

Reprint
as at 19 April 2016



**Canterbury Earthquake (Local Government Act 2002)
Order (No 2) 2011**
(SR 2011/402)

Canterbury Earthquake (Local Government Act 2002) Order (No 2) 2011: revoked (after expiring on the close of 1 July 2015), on 19 April 2016, by section 146(2) of the Greater Christchurch Regeneration Act 2016 (2016 No 14).

Rt Hon Dame Sian Elias, Administrator of the Government

Order in Council

At Wellington this 31st day of October 2011

Present:

Her Excellency the Administrator of the Government in Council

Pursuant to section 71 of the Canterbury Earthquake Recovery Act 2011, Her Excellency the Administrator of the Government 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 the draft 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 (No 2) 2011.

2 Commencement

This order comes into force on the 28th day after the date of its notification in the *Gazette*.

3 Expiry

This order expires on the close of 1 July 2015.

4 Interpretation

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

2009/19 long-term plan means a council's long-term plan for the 10 or more financial years starting on 1 July 2009

2012/13 annual plan means a council's annual plan for the financial year starting on 1 July 2012

2012/13 annual report means a council's annual report for the financial year starting on 1 July 2012

2012/22 long-term plan means a council's long-term plan for the 10 or more financial years starting on 1 July 2012

Act means the Local Government Act 2002

Amendment Act means the Local Government Act 2002 Amendment Act 2010

council means the Canterbury Regional Council, the Selwyn District Council, or the Waimakariri District Council

long-term plan means a long-term plan adopted under section 93 of the Act.

- (2) 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.

Clause 4(1) **council**: amended, on 22 March 2013, by clause 5 of the Canterbury Earthquake (Local Government Act 2002) Order (No 2) 2011 Amendment Order 2013 (SR 2013/40).

5 Application of clause 6

Clause 6 applies to the Canterbury Regional Council, the Selwyn District Council, and the Waimakariri District Council.

Clause 5: amended, on 22 March 2013, by clause 6 of the Canterbury Earthquake (Local Government Act 2002) Order (No 2) 2011 Amendment Order 2013 (SR 2013/40).

6 Council may choose not to prepare 2012/22 long-term plan

- (1) A council may decide not to adopt a 2012/22 long-term plan in 2012.
- (2) If a council makes a decision under subclause (1) not to adopt a 2012/22 long-term plan, clauses 7 to 11 apply to the council.

7 Modification of requirement to adopt long-term plan

- (1) Section 93(1) of the Act does not apply to a council from 1 July 2012 until the close of 30 June 2013.
- (2) Section 93(3) of the Act does not require the council to adopt a long-term plan in 2012, but applies to the council's long-term plan to be adopted in 2015 and later years.
- (3) Instead of complying with section 93(3) of the Act in 2012, the council must prepare and adopt a long-term plan before 1 July 2013 covering a period of not less than 9 years starting on that date.
- (4) The long-term plan adopted under subclause (3) continues in force until the close of the second consecutive year to which it relates.
- (5) Section 93 of the Act, other than subsections (1), (3), and (7)(a), applies to the long-term plan prepared and adopted under subclause (3).

2009/19 long-term plan

8 Requirements for 2009/19 long-term plan

- (1) The provisions of the 2009/19 long-term plan specified in subclause (2) continue in force until the close of 30 June 2013.
- (2) The provisions are those that address the requirements of clauses 4, 5, and 6 of Schedule 10 of the Act as it was before it was amended by the Amendment Act.

*2012/13 annual plan***9 Modification of requirements for 2012/13 annual plan**

- (1) The amendments made by the Amendment Act to section 85(2)(a) and Schedule 10 of the Act do not apply to a 2012/13 annual plan.
- (2) The 2012/13 annual plan must include the information specified in clause 2(2) of Schedule 10 of the Act (as it was before it was amended by the Amendment Act) for the year covered by the 2012/13 annual plan.

10 Modification of section 97 of Act

- (1) Section 97(2) of the Act does not apply to a decision described in section 97(1) of the Act.
- (2) A council may make a decision described in section 97(1) of the Act only if the circumstances in subclause (3) or (4) apply.
- (3) The council may make a decision if the decision—
 - (a) is expressly provided for in the 2012/13 annual plan; and
 - (b) was included in the statement of proposal prepared under section 85 of the Act in relation to the 2012/13 annual plan.
- (4) The council may make a decision if it has used the special consultative procedure in considering whether to make the decision.

*2012/13 annual report***11 Modification of requirements for 2012/13 annual report**

- (1) The amendments made by the Amendment Act to Schedule 10 of the Act do not apply to a 2012/13 annual report.
- (2) The amendments made by the Amendment Act to section 99 of the Act do not apply to the auditor's report on the 2012/13 annual report.
- (3) Clause 15(e) of Schedule 10 of the Act (as it was before it was amended by the Amendment Act) applies to the 2012/13 annual report as if the reference in subparagraph (i) to the long-term council community plan in respect of that year were a reference to the 2012/13 annual plan.

Michael Webster,
for Clerk of the Executive Council.

Reprints notes

1 *General*

This is a reprint of the Canterbury Earthquake (Local Government Act 2002) Order (No 2) 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 (No 2) 2011 Amendment Order 2013 (SR 2013/40)

Canterbury Earthquake (Local Government Act 2002) Order (No 2) 2011 (SR 2011/402): clause 3