

Local Government Amendment Act (No 2) 1999

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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 (No 2) 1999, and is part of the Local Government Act 1974 (“the principal Act”).
- (2) This Act comes into force on the day after the date on which it receives the Royal assent.

2 Interpretation

- (1) This subsection inserted the definitions of the terms **Director of Maritime Safety**, **Maritime facilities**, **Maritime Safety Authority**, **Navigational aid**, **Navigation bylaws**, **Pleasure craft**, and **Ship**, Section 2(1) of the principal Act is amended by inserting, in their appropriate alphabetical order, the following definitions:
- (2) This subsection amended s 2(1) of the principal Act.

3 Functions of regional councils

[Repealed]

Section 3 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84).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 Sale or exchange of council land

[Repealed]

Section 4 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84).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 Construction or maintenance of boat haven

[Repealed]

Section 5 was repealed, as from 1 July 2003, by section 266 Local Government Act 2002 (2002 No 84).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.

6 New Part 39A inserted

- (1) This subsection inserted Part 39A (comprising ss 650A to 650K) of the principal Act.
- (2) Section 656 of the principal Act, and the heading immediately above that section, are consequentially repealed.

7 New heading and sections inserted

This section inserted ss 684B to 684F and the preceding heading of the principal Act.

8 New sections inserted

This section inserted ss 699A to 699D of the principal Act.

Westport Harbour**9 New Part 44D inserted**

This section inserted Part 44D (comprising s 707ZZZZH) of the principal Act.

Repeals, amendments, and transitional and savings provisions**10 Repeals**

The enactments specified in the Schedule are repealed.

11 Amendment to Reserves and Other Lands Disposal Act 1982

This section substituted s 13(1A) and repealed s 13(1B) and (1C) of the Reserves and Other Lands Disposal Act 1982.

12 Regulations continued in force

- (1) Unless sooner revoked, the following regulations continue in force until the close of 31 March 2003 as if the Harbours Act 1950 had not been repealed by section 10:
- (a) The General Harbour (Nautical and Miscellaneous) Regulations 1968 (SR 1968/239):
 - (b) The General Harbour (Ship, Cargo, and Dock Safety) Regulations 1968 (SR 1968/240):
 - (c) The Otago Inland Harbours Regulations 1969 (SR 1969/268):
 - (d) The Southland Inland Harbours Regulations 1970 (SR 1970/97):
 - (e) *[Repealed]*
 - (f) The Water Recreation Regulations 1979 (SR 1979/30):
 - (g) The Bon Accord Harbour Regulations 1979 (SR 1979/78):
 - (h) The General Harbour (Safe Working Load) Regulations 1982 (SR 1982/30):
 - (i) The Milford Sound Harbour Regulations 1983 (SR 1983/103).
- (2) The Governor-General may from time to time, by Order in Council, make regulations—
- (a) Amending any regulations specified in subsection (1) by providing for any purpose for which navigation bylaws may be made or for which maritime rules may be made:
 - (b) Revoking any regulations specified in subsection (1), in whole or in part.

- (3) On the close of 31 March 2003, all regulations in force under this section immediately before that closure expire and are deemed to have been revoked.
- (4) The following orders are revoked:
 - (a) The Waitomo County Council Harbour Board (Mokau Harbour Board) Order 1972 (SR 1972/55):
 - (b) The Harbour Boards Representation Order 1974 (SR 1974/217):
 - (c) The Harbour Boards Representation Order 1977 (SR 1977/207):
 - (d) The Harbour Boards Representation Order 1980 (SR 1980/168):
 - (e) The Harbour Boards Representation Order 1983 (SR 1983/141):
 - (f) The Harbour Boards Representation Order 1986 (SR 1986/180):
 - (g) The Harbour Boards Representation Order (No 2) 1986 (SR 1986/194):
- (5) Until the close of 31 March 2003,—
 - (a) Bylaws made under the principal Act may refer to or incorporate for the purposes of the bylaws any harbour limits defined by any Order in Council made under section 3 of the Harbours Act 1950 that was in force immediately before the repeal of that section by section 10; and
 - (b) Those orders continue in force for such purposes.

Subsection (1)(e) was repealed, as from 25 December 2002, by section 271(3) Local Government Act 2002 (2002 No 84). *See* sections 273 to 314 of that Act as to the savings and transitional provisions.

13 Expiry of section 12

Section 12 expires with the close of 31 March 2003 and is deemed to be repealed on the close of that date.

14 Transitional provision relating to Lake Taupo

- (1) The Minister of Local Government is the responsible Minister under section 650I of the principal Act for Lake Taupo and remains the responsible Minister until the close of a date specified by an order made under subsection (2).
- (2) The Governor-General may, by Order in Council made on the recommendation of the Minister of Local Government, specify the date on which the Minister ceases to be the responsible Minister for Lake Taupo.
- (3) In this section **Lake Taupo** means all the waters of Lake Taupo, the navigable rivers and streams flowing into that lake, the tailrace from the Tokaanu power station, and the waters of the Waikato River between Lake Taupo and the Huka Falls.

15 Savings provisions relating to bylaws, leases, and other documents issued under Harbours Act 1950

- (1) Despite the repeal of the Harbours Act 1950 by section 10,—

- (a) Section 424 of the Resource Management Act 1991 (which relates to by-laws of former Harbour Boards) continues to have effect as if the Harbours Act 1950 had not been repealed:
 - (b) Bylaws made under the Harbours Act 1950 (other than bylaws referred to in paragraph (a)) and in force immediately before the commencement of this section continue in force until the close of 31 March 2003, unless they are inconsistent with anything in section 684C to 684E of the principal Act, as if the Harbours Act 1950 had not been repealed; and, until the close of that 31 March, bylaws continued in force under this paragraph may from time to time be amended as if that Act had not been repealed:
 - (c) Section 425 of the Resource Management Act 1991 (which relates to leases and other authorities issued by former Harbour Boards) continues to have effect as if the Harbours Act 1950 had not been repealed.
- (2) Every licence, permit, approval, pilotage exemption, or other written authorisation granted, given, or issued under the Harbours Act 1950, and every appointment made under that Act, that was in force immediately before the repeal of that Act by section 10 continues in force until it expires or is revoked or cancelled or replaced by a document issued or act done under the principal Act or the Maritime Transport Act 1994.
- (3) Despite the repeal of section 211 of the Harbours Act 1950 by section 10, pilotage district limits having effect under that section 211 immediately before its repeal continue in force until the close of 31 March 2003 unless sooner revoked.
- (4) For the purposes of this section, the Governor-General may from time to time, by Order in Council, do all or any of the following things:
 - (a) Amend or revoke any pilotage district limits referred to in subsection (3):
 - (b) Define new pilotage district limits, and amend or revoke such limits, for any period ending no later than the close of 31 March 2003.
- (5) Exemptions from compulsory pilotage that were granted by or under section 225 of the Harbours Act 1950 and in force immediately before the repeal of that section by section 10 continue in force until maritime rules made under the Maritime Transport Act 1994 otherwise provide.

16 Savings provisions relating to harbour-related functions, duties, and powers

- (1) A territorial authority responsible under any Act, Order in Council, or other enactment for operating a port or harbour may continue from time to time to appoint a harbourmaster and exercise functions, duties, and powers in respect of navigation safety.

- (2) Every instrument under the principal Act transferring to a territorial authority any functions, duties, or powers under the Harbours Act 1950, that was in force immediately before the commencement of section 10, continues in force until the expiration of 2 years after that commencement and then expires.
- (3) Nothing effected by or under this Act affects or limits the Waimakariri Harbour District and Empowering Act 1916, the Lakes District Waterways Authority (Shotover River) Empowering Act 1985, the Northland Regional Council and Far North District Council Vesting and Empowering Act 1992, or any other Act applying to any harbour.

Schedule

Enactments repealed

Section 10

- 1886, No 45—The Harbours Act 1878 Amendment Act 1886. (RS Vol 36, p 380.)
- 1908, No 75—The Harbours Act 1908. (RS Vol 36, p 381.)
- 1914, No 11—The Harbours Amendment Act 1914. (RS Vol 36, p 382.)
- 1923, No 40—The Harbours Act 1923. (RS Vol 36, p 384.)
- 1941, No 4—The Finance Act 1941: Section 9. (RS Vol 36, p 385.)
- 1950, No 49—The Harbours Act 1950. (RS Vol 36, p 247.)
- 1952, No 78—The Harbours Amendment Act 1952. (RS Vol 36, p 386.)
- 1956, No 59—The Harbours Amendment Act 1956. (RS Vol 36, p 387.)
- 1959, No 6—The Harbours Amendment Act 1959. (RS Vol 36, p 388.)
- 1961, No 114—The Harbours Amendment Act 1961. (RS Vol 36, p 391.)
- 1962, No 74—The Harbours Amendment Act 1962. (RS Vol 36, p 392.)
- 1963, No 90—The Harbours Amendment Act 1963. (RS Vol 36, p 392.)
- 1964, No 56—The Harbours Amendment Act 1964. (RS Vol 36, p 393.)
- 1965, No 6—The Harbours Amendment Act 1965. (RS Vol 36, p 394.)
- 1966, No 64—The Harbours Amendment Act 1966. (RS Vol 36, p 396.)
- 1968, No 139—The Harbours Amendment Act 1968. (RS Vol 36, p 396.)
- 1969, No 81—The Harbours Amendment Act 1969. (RS Vol 36, p 398.)
- 1970, No 68—The Harbours Amendment Act 1970. (RS Vol 36, p 398.)
- 1971, No 58—The Harbours Amendment Act (No 2) 1971. (RS Vol 36, p 399.)
- 1974, No 31—The Harbours Amendment Act 1974. (RS Vol 36, p 403.)
- 1974, No 87—The Harbours Amendment Act (No 2) 1974. (RS Vol 36, p 403.)
- 1975, No 77—The Harbours Amendment Act 1975. (RS Vol 36, p 405.)
- 1977, No 80—The Harbours Amendment Act 1977. (RS Vol 36, p 405.)

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- 1980, No 54—The Harbours Amendment Act 1980. (RS Vol 36, p 414.)
 - 1983, No 6—The Harbours Amendment Act 1983. (RS Vol 36, p 419.)
 - 1988, No 63—The Harbours Amendment Act 1988. (RS Vol 36, p 430.)
 - 1988, No 92—The Harbours Amendment Act (No 2) 1988. (RS Vol 36, p 430).
 - 1988, No 102—The Harbours Amendment Act (No 3) 1988. (RS Vol 36, p 434.)
 - 1988, No 132—The Harbours Amendment Act (No 4) 1988. (RS Vol 36, p 435.)
 - 1988, No 188—The Harbours Amendment Act (No 5) 1988. (RS Vol 36, p 436.)
 - 1989, No 71—The Harbours Amendment Act 1989. (RS Vol 36, p 436.)
 - 1990, No 119—The Harbours Amendment Act 1990. (RS Vol 36, p 438.)
 - 1993, No 68—The Harbours Amendment Act 1993. (RS Vol 36, p 438.)
 - 1994, No 36—The Harbours Amendment Act 1994. (RS Vol 36, p 439.)