

APPENDIX 1: LEGISLATION AFFECTING LOCAL GOVERNMENT

AS A LOCAL AUTHORITY, WE AND OUR WORK ARE GOVERNED BY A LARGE NUMBER OF PIECES OF LEGISLATION

Here's a description of the main ones, in alphabetical order. Note it's not an exhaustive list as we're also bound by general legislation, but it highlights the major pieces of legislation that govern our activities.

1. BUILDING ACT 2004

The Building Act covers:

- The regulation of building work.
- A licensing regime for building practitioners.
- The setting of performance standards for buildings to ensure users' health and safety, physical independence and wellbeing and ability to escape in a fire, and the design, construction and use of buildings in ways that promote sustainable development.

2. BYLAWS ACT 1910

The Bylaws Act covers the validity of bylaws introduced by Councils.

3. CIVIL DEFENCE EMERGENCY MANAGEMENT ACT 2002

The Civil Defence Emergency Management Act:

- Promotes the sustainable management of hazards to contribute to the social, economic, cultural and environmental wellbeing and safety of the public and protection of property.
- Provides for planning and preparation for emergencies and for response and recovery in emergencies.
- Requires local authorities to co-ordinate regional planning, programmes and activities related to civil defence emergency management.
- Provides for the integration of national and local civil defence emergency management planning and activity.
- Encourages the co-ordination of emergency management, planning and activities related to civil defence emergency management.

4. DOG CONTROL ACT 1996

The Dog Control Act covers the care and control of dogs by:

- Requiring them to be registered.
- Making special provisions for dangerous and menacing dogs.
- Imposing on dog owners' obligations to ensure that dogs do not cause a nuisance, injure, endanger or cause distress to any person, stock, poultry, domestic animal or protected wildlife.
- Making provision for damage caused by dogs.

5. FOREST AND RURAL FIRES ACT 1977

The Forest and Rural Fires Act aims to safeguard life and property by preventing, detecting, controlling, restricting, suppressing and extinguishing fire in forest and rural areas and other areas of vegetation.

6. HUTT VALLEY DRAINAGE ACT 1967

The Hutt Valley Drainage Act covers sewage and trade waste disposal.

7. LOCAL AUTHORITIES (MEMBERS' INTERESTS) ACT 1968

The local Authorities Members' Interests) Act restricts contract-making between local authorities and their members, and restricts members' actions when a Council is considering matters in which they have a pecuniary interest.

8. LOCAL ELECTORAL ACT 2001

The Local Electoral Act:

- Governs the conduct of local elections and polls through uniform rules for elections, rights of individuals to participate, the appointment of officials, the compilation of electoral rolls, the procedures for the conduct of elections and polls, offences and penalties, disputed elections, electoral expenses and vacancies.
- Allows local decision-making on the electoral system to be used, the review of representation arrangements and the voting method to be used.

9. LOCAL GOVERNMENT ACT 1974 (PART)

This Act outlines Councils' general powers in respect of roads, service lanes and access ways, requirements for private drains and Council land drainage works.

10. LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

The Local Government Official Information and Meetings Act:

- (a) To enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) To meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

11. LOCAL GOVERNMENT OFFICIAL INFORMATION AND MEETINGS ACT 1987

The Local Government Official Information and Meetings Act:

- Makes official information held by local authorities more freely available.
- Provides for public attendance at local authorities' meetings.
- Protects official information held by local authorities, and their deliberations, to the extent consistent with the public interest and the preservation of personal privacy.

12. LOCAL GOVERNMENT (RATING) ACT 2002

This Act promotes the purpose of Local government by:

- Providing local authorities with flexible powers to set, assess and collect rates to fund their activities.
- Ensuring that rates are set through decisions made in a transparent and consultative way.
- Providing for processes and information to enable ratepayers to identify and understand their liabilities for rates.

13. RESOURCE MANAGEMENT ACT 1991

The Resource Management Act promotes the sustainable management of natural and physical resources by:

- Managing the use, development and protection of natural and physical resources in a way, or at a rate, that enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.

While:

- Sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations avoiding, remedying or mitigating any adverse effects of activities on the environment.

14. SALE AND SUPPLY OF ALCOHOL ACT 2012

The Sale and supply of Alcohol Act established a system of control over the sale and supply of alcohol to the public with the aim of creating a system that is reasonable to achieve the objects of the Act, being:

- (a) The sale, supply, and consumption of alcohol should be undertaken safely and responsibly; and
- (b) The harm caused by the excessive or inappropriate consumption of alcohol should be minimised.

OTHER KEY PIECES OF LEGISLATION THAT CONFER POWERS ON HUTT CITY COUNCIL AND REGULATE ITS FUNCTIONS ARE LISTED BELOW

LOCAL STATUTES	
Hutt Valley Drainage Act 1967	Lower Hutt City (Free Ambulance Site) Act 1977
Hutt Valley And Bays Metropolitan Milk Board Validation Act 1952	Lower Hutt City (Name Of City Council) Act 1991
Hutt Valley Electric Power Board Empowering Act 1950	Petone Borough Council Empowering Act 1956
Lower Hutt City Council (Hutt Park) Act 1982	Petone Borough Empowering Act 1905
Lower Hutt City Empowering Act 1951	Petone Water Supply Conservation Act 1907

GENERAL STATUTES	
(Please note that this is not an exhaustive list – Council is bound by general legislation)	
Arts Council of New Zealand Toi Aotearoa Act 1994	Litter Act 1979
Biosecurity Act 1993	Local Authorities (Members Interests) Act 1968
Building Act 2004	Local Authority Reorganisation (Property Transfers) Act 1990
Building Research Levy Act 1969	Local Electoral Act 2001
Burial and Cremation Act 1964	Local Government Act 1974
Bylaws Act 1910	Local Government Act 2002
Civil Defence Emergency Management Act 2002	Local Government (Rating) Act 2002
Commerce Act 1986	Local Government Official Information and Meetings Act 1987
Companies Act 1993	Machinery Act 1950
Conservation Act 1987	Minimum Wage Act 1983

GENERAL STATUTES	
(Please note that this is not an exhaustive list – Council is bound by general legislation)	
Consumer Guarantees Act 1993	Municipal Insurance Act 1960
Copyright Act 1994	New Zealand Bill of Rights Act 1990
Crimes Act 1961	New Zealand Geographic Board Act 1946
District Courts Act 1947	New Zealand Library Association Act 1939
Dog Control Act 1996	New Zealand Walkways Act 1990
Earthquake Commission Act 1993	Oaths and Declarations Act 1957
Electricity Act 1992	Ombudsmen Act 1975
Employment Relations Act 2000	Privacy Act 1993
Environment Act 1986	Property Law Act 1952
Fair Trading Act 1986	Prostitution Reform Act 2003
Fencing Act 1978	Public Finance Act 1989
Fencing of Swimming Pools Act 1987	Public Records Act 2005
Financial Reporting Act 1993	Public Works Act 1981
Fire Service Act 1975	Railway Act 2005
Fisheries Act 1996	Rating Valuations Act 1998
Food Act 1981 and 2014	Rates Rebate Act 1973
Foreshore and Seabed Act 2004	Receiverships Act 1993
Forest and Rural Fires Act 1977	Reserves Act 1977
Forests Act 1949	Residential Tenancies Act 1986
Gambling Act 2003	Resource Management Act 1991
Goods and Services Tax Act 1985	Sale and Supply of Alcohol Act 2012
Hazardous Substances and New Organisms Act 1996	River Boards Act 1908
Health Act 1956	Secret Commissions Act 1910
Health and Safety at Work Act 2015	Securities Act 1978
Historic Places Act 1993	Securities Transfer Act 1991
Housing Act 1955	Smoke-free Environments Act 1990
Housing Corporation Act 1974	Soil Conservation and Rivers Control Act 1941

GENERAL STATUTES	
(Please note that this is not an exhaustive list – Council is bound by general legislation)	
Human Rights Act 1993	Standards Act 1988
Impounding Act 1955	Summary Offences Act 1981
Income Tax Act 2004	Telecommunications Act 2001
Insolvency Act 1967	Transport Act 1962
Insolvency Act 2006	Treaty of Waitangi Act 1975
Interpretation Act 1999	Trespass Act 1980
Land Act 1948	Trustee Act 1956
Land Drainage Act 1908	Unit Titles Act 1972
Land Transfer Act 1952	Wages Protection Act 1983
Land Transport Act 1998	Wild Animal Control Act 1977
Land Transport Management Act 2003	Wildlife Act 1953