




Key	
Major change	
Minor change	
Nominal change	

## Legislative changes relevant or potentially relevant to Kaipara District Council

### 1 April 2019 – 31 March 2020

DATE	NEW / AMENDING LEGISLATION	AMENDED LEGISLATION	CHANGE	WHAT THE CHANGE MEANS
8 April 2019	Local Electoral Matters Act 2019	Electoral 2001 Electoral 1993	Act and Act Make changes to voting methods.	<p>The Act allows for trialling of new voting methods if a new method is authorised by regulations (none in force yet).</p> <p>If a new method is authorised by regulations, Kaipara can trial this new voting method. Kaipara must resolve to do so in accordance with those regulations.</p> <p>The Act further provides that:</p> <ul style="list-style-type: none"> <li>- electoral officers may abandon that voting method if they consider the method has failed or has been compromised;</li> <li>- if a voting method is abandoned, affected electors may vote again; and</li> <li>- where the use of an elector's date of birth is required for a new voting method, privacy considerations apply to this information that restrict its use.</li> </ul> <p>If an irregularity occurs when a new voting method is trialled, an electoral officer can apply for an inquiry. The Act:</p> <ul style="list-style-type: none"> <li>- sets up a process for an electoral officer to apply to the District Court where an irregularity has occurred in an election or poll; and</li> </ul>

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				<ul style="list-style-type: none"> <li>- provides that if the Court finds an irregularity, it may declare the election or poll void and order a new election or poll be conducted.</li> </ul>
12 April 2019	Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019	Local Government Act 2002	Amends the definition of “unauthorised weapon” in light of the firearms reforms after the Christchurch Mosques shootings.	This is only relevant if Council applies to the District Court for removal order concerning a fence, structure or vegetation that conceals an unauthorised weapon.
14 May 2019	Local Government (Community Well-being) Amendment Act 2019	Local Government Act 2002	Reinstate the “wellbeings” (social, economic, environmental and cultural) back into the LGA	<p>One of the previous purposes of local government under s 10 was “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”. Now this purpose has changed to “to promote the social, economic, environmental and cultural wellbeing of communities in the present and for the future”.</p> <p>Local authorities must consider, or describe the effect on, the “wellbeings” when:</p> <ul style="list-style-type: none"> <li>- making decisions, including in taking a sustainable development approach;</li> <li>- deciding sources of revenue;</li> <li>- preparing a long-term plan; and</li> <li>- preparing annual reports.</li> </ul>

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				<p>The requirement to consider “core services” in performing Council’s role is now repealed. “Core services” included network infrastructure, public transport services, waste collection, the avoidance or mitigation of natural hazards, and various community facilities.</p> <p>Amendments were made to development contributions provisions:</p> <ul style="list-style-type: none"> <li>- The definition of “community infrastructure” in s 197 widens the situations where local authorities can require development contributions.</li> <li>- The restrictions on powers to require contributions for reserves is repealed.</li> <li>- Where a specified funding arrangement has been entered into with NZTA as per s 200(5), the local authority cannot require development contributions.</li> </ul>
28 June 2019	Dog Control (Schedule 5) Order 2019	Dog Control Act 1996	Amends the list of organisations authorised to certify dogs as disability assist dogs.	New organisations (Assistance Dogs New Zealand, K9 Medical Detection New Zealand and Perfect Partners Assistance Dogs Trust) can certify dogs as disability assist dogs, and the Top Dog Companion Trust can no longer do so.
1 August 2019	Health (Drinking Water) Amendment Act 2019	Health Act 1956	Imposes new requirements on drinking water suppliers and makes other various amendments.	<p>These changes follow the inquiry into the contamination of water in Havelock North.</p> <p>Duties on water suppliers have become stricter. While previously water suppliers had to “take all practicable steps</p>

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				<p>to ensure” adequate supply, now suppliers must “ensure” an adequate supply. The same applies to the duty to comply with drinking water standards – taking all practicable steps to comply with these standards is no longer sufficient.</p> <p>For all duties that continue to require the supplier to “take all practicable steps”, the definition of “all practicable steps” has been amended. Suppliers must weigh up all relevant matters, including:</p> <ul style="list-style-type: none"> <li>- the nature and severity of harm that may be suffered if the result is not achieved;</li> <li>- the current state of knowledge about the likelihood that harm of that nature and severity will be suffered if the result is not achieved;</li> <li>- the current state of knowledge about harm of that nature;</li> <li>- the current state of knowledge about the means available to achieve the result, and about the likely efficacy of each;</li> <li>- their availability; and</li> <li>- their affordability in light of the supplier’s financial position.</li> </ul>

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				<p>Beforehand, suppliers could put more weight on the last two considerations of availability and affordability when weighing up what “all practicable steps” means in any particular situation. This is no longer permissible.</p> <p>Other aspects of water supply regulation have been amended. These include water safety plan compliance and duties where the supplier becomes aware of a risk to drinking water supply.</p> <p>The amendments also significantly shortens the time that drinking water regulations and standards may come into effect (from a 2 year delay to a 28 day delay).</p>
26 September 2019	New Zealand Infrastructure Commission/Te Waihanga Act 2019	N/A	Establishes the NZ Infrastructure Commission/Te Waihanga.	The Commission may request from Council to supply the Commission any information that is necessary or desirable for the Commission to perform its function.
1 October 2019	Kāinga Ora–Homes and Communities Act 2019	N/A	Establishes Kāinga Ora–Homes and Communities.	One of the functions of Kāinga Ora–Homes and Communities is to make loans or provide other financial assistance to local authorities for housing purposes.
1 October 2019	Kāinga Ora–Homes and Communities Act 2019	Public Works Act 1981	Replace the words “Housing New Zealand” and “the Corporation” in s 224 PWA with “Kāinga Ora–Homes and Communities”	Updates the Public Works Act to reflect Housing New Zealand being renamed as Kāinga Ora–Homes and Communities.

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22 November 2019	Local Government Act 2002 Amendment Act 2019	Local Government Act 2002	Change to council reorganisation process and regime for council-controlled organisations (CCOs).	<p>The Act introduces three additional options for reorganisation:</p> <ul style="list-style-type: none"> <li>- <b>Transfer of responsibilities:</b> whereas before only “statutory responsibilities” could be transferred, any of the following can now be transferred: responsibilities, powers, or duties, conferred by an enactment, and also any responsibilities, powers, or duties that come within the scope of the general power of competence in s 12(2).</li> <li>- <b>Unitary authorities with different region and district boundaries:</b> Reorganisation can provide for a council to carry out the responsibilities of a regional council in a region, and to perform territorial authority responsibilities for a district “that constitutes a part only of that region”.</li> <li>- <b>Establishment of joint committees, and delegation to those committees:</b> joint committees can be established, and delegations can be made to those committees. Reorganisation plans can set out the committee’s membership, terms of reference and delegations.</li> </ul> <p>The Act sets out procedural changes for councils that propose reorganisation. Councils now can request the Local Government Commission investigate reorganisation for an area without having to put forward a particular proposal to</p>

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				<p>the Commission. The Commission can design its own process for dealing with each investigation.</p> <p>Councils can now carry out reorganisation investigations. Once a council has adopted a reorganisation plan, the plan must be submitted to the Commission for approval and Council must provide “unconditional support” for the plan. No poll of affected communities is required for a council-led investigation.</p> <p>The Amendment Act also makes changes to the CCO regime. We have not commented on this because according to Council’s long-term plan, it has no CCOs.</p>
22 November 2019	Local Government Act 2002 Amendment Act 2019	Local Government Act 1974	<p>Extends the transfer of responsibilities provisions under the Local Government Act 2002 to certain responsibilities under the Local Government Act 1974.</p> <p>Repeals s 318 of the Local Government Act 1974.</p>	<p>Allows for transfer of Part 21 LGA 74 responsibilities between regional councils and territorial authorities under section 17 of the LGA 02.</p> <p>Under s 318 of the Local Government Act 1974, a territorial authority could request the Local Government Commission to determine certain matters in relation to reorganisation. The Commission could then determine such matters. These matters related to control and maintenance of boundary roads. This section is now repealed.</p>
22 November 2019	Local Government Act 2002 Amendment Act 2019	Freedom Camping Act 2011	Amends the definition of a “local authority area”.	<p>Local authority areas are now potentially wider under the Act. Before the amendment a local authority area only covered areas controlled or managed by the local authority. Now, this area includes areas controlled or managed <u>on behalf of</u> the local authority.</p>

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17 December 2019	Building Amendment Act 2019	Civil Defence Emergency Management Act 2002	Where information is required to be disclosed under the CDEM Act 2002, that information can be disclosed to people exercising certain powers under the Building Act 2004.	This amendment Act means that where as a lifeline utility Council is disclosed information, Council can then disclose this information to a responsible person exercising certain powers under the Building Act 2004.
14 December 2019	Dog Control (Category 1 Offences) Amendment Act 2019	Dog Control Act 1996	Certain category 1 offences can be heard by the District Court presided over by 2 or more Justices of the Peace.	Beforehand, a District Court Judge would have to preside over prosecutions for category 1 offences. The amendment means that for certain category 1 offences (as defined by the Criminal Procedure Act 2011), the District Court presided over by 2 or more Justices of the Peace can hear the prosecution.
2 January 2020	Land Transport (Wheel Clamping) Amendment Act 2019	Land Transport Act 1998	The amendment Act introduces new duties on wheel clamping operators and provides new powers to enforcement officers.	<p>If Kaipara operates any parking places (apart from road-side parks) and clamps vehicles in these areas, these new regulations:</p> <ul style="list-style-type: none"> <li>- impose maximum fees that can be charged to a person in charge of a clamped car;</li> <li>- permit the clamping operator to require payment prior to removing the clamp;</li> <li>- require the clamping operator to remove or arrange for the removal of the clamp as soon as reasonably practicable after the fee has been paid;</li> </ul>



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				<ul style="list-style-type: none"> <li>- require the clamping operator to be reasonably available to remove the device; and</li> <li>- impose fines for breaches of any of these regulations.</li> </ul> <p>Where Kaipara acts as an enforcement officer, it can prosecute for breaches of the above regulations and take other enforcement action.</p>
26 March 2020	COVID-19 Response (Urgent Management Measures) Legislation Act 2020	Local Government Act 2002	In light of the COVID-19 lockdown, this Act amends the Local Government Act 2002 to now allow for virtual meetings and deals with issues relating to public access to meetings.	<p>An elected member can attend meetings through either audio or audiovisual link whether or not the standing orders allow for this. An elected member councillor who attends a meeting by audio or audiovisual link is counted as present for the purposes of establishing a quorum.</p> <p>Public access to meetings is dealt with in three ways:</p> <ul style="list-style-type: none"> <li>- The definition of “open to the public” was changed, enabling access to the meeting by broadcasting live the audio or video of the meeting (livestreaming on an Internet site), and, as soon as practicable after the meeting, making available on its internet site the recording of the meeting or a written summary of the business of the meeting. This service must be provided free of charge.</li> <li>- Regarding requirements to publish information prior to meetings, local authorities can make agendas, associated reports and minutes available on their</li> </ul>

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				<p>websites instead of making them available in their public offices and libraries. This service must be free of charge.</p> <ul style="list-style-type: none"> <li>- Regarding the requirement to make minutes available, minutes of meetings these can be made available on the website, rather than at Council offices. Members of the public can still request physical copies of the minutes, which the local authority must provide by post.</li> </ul> <p>All these amendments will be repealed when the Epidemic Preparedness (COVID-19) Notice 2020 expires or is revoked.</p>
5 March 2020	Local Government Members (2019/20) Amendment Determination 2020	Local Government Members (2019/2020) Determination 2019	Inserts annual remuneration determinations for 'Deputy Mayor' and 'Councillors with no additional responsibilities' into Schedule 2, Part 2 of the Local Government Members (2019/2020) Determination 2019.	<p>The new remuneration determinations for Kaipara are:</p> <ul style="list-style-type: none"> <li>- Deputy Mayor: \$55,012 (with effect from 28 November 2019); and</li> <li>- Councillor with no additional responsibilities: \$43,487 (with effect from 22 October 2019).</li> </ul>