

Southland District Council, subject to all existing encumbrances.

### 98 TITLE TO PROPERTY

Any reference, express or implied, to any former authority in any instrument or other document, or in any entry or record made in any register in relation to any property vested in the Southland District Council by clause 97 of this order shall, unless the context otherwise requires, be read as a reference to "The Southland District Council".

### 99 TRANSITIONAL COMMITTEE

(1) The local authorities named in subclause (2) of this clause shall unite in appointing a transitional committee for the Southland District.

(2) The local authorities to which this clause applies shall be:

- (a) The Southland County Council; and
- (b) The Wallace County Council; and
- (c) The Winton Borough Council; and
- (d) The Stewart Island County Council.

### 100 MEMBERSHIP OF TRANSITIONAL COMMITTEE

The transitional committee for the Southland District shall consist of:

- (a) Four members appointed by the Southland County Council; and
- (b) Three members appointed by the Wallace County Council; and
- (c) One member appointed by the Winton Borough Council; and
- (d) One member appointed by the Stewart Island County Council; and
- (e) One officer appointed by each local authority named in clause 99(2) of this order, who shall be non-voting members of the transitional committee; and
- (f) The Chief Executive designate, when appointed in accordance with clause 103 of this order, who shall be a non-voting member of the transitional committee; and
- (g) One member appointed by the New Zealand Council of Trade Unions, being an employee of a local authority named in clause 99(2) of this order, who shall be a non-voting member of the transitional committee.

### 101 NO CASTING VOTE

The Chairperson of the transitional committee for the Southland District or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

### 102 EXCLUSION OF NON-VOTING MEMBERS

The transitional committee for the Southland District may resolve to exclude any non-voting member of that committee from any meeting or part of a meeting where it proposes to consider any matter that affects that member personally.

### 103 OBLIGATION OF TRANSITIONAL COMMITTEE TO APPOINT CHIEF EXECUTIVE

The transitional committee for the Southland District shall appoint a person to be the Chief Executive of the Southland District Council.

### 104 PRINCIPAL LOCAL AUTHORITY

The principal local authority for the transitional committee for the Southland District shall be the Southland County Council.

### 105 COSTS OF TRANSITIONAL COMMITTEE

The costs of the transitional committee for the Southland District (including the costs of providing administrative

services to it) shall be borne and paid by the local authorities named in clause 99(2) of this order either:

(a) In accordance with a formula agreed to by that committee; or

(b) If there is no such agreement, in accordance with the following formula:

The proportion of those costs to be borne and paid by each local authority shall equal the proportion that the population (as at the time of the Census of Population and Dwellings held on the 4th day of March 1986) of:

- (i) The district of that local authority; or
- (ii) Those parts of the district of that local authority to be included in the Southland District,

as the case may be, bears to the total of the populations (as at the time of that Census) of all of the districts of the local authorities or parts of the districts of the local authorities to be included in the Southland District.

### 106 CONSULTATION WITH ADMINISTERING AUTHORITIES OF RESERVES

(1) The transitional committee for the Southland District shall consult with each administering body under the Reserves Act 1977 for each reserve whose functions, duties, and powers are, by this order, allocated to the Southland District Council.

(2) The consultation shall be for the purpose of discussing the possible establishment of a committee of management for each reserve being administered by those administering authorities.

(3) Where, following that consultation, the transitional committee for the Southland District considers it desirable that any committee or committees of management be established, the transitional committee shall recommend to the Southland District Council that it establish such a committee or committees of management.

## PART VI

### *Southland Harbour Board*

### 107 VESTING OF PROPERTY

(1) This clause shall apply to that property, real and personal, vested in the Southland Harbour Board as at the 31st day of October 1989.

(2) Subject to subclauses (6), (8), (9) and (10) of this clause, all property—

(a) Which is vested in the Southland Harbour Board as at the 31st day of October 1989; and

(b) Which—

- (i) Is a reserve under the Reserves Act 1977; or
- (ii) Is principally used for recreational purposes, whether or not it is a reserve under the Reserves Act 1977; or
- (iii) Is a marina, wharf, jetty, boat ramp or other harbour facility, used principally for recreational purposes; or
- (iv) Is an item of plant or equipment used principally in association with the maintenance, use or operation of the facilities referred to in subparagraphs (i), or (ii) or (iii) of this paragraph,

is hereby vested in the Invercargill District Council for the purpose for which it is so reserved, or, where there is no such purpose, for the purposes of any function transferred by this order to the Invercargill District Council.

(3) Subject to subclauses (6), (8), (9) and (10) of this clause, all that property which is vested in the Southland Harbour Board as at the 31st day of October 1989, which is situated in the Invercargill District as constituted by this order, and which is adjacent to any harbour or the sea is hereby vested in the Invercargill District Council.

(4) Where there is any dispute over whether any property