

Reprint  
as at 19 April 2016



## Canterbury Earthquake (Local Government Act 2002) Order 2011 (SR 2011/219)

Canterbury Earthquake (Local Government Act 2002) Order 2011: revoked (after expiring on the close of 31 December 2012), on 19 April 2016, by section 146(2) of the Greater Christchurch Regeneration Act 2016 (2016 No 14).

Anand Satyanand, Governor-General

### Order in Council

At Wellington this 20th day of June 2011

Present:

His Excellency the Governor-General in Council

Pursuant to section 71 of the Canterbury Earthquake Recovery Act 2011, His Excellency the Governor-General makes the following order, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the relevant Minister following the Canterbury Earthquake Recovery Review Panel's review of a draft of the order.

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#### Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.  
Note 4 at the end of this reprint provides a list of the amendments incorporated.

**This order is administered by the Department of Internal Affairs.**

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## Order

### 1 Title

This order is the Canterbury Earthquake (Local Government Act 2002) Order 2011.

### 2 Commencement

This order is deemed to have come into force on 1 March 2011.

### 3 Expiry

This order expires on the close of 31 December 2012.

### 4 Interpretation

(1) In this order, unless the context otherwise requires,—

**2010/11 annual report** means the annual report of the Christchurch City Council for the financial year starting on 1 July 2010

**2011/12 annual plan** means the annual plan of the Christchurch City Council for the financial year starting on 1 July 2011

**2011/12 statement of intent** means the statement of intent of a council-controlled organisation for the financial year starting on 1 July 2011

**Act** means the Local Government Act 2002

**council** means the Christchurch City Council.

(2) A reference to a provision of Schedule 10 of the Act is a reference to that provision prior to the substitution of Schedule 10 by section 48 of the Local Government Act 2002 Amendment Act 2010.

- (3) The modifications to the Act made by this order do not affect the text of the Act but require it to be read as if it had been amended in the manner indicated in this order.

*2010/11 annual report*

**5 Modification of 2010/11 annual report requirements for groups of activities**

- (1) Section 98(2)(a) of the Act does not apply to the 2010/11 annual report.
- (2) Clause 15 of Schedule 10 of the Act does not apply to the 2010/11 annual report.
- (3) Instead of complying with clause 15 of Schedule 10 of the Act, the 2010/11 annual report must, in relation to each group of activities,—
- (a) identify the activities within the group of activities; and
  - (b) identify the community outcomes to which the group of activities primarily contributes; and
  - (c) describe the assets that the council used to deliver the group of activities and the condition of those assets on 30 June 2011; and
  - (d) describe the factors affecting the council's ability to deliver services from 30 June 2011; and
  - (e) state the cost of services in the same format as, and for the same type of information covered in, the council's annual report for the financial year starting on 1 July 2009.

**6 Modification of 2010/11 annual report requirements in relation to council-controlled organisations**

- (1) Clause 16 of Schedule 10 of the Act does not apply to the 2010/11 annual report.
- (2) Instead of complying with clause 16 of Schedule 10 of the Act, the 2010/11 annual report must, in relation to a council-controlled organisation, describe the effect of the Canterbury earthquake on the organisation's assets and its ability to deliver services.

*2011/12 annual plan*

**7 Modification of 2011/12 annual plan requirements**

- (1) The following provisions of the Act do not apply to the preparation and contents of the 2011/12 annual plan:
- (a) section 85;
  - (b) section 95(2), (5)(b) and (c), and (6)(a) and (b);
  - (c) clause 13(b) of Schedule 10.

- (2) Instead of complying with sections 85 and 95(2) of the Act, the council must adopt a process for the preparation of its 2011/12 annual plan that allows the public no less than 2 weeks to comment in writing on the proposed content of the annual plan.
- (3) The council must make all written comments on the proposed content of its 2011/12 annual plan available to the public.
- (4) However, subclause (3) does not require a comment to be made available to the public if the council considers there are grounds to refuse a request for the comment under the Local Government Official Information and Meetings Act 1987.
- (5) The council may, by resolution, amend the 2011/12 annual plan during the financial year starting on 1 July 2011.
- (6) Sections 85 and 95(2) of the Act and subclause (2) of this clause do not apply to the amendment of the 2011/12 annual plan.

## **8 Requirements for progress reports**

- (1) Instead of complying with section 95(5)(b) and (c) and (6)(a) and (b), and clause 13(b) of Schedule 10 of the Act, the council must prepare and adopt progress reports at regular intervals over the period of the financial year covered by the plan.
- (2) The maximum interval between progress reports is 4 months.
- (3) A progress report must, in relation to the part of the financial year to which it relates,—
  - (a) compare the financial results at the date of the report with the budgets in the 2011/12 annual plan; and
  - (b) report on progress made by the council in restoring its services and infrastructure.
- (4) A progress report must be considered and adopted by resolution of the council at a meeting that is open to the public.
- (5) However, subclause (4) does not require all or part of the meeting to be open to the public if the council resolves to exclude the public from all or part of the meeting in compliance with section 48 of the Local Government Official Information and Meetings Act 1987.

### *Council-controlled organisation's 2011/12 statement of intent*

## **9 Modification of timing for 2011/12 statement of intent of council-controlled organisation**

- (1) This clause applies to a council-controlled organisation of which the council is a shareholder.

- (2) Schedule 8 of the Act applies in relation to the 2011/12 statement of intent as if—
- (a) the reference in clause 2 to 1 March were a reference to 1 August; and
  - (b) the reference in clause 3(a) to 1 March were a reference to 1 August; and
  - (c) the reference in clause 3(b) to 30 June were a reference to 30 November.

Rebecca Kitteridge,  
Clerk of the Executive Council.

### Explanatory note

*This note is not part of the order, but is intended to indicate its general effect.*

This order is deemed to have come into force on 1 March 2011 and expires on 31 December 2012.

It modifies the requirements of the Local Government Act 2002 (the **Act**) in relation to the annual report on the 2010/11 financial year and annual plan for the 2011/12 financial year of Christchurch City Council (the **council**). It also modifies the Act's requirements in relation to the timing of the preparation and finalisation of the statement of intent of the council's council-controlled organisations.

In this note, references to clauses of Schedule 10 of the Act are to the schedule prior to its replacement in 2010, since the new schedule does not apply to the documents affected by this order.

*Clause 5* replaces the requirements of clause 15(c) to (f) of Schedule 10 of the Act in relation to the 2010/11 annual report. The purpose of an annual report is to compare actual performance with the planned performance as set out in the annual plan for the year, but it is not meaningful to compare performance with what was planned before the Canterbury earthquake.

*Clause 6* replaces the requirements of clause 16 of Schedule 10 of the Act in relation to the 2010/11 annual report as it relates to council-controlled organisations and simply requires the annual report to describe the effects of the earthquake on an organisation's assets and its ability to deliver services.

*Clause 7(1)*—

- relieves the council of the requirement to use the special consultative procedure provided for in the Act to prepare its annual plan for the 2011/12 financial year;
- removes the requirements for financial information in the annual plan to be compared with the financial information in the long-term plan for the same year.

*Clause 7(2)* provides for a quicker consultative process in place of the special consultative procedure, and *clause 7(5)* permits the council to amend the annual plan during the financial year to reflect changing circumstances associated with recovery from

the earthquake and as information becomes available. It will not be necessary for the council to consult the public on amendments.

*Clause 8* requires the council to prepare reports recording progress against the annual plan at least 4-monthly and to consider and adopt reports by resolution at a public meeting. The council may deal with reports or parts of them in a closed meeting if it complies with the Local Government Official Information and Meetings Act 1987.

*Clause 9* extends by 5 months the deadlines for the board of a council-controlled organisation to—

- deliver a draft statement of intent to its shareholders;
- consider shareholders' comments on the draft statement of intent;
- deliver the final statement of intent to shareholders.

This Order in Council is made under the Canterbury Earthquake Recovery Act 2011 and its effect is temporary.

Issued under the authority of the Legislation Act 2012.  
Date of notification in *Gazette*: 23 June 2011.

## Reprints notes

### **1** *General*

This is a reprint of the Canterbury Earthquake (Local Government Act 2002) Order 2011 that incorporates all the amendments to that order as at the date of the last amendment to it.

### **2** *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

### **3** *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

### **4** *Amendments incorporated in this reprint*

Greater Christchurch Regeneration Act 2016 (2016 No 14): section 146(2)

Canterbury Earthquake (Local Government Act 2002) Order 2011 (SR 2011/219): clause 3