



ANALYSIS

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1982, No. 37

An Act to amend the Local Authorities (Members' Interests) Act 1968 [5 November 1982]

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 Authorities (Members' Interests) Amendment Act 1982, and shall be read together with and deemed part of the Local Authorities (Members' Interests) Act 1968 (hereinafter referred to as the principal Act).

2. Disqualifying contracts between local authorities and their members—(1) Section 3 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Except as provided in subsection (3) of this section, no person shall be capable of being elected as or appointed to be or of being a member of a local authority or of any committee of a local authority, if the total of all payments made or to be made by or on behalf of the local authority in respect of all contracts made by it in which that person is concerned or interested exceeds \$25,000 in any financial year.”

(2) Section 2 of the Local Authorities (Members' Interests) Amendment Act 1979 is hereby consequentially repealed.

3. Approval of Audit Office—Section 3 (3) of the principal Act is hereby amended by renumbering paragraph (aa) (as inserted by section 4 (1) of the Local Authorities Members' Interests) Amendment Act 1971) as paragraph (ab), and inserting, before that paragraph, the following paragraph:

“(aa) A person shall be deemed not to have been disqualified by virtue of his being concerned or interested in any contract made in any special case where, on the application of the local authority, the subsequent approval of the Audit Office is obtained; which approval shall be given only if the Audit Office is satisfied that—

“(i) There is a sufficient special reason why prior approval was not obtained under paragraph (a) of this subsection; and

“(ii) Prior approval would have been obtained under paragraph (a) of this subsection if that approval had been sought.”.

4. Repeals—(1) Section 3 (3) (e) of the principal Act is hereby repealed.

(2) The principal Act is hereby amended by repealing so much of Part I of the First Schedule as relates to—

- (a) Fire Committees:
- (b) Road Boards:
- (c) Urban Fire Authorities.

5. Member with pecuniary interest in common with those he represents—Section 6 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) Nothing in subsection (1) of this section shall apply in any case where a member of a local authority or a committee of the local authority has been elected by or appointed to represent any activity, industry, business, organisation, or group of persons and his pecuniary interest is not different in kind from the interests of other persons in the activity, industry, business, organisation, or group by which the member is elected or in respect of which he is appointed.”