

Attachment B: Extract from LGA on Consultation Requirements

102 Funding and financial policies

(1) A local authority must, in order to provide predictability and certainty about sources and levels of funding, adopt the funding and financial policies listed in subsection (2).

(2) The policies are—

(a) a revenue and financing policy; and

(b) a liability management policy; and

(c) an investment policy; and

(d) a policy on development contributions or financial contributions; and

(e) a policy on the remission and postponement of rates on Māori freehold land; and

(f) in the case of a unitary authority for a district that includes 1 or more local board areas, a local boards funding policy.

(3) A local authority may adopt either or both of the following policies:

(a) a rates remission policy;

(b) a rates postponement policy.

(4) A local authority—

(a) must consult on a draft policy in a manner that gives effect to the requirements of section 82 before adopting a policy under this section:

(b) may amend a policy adopted under this section at any time after consulting on the proposed amendments in a manner that gives effect to the requirements of section 82.

(5) However, subsection (4) does not apply to—

(a) a liability management policy;

(b) an investment policy.

Section 102: substituted, on 27 November 2010, by section 19 of the Local Government Act 2002 Amendment Act 2010 (2010 No 124).

Section 102(2)(e): amended, on 8 August 2014, by section 37(1) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 102(2)(f): inserted, on 8 August 2014, by section 37(2) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 102(4): replaced, on 8 August 2014, by section 37(3) of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Consultation

82 Principles of consultation

(1) Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:

(a) that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:

(b) that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority:

(c) that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:

(d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:

(e) that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:

(f) that persons who present views to the local authority should have access to a clear record or description of relevant decisions made by the local authority and explanatory material relating to the decisions, which may include, for example, reports relating to the matter that were considered before the decisions were made.

(2) A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1).

(3) The principles set out in subsection (1) are, subject to subsections (4) and (5), to be observed by a local authority in such manner as the local authority considers, in its discretion, to be appropriate in any particular instance.

(4) A local authority must, in exercising its discretion under subsection (3), have regard to—

(a) the requirements of section 78; and

(b) the extent to which the current views and preferences of persons who will or may be affected by, or have an interest in, the decision or matter are known to the local authority; and

(c) the nature and significance of the decision or matter, including its likely impact from the perspective of the persons who will or may be affected by, or have an interest in, the decision or matter; and

(d) the provisions of Part 1 of the Local Government Official Information and Meetings Act 1987 (which Part, among other things, sets out the circumstances in which there is good reason for withholding local authority information); and

(e) the costs and benefits of any consultation process or procedure.

(5) Where a local authority is authorised or required by this Act or any other enactment to undertake consultation in relation to any decision or matter and the procedure in respect of that consultation is prescribed by this Act or any other enactment, such of the provisions of the principles set out in subsection (1) as are inconsistent with specific requirements of the procedure so prescribed are not to be observed by the local authority in respect of that consultation.

Section 82(1)(f): replaced, on 8 August 2014, by section 23 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

82A Information requirements for consultation required under this Act

(1) This section applies if this Act requires a local authority to consult in accordance with, or using a process or a manner that gives effect to, the requirements of section 82.

(2) The local authority must, for the purposes of section 82(1)(a) and (c), make the following publicly available:

(a) the proposal and the reasons for the proposal; and

(b) an analysis of the reasonably practicable options, including the proposal, identified under section 77(1); and

(c) if a plan or policy or similar document is proposed to be adopted, a draft of the proposed plan, policy, or other document; and

(d) if a plan or policy or similar document is proposed to be amended, details of the proposed changes to the plan, policy, or other document.

(3) In the case of consultation on an annual plan under section 95(2), instead of complying with subsection (2), the local authority must prepare and adopt a consultation document that complies with section 95A.

(4) Nothing in this section applies where the special consultative procedure under section 83 is required to be used.

(5) Nothing in this section limits the application of section 82.

Section 82A: inserted, on 8 August 2014, by section 24 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).