



Local Government (Rodney District Council) Amendment Act 2000

Public Act 2000 No 10
Date of assent 3 May 2000
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Local Government (Rodney District Council) Amendment Act 2000.
- (2) In this Act, the Local Government Act 1974 is called "the principal Act".

2 Commencement

This Act comes into force on the date on which it receives the Royal assent.

3 Purpose

The purpose of this Act is—

- (a) to suspend, until 31 March 2001, the application of the Local Government Act 1974 and the Local Elections

and Polls Act 1976 in relation to vacancies occurring in the offices of Mayor and councillors of the Rodney District Council; and

- (b) to provide for a general election of the Rodney District Council to be held on 31 March 2001; and
- (c) to provide for the Local Government Commission to review the Rodney District Council's membership and electoral arrangements; and
- (d) to extend the powers of the commission appointed to act in place of the Rodney District Council.

4 Vacancies in Rodney District Council not to be filled

- (1) This section applies to every vacancy in the office of Mayor or the office of member of the Rodney District Council that occurs or has occurred in the period beginning on 1 March 2000 and ending on the close of 31 March 2001.
- (2) Nothing in sections 101R and 101ZC to 101ZE of the principal Act applies to such a vacancy.
- (3) Everything done under the principal Act and the Local Elections and Polls Act 1976 in relation to such a vacancy before this Act comes into force ceases to have any force or effect.
- (4) A person who has given a public notice under the principal Act or the Local Elections and Polls Act 1976 in relation to such a vacancy must, as soon as practicable after this Act comes into force, give a further public notice to the effect that, as a result of this Act, the original public notice has ceased to have any force or effect.

5 General election of Rodney District Council to be held on 31 March 2001

- (1) A general election of the Rodney District Council must be held on 31 March 2001.
- (2) The general election must be conducted in accordance with the provisions of the principal Act and the Local Elections and Polls Act 1976 as if it were an election to fill extraordinary vacancies.
- (3) Subsection (2) applies subject to subsections (4) to (7).
- (4) Public notice of the general election must be given by the Returning Officer not earlier than 13 January 2001 and not later than the close of 19 January 2001.

- (5) The closing date and time for the receipt of nominations for the general election is noon on 16 February 2001.
- (6) The roll containing the names of the persons entitled to vote in the general election is deemed to have closed at 4 pm on 16 February 2001.
- (7) If the Local Government Commission determines, under section 6(2)(d), that 1 or more communities are to be constituted within the district, this section applies to the election of members of the community board for such a community.
- (8) A triennial general election of the Rodney District Council is not required to be held in October 2001, and the members of the Council and of any community board elected in the general election held under this section remain in office in all respects as if they were duly elected at that triennial election.

6 Review of Rodney District Council's membership and electoral arrangements by Local Government Commission

- (1) In this section and section 7, **Commission** means the Local Government Commission.
- (2) The Commission must, by 3 November 2000, review the membership and electoral arrangements of the Rodney District Council and determine—
 - (a) whether the council (other than the Mayor) is to be elected—
 - (i) by the electors of the district as a whole; or
 - (ii) by the electors of 2 or more wards; and
 - (b) in any case to which paragraph (a)(i) applies, the number of members to be elected by the electors of the district as a whole; and
 - (c) in any other case,—
 - (i) the name and boundaries of each ward; and
 - (ii) the number of members to be elected by the electors of each ward; and
 - (d) whether 1 or more communities are to be constituted within the district; and
 - (e) if a community is to be constituted,—
 - (i) the name and boundaries of each community; and
 - (ii) the number of members to be elected or appointed; and

- (iii) the functions, duties, and powers that the community board for the community should exercise as delegated functions, duties, and powers.
- (3) Before making the determination under subsection (2), the Commission must, not later than 30 June 2000, by public notice—
 - (a) outline its proposals in respect of the matters in subsection (2); and
 - (b) invite written submissions on those proposals, to be received by the Commission by 25 August 2000; and
 - (c) advise that any person who wishes to be heard in support of a submission under paragraph (b) will be given an opportunity to do so.
- (4) Before making the determination under subsection (2), but after the date specified in subsection (3)(b), the Commission must give to every person or organisation that has indicated a desire to be heard by the Commission in support of a submission, a reasonable opportunity to be heard.
- (5) In making the determination under subsection (2), the Commission must have regard to—
 - (a) the written and oral submissions made under subsections (3) and (4); and
 - (b) the matters set out in sections 101L and 101ZL of the principal Act; and
 - (c) such other matters as the Commission considers, on reasonable grounds, to be relevant to that determination.
- (6) Notice in writing of the determination under subsection (2), setting out the reasons for the determination, must be given by the Commission to the Rodney District Council, and by public notice.
- (7) Immediately after the publication of a public notice under subsection (6), the Commission must send a copy of that notice to—
 - (a) the Surveyor-General; and
 - (b) the Government Statistician.
- (8) Subject to subsection (9) and section 7, the determination of the Commission made under subsection (2) is final and comes into force for the general election of the Rodney District Council to be held on 31 March 2001.

- (9) For the purposes of Part IIAA of the principal Act, the Commission's determination is to be treated as if it were a proceeding before the Commission, and that Part applies accordingly with all necessary modifications.
- (10) The Rodney District Council must reimburse the Commission for the reasonable costs of the Commission in giving public notice under subsections (3) and (6).

7 Descriptions or plans for determination by Local Government Commission

- (1) For the purposes of section 6(8), a determination by the Commission that provides for wards or communities has no effect unless—
 - (a) a description or plan of each ward or community has been sent to the Chief Surveyor of the land district within which the district is situated; and
 - (b) the Chief Surveyor, or some person appointed by the Chief Surveyor, certifies that the description or plan is sufficient to render the boundaries of each ward or community capable of identification.
- (2) The Rodney District Council must—
 - (a) reimburse the Commission for any costs incurred by the Commission in obtaining the certificate required by subsection (1); or
 - (b) meet the cost of the production of that certificate if required to do so by the Chief Surveyor.

8 Sections 101H to 101M of principal Act not to apply to 2000 triennial review of Rodney District Council's membership and electoral arrangements

- (1) Sections 101H to 101M of the principal Act do not apply to the 2000 triennial review of the Rodney District Council's membership and electoral arrangements.
- (2) This section does not limit section 6(5)(b).

9 Power of commission to appoint consultants to provide advice

- (1) In this section, **commission** means the commission appointed, on 11 April 2000 under section 692W of the principal Act, to act in place of the Rodney District Council.

- (2) While the commission holds office, the commission may appoint 1 or more consultants, as it considers appropriate, to provide advice to assist the commission in the exercise of its functions, duties, and powers.
- (3) The appointment of a consultant under subsection (2) comes to an end on the earlier of—
 - (a) any date specified in the appointment for that purpose; or
 - (b) the date on which the commission ceases to hold office.
- (4) The cost of appointing a consultant and of a consultant's services must be paid out of money belonging to the Rodney District Council.
- (5) This section does not limit sections 692Y and 692Z of the principal Act.

Legislative history

2 May 2000	Introduction, first reading, second reading committee of the whole House, third reading (Bill 16-1)
3 May 2000	Royal assent

This Act is administered in the Department of Internal Affairs.
