

Local Government (Validation of Reappointments) Bill

Government Bill

Explanatory note

Purpose of Bill

The Local Government Act 1974 (section 119E) places a maximum term of 5 years on the appointment of a chief executive officer of a local authority. After that period, the office of chief executive becomes vacant although a chief executive is eligible for reappointment. A local authority is required to notify a vacancy in that office before filling the position. A number of chief executive officers have been reappointed by local authorities for terms that take their period in office beyond the permitted maximum, although there has been no notification of the vacancy. The purpose of the Bill is to validate those reappointments.

Clause by clause analysis

Clause 1 gives the Bill its title.

Clause 2 provides the commencement date (the date the Bill receives the Royal assent).

Clause 3 applies to persons who, in the period 1 November 1989 to 8 September 1999, have occupied the position of chief executive officer of a local authority continuously for more than 5 years due to appointment and reappointment under the Local Government Act 1974. Reappointments of the persons affected are not invalid, although the vacancies that occurred after 5 years were not notified before the reappointments were made.

Hon Sandra Lee

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Contents

1	Title	3	Validation of reappointment of chief executive officers
2	Commencement		

The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Local Government (Validation of Reappointments) Act **2000**.
- (2) In this Act, the Local Government Act 1974¹ is called “the principal Act”. 5
- ¹ RS Vol 25 p 1

2 Commencement

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

3 Validation of reappointment of chief executive officers

- (1) This section applies to every person who, in the period beginning on 1 November 1989 and ending on 8 September 1999, occupied the position of chief executive officer of a local authority for a continuous period of more than 5 years as a result of being, in that period, both— 15
- (a) appointed to the position under section 119C(1)(a) of the principal Act; and
- (b) reappointed to the same position under section 119E of the principal Act.
- (2) The reappointment (in the period specified in **subsection (1)**) of a person, to whom this section applies, to the position of chief 20

executive officer of a local authority is not invalidated, and is deemed never to have been invalidated, by reason of—

- (a) the term of that person's appointment exceeding, as a result of his or her reappointment, the maximum term of 5 years permitted by section 119E of the principal Act; or 5
 - (b) the vacancy or prospective vacancy in the position not having been notified in accordance with section 119I of the principal Act before the reappointment was made.
- (3) Anything done by a person to whom this section applies is declared to be, and to have always been, as valid as it would have been if that person had been validly reappointed to the position of chief executive officer of the local authority. 10
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