

**Reprint**  
**as at 1 November 2010**

**Local Government Amendment  
Act 1992**

Public Act 1992 No 42  
Date of assent 20 May 1992

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this eprint.

A general outline of these changes is set out in the notes at the end of this eprint, together with other explanatory material about this eprint.

**This Act is administered in the Department of Internal Affairs.**

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

**BE IT ENACTED by the Parliament of New Zealand as follows:**

### **1 Short Title and commencement**

- (1) This Act may be cited as the Local Government Amendment Act 1992, and shall be read together with and deemed part of the Local Government Act 1974 (hereinafter referred to as the principal Act).
- (2) Except as provided in sections 8(3), 9(2), 10(2), 11(2), 58(10), 68(2), 71(2), 76(2), 79(2), 81, 89(10), and 109(2) of this Act, this Act shall come into force on the 1st day of July 1992.

### **Part 1 Amendments to principal Act**

2

Section 2(6) was repealed, as from 28 July 1997, by section 2(2) Local Government Amendment Act 1997 (1997 No 49).

3

Section 3 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

4

Section 4 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

5

6

Section 6 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

7

Section 7 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84) by omitting so much as relates to the Finance Act (No

2) 1941. *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

8

Section 8 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

9

10

Section 10 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

11

Sections 11 to 13 were repealed, as from 1 July 2001, by section 152(1) Local Electoral Act 2001 (2001 No 35). *See* sections 153 to 157 of that Act as to the transitional provisions. *See* clause 2 Local Electoral Act Commencement Order 2001 (SR 2001/144).

12

Sections 11 to 13 were repealed, as from 1 July 2001, by section 152(1) Local Electoral Act 2001 (2001 No 35). *See* sections 153 to 157 of that Act as to the transitional provisions. *See* clause 2 Local Electoral Act Commencement Order 2001 (SR 2001/144).

13

Sections 11 to 13 were repealed, as from 1 July 2001, by section 152(1) Local Electoral Act 2001 (2001 No 35). *See* sections 153 to 157 of that Act as to the transitional provisions. *See* clause 2 Local Electoral Act Commencement Order 2001 (SR 2001/144).

14

Section 14 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

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Section 24 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

25

This section, which amended section 223E of the principal Act, was repealed, as from 27 July 1996, by section 4(2)(b) Local Government Amendment Act (No 3) 1996 (1996 No 83).

26

Section 26 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

27

Section 27 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

28

Section 28 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

29

30

Section 30 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

31

Section 31 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

**32 Documents of abolished local authorities**

(1)

(2) Section 27 of the Local Government Amendment Act (No 2) 1989 is hereby consequentially repealed.

**33 Repeal of Part 19A**

(1)

(2) Section 12 of the Local Government Amendment Act 1983 is hereby consequentially repealed.

34

*[Spent]*

35

*[Spent]*

36

*[Spent]***37 Repeal of Part 22**

(1)

- (2) The following enactments are hereby consequentially repealed:
- (a) Sections 17 and 18 of the Local Government Amendment Act (No 2) 1981:
  - (b) So much of Part 1 of Schedule 3 to the Local Government Amendment Act 1985 as relates to sections 366 and 367 of the principal Act:
  - (c) Sections 19, 20, and 21 of the Local Government Amendment Act 1988:
  - (d) Section 32 of the Local Government Amendment Act (No 2) 1989.

38

Section 38 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

39

Section 39 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

40

Section 40 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

41

Section 41 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

42

43

Section 43 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

44

Section 44 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

45

Section 45 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

46

47

Section 47 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

48

Section 48 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

49

50

## **51 Interpretation**

*[Repealed]*

Section 51 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

## **52 Repeal**

(1)

(2) Section 32 of the Local Government Amendment Act 1985 is hereby consequentially repealed.

53

Section 53 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

54

Section 54 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

55

Section 55 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

56

57

Section 57 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

## **58 New Zealand Local Government Association Limited**

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Subsections (1) to (4) were repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

Subsection (5) was repealed, as from 28 June 2006, by section 6 Local Government Act 1974 Amendment Act 2006 (2006 No 27).

Subsection (6)(b) was repealed, as from 1 April 2000, by section 7 Children's Health Camps Board Dissolution Act 1999 (1999 No 141).

Subsection (6)(c) was repealed, as from 1 July 1996, by section 80 Dog Control Act 1996 (1996 No 13).

Subsections (6) to (10) were repealed, as from 28 June 2006, by section 6 Local Government Act 1974 Amendment Act 2006 (2006 No 27).

59

60

Section 60 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

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62

Section 62 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

63

Section 63 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

64

Section 64 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

65

Section 65 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

66

Section 66 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

## **67 New sections substituted**

(1)

(2) *[Repealed]*

Section 67(2): repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

68

Section 68 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84).

69

Section 69 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

70

71

Section 71 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

**72 Repeal of Schedule 1A**

(1)

(2) The following enactments are hereby consequentially repealed:

(a) Section 17 of the Local Government Amendment Act 1985:

(b) Section 19(6) of the Aotea Centre Empowering Act 1985.

73

Section 73 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

74

Section 74 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

75

Section 75 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

76

Section 76 was repealed, as from 1 October 1998, by section 14(1)(f) Local Government Amendment Act 1998 (1998 No 89).

**77 Auckland Centennial Memorial Park**  
*[Repealed]*

Section 77: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

78

79

Section 79 and the preceding heading were repealed, as from 1 October 1998, by section 11(3) Local Government Amendment Act 1998 (1998 No 89).

*Amendments to Canterbury Provincial  
Buildings Vesting Act 1928*

**80 Canterbury Provincial Buildings Vesting Act 1928**

- (1) All the functions, duties, and powers of the Canterbury Regional Council under the Canterbury Provincial Buildings Vesting Act 1928 shall, on the 1st day of July 1993, become functions, duties, and powers of the Christchurch City Council.
- (2) The land described in the Schedules to the Canterbury Provincial Buildings Vesting Act 1928 shall, on the 1st day of July 1993, vest in the Christchurch City Council for an estate in fee simple, in trust, to maintain it and the Provincial Council Buildings on it as a memorial to the foundation of the Province of Canterbury.
- (3) The District Land Registrar of the Land Registration District of Canterbury shall take all steps, and make all entries in the registers, necessary to give effect to subsection (2) of this section.

- (4) Section 7 of the Canterbury Provincial Buildings Vesting Act 1928 is hereby amended by repealing subsections (1) and (1A) (as substituted by section 2(1) of the Canterbury Provincial Buildings Vesting Amendment Act 1988).
- (5) Section 2(1) of the Canterbury Provincial Buildings Vesting Amendment Act 1988 is hereby consequentially repealed.
- (6) Nothing in this section prevents the Canterbury Regional Council delegating to the Christchurch City Council, before the 1st day of July 1993, all of the functions, duties, and powers of the Canterbury Regional Council under the Canterbury Provincial Buildings Vesting Act 1928.

*Amendments to Summit Road (Canterbury)  
Protection Act 1963*

**81 Commencement**

This section and sections 82 to 86 of this Act, and Schedule 6 to this Act, shall come into force on the 1st day of July 1993.

**82 New sections substituted**

The Summit Road (Canterbury) Protection Act 1963 is hereby amended by repealing sections 2 to 4, and substituting the following sections:

**“2 Interpretation**

**“(1)** In this Act, unless the context otherwise requires,—

**“Appeal Board** means the Environment Court referred to in section 247 of the Resource Management Act 1991

**“Authority** means the Summit Road Protection Authority appointed pursuant to section 2A of this Act

**“Contributory local bodies** means the Councils named in the First Schedule hereto

**“Quarrying** means the extraction from the ground of any minerals, metals, coal, clay, gravel, sand, limestone, soil, or valuable materials existing on or below the surface of the land, and includes the digging, removal, putting aside, or piling up of any such things and any overburden or waste material preparatory to or to facilitate any such extraction

“**Structure** includes—

- “(a) Any building or other structure for the erection, repair, modification, or extension of which a permit is required from a City Council or District Council:
- “(b) Any hoarding or other structure for the display of an advertisement:
- “(c) Any pole or mast:
- “(d) Any building or other structure proposed to be erected, repaired, modified, or extended by the Crown in respect of which a permit from a City Council or District Council would be required if the erection, repair, modification, or extension were to be carried out otherwise than by the Crown.”

“(2) Where this Act requires anything to be publicly notified or refers to public notification or public notice, the subject-matter shall be published in the *Gazette* and also twice, with an interval of not less than one week, in some newspaper circulating throughout the area affected by that subject-matter, and where time is to be counted from anything being publicly notified or from any public notification or public notice, it shall be counted from the last publication in a newspaper.

“**2A Summit Road Protection Authority**

- “(1) There shall be a Summit Road Protection Authority, which shall consist of—
  - “(a) One member appointed by the Christchurch City Council:
  - “(b) One member appointed by the Banks Peninsula District Council:
  - “(c) One member appointed by the Selwyn District Council.
- “(2) The Authority shall be deemed to be a joint committee of the Councils named in the First Schedule to this Act as if the Authority were a joint committee appointed by those Councils under section 114S of the Local Government Act 1974.
- “(3) All functions, duties, and powers of the Canterbury Regional Council under this Act shall, on the 1st day of July 1993, become functions, duties, and powers of the Summit Road Protection Authority.

**“3 Advisory committee**

The Authority shall, for the better administration of the provisions of this Act, appoint an advisory committee, which shall include—

- “(a) One or more members to represent contributory local bodies; and
- “(b) One or more members to represent the owners of land in the area to which this Act applies; and
- “(c) One member appointed on the nomination of the Minister of Conservation; and
- “(d) One member appointed on the nomination of the Summit Road Society (Incorporated).

**“4 Area to which Act applies**

- “(1) This Act applies to all those pieces of land in the City of Christchurch and the Banks Peninsula and Selwyn Districts delineated on the plans numbered SO 10134 and 10135, deposited in the office of the Chief Surveyor at Christchurch and thereon coloured red, blue, or yellow.
- “(2) The powers conferred upon the Authority by this Act may be exercised in respect of all or any part of the said pieces of land.”

**83 Authority to be local authority**

Section 5 of the Summit Road (Canterbury) Protection Act 1963 is hereby amended by omitting the words “Town and Country Planning Act 1953”, and substituting the words “Resource Management Act 1991”.

**84 Appeals**

Section 19 of the Summit Road (Canterbury) Protection Act 1963 is hereby amended by omitting the words “under the Town and Country Planning Act 1953”, and substituting the words “under the Resource Management Act 1991”.

**85 New Schedules 1 and 2**

The Summit Road (Canterbury) Protection Act 1963 is hereby amended by repealing Schedules 1 and 2, and substituting Schedules 1 and 2 set out in Schedule 6 to this Act.

**86 Repeals**

The following enactments are hereby repealed:

- (a) Section 5 of the Summit Road (Canterbury) Protection Act 1963:
- (b) Section 2 of the Summit Road (Canterbury) Protection Amendment Act 1968:
- (c) Sections 2 and 3 of the Summit Road (Canterbury) Protection Amendment Act 1973:
- (d) Sections 2, 3, 6, and 7 of the Summit Road (Canterbury) Protection Amendment Act 1974.

**87 Saving**

Nothing in sections 81 to 86 of this Act prevents the Canterbury Regional Council delegating, before the 1st day of July 1993, to a joint committee appointed by the Christchurch City Council, the Selwyn District Council, and the Banks Peninsula District Council all of the functions, duties, and powers of the Canterbury Regional Council under the Summit Road (Canterbury) Protection Act 1963.

88

*Transitional provisions and savings***89 Regional roads and motorways in Auckland**

*[Repealed]*

Section 89: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

**90 Forestry in Manawatu-Wanganui region**

- (1) The assets and liabilities of the commercial forestry operation known as the “Joint Wanganui District Councils Forestry Committee” are hereby deemed to have become vested without cost, on the 1st day of November 1989, in the following

local authorities, as tenants in common, with their respective shares being as follows:

Local Authority	Percentage Share
Wanganui District Council	86.54
Manawatu-Wanganui Regional Council	7.80
South Taranaki District Council	1.07
Rangitikei District Council	2.20
Ruapehu District Council	2.39.

- (2) The Joint Wanganui District Councils Forestry Committee is declared to be and to have always been a duly constituted joint committee.
- (3) Any action taken or decision made by the Joint Wanganui District Councils Forestry Committee or any of the local authorities named in subsection (1) of this section in relation to the Joint Wanganui District Councils Forestry Committee and the ownership and management of the forestry operation is hereby declared to be and to have always been, as valid as it would have been if this Act had been in force when that action was taken or that decision made.
- (4) Subject to subsection (6) of this section, the Manawatu-Wanganui Regional Council shall, not later than the 30th day of June 1993, transfer all its shares in, and any other assets directly related to, the commercial forestry operation known as the "Joint Wanganui District Councils Forestry Committee" to the territorial authority partners in that operation.
- (5) The shares, and any related assets, of the Manawatu-Wanganui Regional Council transferred under subsection (4) of this section shall be transferred to the territorial authorities that own the remaining shares in the forestry operation and, unless otherwise agreed by those territorial authorities, according to the proportion of their ownership of those remaining shares as at the date of the transfer.

- (6) Nothing in this Act prevents the sale, before the close of the 30th day of June 1993, of the Manawatu-Wanganui Regional Council's shares in the forestry operation known as the "Joint Wanganui District Councils Forestry Committee".

**91 Compensation to be paid to Manawatu-Wanganui Regional Council**

- (1) The territorial authorities to which the shares and any related assets of the Manawatu-Wanganui Regional Council in the forestry operation known as the "Joint Wanganui District Councils Forestry Committee" are transferred under section 90(4) of this Act shall compensate the Manawatu-Wanganui Regional Council for the transfer of those shares and any related assets.
- (2) The amount of the compensation payable by the territorial authorities to which the shares and any selected assets are transferred—
- (a) Shall be determined by agreement between the Manawatu-Wanganui Regional Council and those territorial authorities; and
- (b) Shall be payable in the proportions determined in accordance with section 90(5) of this Act.
- (3) If no agreement is reached under subsection (2)(a) of this section within 14 days after the date on which the transfer is effected, two persons shall be appointed, under section 92 of this Act, as assessors.

**92 Appointment of assessors and arbitrator**

- (1) The assessors shall be two independent persons, one of whom shall be appointed as an assessor by the Manawatu-Wanganui Regional Council and the other of whom shall be appointed as an assessor by the territorial authorities referred to in section 91(1) of this Act jointly.
- (2) The assessors shall, within 7 days after their appointment as such, appoint a third person to act as arbitrator between the assessors.

**93 Functions of assessors**

- (1) The assessors shall, not later than the 31st day of May 1993,—
  - (a) Determine the amount of the compensation payable under section 91 of this Act; and
  - (b) Report to the affected local authorities, after making such enquiries as the assessors consider appropriate.
- (2) Any matters on which the assessors cannot agree shall be referred from time to time to the arbitrator for decision and that decision shall form part of the assessors' determination.
- (3) The determination of the assessors shall be final and shall have the same force as if it were an agreement between the regional council and the territorial authorities.
- (4) Every person having the possession or custody of any relevant books, papers, accounts, or documents shall allow the assessors and the arbitrator to have access thereto for the purpose of the assessment or arbitration.

**94 Stamp duty exemption**

No stamp duty shall be payable under the Stamp and Cheque Duties Act 1971 in respect of any instrument of conveyance of property by the Manawatu-Wanganui Regional Council pursuant to section 90(4) of this Act.

**95 Application of Income Tax Act 1976 and Goods and Services Tax Act 1985**

- (1) Nothing in section 67 or section 129 of the Income Tax Act 1976 shall apply in respect of any land or asset transferred by the Manawatu-Wanganui Regional Council pursuant to section 90(4) of this Act.
- (2) For the purposes of sections 67 and 129 of the Income Tax Act 1976, where any land or asset is acquired by a territorial authority from the Manawatu-Wanganui Regional Council pursuant to section 90(4) of this Act, that land or asset shall be deemed to have been acquired by the territorial authority on the date on which it was acquired by that territorial authority.
- (3) Nothing in section 111 of the Income Tax Act 1976 shall apply in respect of any property acquired by a territorial authority

from the Manawatu-Wanganui Regional Council pursuant to section 90(4) of this Act.

- (4) For the purposes of the Goods and Services Tax Act 1985, every transfer made by the Manawatu-Wanganui Regional Council pursuant to section 90(4) of this Act shall be deemed to be the transfer of a part of a taxable activity as a going concern that is capable of separate operation.

**96 Transfer of functions, assets, and liabilities**

- (1) In addition to any other provisions in this Act relating to the transfer of any function, asset, or liability to a territorial authority, every regional council shall, not later than the 30th day of June 1993, transfer to the appropriate territorial authority every function, asset, or liability not related to—
- (a) The performance by the regional council of its functions under the principal Act or any other Act; or
  - (b) Shares or equity securities in a port company; or
  - (c) Assets and liabilities of former harbour boards.
- (2) In each region, the regional council and the affected territorial authorities shall, not later than the 31st day of December 1992, reach agreement as to the apportionment and transfer of all functions, assets, and liabilities.
- (3) Where the regional council and the affected territorial authorities have not reached agreement by the close of the 31st day of December 1992, the regional council shall apply to the Local Government Commission for a determination under section 97 of this Act on all unresolved matters (other than those relating to the transfer of staff).
- (4) All functions, assets, and liabilities to be transferred in accordance with subsection (1) of this section or any other provision of this Act, shall, not later than the 30th day of June 1993, be transferred to the appropriate territorial authority.
- (5) Notwithstanding anything in subsection (1) of this section, there shall be no transfer of any function, asset, or liability related to any foreshore or seabed, or to any land to which the Harbour Boards Dry Land Endowment Revesting Act 1991 applies.

**97 Power of Local Government Commission to apportion functions, assets, and liabilities**

- (1) Where any regional council refers any matter to the Local Government Commission under section 96(3) of this Act, the Commission shall, not later than the 31st day of March 1993, make a determination on that matter.
- (2) The determination shall direct the manner in which the functions, assets, and liabilities are to be apportioned between the affected territorial authorities.
- (3) For the purposes of a determination under this section, the Commission—
  - (a) Shall consult with the Audit Office and with the authorities directly affected; and
  - (b) May make such enquiries as it thinks fit; and
  - (c) May obtain advice from any other person, who in the opinion of the Commission, has expert knowledge concerning any aspect of the matter to be decided.
- (4) In the exercise of its powers under this section, the Commission may identify the functions, assets, and liabilities to be transferred, which functions, assets, and liabilities shall include all amounts and items that ought properly to be treated as being of the same character irrespective of how they may be described in the accounts or records of the regional council.
- (5) Every determination of the Commission under this section may be enforced as if it were an agreement between the regional council and the territorial authorities.

**98 Apportionment of loan liabilities**

- (1) Where any part of a function of a regional council is transferred to a territorial authority then, notwithstanding anything to the contrary in the Local Authorities Loans Act 1956 or in any other enactment, any loan liabilities associated with the function shall be apportioned among the affected territorial authorities in the manner determined by agreement among the affected territorial authorities.
- (2) If no agreement is reached under subsection (1) of this section within 14 days after the affected authorities agree to the transfer of functions or the Commission issues a determination

under section 97 of this Act, whichever is the later, two persons shall be appointed, under section 99 of this Act, as assessors.

**99 Appointment of assessors and arbitrator**

- (1) Two independent persons shall be appointed as assessors, one by the regional council and one by the territorial authority or territorial authorities jointly to, or among which, the loan liabilities are to be apportioned.
- (2) The assessors shall, within 7 days after their appointment as such, appoint a third person to act as arbitrator between the assessors.

**100 Functions of assessors**

- (1) The assessors shall, not later than the 31st day of May 1993,—
  - (a) Determine how the unresolved loan liabilities are to be apportioned; and
  - (b) Report to the affected local authorities, after making such enquiries as the assessors consider appropriate.
- (2) Any matters on which the assessors cannot agree shall be referred from time to time to the arbitrator for decision and that decision shall form part of the assessors' determination.
- (3) The determination of the assessors shall be final and shall have the same force as if it were an agreement between the regional council and the affected territorial authorities.
- (4) Every person having the possession or custody of any relevant books, papers, accounts, or documents shall allow the assessors and the arbitrator to have access thereto for the purpose of the assessment or arbitration.

**101 Power to effect transfer of functions, assets, and liabilities by Order in Council**

Where any function, asset, or liability to be transferred under section 96 of this Act has not been so transferred by the close of the 30th day of June 1993, the Governor-General may, on the recommendation of the Minister of Local Government, make an Order in Council effecting the transfer.

**102 Transfer of responsibilities**

- (1) Where a function, asset, or liability of a regional council is transferred under this Part of this Act to a territorial authority, that territorial authority shall have and may exercise and shall be responsible, in relation to that function, asset, or liability, for—
- (a) All the powers, duties, acts of authority, and functions; and
  - (b) All liabilities, obligations, engagements, and contracts; and
  - (c) All actions, suits, and proceedings, (pending by or against) the regional council,—
- which were previously exercised or could have been exercised by the regional council in respect of that function, asset, or liability.
- (2) Where a function, asset, or liability of a regional council is transferred under this Part of this Act to a territorial authority, that territorial authority shall succeed to all rates, levies, and money payable for or in respect of that function, asset, or liability.

**103 Continued responsibility**

Notwithstanding anything in section 37S of the principal Act, or any other section, where any function, member of staff, asset, or liability is to be transferred from a regional council to a territorial authority, that regional council shall continue to have, until the transfer of that function, member of staff, asset, or liability is effected, the powers and duties necessary for the performance of any such function or the discharge of the regional council's responsibility in relation to any such asset or liability.

**104 Obligation to achieve objectives of this Act**

Every local authority shall at all times do everything in its power to achieve the objectives of this Act, and for that purpose, but without limitation, shall do everything in its power—

- (a) To facilitate the transfer of any function, asset, or liability from a regional council to a territorial authority; and

- (b) To assist in the transfer or redeployment of any staff associated with the transfer of any function, asset, or liability.

**105 Certain matters not affected by transfer of functions, duties, or powers**

Nothing effected or authorised by section 89 or section 90 or section 96 or section 98 of this Act or by any Order in Council made under section 101 of this Act—

- (a) Shall be regarded as placing any local authority, or any other person, in breach of contract or confidence or as otherwise making any of them guilty of a civil wrong; or
- (b) Shall be regarded as giving rise to a right for any person to terminate or cancel any contract or arrangement or to accelerate the performance of any obligation; or
- (c) Shall be regarded as placing any local authority or any other person in breach of any enactment or rule of law or contractual provision prohibiting, restricting, or regulating the assignment or transfer of any property or the disclosure of any information; or
- (d) Shall release any surety wholly or in part from any obligation; or
- (e) Shall invalidate or discharge any contract or security.

Compare: 1974 No 66 s 37HA; 1988 No 109 s 10

**106 Registers**

- (1) No Registrar of Deeds or District Land Registrar or any other person charged with the keeping of any books or registers shall be obliged, solely by reason of section 90(1) of this Act or by any determination made under section 97 of this Act or by any Order in Council made under section 101 of this Act, to change the name of the transferor to that of the transferee in those books or registers or in any document.
- (2) The presentation to any registrar or other person of any instrument, whether or not comprising an instrument of transfer by the transferee,—
  - (a) Executed or purporting to be executed by the transferee; and

- (b) Relating to any property held by the transferor; and
- (c) Containing a recital that the property has become vested in the transferee by virtue of section 90(1) of this Act or by any determination made under section 97 of this Act or by any Order in Council made under section 101 of this Act—

shall, in the absence of proof to the contrary, be sufficient evidence that the property is vested in the transferee.

- (3) Except as provided in this section, nothing in this Act shall derogate from the provisions of the Land Transfer Act 1952.

Compare: 1974 No 66 s 37HB; 1988 No 109 s 10

## **107 Membership and constituencies of regional councils**

*[Repealed]*

Section 107 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). See sections 273 to 314 of that Act as to the savings and transitional provisions.

### *Validation*

## **108 Validation of differential rating**

- (1) This section shall apply to any rate that was—
  - (a) Made and levied or purported to be made and levied by a territorial authority in the year ended with the 30th day of June 1991, or in the year ended with the 30th day of June 1992, or in both those years; and
  - (b) Made and levied or purported to be made and levied, on a differential basis in accordance with any special order that—
    - (i) Was made under section 80 or section 85 of the Rating Powers Act 1988 or the corresponding provisions of any previous enactment; and
    - (ii) Was in force immediately before the 1st day of November 1989; and
    - (iii) Had not, at the time the rate was made and levied, been revoked under section 87 of the Rating Powers Act 1988; and
  - (c) Was not, at 12 noon on the 1st day of May 1992, the subject of legal proceedings before any court.

- (2) Any rate to which subsection (1) of this section applies is hereby deemed to be as valid and lawful as it would have been had the special order to which subsection (1)(b) of this section refers continued in force after the 1st day of November 1989.
- (3) For the avoidance of doubt, nothing in subsection (2) of this section shall affect the validity of any rate—
  - (a) Made and levied by a territorial authority, after the 1st day of November 1989, on a uniform basis over any district or part of a district; or
  - (b) Made and levied by a territorial authority, after the 1st day of November 1989, on a differential basis over any district or part of a district in accordance with a special order under section 80 or section 85 of the Rating Powers Act 1988 made after the 1st day of November 1989—

notwithstanding that all or part of the area over which that rate was made and levied was subject to a special order to which subsection (1)(b) of this section applies and that special order had not, at the time the rate was made, been revoked under section 87 of the Rating Powers Act 1988.

## **Part 2**

### **Establishment of unitary authorities in Nelson-Marlborough region**

#### **109 Commencement**

- (1) Subject to subsection (2) of this section, this Part of this Act shall come into force on the 1st day of July 1992.
- (2) Section 118 and sections 121 to 137 of this Act shall come into force on the day on which this Act receives the Royal assent.

#### **110 Constitution of regions**

- (1) There is hereby constituted a region, to be known as “The Nelson Region”, which shall comprise the area of Nelson City.
- (2) There is hereby constituted a region, to be known as “The Marlborough Region”, which shall comprise the area of the Marlborough District.

- (3) There is hereby constituted a region, to be known as “The Tasman Region”, which shall comprise the area of the Tasman District.
- (4) The seaward boundary of the regions named in subsections (1) to (3) of this section shall extend to the outer limits of the territorial sea as provided for by section 370 of the principal Act.

**111 Unitary authorities**

The Nelson City Council, the Marlborough District Council, and the Tasman District Council shall each have the functions, duties, and powers of both a regional council and a territorial authority.

**112 Dissolution of Nelson-Marlborough Regional Council**

The Nelson-Marlborough Regional Council is hereby dissolved.

**113 Abolition of Nelson-Marlborough Region**

The Nelson-Marlborough Region is hereby abolished.

**114 Transfer of functions, duties, and powers**

The functions, duties, and powers of the former Nelson-Marlborough Regional Council under the Local Government Act 1974 or any other Act are hereby transferred to—

- (a) The Nelson City Council, the Marlborough District Council, and the Tasman District Council where those functions, duties, and powers apply to any or all of the districts of those territorial authorities; and
- (b) The Canterbury Regional Council where those functions, duties, and powers apply to the Kaikoura District.

**115 Kaikoura District**

The Kaikoura District (as delineated on SO Plan 14455 deposited with the Chief Surveyor of the Marlborough Land District) is included in the Canterbury Region.

**116 Alteration of boundary of West Coast Region**

That area of the Tasman District within the West Coast Region (as delineated by SO Plan 11466 deposited with the Chief Surveyor of the Westland Land District) is excluded from the West Coast Region.

**117 Alteration of boundary of Canterbury Region**

That area of the Hurunui District within the former Nelson-Marlborough Region (as delineated on SO Plan 18052 deposited with the Chief Surveyor of the Canterbury Land District) is included in the Canterbury Region.

**118 Changes to boundaries**

- (1) Where, as a result of any provisions in this Part of this Act, any change is made to the boundaries of any district or region, the Secretary for Local Government shall arrange for a new description of those boundaries to be prepared and notified in the *Gazette*.
- (2) Notwithstanding anything in section 110(4) of this Act, the Secretary for Local Government shall, for the purposes of this Part of this Act, have the power to fix the seaward boundary between any district or region, being a boundary that is between the mean high water mark and the outer limit of the territorial sea of the region.

**119 Residual authority**

- (1) The residual authority for the Nelson-Marlborough Regional Council shall be the Marlborough District Council.
- (2) The residual authority shall be responsible for—
  - (a) The preparation of the annual report for the former Nelson-Marlborough Regional Council (as required by section 223E of the principal Act) for the year ending with the 30th day of June 1992; and
  - (b) The documents (as defined in section 248 of the principal Act) and local archives (as so defined) of the former Nelson-Marlborough Regional Council, other than those documents or local archives relating to a specified area or function.

- (3) In the period beginning with the 1st day of July 1992 and ending with the closing of the accounts of the former Nelson-Marlborough Regional Council, the residual authority may, to the extent and on the terms and conditions agreed with any other authority or authorities affected, supervise and manage the keeping of those accounts on behalf of the other authority or authorities, and for that purpose may—
  - (a) Receive and make payments of any money; and
  - (b) Levy and collect rates; and
  - (c) Carry out such other acts as may be agreed with any other authority or authorities affected.
- (4) The residual authority shall hold in trust any assets and liabilities of the former Nelson-Marlborough Regional Council not transferred to another local authority by the close of the 30th day of June 1992 and shall administer those assets and liabilities for the benefit of the following local authorities, namely,—
  - (a) The Canterbury Regional Council;
  - (b) The Nelson City Council;
  - (c) The Marlborough District Council;
  - (d) The Tasman District Council.
- (5) The residual authority shall become the employer of any staff of the Nelson-Marlborough Regional Council not transferred to another local authority by the close of the 30th day of June 1992.
- (6) Nothing in this section shall be construed as imposing any liability on the Marlborough District Council in addition to that which would accompany the transfer to the Marlborough District Council of any function, duty, power, asset, or liability.

**120 Liability for redundancy and other costs**

Notwithstanding section 119(5) of this Act, the cost of any redundancy payments or other payments in respect of any staff of the Nelson-Marlborough Regional Council not paid by, or occurring after, the close of the 30th day of June 1992 shall be apportioned by the transitional committee established pursuant to section 121(1) of this Act as if that cost were a liability of the Nelson-Marlborough Regional Council.

*Transitional committee***121 Establishment of transitional committee**

- (1) The local authorities named in subsection (2) of this section shall establish a transitional committee for the Nelson-Marlborough Region.
- (2) The local authorities to which subsection (1) of this section applies are—
  - (a) The Nelson-Marlborough Regional Council;
  - (b) The Canterbury Regional Council;
  - (c) The Nelson City Council;
  - (d) The Tasman District Council;
  - (e) The Marlborough District Council;
  - (f) The Kaikoura District Council.
- (3) The transitional committee established pursuant to subsection (1) of this section shall be deemed to be a joint committee under section 114S of the principal Act.

**122 Purposes of transitional committee**

The purposes of the transitional committee shall be—

- (a) To facilitate the transfer of staff; and
- (b) To determine expeditiously the apportionment of the assets and liabilities of the Nelson-Marlborough Regional Council.

**123 Membership of transitional committee**

- (1) Subject to subsection (2) of this section, the transitional committee for the Nelson-Marlborough Region shall consist of—
  - (a) Two members appointed by each of the authorities named in paragraphs (c) to (e) of section 121(2) of this Act; and
  - (b) One member appointed by each of the authorities named in paragraphs (a), (b), and (f) of section 121(2) of this Act; and
  - (c) Notwithstanding section 114R(5) of the principal Act, one officer appointed by each of the authorities named in section 121(2) of this Act, who shall be non-voting members of the transitional committee.

- (2) The members of the transitional committee appointed by the Nelson-Marlborough Regional Council shall vacate office with the close of the 30th day of June 1992.

**124 No casting vote**

The chairperson of the transitional committee for the Nelson-Marlborough Region or other person presiding at any meeting of that committee shall not have a casting vote in the case of equality of votes.

**125 Exclusion of non-voting member**

The transitional committee for the Nelson-Marlborough Region 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.

**126 Extraordinary vacancies**

- (1) If any member of a transitional committee dies, or resigns, or is removed from office or ceases to hold any qualification necessary for his or her appointment to office as a member of the transitional committee, his or her office shall become vacant and shall be deemed to be an extraordinary vacancy.
- (2) Every extraordinary vacancy shall be filled in the manner in which the appointment to the vacant office was originally made.
- (3) The powers of the transitional committee shall not be affected by any vacancy in its membership.

**127 Powers of transitional committee**

- (1) Subject to section 132 of this Act, the transitional committee has power to decide any transitional matter relating to the abolition of the Nelson-Marlborough Regional Council, which power includes the power—
- (a) To decide on—
- (i) The process for determining the number of positions available for transferring staff with the Nelson City Council, the Marlborough District

- Council, the Tasman District Council, and the Canterbury Regional Council; and
- (ii) The method for determining which staff are to be transferred to those Councils; and
  - (iii) The method of transferring staff to those Councils; and
- (b) To decide on the apportionment of assets and liabilities between the Nelson City Council, the Marlborough District Council, the Tasman District Council, and the Canterbury Regional Council.
- (2) Subject to section 132 of this Act, decisions made under subsection (1) of this section shall be binding on local authorities without the need for any delegation from, or confirmation or ratification by, the local authorities.

### **128 Continuous service of transferred employees**

- (1) The contract of employment of every person, being a person who is an employee of the Nelson-Marlborough Regional Council and who is transferred to a territorial authority or the Canterbury Regional Council in accordance with a decision of the transitional committee, shall for the purposes of every enactment, and every law, contract, and agreement relating to the employment of that person, be deemed not to have been broken by that person's change of employer, and the period of service with the regional council by which the person was employed before he or she became an employee of the territorial authority or the Canterbury Regional Council shall be deemed to have been a period of service with the territorial authority or the Canterbury Regional Council.
- (2) No person to whom subsection (1) of this section applies shall be entitled to receive any payment or other benefit by reason only of that person ceasing to be an employee of the Nelson-Marlborough Regional Council by which that person was employed before he or she became an employee of the territorial authority or the Canterbury Regional Council.

### **129 Maintenance of conditions of employment**

The terms and conditions of employment of any employee of the Nelson-Marlborough Regional Council who is transferred

to a territorial authority or the Canterbury Regional Council in accordance with a process or method determined under section 127(1)(a) of this Act shall remain, until varied by agreement, and shall, from the date of transfer, constitute an individual employment contract between that employee and the new employer.

**130 Requirement to consult**

The transitional committee shall consult the West Coast Regional Council on any matter relating to the abolition of the Nelson-Marlborough Regional Council that affects the West Coast Region.

**131 Powers and duties of councils in relation to transitional committee**

The council of each local authority affected by the abolition of the Nelson-Marlborough Regional Council—

- (a) May refer to the transitional committee any matters for consideration or inquiry; and
- (b) Shall assist the transitional committee to exercise its powers by providing the transitional committee with such relevant information held by the council as the transitional committee may request.

**132 Rights to object to Local Government Commission against decision**

- (1) Two or more members of the transitional committee, being members appointed by different local authorities, may, within 5 working days after the making by a transitional committee of a decision under section 127 of this Act, lodge with the Local Government Commission notice in writing objecting to that decision.
- (2) Every notice under subsection (1) of this section—
  - (a) Shall specify—
    - (i) The decision to which the objection relates; and
    - (ii) The grounds of the objection, which grounds shall be specified with such reasonable particularity as to give full advice to the Local

Government Commission of the issues involved;  
and

- (b) May be accompanied by copies of any relevant documents.
- (3) The Local Government Commission shall, after conducting such an investigation and consultation (if any) as it considers desirable, issue, within 2 months after the date on which the notice of objection is lodged with the Local Government Commission but not later than the 31st day of March 1993, a written determination upholding or dismissing the objection and that determination shall be final.
- (4) A decision in respect of which an objection is lodged under subsection (1) of this section shall remain in full force pending the determination of the objection.

### **133 Administrative services**

The Marlborough District Council shall be responsible for providing administrative services to the transitional committee.

### **134 Costs of transitional committee**

- (1) The costs of the transitional committee (including the costs of providing administrative services to it) shall be borne and paid for by the local authorities named in section 121 of this Act either—
  - (a) In accordance with a formula agreed to by the committee; or
  - (b) If there is no such agreed formula, in accordance with the following formula:
    - (i) The proportion of those costs to be borne and paid for by the Nelson City Council, the Tasman District Council, and the Marlborough District Council shall equal the proportion that the rates levied in Nelson City, the Tasman District, and the Marlborough District in the year ending with the 30th day of June 1992 respectively bear to the combined rates levied in all the districts of the former Nelson-Marlborough Region and that part of the Tasman District within the West Coast Region; and

- (ii) The proportion of those costs to be borne and paid for by the Canterbury Regional Council shall equal the proportion that the rates levied in the Kaikoura District in the year ending with the 30th day of June 1992 bear to the combined rates levied in all the districts of the former Nelson-Marlborough Region and that part of the Tasman District within the West Coast Region.
- (2) In this section, **rates** means,—
- (a) In relation to the Nelson-Marlborough Regional Council, the general rate levied by that Council for the year ending with the 30th day of June 1992; and
  - (b) In relation to the West Coast Regional Council, the general rate levied by that Council for the year ending with the 30th day of June 1992.

### **135 Deputies of members**

- (1) The local authority by which any member of a transitional committee is appointed may from time to time by resolution appoint any other person to act as the deputy of that member at any meeting of the transitional committee or any subcommittee of the transitional committee.
- (2) The deputy of any member of a transitional committee shall have authority to act as a member in the event of the absence of the member from any meeting of the transitional committee or any subcommittee of the transitional committee.
- (3) Every such deputy shall hold office during the pleasure of the body by which the deputy was appointed.
- (4) No act done by any deputy appointed under this section in that capacity, and no act done by the transitional committee while any such deputy is so acting, shall in any proceedings be questioned on the ground that the occasion for so acting had not arisen or had ceased.

### **136 Discharge of transitional committee**

The transitional committee, unless sooner discharged, shall be deemed to be discharged as from the close of the 31st day of December 1992.

**137 Protection of persons acting in relation to transitional matters**

- (1) A person who does any act, whether before or after the commencement of this section, in pursuance or intended pursuance of any of the provisions of this Part of this Act, shall not be under any civil or criminal liability in respect thereof, whether on the ground of want of jurisdiction, or mistake of law or fact, or on any other ground, unless that person has acted in bad faith or without reasonable care.
- (2) No proceedings, civil or criminal, shall be brought against any person in any court in respect of any such act except by leave of a Judge of the High Court and such leave shall not be granted unless the Judge is satisfied that a reasonable question arises as to whether the person against whom it is sought to bring proceedings has acted in bad faith or without reasonable care.
- (3) Notice of any application under subsection (2) of this section shall be given to the person against whom it is sought to bring the proceedings, and that person shall be entitled to be heard against the application.
- (4) Leave to bring such a proceeding shall not be granted unless application for such leave is made within 12 months after the act complained of, or, in the case of a continuance of injury or damage, within 12 months after the ceasing of the injury or damage.
- (5) In granting leave to bring any such proceeding as aforesaid, the Judge may limit the time within which such leave may be exercised.

*Miscellaneous provisions***138 Nassella Tussock District**

- (1) The Kaikoura District shall be excluded from the Nelson-Marlborough Nassella Tussock District of the former Nelson-Marlborough Regional Council.
- (2) The Marlborough District Council shall have the functions, duties, and powers of a Nassella Tussock Board under Part 2 of the Noxious Plants Act 1978 for that part of the Nassella Tussock District of the former Nelson-Marlborough Regional Council within the Marlborough District.

- (3) The area specified in subsection (2) of this section shall be deemed to be a Nassella Tussock District under Part 2 of the Noxious Plants Act 1978.

**139 Abolition of joint committee**

The joint committee established by clause 19 of the Local Government (Canterbury Region) Reorganisation Order 1989 and comprising the Canterbury Regional Council and the Nelson-Marlborough Regional Council is hereby abolished.

**140 Constitution of pest destruction districts**

- (1) The area comprising Nelson City (as constituted by clause 36 of the Local Government (Nelson-Marlborough Region) Reorganisation Order 1989) is hereby constituted as a pest destruction district to be known as the Nelson City Pest Destruction District.
- (2) The area comprising the Marlborough District (as constituted by clause 75 of the Local Government (Nelson-Marlborough Region) Reorganisation Order 1989) is hereby constituted as a pest destruction district to be known as the Marlborough District Pest Destruction District.
- (3) The area comprising the Tasman District (as constituted by clause 52 of the Local Government (Nelson-Marlborough Region) Reorganisation Order 1989) is hereby constituted as a pest destruction district to be known as the Tasman District Pest Destruction District.

**141 Marlborough Forestry Corporation**

As from the commencement of the 1st day of July 1992, the Nelson-Marlborough Regional Council shall cease to be a constituent authority of the Marlborough Forestry Corporation (as provided for by clause 130(a) of the Local Government (Nelson-Marlborough Region) Reorganisation Order 1989).

**142 Nelson City harbour responsibilities**

The Nelson City Council shall have the functions, duties, and powers of a harbour board under the Harbours Act 1950 and the Marine Pollution Act 1974, or any other Act, in respect of

the harbour known as Nelson Harbour, being a harbour whose limits are defined from time to time pursuant to section 3 of the Harbours Act 1950.

**143 Marlborough District harbour responsibilities**

The Marlborough District Council shall have the functions, duties, and powers of a harbour board under the Harbours Act 1950, and the Marine Pollution Act 1974, and any other Act, in respect of—

- (a) Admiralty Bay Harbour (as defined in the *Gazette* of the 12th day of May 1983 at page 1481); and
- (b) Croiselles Harbour (as so defined); and
- (c) D'Urville Island (as so defined); and
- (d) Pelorus Harbour (as so defined); and
- (e) Port Gore Harbour (as so defined); and
- (f) Queen Charlotte Harbour (as defined in the *Gazette* of the 3rd day of October 1991 at page 3131); and
- (g) Wairau Harbour (as so defined).

**144 Kaikoura Harbour**

Responsibility for the Kaikoura Harbour, as defined in the *Gazette* of the 12th day of May 1983 at page 1481, is hereby transferred to the Canterbury Regional Council.

**145 Tasman District harbour responsibilities**

The Tasman District Council shall have the functions, duties, and powers of a harbour board under the Harbours Act 1950 and the Marine Pollution Act 1974, or any other Act, in respect of any harbour that is within or adjacent to its district, being a harbour whose limits are defined from time to time pursuant to section 3 of the Harbours Act 1950.

**146 Power of Marlborough District Council to make and levy works and services rate in administrative rating area**

*[Repealed]*

Section 146 was repealed, as from 8 September 1999, by section 2(e) Marlborough County Council Empowering Act Repeal Act 1999 (1999 No 1(L)). See section 3 of that Act for the savings provision.

**147 Membership of Marlborough District Council**

- (1) Notwithstanding anything in Part 4A of the principal Act, for the purposes of the triennial general election to be held on the 10th day of October 1992, the Marlborough District Council shall be elected as provided in this section.
- (2) The Marlborough District Council shall be divided into five wards as follows:
  - (a) The Pelorus-Northern Marlborough Sounds Ward, comprising the area delineated on SO Plan No 7025, deposited with the Chief Surveyor of the Marlborough Land District:
  - (b) The Picton Ward, comprising the area delineated on SO Plan No 7024, deposited with the Chief Surveyor of the Marlborough Land District:
  - (c) The Awatere Ward, comprising the area delineated on SO Plan No 14472, deposited with the Chief Surveyor of the Nelson Land District:
  - (d) The Wairau Ward, comprising the area delineated on SO Plan No 14471, deposited with the Chief Surveyor of the Nelson Land District:
  - (e) The Blenheim Ward, comprising the area delineated on SO Plan No 14486, deposited with the Chief Surveyor of the Nelson Land District.
- (3) The Marlborough District Council shall comprise a Mayor and 13 members of whom—
  - (a) Two members shall be elected by the electors of the Pelorus-Northern Marlborough Sounds Ward; and
  - (b) Two members shall be elected by the electors of the Picton Ward; and
  - (c) One member shall be elected by the electors of the Awatere Ward; and
  - (d) Three members shall be elected by the electors of the Wairau Ward; and
  - (e) Five members shall be elected by the electors of the Blenheim Ward.

**148 Review of wards and membership**

- (1) For the avoidance of doubt, it is hereby declared that the wards and membership of the Marlborough District Council,

as determined by section 147 of this Act, shall apply for the purposes of the triennial general election to be held on the 10th day of October 1992, notwithstanding any determinations made (whether before or after the commencement of this Act) in accordance with sections 101H to 101K of the principal Act.

- (2) Nothing in this section limits, after the 10th day of October 1992, the application to the Marlborough District Council of sections 101H to 101K of the principal Act.

**149 Application of provisions of principal Act**

Sections 37ZZX and 37ZZY of, and Parts 2 and 3 of Schedule 3B to, the principal Act shall apply as if the changes made under this Part of this Act had been made by an Order in Council made under Part 2B of the principal Act.

**150 Revocations**

- (1) The Local Government (Nelson-Marlborough Region) Reorganisation Order 1989 is hereby amended by revoking—
  - (a) Clauses 4 and 5; and
  - (b) Part II.
- (2) The Local Government (Nelson-Marlborough Region) Reorganisation Amendment Order 1990 is hereby amended by revoking clauses 2 to 5.
- (3) The Agricultural Pests Destruction (Nelson-Marlborough Region) Pest Destruction District Order 1990 is hereby revoked.
- (4) The Agricultural Pests Destruction (Pests of Local Importance in Nelson-Marlborough Region) Order 1990 is hereby revoked.

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**Schedule 1**  
**Consequential amendments**

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Section 58(5)

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**Schedule 2**

Section 74

**New Schedule 4A to principal Act**

*[Repealed]*

Schedule 2 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

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**Schedule 3**

Section 76(1)

**New Schedule 17A to principal Act**

*[Repealed]*

Schedule 3 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

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**Schedule 4**

Section 75

**New Schedule 7 to principal Act**

*[Repealed]*

Schedule 4 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

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**Schedule 5**

Section 78

**Enactments repealed**

- 1947, No 2 (Local)—The Auckland Centennial Memorial Park Amendment Act 1947.
- 1952, No 4 (Local)—The Auckland Centennial Memorial Park Amendment Act 1952.
- 1962, No 10 (Local)—The Auckland Centennial Memorial Park Amendment Act 1962.
- 1963, No 18 (Local)—The Auckland Regional Authority Act 1963: Sections 3, 4, 17B, 25 to 27, 36, 37, 38, 39, 44, 46 to 48, 50 to 53, 58, and 60 to 67.(RS Vol 22, p 17.)
- 1964, No 8 (Local)—The Auckland Regional Authority Amendment Act 1964: Sections 7, 8.(RS Vol 22, p 70.)

- 1965, No 21 (Local)—The Auckland Regional Authority Amendment Act (No 2) 1965. (RS Vol 22, p 73.)
  - 1968, No 3 (Local)—The Auckland Regional Authority Amendment Act 1968: Sections 3, 4, 6, 7. (RS Vol 22, p 74.)
  - 1969, No 8 (Local)—The Auckland Regional Authority Amendment Act 1969: Sections 2, 5, 8, 9, 10. (RS Vol 22, p 75.)
  - 1970, No 3 (Local)—The Auckland Regional Authority Amendment Act 1970: Sections 3(1), 3(2), 5(1), 6(1). (RS Vol 22, p 76.)
  - 1970, No 24 (Local)—The Auckland Regional Authority Amendment Act (No 2) 1970: Sections 3, 7, 8. (RS Vol 22, p 80.)
  - 1972, No 12 (Local)—The Auckland Regional Authority Amendment Act 1972: Sections 5, 8, 9, 10, 12. (RS Vol 22, p 81.)
  - 1973, No 9 (Local)—The Auckland Regional Authority Amendment Act 1973: Paragraphs (c) and (d) of section 3(1). (RS Vol 22, p 82.)
  - 1975, No 10 (Local)—The Auckland Regional Authority Amendment Act 1975. (RS Vol 22, p 83.)
  - 1977, No 80—The Harbours Amendment Act 1977: Section 80. (RS Vol 2, p 746.)
  - 1978, No 8 (Local)—The Auckland Regional Authority Amendment Act 1978: Section 2(2). (RS Vol 22, p 84.)
  - 1983, No 132—The Local Government Amendment Act 1983: Sections 2, 4, and 5. (RS Vol 25, p 641.)
  - 1983, No 2 (Local)—The Auckland Centennial Memorial Park Amendment Act 1983.
  - 1988, No 42—The Ministry of Works and Development Abolition Act 1988: So much of the Schedule as relates to the Auckland Regional Authority Act 1963.
  - 1988, No 71—The Local Government Amendment Act 1988: Sections 3 to 5. (RS Vol 25, p 691)
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**Schedule 6**

Section 85

**New Schedules 1 and 2 to Summit Road  
(Canterbury) Protection Act 1963**

**First Schedule**

Sections 2(1), 2A(2)

**Contributory local bodies**

- Christchurch City Council.
- Banks Peninsula District Council.
- Selwyn District Council.

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**Second Schedule**

Section 16(1)

**Districts of contributory local bodies  
subject to levy**

- The district of Christchurch City.
- The district of Banks Peninsula District.
- The district of Selwyn District.

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**Schedule 7**

Section 107(1)

**Membership and constituencies of  
regional councils for purposes of triennial  
general election to be held on 10 October  
1992**

*[Repealed]*

The item relating to the Waipa-Waitomo Constituency was substituted, as from 1 July 1992, by section 15(1) Local Government Amendment Act (No 2) 1992 (1992 No 71).

The item relating to the Bay of Plenty Regional Constituency was amended, as from 1 July 1992, by section 15(2) Local Government Amendment Act (No 2) 1992 (1992 No 71) by inserting the expression “4”.

Note 4 was inserted, as from 1 July 1992, by section 15(3) Local Government Amendment Act (No 2) 1992 (1992 No 71).

Schedule 7 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

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**Notes****1 General**

This is an eprint of the Local Government Amendment Act 1992. The eprint incorporates all the amendments to the Act as at 1 November 2010. The list of amendments at the end of these notes specifies all the amendments incorporated into this eprint since 3 September 2007.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the eprint are also included, after the principal enactment, in chronological order.

**2 About this eprint**

This eprint has not been officialised. For more information about eprints and officialisation, please *see* <http://www.pco.parliament.govt.nz/eprints/>.

**3 List of amendments incorporated in this eprint (most recent first)**

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37): section 113(1)

Land Transport Management Amendment Act 2008 (2008 No 47): section 50(1)

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