clause 51* of the Bill. It provides that a reasonable charge is payable not only where a valuation roll is supplied to a local authority but also where a local authority uses, directly or indirectly, the information on the valuation roll to raise revenue.

LOCAL GOVERNMENT LAW REFORM

ANALYSIS

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<p style="text-align: center;">PART IV</p> <p style="text-align: center;">AMENDMENTS TO LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987</p> <p>35. This Part to be read with Local Government Official Information and Meetings Act 1987</p> <p>36. Interpretation</p> <p>37. Interpretation</p> <p>38. Meetings of local authorities to be publicly notified</p> <p>39. Availability of agendas and reports</p> <p>40. Right of local authorities to exclude public</p> <p>41. New First and Second Schedules substituted</p> <p>42. New Schedule 2A</p> <p style="text-align: center;">PART V</p> <p style="text-align: center;">AMENDMENTS TO RATING POWERS ACT 1988</p> <p>43. This Part to be read with Rating Powers Act 1988</p> <p>44. Introduction of differential rating</p> <p>45. Revocation of differential rating</p> <p>46. Local authority to give notice of making rate</p> <p>47. Additional charges on unpaid rates</p> <p>48. New Part XIIA</p>	<p style="text-align: center;">PART XIIA</p> <p style="text-align: center;">RATES RELIEF FOR DEVELOPMENTS</p> <p>180A. Interpretation</p> <p>180B. Power to remit or postpone rates on development</p> <p>180C. Objection by developer against decision of local authority</p> <p>180D. Continuation of remission or postponement after completion of development</p> <p>180E. Registration of charges for postponed rates</p> <p>180F. Local authority may impose conditions when granting relief</p> <p>180G. Suspension or limitation of this Part</p> <p>49. Repeals</p> <p style="text-align: center;">PART VI</p> <p style="text-align: center;">AMENDMENT TO VALUATION OF LAND ACT 1951</p> <p>50. This Part to be read with Valuation of Land Act 1951</p> <p>51. Valuation roll to be rating roll for local authorities</p> <p style="text-align: center;">Schedules</p>
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A BILL INTITULED

An Act to reform the law relating to local government in New Zealand

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title—This Act may be cited as the Local Government Law Reform Act 1991. 5

PART I

AMENDMENTS TO LOCAL GOVERNMENT ACT 1974

2. This Part to be read with Local Government Act 1974—(1) This Part of this Act and the First Schedule to this Act shall be read together with and deemed part of the Local Government Act 1974* (in this Part of this Act and the First Schedule to this Act referred to as the principal Act). 10

(2) Except as provided in section 17 (3) of this Act, this Part of this Act and the First Schedule to this Act shall come into force on the 1st day of July 1991. 15

3. Wards and constituencies of districts and regions—The principal Act is hereby amended by repealing section 101D (as enacted by section 13 of the Local Government

*R.S. Vol. 25, p. 1

Amendment Act (No. 2) 1989), and substituting the following section:

5 “101D. (1) Subject to section 101L (2) of this Act, every territorial authority district may be divided into wards for electoral purposes.

“(2) Every region shall be divided into constituencies for electoral purposes.

10 “(3) Subject to section 101O (2) of this Act, no territorial authority or regional council shall be elected partly by the electors of the district or region as a whole and partly by the electors of each ward or constituency of the district or region.”

15 **4. Membership**—Section 101E (1) of the principal Act (as enacted by section 13 of the Local Government Amendment Act (No. 2) 1989) is hereby amended by omitting the words “and no more than 4 members”.

5. Electors of regions, territorial authorities, and communities—The principal Act is hereby amended by repealing section 101F (as enacted by section 13 (1) of the Local Government Amendment Act (No. 2) 1989), and substituting the following section:

20 “101F. (1) Every parliamentary elector shall be qualified as a residential elector of—

“(a) A region:

“(b) A district of a territorial authority:

25 “(c) A community—

if the address in respect of which the person is registered as a parliamentary elector is within the region, district, or community.

30 “(2) Every parliamentary elector shall be qualified as a ratepayer elector of—

“(a) A region:

“(b) A district of a territorial authority:

“(c) A community—

if—

35 “(d) The address in respect of which the person is registered as a parliamentary elector is outside the region, district, or community; and—

“(e) Either—

40 “(i) The person’s name appears for the time being in the occupiers column in the valuation roll for a district in respect of rateable property in the region or district or community, as the case may be; or

“(ii) The person has been nominated to be enrolled as a ratepayer elector in accordance with **section 7BF** of the Local Elections and Polls Act 1976.”

6. Review of membership and basis of election—The principal Act is hereby amended by repealing section 101H (as enacted by section 13 of the Local Government Amendment Act (No. 2) 1989), and substituting the following section: 5

“101H. (1) Every territorial authority 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 the 31st day of August in the year immediately preceding the year in which the triennial general election is to be held, determine by resolution and in a manner that complies with **section 101L** of this Act,— 10

“(a) Whether the council (other than the Mayor) is proposed to be elected— 15

“(i) By the electors of the district as a whole; or

“(ii) By the electors of two or more wards; and
“(b) In any case to which **paragraph (a) (i)** of this subsection applies, the proposed number of members to be elected by the electors of the district as a whole; and 20

“(c) In any other case—

“(i) The proposed name and the proposed boundaries of each ward; and 25

“(ii) The number of members proposed to be elected by the electors of each ward.

“(2) Every regional council 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 the 31st day of August in the year immediately preceding the year in which the triennial general election is to be held, determine by resolution and in a manner that complies with **section 101L** of this Act,— 30

“(a) The proposed number of constituencies; and

“(b) The proposed name and the proposed boundaries of each constituency; and 35

“(c) The number of members proposed to be elected by the electors of each constituency.

“(3) Every resolution under **subsection (1) (a) (ii)** or **subsection (2)** of this section shall include or be accompanied by a description of the proposed constituencies or wards so as to make them readily identifiable to the public. 40

“(4) Where any resolution under this section proposes any change to the basis of election, membership, or ward or

constituency boundaries which applied at the last triennial general election of the council, that resolution shall include an explanation of the reasons for the proposed change.”

5 **7. Objections**—The principal Act is hereby amended by repealing section 101J (as enacted by section 13 of the Local Government Amendment Act (No. 2) 1989), and substituting the following section:

10 “101J. (1) The council shall, within 14 days after making a resolution under **section 101H** of this Act but not in any case later than the 8th day of September in the year immediately preceding the year of the triennial general election, give public notice of the proposals contained in the resolution, and shall in that notice—

15 “(a) Specify the communities of interest considered by the council as required by **section 101L** of this Act; and

 “(b) Specify the ratio of population to proposed members for each proposed ward (if any) or constituency and the reasons for those proposals in terms of **section 101L (3)** of this Act; and

20 “(c) Specify the right of objection conferred by **subsection (2)** of this section, including the place and closing date for the receipt of objections.

 “(2) Any interested person or organisation may lodge a written objection to the proposals in any resolution under **section 101H** of this Act at the principal office of the council on or before the date specified in the public notice, which date—

 “(a) Shall not be earlier than one month after the date of the first or only publication of the public notice; and

30 “(b) Shall not in any case be later than the 9th day of October in the year immediately preceding the year of the triennial general election.

 “(3) The council shall, within 6 weeks after the closing date for objections,—

35 “(a) Consider all objections received, and may by resolution make such amendments to its proposals as it thinks fit; and

 “(b) Give public notice of its proposals, which public notice shall—

40 “(i) Incorporate any amendments to the proposals resolved under **paragraph (a)** of this subsection; and

 “(ii) State both the reasons for any such amendments to the proposals and the reasons for any rejection of objections; and

“(iii) Specify the right of appeal conferred by **subsection (4)** of this section, including the place and closing date for the receipt of appeals; and

“(iv) Where the council has amended its proposals under **paragraph (a)** of this subsection, specify the right of counter-objection conferred by **subsection (5)** of this section, including the place and closing date for the receipt of counter-objections. 5

“(4) Any person who or organisation which has lodged an objection under **subsection (2)** of this section, may lodge a written appeal against the decision of the council in respect of that objection at the principal office of the council on or before the date specified in the public notice of that decision, which date— 10

“(a) Shall be not earlier than one month after the date of the first or only publication of the public notice; and 15

“(b) Shall not in any case be later than the 20th day of December in the year immediately preceding the year of the triennial general election.

“(5) Where the council has amended its proposals under **subsection (3) (a)** of this section, any interested person or organisation may lodge a written counter-objection to the modified proposals at the principal office of the council on or before the date specified in the public notice, which date shall be the same date as that specified for the closing of receipt of appeals under **subsection (4)** of this section. 20 25

“(6) The council shall—

“(a) Send a copy of the notice referred to in **subsection (3) (b)** of this section to—

“(i) The Commission; and 30

“(ii) The Surveyor-General; and

“(iii) The Government Statistician; and

“(b) Where the council is a regional council, send a copy of the notice referred to in **subsection (3) (b)** of this section to every territorial authority whose district or a part of whose district is within the region; and 35

“(c) Where the council is a territorial authority, send a copy of the notice referred to in **subsection (3) (b)** of this section to any regional council for a region in which the district of the territorial authority or any part of that district is situated. 40

“(7) Where the council receives any appeal under **subsection (4)** of this section or any counter-objection under **subsection (5)** of this section, the council shall as soon as practicable, but in no

case later than the 15th day of January in the year of the triennial general election, forward to the Commission—

- “(a) Every resolution made under **section 101H** of this Act or **subsection (3) (a)** of this section; and
- 5 “(b) Every objection, appeal, and counter-objection received by the council under this section; and
- “(c) Such information concerning the communities of interest, population, rateable value, area, or other characteristics of the district or region, or any proposed ward or constituency thereof held by the council as is necessary for the purposes of **section 101K** of this Act.”

8. Commission to determine wards and constituencies—Section 101K of the principal Act (as enacted by section 13 of the Local Government Amendment Act (No. 2) 1989) is hereby amended by repealing subsection (1), and substituting the following subsection:

- “(1) The Commission shall, before the 29th day of March of the year of each triennial general election,—
- 20 “(a) Consider the resolutions, objections, appeals, counter-objections, and information forwarded to it under **section 101J** of this Act; and
- “(b) Subject to **section 101L** of this Act, determine the number of wards or constituencies and their names and boundaries, and the number of members to be elected by the electors of each ward or constituency or, as the case may be, by the electors of the district as a whole.”

9. Factors in determination of membership and basis of election—(1) The principal Act is hereby amended by repealing section 101L (as enacted by section 13 of the Local Government Amendment Act (No. 2) 1989), and substituting the following section:

- “101L. (1) In determining the number and boundaries of constituencies, the regional council and, where appropriate, the Commission shall ensure—
- 35 “(a) That the number and boundaries of constituencies will provide effective representation of communities of interest within the region; and
- 40 “(b) That constituency boundaries coincide with the boundaries of current statistical meshblock areas determined by the Department of Statistics and used for Parliamentary electoral purposes; and

“(c) That, so far as is practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or the boundaries of wards.

“(2) In determining whether the council is to be elected by the electors of the district as a whole or by the electors of two or more wards and in determining (where necessary) the number and boundaries of wards, the territorial authority and, where appropriate, the Commission shall ensure—

“(a) That the election of members of the council by the electors of the district as a whole or by the electors of the two or more wards whose number and boundaries are determined will provide effective representation of communities of interest within the district; and

“(b) That ward boundaries coincide with the boundaries of current statistical meshblock areas determined by the Department of Statistics and used for Parliamentary electoral purposes; and

“(c) That, so far as is practicable, ward boundaries coincide with community boundaries.

“(3) In determining the number of members to be elected by the electors of any constituency or ward, the council and, where appropriate, the Commission shall ensure that the electors of the constituency or ward receive fair representation having regard to the population of every constituency or ward within the region or district and, if the circumstances so require, the rateable values, areas, or other relevant characteristics of the various constituencies or wards.

“(4) Notwithstanding anything in **section 101H (1)** of this Act or **subsection (2)** of this section, every ward which is an island or group of islands with a population in excess of 1,000 persons and which was established by an Order in Council that came into force on the 1st day of November 1989 shall continue to constitute a ward of the territorial authority within which the ward was established.

“(5) For the purposes of this section and **sections 101H to 101K** of this Act, the certificate of the Government Statistician under section 2 (5) of this Act as to the population of any region, district, constituency, or ward or any proposed constituency or ward shall be a certificate of the ordinarily resident population as shown in the most recently published census of 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 assessed by the Government Statistician; and every regional council or territorial authority shall supply to the Government Statistician such information as may be required by the Government Statistician concerning the definition of any area to which any such certificate is to relate.”

(2) Section 37ZV (c) of the principal Act (as enacted by section 10 (1) of the Local Government Amendment Act (No. 2) 1989) is hereby consequentially amended by inserting, before the expression “and 101L (2) of this Act”, the expression “101L (1),”.

10. When ward and constituency determinations take effect—Section 101M of the principal Act (as enacted by section 13 of the Local Government Amendment Act (No. 2) 1989) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Where there are no objections to the proposal of the council publicly notified under section 101J (1) of this Act, or where there are no appeals or counter-objections to the resolution of the council publicly notified under section 101J (3) of this Act, the proposal or amended proposal, as the case may be, shall become the basis for election at the next triennial general election of the council, and the council shall give public notice accordingly.”

11. Extraordinary vacancies—The principal Act is hereby amended by repealing section 101ZB of the principal Act (as enacted by section 13 (1) of the Local Government Amendment Act (No. 2) 1989), and substituting the following section:

“101ZB. (1) The office of a member of a territorial authority, regional council, or community board shall become vacant and the vacancy so created shall be an extraordinary vacancy if the member—

- “(a) Dies; or
- “(b) Suffers loss of legal capacity; or
- “(c) Is disqualified from or is ousted of office; or
- “(d) Is absent without the leave of the territorial authority, regional council, or community board from 4 consecutive ordinary meetings of the territorial authority, regional council, or community board; or
- “(e) Resigns in accordance with section 101ZA of this Act.

“(2) Sections 101ZC to 101ZE of this Act shall apply to every extraordinary vacancy (other than an extraordinary vacancy in the membership of a community board).”

12. Procedures relating to resolution to constitute community—Section 101ZN (4) of the principal Act (as enacted by section 14 (1) of the Local Government Amendment Act (No. 2) 1989) is hereby amended by repealing paragraph (a), and substituting the following paragraph: 5

- “(a) A copy shall be sent by the territorial authority to—
- “(i) The Secretary; and
 - “(ii) The Surveyor-General; and
 - “(iii) The Government Statistician; and
 - “(iv) The Local Government Commission; and” 10

13. Membership of community boards—The principal Act is hereby amended by repealing section 101ZQ (as enacted by section 14 (1) of the Local Government Amendment Act (No. 2) 1989), and substituting the following section:

- “101ZQ. (1) Every community board— 15
- “(a) Shall consist of not less than 6 members nor more than 12 members; and
 - “(b) Shall include at least 6 elected members; and
 - “(c) May include appointed members.
- “(2) The number of appointed members shall not at any time be more than half the number of elected members. 20
- “(3) If the territorial authority is divided into wards, the appointed members shall, subject to **subsections (4) and (5)** of this section, be appointed by the territorial authority from the elected members of the territorial authority representing the ward or wards in which the community is situated. 25
- “(4) Where a person has, at the most recent local authority triennial election, been elected as a member of a community board, that person shall not be appointed under this section as a member of a community board. 30
- “(5) Where, in the case of a territorial authority divided into wards, the number of vacancies for appointed members on a community board cannot be filled by appointing members of the territorial authority representing the ward or wards in which the community is situated, the territorial authority may fill the vacancies by appointing as members of that community board other elected members of the territorial authority. 35
- “(6) If the territorial authority is not divided into wards, the appointed members shall be appointed by the territorial authority from the elected members of the territorial authority. 40
- “(7) Where a territorial authority has appointed one of its elected members as a member of a community board and that elected member ceases to be a member of the territorial

authority, that elected member shall cease to be an appointed member of the community board and the territorial authority may, subject to **subsections (4) and (5)** of this section, appoint an elected member of the territorial authority to fill the vacancy.

5 “(8) The number of members of the initial board of the community shall be fixed—

“(a) By the Order in Council constituting the community; or

“(b) By the territorial authority in the resolution constituting the community.

10 “(9) The Order in Council or resolution constituting the community,—

“(a) Shall specify clearly—

“*(i)* The number of members to be appointed; and

“*(ii)* The number of members to be elected; and

15 “(b) Where a community comprises 2 or more whole wards, may specify the number of members to be elected by the electors of each ward.”

14. Elections of community boards—Section 101ZR of the principal Act (as enacted by section 14(1) of the Local Government Amendment Act (No. 2) 1989) is hereby amended by repealing subsections (2) and (3), and substituting the following subsections:

20 “(2) Where an extraordinary vacancy occurs in respect of an elected member of a community board, the board shall fill the vacancy by appointing as a member of the board a person qualified to be elected as a member of the board.

25 “(3) The territorial authority shall, in the year immediately preceding the year in which a triennial general election of the council is to be held, but not later than the 31st day of August in the year immediately preceding the year in which the triennial general election is to be held, review the membership of the community board, and may, with the consent of, or at the request of, the community board, as the case may be, by resolution publicly notified, alter, within the limits specified in
30 **subsections (1) to (3) of section 101za** of this Act, the number of members of the community board.

35 “(3A) Where the membership of a community board does not conform to the requirements of **section 101za** of this Act, the territorial authority shall, in reviewing the membership of that community board under **subsection (3)** of this section, alter the membership of that community board so that that membership conforms to those requirements and the resolution making the alteration shall be effective, whether or not the community board consents to or requests the alteration.”
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15. Annual report to public concerning plans—The principal Act is hereby amended by repealing section 223D (as inserted by section 24 (1) of the Local Government Amendment Act (No. 2) 1989), and substituting the following section:

“223D. (1) Every local authority shall, in accordance with the special consultative procedure, prepare and adopt, for each financial year, a report—

“(a) In respect of the local authority; and

“(b) In respect of each local authority trading enterprise, company, and other organisation that is under the control of the local authority or is a trading enterprise, company, or organisation in which the authority has a significant interest.

“(2) The local authority shall, not later than 5 working days after giving public notice under section 716A (1) (b) of this Act of a proposal to adopt a report under this section, send a copy of the proposal to—

“(a) The Secretary; and

“(b) The Controller and Auditor-General.

“(3) A report under this section shall outline—

“(a) In particular terms for the financial year to which the report relates, and in general terms for each of the following 2 financial years:

“(i) The intended significant policies and objectives of the local authority, local authority trading enterprise, company, or other organisation; and

“(ii) The nature and scope of the significant activities to be undertaken; and

“(iii) The performance targets and other measures by which performance may be judged in relation to the objectives; and

“(b) In particular terms for the financial year to which the report relates, and in general terms for each of the following 2 financial years, in total and for each significant activity of the local authority,—

“(i) The indicative costs, including an allowance for depreciation and a return on capital employed; and

“(ii) The sources of funds; and

“(iii) The rating policy of the local authority.

“(4) Where a report under this section is required by subsection (3) (b) (iii) of this section to outline in particular terms its

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rating policy for the financial year to which it relates, the report shall state in respect of each intended rate—

5 “(a) The revenue sought from the intended rate and the significant activity or other purpose or purposes for which that revenue is to be applied; and

“(b) The amount or amounts—

“(i) In the dollar on the rateable values; or

“(ii) Per hectare; or

“(iii) Per separately rateable property; or

10 “(iv) Per separately used or inhabited portion of a property or building; or

“(v) Per unit of water supplied or consumed; or

“(vi) Per water closet or urinal connected; or

“(vii) Per container of refuse,—

15 as the case may be, of the intended rate; and

“(c) The period for which the rate is intended to be made; and

“(d) The day or days on which the intended rate or any instalment thereof is to become payable; and

20 “(e) Any discount in terms of section 131 of the Rating Powers Act 1988 or additional charge or charges in terms of section 132 of that Act to be applied.

“5) A report under this section shall include an explanation of any significant changes between the policies, objectives, 25 activities, and performance targets specified in the report as being those for the financial year to which the report relates and those specified in the report for the immediately preceding financial year as being those for the financial year to which the report relates.

30 “(6) A report under this section shall include a summary of the equal employment opportunities programme for the local authority for the financial year to which the report relates.

35 “(7) A report under this section shall be adopted, before the end of the third month of the financial year to which the report relates, at a meeting of the local authority.

“(8) Where a local authority adopts a report under this section, that local authority—

“(a) Shall make that report available for public inspection at its offices and libraries; and

40 “(b) Shall make copies of that report available to the public—

“(i) Free of charge; or

“(ii) At a reasonable charge; and

“(c) Shall, within 5 working days after its adoption, send copies of that report to—

45 “(i) The Secretary; and

- “(ii) The Controller and Auditor-General; and
- “(iii) Transit New Zealand; and
- “(iv) The Parliamentary Library.”

16. Annual report to public concerning performance—(1) Section 223E (5) (a) of the principal Act (as enacted by section 24 (1) of the Local Government Amendment Act (No. 2) 1989) is hereby amended by adding the following subparagraph: 5

“(iii) On compliance with subsection (7) of this section; and” 10

(2) Section 223E of the principal Act (as enacted by section 24 (1) of the Local Government Amendment Act (No. 2) 1989) is hereby further amended by repealing subsection (9), and substituting the following subsection: 15

“(9) Where a local authority adopts a report under this section, that local authority— 15

“(a) Shall make that report available for public inspection at its offices and libraries; and

“(b) Shall make copies of that report available to the public— 20

“(i) Free of charge; or

“(ii) At a reasonable charge; and

“(c) Shall, within 5 working days after its adoption, send copies of that report to—

“(i) The Secretary; and

“(ii) The Controller and Auditor-General; and 25

“(iii) Transit New Zealand; and

“(iv) The Parliamentary Library.”

17. Repeal of special roll compilation procedures for Auckland Regional Authority—(1) The principal Act is hereby amended by repealing sections 707F to 707M (as enacted by section 3 (1) of the Local Government Amendment Act (No. 2) 1986). 30

(2) Sections 6 and 7 of the Local Government Amendment Act (No. 2) 1988 are hereby consequentially repealed.

(3) This section comes into force on the 1st day of October 1991. 35

18. Fourth Schedule amended—The Fourth Schedule to the principal Act (as substituted by section 46 (1) of the Local Government Amendment Act (No. 2) 1989) is hereby amended by omitting from the expression “[*State name of local authority or community board*]” in the first place where it appears, and 40

substituting the expression “[*State name of region, district, or community*]”.

19. Continuation of existing arrangements for 1992 triennial general election—(1) This section shall apply to every council constituted on the 1st day of November 1989 (other than the Ashburton District Council).

(2) Notwithstanding anything in **section 101H** of the principal Act, any council to which this section applies may, before the 1st day of August 1991, resolve not to undertake, before the triennial general election of the council to be held in 1992, a review of its membership and the basis on which it is elected.

(3) Where a council resolves under **subsection (2)** of this section not to undertake a review of its membership and the basis on which it is elected, the wards and constituencies and the membership of the council shall, for the purposes of the triennial general election of members of that council to be held on the 10th day of October 1992, be as specified in the Order in Council constituting the council.

(4) Where a council resolves under **subsection (2)** of this section not to undertake a review of its membership and the basis on which it is elected, the council shall, within 8 days of that resolution, give public notice of that resolution; and—

(a) Send a copy of that notice to—

(i) The Commission; and

(ii) The Surveyor-General; and

(iii) The Government Statistician; and

(b) Where the council is a regional council, send a copy of the notice to every territorial authority whose district or a part of whose district is within the region; and

(c) Where the council is a territorial authority, send a copy of the notice to any regional council for a region in which the district of the territorial authority or any part thereof is situated.

20. Validation of introduction of instalment rating—

The introduction of instalment rating for the financial year which commenced on the 1st day of July 1990 by those territorial authorities listed in the **First Schedule** to this Act is hereby declared to be valid, notwithstanding that the special orders required, pursuant to section 152 of the Rating Powers Act 1988 (as amended by section 33 of the Local Government Reform (Transitional Provisions) Act 1990), were made later than the 1st day of July 1990.

21. Amendments to Ombudsmen Act 1975—(1) Part III of the First Schedule to the Ombudsmen Act 1975 is hereby amended by omitting the following items:

- “Borough Councils. 5
- “County Councils. 5
- “District Roads Councils.
- “Drainage Boards.
- “Pest Destruction Boards.
- “Regional Water Boards.
- “River Boards. 10
- “Town Councils. 10
- “United Councils.”

(2) Part III of the First Schedule to the Ombudsmen Act 1975 is hereby further amended by inserting, after the item relating to Committees of Management of Secondary Schools, the following item: 15

“Community Boards.”

(3) Part III of the First Schedule to the Ombudsmen Act 1975 is hereby further amended by inserting, after the item relating to the Canterbury Museum Trust Board, the following item: 20

“Chatham Islands County Council.”

PART II

AMENDMENTS TO LOCAL ELECTIONS AND POLLS ACT 1976

22. This Part to be read with Local Elections and Polls Act 1976—(1) This Part of this Act and the **Second** Schedule to this Act shall be read together with and deemed part of the Local Elections and Polls Act 1976* (in this Part of this Act and in the **Second** Schedule to this Act referred to as the principal Act). 25

(2) This Part of this Act and the **Second** Schedule to this Act shall come into force on the 1st day of October 1991. 30

*R.S. Vol 13, p. 293

Amendments: 1986, No. 23; 1988, No. 103; 1989, No. 30

23. New sections substituted—The principal Act is hereby amended by repealing sections 7B and 7C (as enacted by section 4 of the Local Elections and Polls Amendment Act 1989), and substituting the following sections: 35

“7B. **Compilation of electoral roll**—(1) In every year in which a triennial general election is to be held, the principal administrative officer of every local authority that is conducting an election shall, during the month of July in that year, compile a roll of electors for the local government area to be known as the electoral roll. 40

“(2) The electoral roll shall consist of a residential electoral roll and a ratepayer electoral roll.

5 “7BA. **Residential electoral roll**—(1) The residential electoral roll shall comprise the names and addresses, arranged in alphabetical order of their surnames, of every person who, as at the 14th day of July, is qualified as an elector of the local authority under **section 101F(1)** of the Local Government Act 1974.

10 “(2) For the purposes of compiling the residential electoral roll, the principal administrative officer shall obtain from the Registrar of Electors under section 64A of the Electoral Act 1956 a computer-compiled list or computer tape containing the specified information (as contained in that section) in respect of electors appearing to reside within the local government area
15 of the local authority, and shall use that list or tape to compile the electoral roll.

“(3) The residential electoral roll may also contain—

“(a) The occupations and postal addresses of electors; and

20 “(b) The statistical meshblock areas of the residences of electors; and

“(c) Such other information as has been supplied by the Chief Registrar under section 64A of the Electoral Act 1956 in respect of electors.

25 “(4) Where the names of 2 or more residential electors are the same, the principal administrative officer shall distinguish those electors by such appropriate words, abbreviations, or marks as the principal administrative officer thinks fit.

30 “7BB. **Ratepayer electoral roll**—(1) The ratepayer electoral roll shall comprise the names, arranged in alphabetical order of their surnames, of every person for the time being qualified as an elector of the local authority under **section 101F(2)** of the Local Government Act 1974 who has, after the 1st day of January and before the 14th day of July of that year, enrolled or been nominated under **section 7BF** of this Act together with
35 the address of the property in respect of which that person has been enrolled or nominated.

“(2) The ratepayer electoral roll may also contain—

“(a) The occupations and postal addresses of electors; and

40 “(b) The addresses in respect of which they are registered as Parliamentary electors; and

“(c) Identification of the elections in which the electors are qualified to vote.

“7BC. **Rolls for divided local government area**—In the case of a divided local government area, the electoral rolls shall consist of—

“(a) Separate residential and ratepayer electoral rolls for each ward or constituency in the local government area; 5
or

“(b) Single residential and ratepayer electoral rolls on which the ward or constituency for which each elector is qualified is appropriately identified.

“7BD. **Rolls where local government area contains one or more communities**—Where a local government area contains one or more communities,—

“(a) A separate residential electoral roll may be compiled for each community; and

“(b) A separate ratepayer roll shall be compiled for each community. 15

“7BE. **Enrolment on ratepayer electoral roll**—(1) For the purposes of compiling the ratepayer electoral roll, the principal administrative officer shall, before the end of May in each year in which a triennial general election is to be held, send to every occupier listed on the valuation roll an application in form 1A in the First Schedule to this Act. 20

“(2) The principal administrative officer shall keep a supply of applications in form 1A in the First Schedule to this Act to issue on request. 25

“(3) Any person who qualifies as an elector in terms of section 101F (2) of the Local Government Act 1974 may apply for enrolment at any time in form 1A in the First Schedule to this Act.

“(4) After making such inquiries as he or she considers appropriate, the principal administrative officer shall include on the ratepayer electoral roll the name of any applicant who qualifies. 30

“(5) Every person whose name is entered on a roll of electors pursuant to this section shall, for the purposes of any election or poll, be deemed to possess a rating qualification for the purpose of voting. 35

“7BF. **Nominations in respect of ratepayer electoral roll**—(1) Any bank, joint stock or other company, firm, partners, joint tenants, or tenants in common, any body corporate or corporation sole, or any society or association of persons, whether corporate or unincorporate,— 40

“(a) Occupying any rateable property within the meaning of the Rating Powers Act 1988; and

“(b) Whose name or names appear in the occupiers column of a valuation roll within the meaning of that Act as the occupier of that rateable property—
5 may, by applying in form 1A in the First Schedule to this Act to the principal administrative officer of the local authority, nominate some member or officer of the bank, company, firm, body corporate, society, or association, or any one of those partners, joint tenants, or tenants in common, or, in the case of
10 a corporation sole, any person, to be entered on the ratepayer electoral roll for the local government area of the local authority in which the property is situated.

“(2) No bank, company, firm, body corporate, corporation sole, society, association, partners, joint tenants, or tenants in common to which this section applies owning two or more
15 separately rateable properties within the local government area of any local authority may nominate more than one person to appear on the ratepayer electoral roll for the local government area or any subdivision of the local government area of that local authority, as the case may be.

“(3) Any nomination under this section may at any time, by
20 notice in writing delivered or sent to the principal administrative officer of the local authority at the office of the local authority, be revoked by the bank, company, firm, society, body corporate, corporation sole, association, partners,
25 joint tenants, or tenants in common by which or by whom it was made.

“7c. **No person to be enrolled more than once**—(1) The name of any person shall not appear more than once on the electoral roll of an undivided district or on the electoral roll of
30 any ward of a divided district or on the electoral roll of any community.

“(2) In the case of a divided district, the name of any person shall not appear on the electoral roll for more than one ward or constituency.

“(3) A ratepayer elector having qualifications in more than
35 one ward or constituency shall be enrolled for the ward or constituency which contains the property specified in that person’s enrolment application.”

24. New sections substituted—The principal Act is hereby
40 amended by repealing section 7F (as enacted by section 4 of the Local Elections and Polls Amendment Act 1989), and substituting the following sections:

“7F. Completion of roll—The principal administrative officer shall—

“(a) As soon as practicable after the closing of the roll under section 111 (1) of this Act, obtain from the Chief Registrar of Electors under section 64A of the Electoral Act 1956 a further computer-compiled list or computer tape and shall use that list or tape to complete the compilation of the residential electoral roll; and 5

“(b) Complete the compilation of the ratepayer electoral roll from the applications received up until the closing of the roll. 10

“7FA. Removal of names from roll—(1) The principal administrative officer may at any time remove from the ratepayer electoral roll the name of any person if, to the knowledge of the principal administrative officer, that person is no longer qualified in respect of the property for which that person was enrolled. 15

“(2) Where the name of any person is removed from the ratepayer roll for any reason other than the death of that person, the principal administrative officer shall forthwith give to that person, by notice in writing addressed to that person at that person’s last known address, notice of the removal of that person’s name.” 20

25. Amendments to roll—Section 7G of the principal Act (as enacted by section 4 of the Local Elections and Polls Amendment Act 1989) is hereby amended by adding the following subsection: 25

“(3) Where the principal administrative officer receives advice from the Chief Registrar that a person whose name is included on the roll pursuant to **section 7BB** of this Act is eligible to be on the roll pursuant to **section 7BA** of this Act, the principal administrative officer shall amend the roll accordingly.” 30

26. New sections inserted—The principal Act is hereby amended by inserting, after section 7G (as enacted by section 4 of the Local Elections and Polls Amendment Act 1989), the following sections: 35

“7GA. Objections to roll—(1) Any person may, not later than the day on which the roll closes, object to the ratepayer roll on either of the following grounds: 40

“(a) That any person on the roll does not possess the necessary qualification at the time when the objection is lodged; or

5 “(b) That the person making the objection is not on the roll and possesses the necessary qualification at the time when the objection is lodged.

“(2) Every objection shall be lodged in writing with the principal administrative officer and in the case of an objection under subsection (1) (b) of this section shall include a completed application for enrolment in form 1A in the First Schedule to this Act.

“(3) The principal administrative officer shall inquire into and determine whether or not the objection should be allowed and shall give the objector written notice of the decision.

15 “7B. **Appeals to District Court in respect of roll—**
(1) Any person aggrieved by any decision of the principal administrative officer under section 7GA of this Act may appeal to a District Court Judge against the decision.

20 “(2) The appeal shall be instituted by the appellant lodging a notice of appeal in the office of the District Court that is closest to the principal office of the local authority.

25 “(3) The notice of appeal shall be lodged within 7 days after the date on which the appellant receives, under section 7GA (3) of this Act, written notice of the decision to which the appeal relates.

“(4) Either before or immediately after lodging the notice of appeal, the appellant shall serve a copy of the notice of appeal on the principal administrative officer.

30 “(5) The District Court shall fix a time and place for the hearing of the appeal.

“(6) The appeal shall be heard as soon as practicable and the Registrar of the Court shall notify the appellant and the principal administrative officer of the time and place.

35 “(7) A District Court Judge shall hear and determine the objection and may order the addition to the roll of the name of any person who possesses the necessary qualifications and the removal of the name of any person who does not.”

40 **27. Roll for by-election or poll—**(1) Section 7J (2) of the principal Act (as enacted by section 4 of the Local Elections and Polls Amendment Act 1989) is hereby amended by omitting the words “of the territorial authority”, and substituting the words “in which the election or poll is to be taken”.

(2) Section 7J of the principal Act (as so enacted) is hereby further amended by repealing subsection (4), and substituting the following subsection:

“(4) The roll shall be corrected, completed, and certified in the time, manner, and form prescribed by this Act for the preparation of the electoral roll as if the date of the by-election or poll were the date of a triennial general election except that— 5

“(a) The provisions of sections 7B to 7BD of this Act shall apply only to the form of the roll to be compiled under subsection (1) of this section; and 10

“(b) The provisions of section 7BE (1) of this Act shall not apply; and

“(c) The roll to be publicly notified shall be the roll used in the previous election subject to any additions or deletions of ratepayer electors.” 15

28. First Schedule amended—The First Schedule to the principal Act is hereby amended by inserting, after form 1, the form 1A set out in the Second Schedule to this Act.

PART III 20

AMENDMENTS TO LOCAL AUTHORITIES LOANS ACT 1956

29. This Part to be read with Local Authorities Loans Act 1956—(1) This Part of this Act shall be read together with and deemed part of the Local Authorities Loans Act 1956* (in this Part of this Act referred to as the principal Act). 25

(2) This Part of this Act shall come into force on the 1st day of October 1991.

*R.S. Vol. 24, p. 369

30. New sections substituted—(1) The principal Act is hereby amended by repealing section 34 (as enacted by section 6 of the Local Authorities Loans Amendment Act 1986), and substituting the following sections: 30

“**34. Raising of special loan pursuant to special order, with poll required in certain cases**—(1) Subject to this section, a special loan may be raised pursuant to a special order made by the local authority. 35

“(2) In any case where the local authority will, upon being authorised to raise the loan, have power to appropriate and pledge a special rate in respect of the loan, the prior consent of the ratepayers shall also be obtained to the raising of the loan where— 40

“(a) The Local Authorities Loans Board requires that consent to be obtained; or

5 “(b) The ratepayers of the district or part of the district, as the case may be, demand in the manner specified in **section 34A** of this Act that a poll be taken; or

“(c) The local authority so resolves; or

“(d) The consent of the ratepayers is required to be obtained by any other enactment.

10 “(3) Notwithstanding that, under **subsection (1)** of this section, a special order is required to raise a special loan, a special loan may be raised pursuant to an ordinary resolution of the local authority where the prior consent of the ratepayers is to be obtained pursuant to **paragraph (a) or paragraph (c) or paragraph (d) of subsection (2)** of this section.

15 “(4) Every public notice required by any enactment to be given of a resolution to make a special order pursuant to **subsection (1)** of this section shall, in addition to any other required particulars, include a statement to the effect that a poll of ratepayers of the district or part of the district, as the case may be, is required to be taken if the ratepayers so demand in the manner specified in **section 34A** of this Act and setting out the manner in which the poll may be demanded.

20 “(5) In any case where the prior consent of the ratepayers is to be obtained pursuant to **paragraph (a) or paragraph (c) or paragraph (d) of subsection (2)** of this section, the local authority shall, unless it resolves not to raise the loan, take the steps prescribed by sections 35 to 38 of this Act.

25 “(6) In any case where a sufficient number of demands for a poll, which purport to be made pursuant to **subsection (2) (b)** of this section is received, the local authority shall, unless it resolves not to raise the loan, confirm the resolution to raise the loan and proceed to take the steps prescribed by sections 35 to 38 of this Act unless it is established, whether before or after the confirmation of the resolution, that a poll has not been demanded in accordance with **subsection (2) (b)** of this section.

30 “**34A. Demand for poll**—(1) Subject to this section, any person shall be entitled to sign a demand for a poll of ratepayers under **section 34 (2) (b)** of this Act if that person—

40 “(a) Is enrolled on the ratepayer electoral roll of the local authority as a ratepayer elector in respect of a property within the district or part of the district, as the case may be; or

“(b) Is a person whose name appears in the occupiers column of the valuation roll of the local authority in respect

of a property within the district or part of the district, as the case may be.

“(2) No person shall be entitled to sign any demand for a poll of ratepayers more than once, notwithstanding that they may qualify to sign such a demand under **subsection (1)** of this section in respect of more than one property. 5

“(3) Where the names of more than one person appear in the occupiers column of the valuation roll in respect of any property within the district or part of the district, as the case may be, every person whose name so appears shall be entitled to sign a demand for a poll of ratepayers; but not more than one name in respect of any property shall be counted for the purpose of assessing the number of valid signatures to any such demand under **subsection (6)** of this section. 10

“(4) Every person who signs a demand for a poll of ratepayers under this section shall state against the signature the person’s name and the address in respect of which that person is entitled to sign the demand under **subsection (1)** of this section. 15

“(5) Every demand under **section 34 (2) (b)** of this Act shall be delivered or sent by post to the local authority and received at the principal office of the local authority not later than 9 a.m. on the day fixed for the confirmation of the resolution to raise the special loan. 20

“(6) No demand for a poll of ratepayers under **section 34 (2) (b)** of this Act shall be of any effect unless the number of valid signatures to the demand is equal to or greater than 15 percent of the number of separately rateable properties on the valuation roll that are within the district or part of the district, as the case may be.” 25 30

(2) Section 6 of the Local Authorities Loans Amendment Act 1986 is hereby consequentially repealed.

31. Publication of proposal to take poll—Section 35 of the principal Act is hereby amended by adding, after paragraph (e), the following paragraphs: 35

“(f) The provisions of **section 35A (1)** of this Act relating to entitlement to vote in the poll:

“(g) The places and times that the roll will be available for public inspection:

“(h) The right of objection under **section 35c** of this Act and the time and date that the roll will close. 40

32. New sections substituted—The principal Act is hereby amended by inserting, after section 35, the following sections:

“35A. **Entitlement to vote in loan poll**—(1) Subject to this section, any person shall be entitled to vote in a poll of ratepayers under this Part of this Act if that person—

5 “(a) Is enrolled on the electoral roll of the local authority as a ratepayer or the nominee of a ratepayer in respect of a property within the district or part of the district, as the case may be; or

10 “(b) Is a person whose name appears in the occupiers column of the valuation roll of the local authority in respect of a property within the district or part of the district, as the case may be.

“(2) No person shall be entitled to vote more than once in any poll of ratepayers under this section.

15 “(3) Where the names of more than one person appear in the occupiers column of the valuation roll in respect of any property within the district or any part of the district, as the case may be, any person whose name so appears shall be entitled to vote in a poll of ratepayers, but not more than one person shall be entitled to vote in respect of that property in any poll.

20 “35B. **Compilation of roll**—(1) Where, under section 34 (2) of this Act, the prior consent of the ratepayers to the raising of a loan is required, the principal administrative officer shall compile a roll of persons entitled to vote in the poll.

25 “(2) In any case to which section 35A (3) of this Act applies, the principal administrative officer shall include on the roll—

30 “(a) The name of any person entitled to vote in the poll under that subsection who has been nominated to be enrolled in respect of that property by a majority of the number of persons so entitled in writing in a form acceptable to the principal administrative officer; or

35 “(b) If no such nomination has been made, the name of the person so entitled whose name appears last in the occupiers column of the valuation roll.

“(3) The roll compiled under this section shall also contain, in respect of each name on the roll,—

40 “(a) The address of the property in respect of which that person is entitled to vote; and

“(b) The postal address of that person; and

“(c) Such other information as the principal administrative officer considers necessary or desirable to facilitate the conduct of the poll.

“(4) A copy of the roll shall be kept—

- “(a) At the principal office of the local authority; and
“(b) At all offices and libraries of the local authority within the district or part of the district to which the loan proposal relates; and
“(c) At such other places as the principal administrative officer considers necessary to allow reasonable access by persons entitled to vote at the poll. 5
- “(5) The principal administrative officer shall ensure that the copies of the rolls are available for public inspection at all reasonable hours during a period of 28 days before the closing of the roll. 10
- “35c. **Objections to roll**—The provisions of sections 7GA and 7GB of the Local Elections and Polls Act 1976 shall, with the necessary modifications, apply in respect of any objection to the inclusion of any person’s name on, or the omission of any person’s name from, the roll. 15
- “35D. **Amendment and completion of roll**—(1) As soon as practicable after the closure of the roll, the principal administrative officer shall make such amendments to the roll as are required by any decisions made under the sections applied by section 35c of this Act. 20
- “(2) The principal administrative officer may also make any necessary corrections to the names, addresses, or other information in respect of persons on the roll.
- “(3) The principal administrative officer shall ensure that the roll is completed and shall, before the 18th day before the day appointed for the poll, attach to the roll a signed certificate that the roll has been duly compiled. 25
- “(4) The roll certified pursuant to subsection (3) of this section shall be used for the conduct of the poll.” 30
- 33. When and how poll to be taken**—(1) The principal Act is hereby amended by repealing section 36 (as amended by section 7 of the Local Authorities Loans Amendment Act 1986), and substituting the following section:
- “36. (1) The day on which the poll shall be taken shall be the day specified in that behalf in the notice required by section 35 of this Act, which day shall be not less than 50 days, nor more than 57 days, after the last publication of that notice. 35
- “(2) Subject to this Act, the poll shall be conducted under the provisions of the Local Elections and Polls Act 1976.” 40
- (2) Section 7 of the Local Authorities Loans Amendment Act 1986 is hereby consequentially repealed.

34. Disputed polls—(1) Section 39 (1) of the principal Act (as substituted by section 8 of the Local Authorities Loans Amendment Act 1986) is hereby amended by omitting the word “electors”, and substituting the words “persons on the roll compiled for the purposes of the poll”.

(2) Section 39 (2) of the principal Act (as so substituted) is hereby amended by omitting the words “of any district or any special roll”.

PART IV

10 AMENDMENTS TO LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

35. This Part to be read with Local Government Official Information and Meetings Act 1987—(1) This Part of this Act and the Third and Fourth Schedules to this Act shall be read together with and deemed part of the Local Government Official Information and Meetings Act 1987* (in this Part of this Act and the Third and Fourth Schedules to this Act referred to as the principal Act).

(2) This Part of this Act and the Third and Fourth Schedules to this Act shall come into force on the 1st day of October 1991.

*1987, No. 174

Amendments: 1988, No. 198; 1989, No. 39; 1989, No. 123

36. Interpretation—Section 2 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) For the avoidance of doubt, it is hereby declared that, for the purposes of this Act, a standing or special Tribunal constituted by a Regional Council in exercising, under section 24 of the Water and Soil Conservation Act 1967, the functions, duties, and powers of a Regional Water Board is a committee of that Regional Council.”

37. Interpretation—(1) Section 45 of the principal Act is hereby amended by inserting in the definition of the term “meeting”, after the word “means”, the words “, subject to subsection (2) of this section,”.

(2) Section 45 of the principal Act is hereby further amended by adding, as subsection (2), the following subsection:

“(2) For the avoidance of doubt, it is hereby declared that any meeting of a local authority that is solely deliberative in nature and is a meeting at which no resolutions or decisions are made is not a meeting for the purposes of this Part of this Act.”

38. Meetings of local authorities to be publicly notified—(1) The principal Act is hereby amended by repealing section 46, and substituting the following section:

“46. (1) Every local authority shall, not more than 10 working days and not less than 5 working days before the end of every month, cause to be publicly notified a list of all meetings of that local authority scheduled to take place before the 21st day of the following month, together with the dates on which, and the times and places at which, those meetings are to be held. 5

“(2) Where any meeting of a local authority is to be held on or after the 21st day of any month, the local authority shall cause that meeting to be publicly notified not more than 10 working days and not less than 5 working days before the day on which the meeting is to be held. 10

“(3) Where any special meeting of a local authority is called and notice of that meeting cannot be given in the manner required or permitted by this section, the local authority shall cause that meeting and the general nature of business to be transacted at that meeting to be publicly notified or otherwise advertised not less than 2 working days before the day on which the meeting is to be held. 15 20

“(4) Where any emergency meeting of a local authority is called and notice of that meeting cannot be given in the manner required or permitted by this section for a scheduled or special meeting, the local authority or person calling the meeting shall cause to be given such public notice of the meeting and the business to be transacted at the meeting as is reasonable in the circumstances. 25

“(5) A meeting of any local authority shall be invalid, and any resolution passed at the meeting shall be of no effect, if that meeting is not publicly notified in accordance with this section, unless the local authority can show that it made every reasonable effort to have the meeting publicly notified within the time prescribed. 30

“(6) Nothing in subsections (1) to (5) of this section applies to a Board of Trustees constituted under Part IX of the Education Act 1989; but every such Board shall take all reasonable steps to ensure that parents (within the meaning of that Part of that Act) of students enrolled at schools that the Board administers can readily find out, within a reasonable time before those meetings, where and when meetings of the Board are to be held. 35 40

“(7) Nothing in this section applies to—

“(a) The National Parks and Reserves Authority:

“(b) Camp Committees under the Children’s Health Camps Act 1972:

“(c) Provincial Patriotic Councils.”

5 (2) The following enactments are hereby consequentially repealed:

(a) Section 2 of the Local Government Official Information and Meetings Amendment Act 1989:

10 (b) So much of the Tenth Schedule to the Education Act 1989 as relates to section 46 of the Local Government Official Information and Meetings Act 1987.

39. Availability of agendas and reports—(1) The principal Act is hereby amended by inserting, after section 46, the following section:

15 “46A. (1) Subject to subsections (4) to (8) of this section, any member of the public may, without payment of a fee, at the public offices of a local authority (including service delivery centres) and public libraries under the authority’s control, inspect, during normal office hours, within a period of at least two working days before every meeting, all agendas and
20 associated reports circulated to members of the local authority and relating to that meeting.

“(2) Any member of the public may take notes from any agenda or report inspected by that member of the public under subsection (1) of this section.

25 “(3) Every member of the public who inspects an agenda or report made available under subsection (1) of this section and who requests a copy of any part of any such agenda or report and tenders the prescribed amount (if any) shall be given such a copy as soon as is reasonably possible.

30 “(4) Where a meeting is an emergency meeting, the agenda and any associated reports shall be made available as soon as is reasonable in the circumstances.

“(5) Where an item is not on the agenda for a meeting, that item may be dealt with at that meeting if—

35 “(a) The local authority by resolution so decides; and

“(b) The presiding member explains at the meeting at a time when it is open to the public,—

“(i) The reason why the item is not on the agenda; and

40 “(ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.

“(6) The principal administrative officer may exclude from the reports made available under subsection (1) of this section,

reports or items from reports that he or she reasonably expects the meeting to discuss with the public excluded.

“(7) The principal administrative officer shall indicate on each agenda the items that he or she reasonably expects the meeting to discuss with the public excluded.”

“(8) Where agendas and associated reports are for meetings of community boards, it shall be sufficient for the purposes of this section that they be available for public viewing at the main office of the local authority and those service delivery centres and public libraries, if any, under the control of the local authority situated within the community.”

(2) Section 43 (1) of the principal Act is hereby consequentially amended by inserting, after the words “Parts II to V”, the words “or **section 46A**”.

40. Right of local authorities to exclude public—(1) The principal Act is hereby amended by repealing section 48 (as amended by section 3 of the Local Government Official Information and Meetings Amendment Act 1989), and substituting the following section:

“48. (1) Subject to **subsection (3)** of this section, a local authority may by resolution exclude the public from the whole or any part of the proceedings of any meeting only on one or more of the following grounds:

“(a) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist,—

“(i) Where the local authority is named or specified in the First Schedule to this Act, under section 6 or section 7 (except section 7 (2) (f) (i) of this Act:

“(ii) Where the local authority is named or specified in the Second Schedule to this Act, under section 6 or section 7 or section 9 (except section 9 (2) (g) (i) of the Official Information Act 1982:

“(b) That the public conduct of the whole or the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information the public disclosure of which would—

“(i) Be contrary to the provisions of a specified enactment; or

“(ii) Constitute contempt of Court or of the House of Representatives:

- 5 “(c) That the purpose of the whole or the relevant part of the proceedings of the meeting is to consider a recommendation made to that local authority by an Ombudsman under section 30 (1) or section 38 (3) of this Act (in the case of a local authority named or specified in the First Schedule to this Act) or under section 30 (1) or section 35 (2) of the Official Information Act 1982 (in the case of a local authority named or specified in the Second Schedule to this Act);
- 10 “(d) That the exclusion of the public from the whole or the relevant part of the proceedings of the meeting is necessary to enable the local authority to deliberate in private on its decision or recommendation in any proceedings to which this paragraph applies.
- 15 “(2) Paragraph (d) of subsection (1) of this section applies to—
- “ (a) Any proceedings before a local authority where—
- 20 “(i) A right of appeal lies to any Court or tribunal against the final decision of the local authority in those proceedings; or
- “(ii) The local authority is required, by any enactment, to make a recommendation in respect of the matter that is the subject of those proceedings; and
- 25 “(b) Any proceedings of a Regional Council that relate to the exercise by the Council, under section 22 of the Water and Soil Conservation Act 1967, of the functions, duties, and powers of a Regional Water Board; and
- 30 “(c) Any proceedings of a local authority in relation to any application or objection under the Marine Farming Act 1971.
- “ (3) Every resolution excluding the public from any meeting shall be in the form set out in Schedule 2A to this Act and shall
- 35 state—
- “ (a) The general subject of each matter to be considered while the public is excluded; and
- “ (b) The reason for the passing of that resolution in relation to that matter, including, where that resolution is
- 40 passed in reliance on subsection (1) (a) of this section, the particular interest or interests protected by section 6 or section 7 of this Act, or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be

prejudiced by the holding of the whole or the relevant part of the proceedings in public; and

“(c) The grounds on which that resolution is based (being one or more of the grounds set out in **subsection (1)** of this section). 5

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof)—

“(a) Shall be available to any member of the public who is present; and 10

“(b) Shall form part of the minutes of the local authority.

“(5) A resolution pursuant to **subsection (1)** of this section, may also provide for one or more specified persons to remain after the public has been excluded if that person, or persons, has or have, in the opinion of the local authority, knowledge that will assist the authority. 15

“(6) Where a local authority resolves that one or more persons may remain after the public has been excluded, the resolution must state the knowledge possessed by that person or those persons which will be of assistance in relation to the matter to be discussed and how it is relevant to that matter.” 20

(2) Section 3 of the Local Government Official Information and Meetings Amendment Act 1989 is hereby consequentially repealed.

41. New First and Second Schedules substituted— 25

(1) The principal Act is hereby amended by repealing the First and Second Schedules, and substituting the First and Second Schedules set out in the **Third Schedule** to this Act.

(2) The following enactments are hereby consequentially repealed: 30

(a) The Local Government Official Information and Meetings Amendment Act 1988:

(b) Section 5 (7) of the Waikato Electricity Authority Act 1988:

(c) Section 24 (4) of the School Trustees Act 1989: 35

(d) So much of the Tenth Schedule to the Education Act 1989 as relates to Part I of the Second Schedule to the Local Government Official Information and Meetings Act 1987:

(e) So much of the Schedule to the Conservation Law Reform Act 1990 as relates to the Local Government Official Information and Meetings Act 1987: 40

(f) So much of the Fifth Schedule to the Education Amendment Act 1990 as relates to the Local

Government Official Information and Meetings Act 1987.

5 **42. New Schedule 2A**—The principal Act is hereby amended by inserting, after the Second Schedule (as substituted by section 39 of this Act), the Schedule 2A set out in the Fourth Schedule to this Act.

PART V

AMENDMENTS TO RATING POWERS ACT 1988

10 **43. This Part to be read with Rating Powers Act 1988**—
(1) This Part of this Act and the Fifth Schedule to this Act shall be read together with and deemed part of the Rating Powers Act 1988* (in this Part of this Act referred to as the principal Act).

15 (2) This Part of this Act and the Fifth Schedule to this Act shall come into force on the 1st day of July 1991.

*1988, No. 97

Amendments: 1989, No. 38; 1989, No. 135

44. Introduction of differential rating—Section 84 (1) (b) of the principal Act is hereby amended by omitting the word “April” in both places where it appears, and substituting in each case the word “July”.

20 **45. Revocation of differential rating**—Section 87 (2) of the principal Act is hereby amended—

(a) By omitting the word “April”, and substituting the word “July”; and

25 (b) By omitting the expression “31st day of March”, and substituting the expression “30th day of June”.

46. Local authority to give notice of making rate—The principal Act is hereby amended by repealing section 110, and substituting the following section:

30 “110. (1) No local authority shall make any rate or rates under this Act unless—

35 “(a) Notice of the intention to make the rate or rates has been included in the annual report prepared and adopted by the local authority under section 223D of the Local Government Act 1974 for the financial year for which the rate or rates are to be made; or

“(b) Where paragraph (a) of this subsection does not apply, the local authority has, not less than 14 days before making the rate or rates, given, in accordance with

subsection (2) of this section, public notice of its intention to make the rate or rates.

“(2) Every public notice required by subsection (1) (b) of this section shall, in respect of each rate to which the notice relates, state—

“(a) The time and place of the meeting at which the local authority intends to make the rate; and

“(b) The revenue sought from the intended rate and the purpose or purposes for which that revenue is to be applied; and

“(c) The amount or amounts—

“(i) In the dollar on the rateable values; or

“(ii) Per hectare; or

“(iii) Per separately rateable property; or

“(iv) Per separately used or inhabited portion of a property or building; or

“(v) Per unit of water supplied or consumed; or

“(vi) Per water closet or urinal connected; or

“(vii) Per container of refuse,—

as the case may be, of the intended rate; and

“(d) The period for which the rate is intended to be made; and

“(e) The day or days on which the intended rate or any instalment thereof is to become payable; and

“(f) Any discount in terms of section 131 of this Act or additional charge or charges in terms of section 132 intended to be applied.

“(3) Every public notice required by subsection (1) (b) of this section shall state not only the matters required by subsection (2) of this section but also the fact that the valuation roll and rate records for the district of the local authority are available for inspection.”

47. Additional charges on unpaid rates—(1) The principal Act is hereby amended by repealing section 132, and substituting the following section:

“132. (1) Any local authority may, by resolution made not later than the making of its general rate in any year, prescribe additional charges to be added to unpaid rates.

“(2) Every resolution made under subsection (1) of this section shall state—

“(a) The percentage of any unpaid rates that will be added by way of an additional charge; and

“(b) The date upon which the additional charge is to be added to any rates remaining unpaid.

“(3) No such additional charge shall exceed 10 percent of the sum of rates outstanding on the date specified.

“(4) The additional charges may be all or any of the following:

5 “(a) An additional charge to be added to rates which are levied in the year in which the resolution is made and which remain unpaid on a date not sooner than 2 working days after the due date of the rate or instalment concerned:

10 “(b) A further additional charge to be added to rates which are levied in the year in which the resolution is made and which remain unpaid on a date not sooner than the first day of the following financial year:

15 “(c) A further additional charge to be added to rates which have been levied in any previous financial year and which remain unpaid on a date not sooner than—

“(i) Six months after the beginning of the financial year in which the resolution is adopted; or

20 “(ii) Six months after the date upon which any additional charge under paragraph (b) of this subsection was added to rates remaining unpaid in the immediately preceding financial year,— whichever is the later.

25 “(5) Notwithstanding subsection (4) of this section, a local authority may by resolution in the year commencing on the 1st day of July 1991 impose an additional charge not exceeding 10 percent, on all rates remaining unpaid on a date not sooner than the first day of that financial year.”

30 (2) Section 32 of the Local Government Reform (Transitional Provisions) Act 1990 is hereby consequentially repealed.

48. New Part XIII A—The principal Act is hereby amended by inserting, after section 180, the following Part:

“PART XIII A

“RATES RELIEF FOR DEVELOPMENTS

35 “180A. **Interpretation**—In this Part of this Act, unless the context otherwise requires, “development” means the construction, erection, or alteration of any building or buildings intended to be used solely or principally for industrial, commercial, or administrative purposes, or any combination of
40 those purposes, where the estimated cost of the construction, erection, or alteration will exceed \$1,000,000.

“180B. Power to remit or postpone rates on development—(1) A local authority may in accordance with the special consultative procedure, remit or postpone, for such time as it thinks fit, the payment of any rates in respect of any rateable property in respect of which any development is taking place or is about to take place. 5

“(2) In deciding whether so to grant relief and, if so, to what extent relief shall be granted, the local authority shall have regard to the following matters:

“(a) Whether, and to what extent, the development, when completed, will be to the financial advantage of its district (including the creation of employment opportunities); and 10

“(b) Whether, and to what extent, the viability of the development might be compromised or prejudicially affected by a refusal to grant relief; and 15

“(c) The timetable for implementing the development, for the purpose of ascertaining whether the granting of relief would encourage an earlier completion date; and 20

“(d) The location of the proposed development; and

“(e) The nature and extent of any free public amenities or public facilities to be provided but not required to be provided in the development, including, but not by way of limitation, public viewing areas and rest rooms, landscaping and environmental improvements, fountains, and outdoor sculpture. 25

“(3) In remitting or postponing any rates pursuant to this Part of this Act, the local authority may remit or postpone the whole or a part of the rates otherwise payable for a whole year or years, or for any lesser period, or may provide for a combination of remitting and postponing rates. 30

“(4) A decision under this section shall not be made by the local authority at any meeting from which the public has been excluded under section 48 of the Local Government Official Information and Meetings Act 1987. 35

“(5) Every decision of the local authority under this section shall be publicly notified and that notice shall include the reasons for the decision to approve or decline the application, and if approved, the identity of the occupier and the estimated amount of rates remitted or postponed. 40

“180c. Objection by developer against decision of local authority—(1) Any person whose application for a remission

or postponement of rates under this Part of this Act has been refused may object against the decision of the local authority.

5 “(2) Every such objection shall be in writing under the hand of the objector, and shall be lodged at the office of the local authority within 14 days after the date on which notice of the refusal of the application is given to the applicant, or within such further period as the local authority, in its discretion, may allow in any specified case. Any such extension of time may be granted by the local authority, notwithstanding that the time
10 for objecting has already expired.

“(3) The local authority shall appoint a day for considering the objection, and after such consideration may allow or dismiss the objection, and, if it allows the objection, shall grant the application accordingly.

15 “(4) No objection shall be dismissed unless reasonable notice of the date and time when the objection is to be considered, and of the place where it is to be considered, has been given to the objector, who, if present at the appointed time and place, shall be entitled to be heard in support of the objection.

20 “(5) Notice in writing of the decision of the local authority on the objection shall be given to the objector by the local authority.

“180D. **Continuation of remission or postponement after completion of development**—The local authority may
25 continue a remission or postponement of rates under this Act in respect of not more than 3 years commencing on the 1st day of the financial year next following the date on which, in the local authority’s opinion, the development was completed.

“180E. **Registration of charges for postponed rates**—
30 Where any rates have been, are, or will be postponed under this Act, section 162 of this Act with the necessary modifications shall apply in respect of the postponement.

“180F. **Local authority may impose conditions when granting relief**—(1) A local authority may remit or postpone
35 rates under this Part of this Act subject to such conditions as to completion of the development concerned as it thinks fit.

“ (2) A local authority may cancel any remission or postponement granted in respect of the rating year then
40 current in the event of non-compliance with any conditions imposed under subsection (1) of this section, and, if it does so, it may require payment of full rates in respect of any year in which they may have been remitted or postponed.

- “180G. Suspension or limitation of this Part—**
 (1) Notwithstanding anything contained or implied in this Part of this Act, a local authority, by resolution publicly notified, may determine that the provisions of this Part of this Act, either indefinitely or for such period as may be specified in the resolution,— 5
- “(a) Shall be wholly suspended; or
 “(b) Shall apply only to such types of development as may be so specified; or
 “(c) Shall apply only to developments situated or proposed to be situated in such part or parts of its district as may be so specified; or 10
 “(d) Shall apply only to such types of development, and situated or proposed to be situated in such part or parts of its district, as may be so specified— 15
- and may from time to time cancel or modify any such resolution by a subsequent resolution publicly notified.
 “(2) No resolution made under this section shall apply to any development in respect of which—
- “(a) A remission or postponement of rates has been granted; 20
 or
 “(b) An application has been made and not finally dealt with—
- under this Part of this Act before the date on which the resolution was made.” 25

49. Repeals—The enactments specified in the Fifth Schedule to this Act are hereby repealed.

PART VI

AMENDMENT TO VALUATION OF LAND ACT 1951

- 50. This Part to be read with Valuation of Land Act 1951—** 30
 (1) This Part of this Act shall be read together with and deemed part of the Valuation of Land Act 1951* (in this Part of this Act referred to as the principal Act).
 (2) This Part of this Act shall come into force on the 1st day of July 1991. 35

*R.S. Vol. 21, p. 851

Amendments: 1988, No. 98; 1988, No. 218; 1989, No. 41

- 51. Valuation roll to be rating roll for local authorities—**Section 28 of the principal Act (as substituted by section 18 of the Valuation of Land Amendment Act 1988) is hereby amended by repealing subsection (5), and substituting the following subsection: 40

“(5) There shall be payable—

“(a) By every local authority that is supplied with a valuation roll by the Valuer-General; and

5 “(b) By every local authority that uses, either directly or indirectly, the information on the valuation roll to raise rating revenue,—

a reasonable charge, or, as the case may require, a share of the reasonable charge, for preparing, supplying, and maintaining the roll, as determined from time to time by the Valuer-General.”

SCHEDULES**Section 20****FIRST SCHEDULE****TERRITORIAL AUTHORITIES FOR WHICH INSTALMENT RATING IS VALIDATED**

Territorial Authority	Date of confirmation of resolution
Ashburton District Council	19 July 1990
Carterton District Council	17 October 1990
Hurunui District Council	26 July 1990
Invercargill City Council	28 August 1990
Kaikoura District Council	8 August 1990
Kawerau District Council	29 August 1990
Nelson City Council	21 August 1990
New Plymouth District Council	16 July 1990
Opotiki District Council	26 August 1990
Papakura District Council	6 August 1990
Rotorua District Council	24 August 1990
Tararua District Council	29 August 1990
Waimakariri District Council	23 July 1990
Wanganui District Council	13 August 1990

SECOND SCHEDULE

Section 28

NEW FORM 1A INSERTED IN FIRST SCHEDULE TO PRINCIPAL ACT

Form 1A

Section 7BE

APPLICATION FOR ENROLMENT ON RATEPAYER ELECTORAL ROLL

This application relates to the ratepayer electoral roll of the [Name of local authority].

Property to Which Application Relates

The principal administrative officer shall complete this panel where this form is, under section 7BE (1) of the Local Elections and Polls Act 1976, sent to an occupier listed on the valuation roll.

Address of property:.....

Name[s] in occupier's column of valuation roll:

Postal address of occupier:.....

*Roll number, certificate of title reference, or other identifier:

.....

*The supply of this information is optional.

The applicant must complete this panel if the panel above has not been completed or any information in that panel is wrong.

Address of property:.....

Name[s] in occupier's column of valuation roll:

Postal address of occupier:.....

*Roll number, certificate of title reference, or other identifier:

.....

*The supply of this information is optional.

SECOND SCHEDULE—continued

NEW FORM 1A INSERTED IN FIRST SCHEDULE TO PRINCIPAL ACT—continued

Form 1A—continued

APPLICATION FOR ENROLMENT ON RATEPAYER ELECTORAL ROLL—continued

Person to be Enrolled

The applicant must complete this panel.

The name of the person to be enrolled is:

His or her residential address is:

His or her postal address, if different from his or her residential address, is:

The electorate in which he or she is registered for Parliamentary elections is:

*I am the person named in this panel and I apply for enrolment on the ratepayer electoral roll.

*The applicant applies for the enrolment on the ratepayer electoral roll of the person named in this panel and nominates that person accordingly.

*Delete if inapplicable.

Nomination

This panel is to be completed only where the person to be enrolled is being nominated for enrolment by a body or person whose name appears in the occupier's column of the valuation roll:

The name of the person making the nomination is:

The address of the body or person making the nomination is:

I am authorised to make the nomination.

Declaration

I declare that the information given, and the statements made, in this form are correct.

Signature of Applicant:

Date:.....

SECOND SCHEDULE—*continued*

NEW FORM 1A INSERTED IN FIRST SCHEDULE TO PRINCIPAL ACT—*continued*

Form 1A—*continued*

INFORMATION ABOUT ELECTORAL ROLLS COMPILED BY LOCAL AUTHORITIES

The name of any person who is registered as a Parliamentary elector will automatically appear on the residential electoral roll for the local authority within whose district any such person resides.

A ratepayer who does not live within the district of the local authority to which the rates are paid and who is registered as a Parliamentary elector may also vote at elections for members of that local authority.

Where a property is owned by a partnership or by joint tenants or tenants in common, the partners or joint tenants or tenants in common may nominate one of themselves for inclusion on the ratepayer electoral roll. The person nominated must be a person who has registered as a Parliamentary elector but is not a resident of the district. Residents are already enrolled.

Where a property is owned by a company or a firm or a society or an association of persons, that company or firm or society or association may apply to have included on the ratepayer electoral roll the name of a person who is nominated by that company, firm, society, or association. The person nominated must be a person who is registered as a Parliamentary elector but who is not a resident of the district.

Please complete and return this form if you wish to enrol on the ratepayer electoral roll or to nominate a person for that roll. The roll will be available for public inspection before the election.

If you complete and return the form, you will be advised whether your application to enrol, or to nominate another person for enrolment, has been accepted.

Section 41 (1)**THIRD SCHEDULE****NEW FIRST AND SECOND SCHEDULES TO PRINCIPAL ACT**

Section 2

FIRST SCHEDULE**LOCAL AUTHORITIES TO WHICH PARTS I TO VII OF THIS ACT APPLY***Part I: Classes of Local Authorities*

Administering bodies of reserves as defined in section 2 (1) of the Reserves Act 1977 (other than a Minister of the Crown or a Department)

Airport Authorities (other than airport companies (as defined in section 2 of the Airport Authorities Act 1966))

City Councils

Community Boards

District Councils

Electric Power Boards

Irrigation Boards

Licensing Trusts

Public reserves special Boards, Trusts, or Trust Boards

Regional Councils

Part II: Particular Local Authorities

The Aotea Centre Board of Management

The Auckland Electric Power Board

The Canterbury Museum Trust Board

The Chatham Islands County Council

The Council of the Auckland Institute and Museum

The Greytown Trust Lands Trustees

The Lakes District Waterways Authority

The Marlborough Forestry Corporation

The Masterton Trust Lands Trust

The Otago Museum Trust Board

The Riccarton Bush Trustees

The Rotorua Area Electricity Authority

The Selwyn Plantation Board

The Waikato Electricity Authority

The Wairarapa Cadet Training Farm Trust Board

THIRD SCHEDULE—*continued*

NEW FIRST AND SECOND SCHEDULES TO PRINCIPAL ACT—*continued*

SECOND SCHEDULE

Section 2

LOCAL AUTHORITIES (ADDITIONAL TO THOSE NAMED IN THE FIRST SCHEDULE TO THIS ACT) to Which Part VII of this Act applies

Part I—Classes of Local Authorities

Area Health Boards

Boards of Trustees constituted under Part IX of the Education Act 1989

Camp Committees under the Children's Health Camps Act 1972

Conservation Boards

Councils of Institutions established under Part XIV of the Education Act 1989

Education Boards

Fish and Game Councils

Provincial Patriotic Councils

Regional Co-ordinating Committees established under section 22 of the Noxious Plants Act 1978

Secondary Schools Councils

Part II—Particular Local Authorities

The New Zealand Conservation Authority

The New Zealand Fish and Game Council.

Section 42

FOURTH SCHEDULE
NEW SCHEDULE 2A TO PRINCIPAL ACT

Section 48 (3), (4), (5), (6)

SCHEDULE 2A
RESOLUTION TO EXCLUDE THE PUBLIC

Section 48, Local Government Official Information and Meetings Act 1987

I move that the public be excluded from—

- *(a) The whole of the proceedings of this meeting; or
- *(b) The following parts of the proceedings of this meeting, namely,—

[State agenda items]

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 (1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 (1) for the passing of this resolution
-	-	-
-	-	-
-	-	-
-	-	-

- * The particular interest or interests protected by section 6 or section 7 of the Local Government Official Information and Meetings Act 1987 or section 6 or section 7 or section 9 of the Official Information Act 1982, as the case may require, which would be prejudiced by the holding of the whole or the relevant part of the proceedings of the meeting in public are as follows:

[Give particulars]

- * I also move that [Name of person or persons] be permitted to remain at this meeting, after the public has been excluded, because of their knowledge of This knowledge, which will be of assistance in relation to the matter to be discussed, is relevant to that matter because

*Delete if inapplicable

NOTE

Section 48 (4) of the Local Government Official Information and Meetings Act 1987 provides as follows:

“(4) Every resolution to exclude the public shall be put at a time when the meeting is open to the public, and the text of that resolution (or copies thereof)—

- “(a) Shall be available to any member of the public who is present; and
- “(b) Shall form part of the minutes of the local authority.”

FIFTH SCHEDULE

Section 49

ENACTMENTS REPEALED

1980, No. 7 (Local)—The Auckland City Council Empowering Act 1980.	(Rating Relief)
1986, No. 4 (Local)—The Auckland City Council Empowering Amendment Act 1986.	(Rating Relief)
1986, No. 5 (Local)—The Dunedin City Council Empowering Act 1986.	(Rating Relief)
1988, No. 3 (Local)—The Hastings City Council Empowering Act 1988.	(Rating Relief)
1990, No. 4 (Local)—The Dunedin City Council Empowering Amendment Act 1990.	(Rating Relief)
1990, No. 7 (Local)—The Queenstown Lakes District Council Empowering Act 1990.	(Rating Relief)