

**Reprint
as at 22 March 2013**



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

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.

Note

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

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

This order is administered by the Department of Internal Affairs.

Contents

		Page
1	Title	2
2	Commencement	2
3	Expiry	2
4	Interpretation	2
5	Application of clause 6	3
6	Council may choose not to prepare 2012/22 long-term plan	3
7	Modification of requirement to adopt long-term plan	3
	<i>2009/19 long-term plan</i>	
8	Requirements for 2009/19 long-term plan	4
	<i>2012/13 annual plan</i>	
9	Modification of requirements for 2012/13 annual plan	4
10	Modification of section 97 of Act	4
	<i>2012/13 annual report</i>	
11	Modification of requirements for 2012/13 annual report	5

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.

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Canterbury Earthquake (Local Government Act 2002) Order (No 2) 2011. The reprint incorporates all the amendments to the order as at 22 March 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and provisions that are repealed or revoked

are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

5 *List of amendments incorporated in this reprint (most recent first)*

Canterbury Earthquake (Local Government Act 2002) Order (No 2) 2011
Amendment Order 2013 (SR 2013/40)
