

[AS REPORTED FROM THE INTERNAL AFFAIRS AND LOCAL  
GOVERNMENT COMMITTEE]

*House of Representatives, 5 June 1986.*

**Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.**

*Hon. Dr Michael Bassett*

**LOCAL GOVERNMENT AMENDMENT (NO. 2)**

ANALYSIS

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A BILL INTITULED

**An Act to amend the Local Government Act 1974**

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

**1. Short Title**—This Act may be cited as the Local Government Amendment Act (No. 2) 1985, and shall be read together with and deemed part of the Local Government Act 1974\* (hereinafter referred to as the principal Act).

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

Amendments: 1980, No. 82; 1981, Nos. 23, 111; 1982, Nos. 3, 166; 1983, No. 132; 1984, No. 18; 1985, No. 60

**2. Regional, united, county, district, town, district community, or community council may remove Chairman from office and elect new Chairman—**

(1) The principal Act is hereby amended by inserting, after section 93 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977), the following **(section) sections:**

“93A. (1) Any regional council, united council, county council, district council, town council, district community council, or community council may, at a meeting called in accordance with this section, remove its Chairman from office.

“(2) Where any Chairman is removed from office under **subsection (1)** of this section, the council may at that meeting, or a subsequent meeting called in accordance with this section, elect a new Chairman.

“(3) A meeting may be called under this section pursuant to—

“(a) A resolution of the council; or

“(b) A requisition in writing signed by *(not less than one-third)* a majority of the total membership of the council *((including) excluding* vacancies), delivered to the principal administrative officer—

specifying the day, time, and place at which the meeting is to be held and the business to be brought before the meeting.

“(4) Every resolution or requisition under **subsection (3)** of this section calling a meeting at which a Chairman may be removed from office shall clearly indicate whether or not, if the Chairman is removed from office, it will be part of the business of that meeting to elect a new Chairman if a majority of the *(members present and voting so resolve)* total membership of the council (excluding any vacancies) so resolves.

“(5) No resolution may be made and no requisition may be delivered under **subsection (3)** of this section less than 21 clear days before the day specified in the resolution or requisition for the meeting.

“(6) The principal administrative officer shall give to every member of the council notice in writing of the day, time, and place of any meeting called under this section, and the business to be brought before the meeting, not less than 14 clear days before the day appointed for the meeting.

“(7) Without limiting the manner in which notice may be given under **subsection (6)** of this section, that notice shall be sufficiently given to any member if, not less than 18 clear days before the day specified for the meeting, it is posted by ordinary post addressed to the member at the member's residential address.

*New*

5 “(7A) No resolution under this section removing any Chairman from office shall be carried unless a majority of the total membership of the council (excluding any vacancies) vote in favour of the resolution.

10 “(8) While the office of Chairman is vacant following his removal from office under **subsection (1)** of this section the Deputy Chairman shall, subject to section 94 of this Act, have the functions, duties, and powers of the Chairman by virtue of section 96 (5) (c) of this Act.

“(9) The principal administrative officer shall give notice to the Secretary of the election of any person under this section.”

15 (2) Section 94 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby amended by inserting, after the expression “section 93 (2)”, the expression “or **section 93A**”.

*New*

20 “**93B. Election of Chairman by open voting**—For the avoidance of doubt it is hereby declared that the election of a Chairman under this Part of this Act shall be decided by open voting.”

**3. Amendment to Auckland Regional Authority Act 1963**—Section 15 of the Auckland Regional Authority Act 1963 is hereby repealed.

25 **4. Objections related to apportionment of expenditure of united council**—Section 125A (6) of the principal Act (as enacted by section 14 (2) of the Local Government Amendment Act 1980) is hereby amended by omitting the words “within 1 month after receiving any such objection but in any case”.

30 **5. Council involvement in joint ventures with other persons**—(1) The principal Act is hereby amended by repealing section 239 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977), and substituting the following section:

35 “239. (1) Any council may, in the performance and exercise of its functions, duties, and powers, enter into any contract or arrangement for sharing of control, management, or profits, union of interest, co-operation, reciprocal concession, or the

construction or carrying on as a joint venture or otherwise of any work or activity that the council is authorised or required to undertake by this or any other Act with the Crown or any Government department, local authority, public body, body corporate, or other organisation, or any other person that has the authority of this subsection or *(otherwise)* other authority to enter into the contract or arrangement. 5

“(2) Nothing in **subsection (1)** of this section or any contract or arrangement entered into under the authority of that subsection shall relieve any council or any member or officer of the council of the liability to perform or ensure the performance of any function or duty imposed on the council or person by this or any other Act.” 10

*New*

“(3) There shall be annual financial statements prepared in respect of any contract or arrangement entered into under **subsection (1)** of this section, and those financial statements shall be audited by or under the supervision of the Audit Office.” 15

(2) The following enactments are hereby consequentially repealed: 20

(a) Section 225 (2) (f) of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977):

(b) Section 246 of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977): 25

(c) Section 536B of the principal Act (as enacted by section 44 of the Local Government Amendment Act 1980):

(d) Section 577 (3) (c) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979): 30

*New*

(da) So much of Part I of the Third Schedule to the Local Government Amendment Act 1979 as relates to section 239 of the principal Act: 35

(e) Section 44 of the Local Government Amendment Act 1980.

**6. Grants and advances to owners and occupiers for energy related purposes**—Section 533 of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by repealing subsection (1), and  
5 substituting the following subsection:

“(1) The territorial authority may make grants of money or make advances on such terms and conditions as it thinks fit (including, if the territorial authority thinks fit, a condition that the advance is to be free of interest) to the owner or occupier  
10 of any premises for the purposes of enabling him to do all things necessary (including the provision of service pipes, fittings, appliances, and meters) to connect those premises with any main for the supply of energy, or to purchase, install, convert, modify, or renew any means of generating energy,  
15 water heating, or thermal insulation in those premises.”

**7. Power to establish and conduct operations involving finished products of forest produce**—Section 577 (3) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1979) is hereby amended by repealing  
20 paragraph (b), and substituting the following paragraph:

“(b) Establish and carry on any operations or industry relating to the felling, cutting, extraction, removal, conversion, manufacture, transport, distribution, or sale of timber, tree seeds, firewood, forest produce,  
25 or finished products derived from forest produce, and may construct, purchase, rent, lease, or hire any buildings, machinery, or plant required in connection with the operations or industry.”

**8. Council may operate camping grounds, cabins, huts, and motels**—The principal Act is hereby amended by repealing section 594 (as enacted by section 2 of the Local Government Amendment Act 1979), and substituting the following section:

“594. (1) The council may, subject to any conditions or  
35 restrictions of any nature relating to the land concerned and if not inconsistent with the purposes (if any) for which the land is held, establish and maintain on any land under the control of the council camping grounds, cabins, huts, and motels, and conveniences and amenities for use by persons occupying those  
40 camping grounds, cabins, huts, or motels.

“(2) The council may fix charges for the use of those camping grounds, cabins, huts, motels, conveniences, and amenities.

“(3) Without limiting the generality of **subsection (1)** of this section, the powers conferred by that subsection shall include power for the council to provide or hire to or for the use of persons occupying any camping ground, cabin, hut, or motel—

“(a) Toilet, kitchen, bathroom, or laundry facilities, for the exclusive use of the occupants of any part of that camping ground or any cabin, hut, or motel, or for the use of those occupants in common with the occupants of other parts of the camping ground or other cabins, huts, or motels: 5

“(b) Services of a direct personal nature, whether by way of meals or food or otherwise: 10

“(c) Linen, blankets, crockery, cutlery, or cooking utensils:

“(d) Swimming pools, spa pools, equipment, and devices for the entertainment or amusement of the occupants of the camping ground, cabins, huts, or motels. 15

*New*

“(3A) Notwithstanding the restrictions in **subsection (1)** of this section, but subject to **subsection (4)** of this section in the case of any land that is a reserve within the meaning of the Reserves Act 1977, the council may exercise the powers conferred by this section in respect of any land held by it for the purposes of a pleasure ground. 20

“(4) Nothing in this section shall authorise the establishment or maintenance of any camping ground, cabin, hut, motel, conveniences, or amenity on any reserve within the meaning of the Reserves Act 1977 otherwise than in accordance with that Act.” 25

**9. Grants and advances for conversion of domestic fires or installation of electric domestic heating—**(1) The principal Act is hereby amended by repealing section 675 (as enacted by section 2 of the Local Government Amendment Act 1979), and section 675A (as enacted by section 23 of the Local Government Amendment Act (No. 2) 1981), and substituting the following section: 30

“675. (1) The council may make grants of money or make advances on such terms and conditions as it thinks fit (including, if the council thinks fit, a condition that the advance is to be free of interest) to— 35

“(a) The owner of any premises for the purpose of enabling the owner to convert, modify, or renew any domestic fireplace or domestic heating apparatus so as to permit its operation in compliance with the 40

requirements of the Clean Air Act 1972 and of any regulations or Order in Council made under that Act:

5 “(b) The owner of any residential premises in a clean air zone within the meaning of the Clean Air Act 1972 for the purposes of enabling the owner to purchase and install in those premises any permanently wired thermostatically controlled electric domestic heating apparatus or domestic water heating apparatus.

10 “(2) Instead of making a grant or advance under subsection (1) of this section to any owner the council may, by agreement with the owner, do the work itself, and all money spent by the council pursuant to the agreement together with an amount not exceeding 10 percent of the amount spent by the council  
15 shall be deemed to be an advance for the purposes of this section.

“ (3) Subsections (3) to (7) of section 463 and sections 464 and 465 of this Act (relating to advances in respect of drainage connections) shall apply with respect to every advance under  
20 this section as if it were an advance under section 463 and as if references in those provisions to drainage and related matters were references to matters in respect of which advances may be made under subsection (1) of this section.”

25 (2) Section 23 of the Local Government Amendment Act (No. 2) 1981 is hereby consequentially repealed.

**10. Further amendments to Acts amended by Local Government Amendment Act 1985—**

(1) The Acts amended by Part II of the Third Schedule to the Local Government Amendment Act 1985 are hereby amended as from the  
30 commencement of that Part of that Schedule in the manner indicated in the Schedule to this Act.

(2) Part II of the Third Schedule to the Local Government Amendment Act 1985 is hereby amended as from its commencement by omitting the word “Board” from the  
35 references to the Hutt Valley Drainage Board Act 1967 and the Hutt Valley Drainage Board Amendment Act 1978.

(3) Part III of the Third Schedule to the Local Government Amendment Act 1985 is hereby amended as from its commencement by omitting from the item relating to the Soil  
40 Conservation and Rivers Control Act 1941 the expression “Section 51”, and substituting the expression “Sections 13 (9B) and 59”.

(4) Section 2 of the Soil Conservation and Rivers Control Amendment Act 1972 is hereby repealed as from the  
45 commencement of Part III of the Third Schedule to the Local Government Amendment Act 1985.

## SCHEDULE

## Section 10

## AMENDMENTS TO ACTS AMENDED BY PART II OF THIRD SCHEDULE TO LOCAL GOVERNMENT AMENDMENT ACT 1985

Act amended	Amendment
1925, No. 38—The Electric Power Boards Act 1925 (Reprinted 1976, Vol. 4, p. 3465)	By inserting in subsection (1) and in subsection (2) of section 43 (as substituted by that Part of that Schedule), after the word “standing” in each case the words “or special”.
1941, No. 12—The Soil Conservation and Rivers Control Act 1941 (Reprinted 1969, Vol. 4, p. 3063)	By inserting in subsection (1) and in subsection (2) of section 114A (as substituted by that Part of that Schedule), after the word “Board” in each case the words “or Commission”.
1950, No. 34—The Harbours Act 1950 (R.S. Vol. 2, p. 551)	By inserting in subsection (1) and in subsection (2) of section 51 (as substituted by that Part of that Schedule), after the word “standing” in each case the words “or special”.
1963, No. 15 (Local)—The North Shore Drainage Act 1963	By inserting in subsection (1) and in subsection (2) of section 18 (as substituted by that Part of that Schedule), after the word “standing” in each case the words “or special”.
1967, No. 3 (Local)—The Hutt Valley Drainage Act 1967	By inserting in subsection (2) and in subsection (3) of section 18 (as substituted by that Part of that Schedule), after the word “standing” in each case the words “or special”.
1978, No. 11 (Local)—The Auckland Electric Power Board Act 1978	By inserting in subsection (1) and in subsection (2) of section 36 (as substituted by that Part of that Schedule), after the word “standing” in each case the words “or special”.
1983, No. 134—The Area Health Boards Act 1983	<p>By repealing section 86, and substituting the following section:</p> <p>“86. <b>Annual allowances, remuneration, and expenses of deputy chairman, chairmen of standing and special committees, and members</b>—(1) Where a maximum annual allowance or remuneration is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the deputy chairman, chairmen of standing or special committees, or members of the board, there may, subject to the conditions of that determination and sections 214K and 214L of that Act, be paid to each of those persons such annual allowance or remuneration, not exceeding that maximum allowance or remuneration, as the board determines.</p> <p>“(2) Where any actual annual allowance or remuneration is determined under section 214B or section 214C of the Local Government Act 1974 in respect of the deputy chairman, chairmen of standing or</p>



SCHEDULE—*continued*AMENDMENTS TO ACTS AMENDED BY PART II OF THIRD SCHEDULE TO LOCAL GOVERNMENT AMENDMENT ACT 1985—*continued*

Act amended	Amendment
1983, No. 134—The Area Health Boards Act 1983— <i>continued</i>	<p>special committees, or members of the board, there shall, subject to the conditions of that determination and sections 214k and 214L of that Act, be paid to each of those persons the annual allowance or remuneration so determined.</p> <p>“(3) There may be paid to members of a board or of any committee of the board, members of service development groups appointed under section 29 of this Act, any persons invited to attend any meetings of any such groups, and to members of community committees appointed under section 31 of this Act, travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951 and, except in the case of members of a board or any committee of a board, remuneration by way of fees, salary, or allowances in accordance with that Act; and the provisions of that Act shall apply accordingly, as if, in the case of every such committee and service development group, that committee or service development group were a statutory Board within the meaning of that Act.</p> <p>“(4) Where, pursuant to a resolution of a board in that behalf, any member of the board or of any committee attends any conference or meeting as the representative of the board, he shall be deemed for the purposes of section 4 of the Fees and Travelling Allowances Act 1951 to be travelling in the service of the board and to be transacting the business of the board, and shall be entitled to receive payment of travelling allowances and expenses accordingly.</p> <p>“(5) Notwithstanding this section, no remuneration shall be paid to any member of a board, committee, or service development group who is a full-time or part-time employee of the board in respect of his attendance at any meeting during his normal hours of employment, except on such terms as the Health Service Personnel Commission may determine, and, in the case of a member of a committee, subject to section 214f of the Local Government Act 1974.”</p>