

Summary of key legislative provisions

Local Government Act

The Local Government Act 2002 (LGA 2002) defines the Council's overall roles and responsibilities.

Governance principles – Section 39

The governance principles outlined in the LGA 2002 typically relate to the way a local authority structures itself. One principle states that a local authority “should ensure that the relationship between elected members and management of the local authority is effective and understood”.

Delegation powers – Schedule 7, clause 32

Clause 32 of Schedule 7 provides local authorities with broad delegation powers that apply to the conduct of the whole of the local authority's business. It also stipulates certain powers that cannot be delegated. In these instances, the Council must make the decisions itself.

The powers that cannot be delegated largely relate to the long-term plan, the related policies that require community consultation and the amount to be collected from the ratepayers to pay for carrying out the long-term plan. These plans include the overall allocation of financial resources and policies on borrowing and investing.

In addition, the Council cannot delegate its power to make bylaws.

The Council must not delegate its power to appoint a chief executive. The Council appoints the chief executive itself.

Other legislation

Resource Management Act 1991

The Resource Management Act 1991 enables a local authority to make a wide range of delegations. However, it is not possible for the Council to delegate the approval of a policy statement or plan to officers.

Local Government (Rating) Act 2002

Under the Local Government (Rating) Act 2002, the Council may delegate any function to officers other than the setting of rates.

Biosecurity Act 1993

Under the Biosecurity Act 1993, a council may not delegate certain specified powers. A council may not delegate the power to:

- make, review, amend or revoke the region's pest management strategy

- declare a small-scale management programme
- appoint a hearings commissioner to enquire into and report on a proposal for a regional pest management strategy it has notified.

The chief executive officer can delegate to authorised persons any of his or her powers, duties and functions, including the power to implement the regional pest management strategy.

Land Transport Management Act 2003 and Land Transport Act 1998

The Land Transport Management Act 2003 states that the Council must prepare a Land Transport Programme each year. (Although it is not necessary to do this if the matters to be covered are included in an LTCCP or annual plan and certain other criteria are met.)

The Land Transport Act 1998 requires Council to establish a Regional Land Transport Committee (RLTC). The RLTC's sole statutory function is to prepare an Regional Land Transport Strategy for approval by the Council. It is not possible to delegate approval of the strategy to the RLTC itself. However, the Council may delegate approval to another committee.