

# Project Managers' Regulatory Directory

Updated: Friday, 18 February 2022

## Change Log

| Date      | Editor        | Status | Description        |
|-----------|---------------|--------|--------------------|
| 19/1/2022 | Andrew Wierda | Closed | Created version 0. |

# Table of Contents

|  |           |
|--|-----------|
| <b>Introduction .....</b>                                    | <b>4</b>  |
| Purpose .....  | 4         |
| Disclaimer .....   | 4         |
| Suggestions .....  | 4         |
| Printing .....   | 4         |
| Your connection with this legislation.....                   | 4         |
| Keeping things brief .....                                   | 5         |
| A very brief guide to contracts .....                        | 5         |
| A very brief guide to trusts.....                            | 6         |
| A very brief guide to disputes .....                         | 6         |
| A very brief guide to property rights .....                  | 8         |
| A very brief guide to the Resource Management Act 1991 ..... | 10        |
| A very brief guide to plans .....                            | 11        |
| A very brief guide to the Building Act 2004 .....            | 11        |
| A very brief guide to the Council's responsibilities.....    | 12        |
| A very brief statutory interpretation guide .....            | 13        |
| <b>List of Statutes .....</b>                                | <b>14</b> |
| Often relevant to multiple units .....                       | 14        |
| Often relevant to Water & Drainage .....                     | 15        |
| Often relevant to Land Transport .....                       | 15        |
| Often relevant to Climate Change Management.....             | 15        |
| Often relevant to Waste Management .....                     | 15        |
| Miscellaneous – Related to Capital Projects .....            | 16        |
| Miscellaneous – Related to the Council.....                  | 17        |

# Introduction

## Purpose

This document's purpose is to provide project managers with information that assists them in understanding issues and consultant recommendations. It provides brief crash courses on legal topics and provides a list of Council-relevant statutes with descriptions.

## Disclaimer

Although care has been taken in the writing of this guide, mistakes may have been made. Additionally, the law changes over time and it's, therefore, possible that parts of this guide will be rendered incorrect. Accordingly, this guide cannot be definitively relied upon. If you find what could be a mistake, consult a colleague, expert or do some research.

## Suggestions

If you have found something out of place, a mistake or want to suggest an inclusion you can file your suggestion at [forms.office.com/r/wFMzCC1Nkw](https://forms.office.com/r/wFMzCC1Nkw).



## Printing

If you encounter errors while printing, please follow Programme Delivery's Capital Programme Delivery Framework Printing Guide.

## Your connection with this legislation

The Elected Members, Chief Executive and Council as a whole are given powers and duties under various pieces of legislation.<sup>1</sup> 'The Council', can be thought of as a person, whose brain is the Elected Members as a whole, employs you to ensure that it can give effect to its decisions, provide good-quality services, perform its duties and exercise its rights. Your employment contract, along with any implied provisions and other additional duties of good faith, creates a legal obligation on you to do these things. While doing activities in the scope of your employment, you can be thought of as the 'body' of the Council. When performing these duties, you are 'the Council', 'the territorial authority' or 'the local authority' under this legislation. Of course, in reality, the 'body' of the Council does a lot of thinking too, but the elected members hold the ultimate power of decision under the legislation.

---

<sup>1</sup> Sections 41-42 Local Government Act and s 23 Public Works Act 1981

## Keeping things brief

In order to keep this guide readable and engaging, the decision has been made to keep each section very brief. Law is complex and there are sometimes odd situations which carve out exceptions to otherwise simple rules. Since this guide's purpose is only to give a rough idea of the workings of certain areas of law, some statements may be made without reservations, where omitting a reservation renders the statement technically untrue.

## A very brief guide to contracts

In New Zealand, a legally binding contract requires:

- an offer;
- an acceptance;
- consideration;
- an intention to be legally bound; and
- certainty of essential terms.

Offer and acceptance are self-explanatory but should be made as clear as possible to avoid problems. Consideration is what is exchanged for the promise. Without consideration the 'contract' only goes one way and is, therefore, a 'gift', governed by other rules which make it much more difficult to enforce. Intention to be legally bound is the idea that all parties to the contract must intend for the contract to be legally enforceable. Certainty of essential terms is the idea that all important terms to a contract must be clear. Furthermore, if one party's consideration/promise is too discretionary, with no sensible area of obligation (for instance, reserving the right to change the terms of the contract), then that will be deemed illusory and not apply. A contract's terms can be either implied or express. Changing a contract's essential terms requires the agreement of both parties.

In most situations, a contract does not need to be written down or signed. When you buy a coffee from the CBay Café you enter a contract. Your consideration is your money, the Café's consideration is the promise to give you coffee. You both impliedly agree to be legally bound and the essential terms of your specific coffee and the price paid is certain. When you are handed your coffee the contract is executed. Agreements for the sale and purchase of land are different. Section 24 of Property Law Act 2007 states that a contract for the disposition of land is not enforceable by action unless it is in writing.

When contracts are interpreted according to the law, the terms of the contract (actions of the parties) are interpreted objectively. The party's subjective intentions are not relevant and actions made after the creation of a contract are only relevant to the extent that they inform what the terms objectively mean.

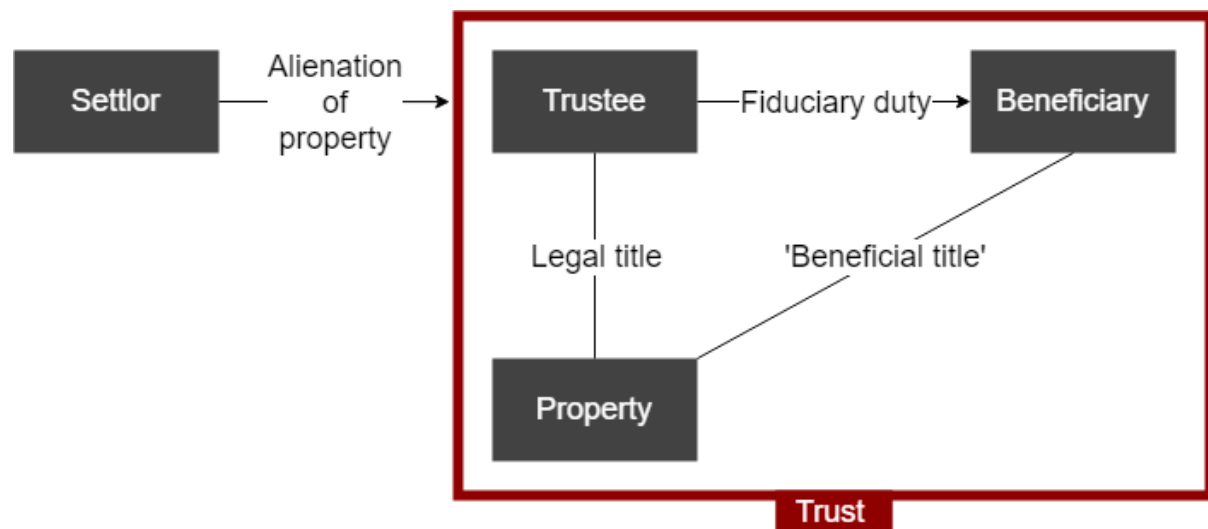
The Contract and Commercial Law Act 2017 provides a set of rules around contracts. Some other legislation such as the Property Law Act 2007, Construction Contracts Act 2002 and the Consumer Guarantees Act 1993 provides rules around contracts for specific types of goods and services. Standards NZ sets standards around contracts to provide methods of compliance with the law and best practice, although these standards are not strictly law, they provide a well compiled source of information.

## A very brief guide to trusts

A trust is a sort of relationship. A relationship of property and people. When a trust is created, the property is alienated from the original owner (settlor). The trustee then is given the legal title to the property, while the beneficiary receives the equitable/beneficial title to the property. From then forward, the trustee owes certain duties to the beneficiary to use the property for their benefit. The relationship between the trustee, the beneficiary and the property is called a fiduciary relationship and the duties owed by the trustee to the beneficiary are called fiduciary duties. If the settlor retains too much discretion/power over the use of the property, the court can find that the trust does not exist.

Trusts can have multiple trustees, multiple beneficiaries and additional terms to change how the trust functions. A company can be a trustee and it is quite common. Trusts can also have additional roles such as appointor/protector and secondary/contingent beneficiary. Many rules about trusts are now governed by the Trusts Act 2019.

**Example:** The Council wants to build a road through some private land. The land is held on trust for Jimmy. The legal title of the land is registered to Paul and Liz. Paul and Liz are the trustees. Jimmy is the beneficiary. When the Council asks for permission to build on the land, Paul and Liz must consider what management decision would be best for Jimmy. Jimmy does not get to choose on his own and Paul and Liz are restricted in their choices to what they believe best benefits Jimmy. If Paul and Liz grant the Council permission in exchange for a substantially low price, or for their own, personal benefit, then problems can arise. Jimmy would be able to sue Paul, Liz and any knowing recipients of the benefit (possibly the council).



## A very brief guide to disputes

It is usually better to settle a dispute with an agreement between the parties rather than create legal proceedings. Often relationships are more valuable than singular contracts and both parties are better off without lawyers getting part of the pie. Disputes can be resolved via negotiation, mediation, conciliation, adjudication, expert determination, arbitration, arb-med or litigation. All these resolution methods use law, at a minimum, to inform some aspect of settlement.

Negotiation is where the parties come to a solution on their own. Mediation and conciliation are pretty similar, where a third party assists in facilitating an agreement between the parties. A conciliator assumes more responsibility than a mediator for

generating and achieving a solution, while a mediator maintains more of a facilitation role. Adjudication is a process, for construction contracts, generated by the Construction Contracts Act 2002. It is a decision by the Building Disputes Tribunal that is cheap and allows work to continue in the meantime. The decision can be reversed by other resolution processes later. Arbitration and expert determination are very similar, both are where a decision is made by an agreed third party and the parties agree to be bound by the decision. The difference is that arbitration is governed by legislation (Arbitration Act 1996), while expert determination is not. Arb-med is a combination of arbitration and mediation. It is basically arbitration that allows for mediation before a decision is made. All these alternative forms of settlement are much cheaper than litigation.

Litigation is settling a dispute in a court of law. Matters under \$30,000 can be settled in the Disputes Tribunal. The Disputes Tribunal is the only cheap option of court disputes. Matters under \$350,000 can be settled in the District Court. Anything over \$350,000 must be settled in the High Court. Taking a case to Court, in most cases, costs upwards of \$40,000. A complex High Court case can cost ten times as much. Even if you win and are awarded costs from the other side, costs are usually only two-thirds of actual costs. The Court of Appeal and Supreme Court are appellate courts. Appealing to the Court of Appeal and Supreme Court will usually be prohibitively expensive. Additionally, only the High Court can take 'judicial review' cases. A person can take Timaru District Council to the Disputes Tribunal for a contract dispute, but they cannot for a public law issue. For instance, if they believe that the Council is not doing something 'wholly or principally for the benefit of its district' (LGA 2002 s 12), then they would have to cough up the money to take TDC to the High Court. For this reason, it is very rare that a Council is taken to Court for the exercise of a public power.

| Term                   | Description   |
|------------------------|---|
| 'negotiation'          | Parties reaching an agreement independently.  |
| 'mediation'            | Parties reaching an agreement, facilitated by an independent third party.   |
| 'conciliation'         | Parties reaching an agreement, facilitated by an independent third party. A conciliator is a bit more committed to resolving the issue than a mediator. They are more actively involved and generate solutions. |
| 'adjudication'         | A temporary binding resolution. A process governed by the Construction Contracts Act 2002.  |
| 'expert determination' | Where the parties agree to be bound by the decision of an independent, expert third party. This process is not governed by legislation.   |
| 'arbitration'          | Where the parties agree to be bound by the decision of an independent, expert third party. This process is governed by the Arbitration Act 1996.  |
| 'arb-med'              | A combination of arbitration and mediation. The process is sort of like arbitration, but gives the parties an opportunity to reach a mediated solution once all the appropriate information is gathered.        |

|                         |   |
|-------------------------|---|
| 'litigation'            | Initiating court proceedings. Very expensive and time consuming. Avoid at all costs.  |
| 'disputes review board' | A board created at the awarding of a contract. In a dispute the DRB issues recommendations.                                 |
| 'neutral evaluation'    | An independent evaluation of the facts around the dispute and likely result of any litigation. Used to inform a resolution. |

## A very brief guide to property rights

The most important thing to point out, for an accurate reading of the relevant legislation is the difference between 'estates', 'interests' and 'licences'. An estate is the highest form of ownership. An 'interest' in land is a right to the land that is attached to the land and can be registered against the title of the land. An 'interest' includes an easement, lease and mortgage. It is enforceable against whoever owns the land at any given point. A 'licence' is a contractual right to do something on the land. It can either be implied (for instance knocking on someone's front door) or come about from an agreement with the owner. A 'licence' is only enforceable against the person who granted it.

**Example 1:** David takes out a mortgage and buys a house. He now has an 'estate' in fee simple. The bank now has an 'interest' in the land, because the loan is secured by the property. If David goes broke, the bank has the right to sell the property. David wants to rent the house out to Jason. Since the bank has an interest in the property, David must first ask the bank. The bank agrees and the house is rented to Jason. Jason now also has an 'interest' in the land, of a lease. Jason's computer breaks. Jason tells the repair guy, Michael, that he can come in and fix his computer. Michael has a licence to enter the property to fix Jason's computer.

**Example 2:** Jason rents a house. He has an 'interest' in the land and exclusive possession of the house. TDC wants an easement on the land for a new pipe. A TDC employee, like everyone else, has an 'implied licence' to knock on the door. Jason answers and tells the TDC employee that he just rents the house and David owns the house. TDC contacts David about the easement and they negotiate for the easement. Since both Jason and the Bank have an 'interest' in the land, David first negotiates an agreement with them before agreeing with TDC. If David did not get the consent of the Bank or Jason, they could sue David for any loss incurred and TDC may be prevented from acquiring the easement.

| Term         | Description  |
|--------------|--|
| 'ownership'  | A bundle of rights over a property. Ownership of a property commonly refers to freehold and unit titles, but can also refer to leasehold and cross leases. |
| 'fee simple' | A type of freehold ownership.  |
| 'freehold'   | In layman's terms, ownership of land. This is the highest form of private land ownership.  |

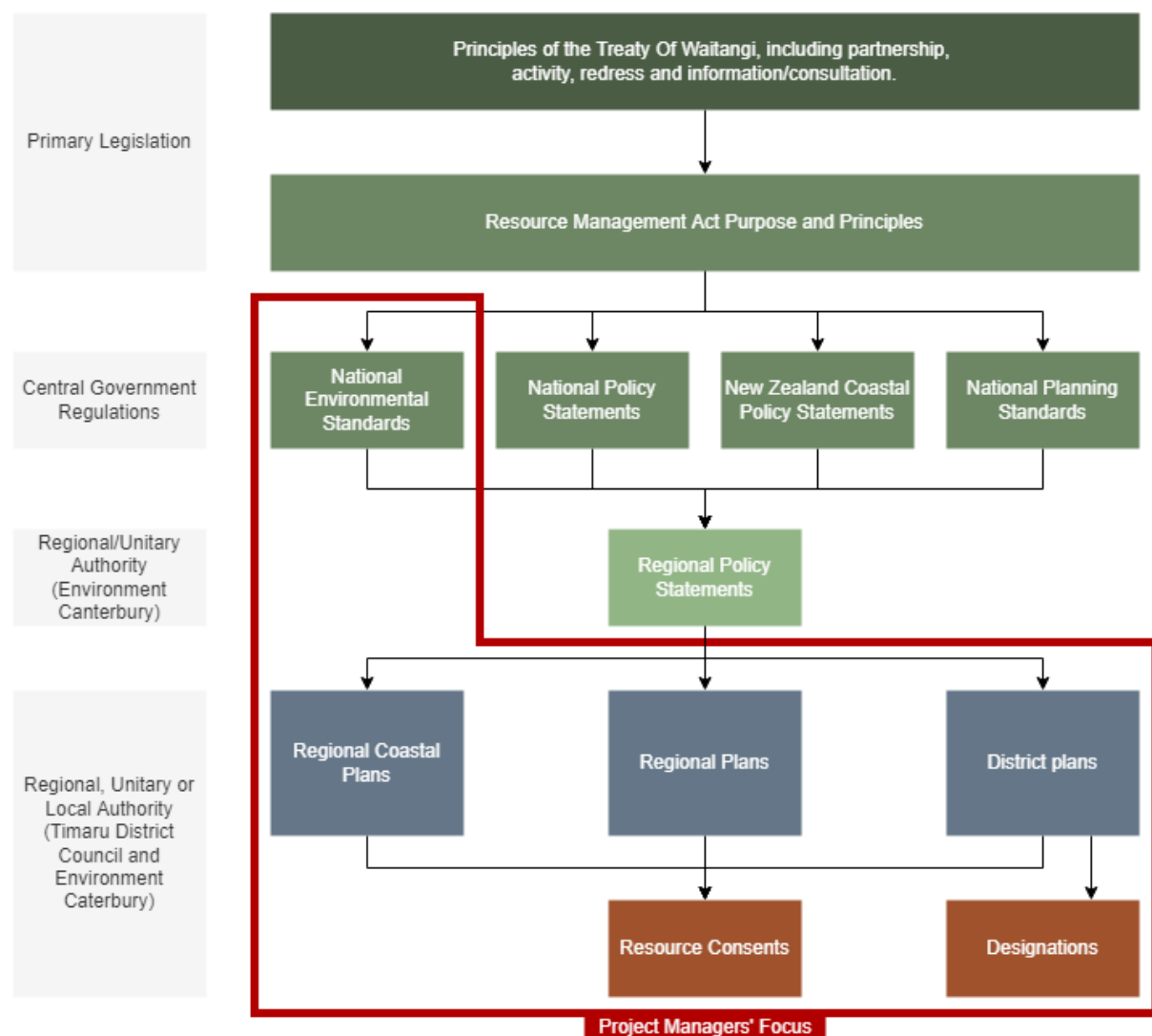


|                    |  |
|--------------------|--|
| 'leasehold'        | Temporary ownership of a building, but not the land it sits on. Commonly used in relation to commercial, longer and less restrictive contracts.  |
| 'lease'            | A right to exclusively possess a property. A property right with many legislative rules applying to it. An interest in land.   |
| 'estate'           | The same as 'ownership'. Includes freehold/fee simple and leasehold.   |
| 'interest'         | An interest is a right or power over a property, rather than the owner or ex-owner of the property. Mortgages, leases and easements are all interests in land.   |
| 'easement'         | A right to cross or otherwise use someone's land. An 'interest' in land. A type of 'servitude'. In NZ this is split into 'easements in gross', which attach to/benefit a person or body corporate (like the Council) and 'appurtenant easements', which attach to/benefit another piece of land. |
| 'licence'          | A licence is a contractual right to do something on the property. This either comes about via an agreement with the owner or is implied. If a licence give sufficiently exclusive possession of the land to the licensee, it can be deemed a lease and more legislative rules may apply to it.   |
| 'security'         | Collateral on a loan.  |
| 'covenant'         | A term of a lease OR an enforceable 'promise' about activity on one's own land.  |
| 'profit a prendre' | A right to take something that occurs naturally from someone else's land. (rock; sand; timber; turf – but not water) A right to take water is an easement.   |
| 'title'            | A document that shows legal ownership to a property.   |
| 'register'         | Some rights to land can be registered against the 'title' of land through LINZ. Registered rights grant better protection in the case of a legal dispute. Where possible, rights should be registered.   |
| 'positive'         | Something active and present. For instance, a positive covenant is a promise to do something on land. Meanwhile, a restrictive covenant is a promise not to do something on land.  |
| Concession         | The granting of a property right. Can be a lease, licence, permit or easement.   |
| Permit             | A granting of rights, usually by an authority, to undertake an activity. Is not an 'interest' in land.   |

## A very brief guide to the Resource Management Act 1991

The Resource Management Act provides the law around the management of air, land, fresh water and marine areas out to a 12 mile limit of New Zealand's territorial sea. It does this through a hierarchy of policies and plans prepared at the national, regional and district levels. See below the information flow.

Project managers are primarily concerned with the different plans, but should also be aware of the National Environmental Standards (NES). The NES are regulations which trump plans. They prescribe minimum standards, allowing councils to impose more strict standards, 'starting point' standards, allowing councils to impose more lenient standards as well as absolute standards which cannot be changed. The NES prescribe these standards in a very similar way to plans. Although abiding to plans will typically be sufficient, plans cannot duplicate NES provisions.<sup>2</sup> Therefore, if a project concerns a topic covered by a NES, the standard should be considered.



<sup>2</sup> 'Duplicate' has typically been taken to mean to 'regulate the same activity and the same effects'.

## A very brief guide to plans

District and Regional Plans classify different activities that do or do not require a resource consent. Activities that do not are labelled 'permitted', while activities that do are split between 'controlled', 'discretionary restricted', 'discretionary unrestricted' and 'non-complying'. Lastly, the Council will not, under any circumstances, grant a consent for an activity labelled 'prohibited'.

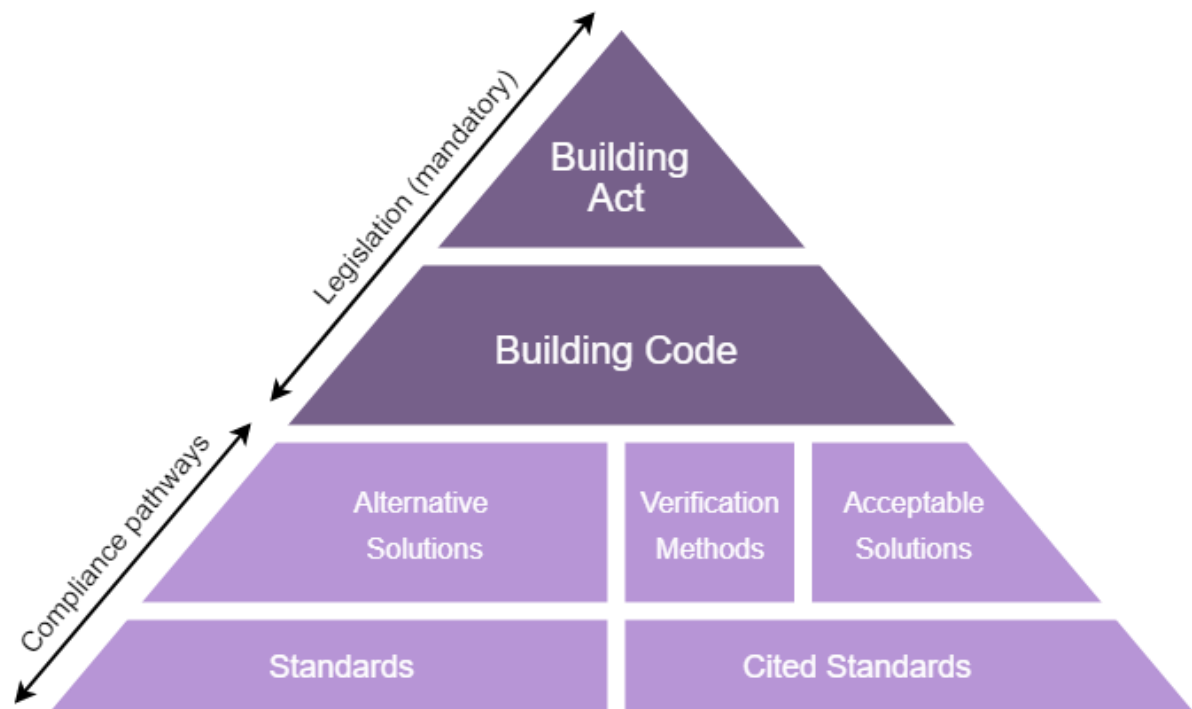
Applications for resource consents usually require a land information memorandum (LIM), project information memorandum (PIM), record of title, an assessment of environment effects (AEE) and written approval from affected parties.

Local authorities, such as TDC, can also seek a 'designation'. A designation is a form of 'spot zoning' over a site, area or route in a District plan. If a designation removes the need for a district council consent, the relevant regional council consent may still be needed.

## A very brief guide to the Building Act 2004

The Building Act defines terms, outlines the role of MBIE in administering the Building Code, the Council's role in granting building consents and when a consent is not necessary.

The Building Code is performance-based and therefore dictates how a building should perform, but not exactly how it should be built. Compliance pathways (see below) are simply methods of complying with these standards. TDC's role in granting consents is to ensure that whatever methods are used comply with the Building Code.



## A very brief guide to the Council's responsibilities

The Council is a body corporate with perpetual succession. That means that it's like a company that never shuts down. The Council has full capacity to undertake any activity or enter into any transaction, like any person, subject to enactments and the general law. That being said, the Council is substantially restrained by the law.

In respect to corporate powers, the Council must exercise its powers 'wholly or principally for the benefit of its district'.<sup>3</sup> This means that where the Council is exercising a power like buying a pipe, it must be buying the pipe wholly or principally for the benefit of its district. Where the Council is exercising a power that a person does not normally possess, like creating bylaws, different rules apply.

Whatever the Council is doing, it must act in accordance with the principles listed under [s 14 of the Local Government Act 2002](#). These principles include conducting business in a transparent and democratically accountable manner, taking into account community views, seeking to collaborate with other Councils and much more.

Although the Council must take into account community views, it is not bound by them.<sup>4</sup> Furthermore, the Council is not directly subject to the Treaty of Waitangi, as it is not a party to it. That said, the Crown's (Central Government's) responsibilities under the Treaty are reflected in much of the legislation that applies to the Council.<sup>5</sup>

The Council also has specific duties under legislation. These include issuing resource consents, building consents, implementing animal control measures, emergency measures, food regulations, water testing, managing land, drafting the District Plan, annual reports, bylaws and much more.

The Council must plan in a specific way. Sections 91-97 of the LGA 2002 outline the rules around a local authority's planning. The Council is required to prepare and adopt a long-term plan (LTP) every three years. The LTP must cover a period of no less than 10 years. The Council is also required to prepare and adopt an annual plan every year. Although, for the first year an LTP relates, the LTP must be regarded as the annual plan for that year.

A decision to significantly change the level of service provided by, commence or cease, a significant activity of the Council or a decision to transfer the ownership or control of a strategic asset of the Council must be provided for in the long-term plan. However, the Council can amend the long-term plan at any time, provided they employ the 'special consultative procedure'.



<sup>3</sup> Section 12(4).

<sup>4</sup> *Willowford Family Trust v Christchurch City Council* [2011] NZAR 209 at [95]

<sup>5</sup> LGA 2002, s 4 and Resource Management Act 1991, s 8.

## A very brief statutory interpretation guide

1. Be aware of warnings of [legislation.govt.nz](http://legislation.govt.nz) not being up to date.
2. When you are unsure of what a word could mean exactly, refer to the interpretation section of the statute. The interpretation section is usually one of the first sections of an act.

If the word is not defined or the definition does not help as much as you would like, try to interpret the word in light of the purpose of the act. In new acts, the purpose is at the beginning, in a section called 'purpose', 'outline' or similar. In older acts, the 'long title' contains the purpose. This can be found by clicking on 'title' at the top of the act or scrolling to the bottom. The purpose will be in bold text.<sup>6</sup>

3. If a Minister is given a power under a statute, they usually delegate that power to the employees of their relevant department. Therefore, if under a statute the "Minister of Conservation's" authority is needed, usually someone at the Department of Conservation can give the authority.
4. TDC is a 'territorial authority' (under [schedule 2](#), part 2) and therefore is a 'local authority' as per the definition of 'local authority' in s 5 LGA 2002. Often other Acts will refer back to this definition.
5. Secondary legislation is law not made by Parliament, but authorised to be made by another party by Parliament. This means that primary legislation (a statute) authorises the creation of the rule under specific grounds. Secondary legislation comes in the form of 'orders', 'rules' and 'regulations'. The structure of this law can be slightly different and the components of called 'clauses' rather than 'sections'.
6. Be aware that not all law is codified. There are legal claims that can be made against people and the government that solely rely on case law. Moreover, some legislation can be interpreted by the courts in unintuitive ways. Therefore, care should be taken about being confident in any conclusions drawn.

Your Activity Management Plan contains a list of statutes relevant to your activity.

---

<sup>6</sup> Section 10 Legislation Act 2019

# List of Statutes

## Often relevant to multiple units

|   |  |
|---|--|
| <a href="#"><u>Local Government Act 2002</u></a>                    | Role of local authorities, general powers, governance, consultation, LTP/AP, provision of water services, bylaws, private land, endowments and trade waste.                                      |
| <a href="#"><u>Local Government Act 1974</u></a>                    | Mostly repealed, but still has parts 11, 21, 26, 29, 29A, s 591 part 34, ss 647-648 part 39 and relevant schedules. These refer to roads, drainage, waste management, parking and fire hydrants. |
| <a href="#"><u>Public Works Act 1981</u></a>                        | Requirements around work undertaken by the TDC. Includes roads, artificial lakes, acquisition of land, compensation requirements and more.   |
| <a href="#"><u>Resource Management Act 1991</u></a>                 | Sets out the hierarchy of standards, statements and plans by central and local governments for the management of land, air and water. See the 'brief guide' above.                               |
| <a href="#"><u>Building Act 2004</u></a>                            | Sets out who makes and enforces building regulations. Also outlines what work does not need a building consent.  |
| <a href="#"><u>Building Regulations 1992</u></a>                    | Secondary legislation, which in schedule 1, contains the Building Code.  |
| <a href="#"><u>Heritage New Zealand Pouhere Taonga Act 2014</u></a> | Establishes Heritage NZ and Maori Heritage Council. Also contains offences and authorisations for destroying things of historical value.   |
| <a href="#"><u>Wildlife Act 1953</u></a>                            | Outlines offences and authorisation for killing protected Wildlife in NZ. Also contains the rules around Wildlife sanctuaries.   |
| <a href="#"><u>Reserves Act 1977</u></a>                            | Contains the rules around Reserve Land, including the DOC and local authority's powers to grant concessions or leases.   |
| <a href="#"><u>Conservation Act 1987</u></a>                        | Establishes the DOC, NZ Conservation Authority and Conservation Boards. Includes rules and powers to grant concessions or leases on conservation land.   |
| <a href="#"><u>Land Act 1948</u></a>                                | Outlines the rules around Crown-owned land. Contains the responsibilities of the Commissioner of Crown Lands and the rules around the granting of leases, licences, easements, etc on the land.  |

|  |   |
|--|---|
| <a href="#"><u>Privacy Act 2020</u></a>                | Outlines the law relating to individual's privacy in New Zealand.   |
| <a href="#"><u>Construction Contracts Act 2002</u></a> | Outlines the law relating to construction contracts and establishes the adjudication process.   |
| <a href="#"><u>Fencing Act 1978</u></a>                | Outlines the law relating to the erection and repair of dividing fences.  |
| <a href="#"><u>Health Act 1956</u></a>                 | Outlines the law relating to public health. Includes the functions of the ministry of health, the management of infectious diseases and powers and duties of local authorities relating to public health. |

## Often relevant to Water & Drainage

|   |  |
|---|--|
| <a href="#"><u>Land Drainage Act 1908</u></a> | Outlines the law relating to the drainage of land. Includes local authority powers to remove private drains or obstructions. |
|---|--|

## Often relevant to Land Transport

|  |  |
|--|--|
| <a href="#"><u>Government Roothing Powers Act 1989</u></a>         | Outlines the law relating to the ownership, construction and maintenance of roads.   |
| <a href="#"><u>Land Transport Act 1998</u></a>                     | Outlines the law relating to land transport. Includes licencing, offences, enforcement and registration.                                 |
| <a href="#"><u>Land Transport Management Act 2003</u></a>          | Outlines the law relating to land transport management. Includes the creation of land transport plans and the establishment of the NZTA. |
| <a href="#"><u>Land Transport (Road User) Rule 2004</u></a>        | Provides the bulk of the road rules.   |
| <a href="#"><u>Land Transport (Driver Licensing) Rule 1999</u></a> | Provides the bulk of the drivers licencing rules.  |

## Often relevant to Climate Change Management

|   |   |
|---|---|
| <a href="#"><u>Climate Change Response Act 2002</u></a> | Establishes the Climate Change Commission, the Commission's duties and outlines the rules around New Zealand's greenhouse gas emissions trading scheme. |
|---|---|

## Often relevant to Waste Management

|  |  |
|--|--|
| <a href="#"><u>Waste Minimisation Act 2008</u></a> | Outlines the law relating to waste minimisation and decreasing waste disposal. |
|--|--|

## Miscellaneous – Related to Capital Projects

|   |  |
|---|--|
| <a href="#"><u>Airport Authorities Act 1966</u></a>                                   | Confers powers on local authorities and other persons in respect of airports.  |
| <a href="#"><u>Burial and Cremation Act 1964</u></a>                                  | Outlines the law around burial and cremation of the dead as well as the law of cemeteries.   |
| <a href="#"><u>Bylaws Act 1910</u></a>  | Outlines the law around the validity of bylaws.  |
| <a href="#"><u>Cadastral Survey Act 2002</u></a>                                      | Outlines the law relating to the carrying out of cadastral surveys.  |
| <a href="#"><u>Civil Defence Emergency Management Act 2002</u></a>                    | Outlines the law around the declaration and management of civil defence emergencies, including requiring local authorities to co-ordinate activities and operate in specific ways. |
| <a href="#"><u>Electricity Act 1992</u></a>   | Outlines the law relating to electrical work.  |
| <a href="#"><u>Electricity (Safety) Regulations 2010</u></a>                          | Outlines additional rules relating to safety in electrical work.   |
| <a href="#"><u>Gas Act 1992</u></a>   | Outlines the law relating to the regulation of gas, includes duties of gas operators and offences.   |
| <a href="#"><u>Gas Act 1992 and Gas (Safety and Measurement) Regulations 2010</u></a> | Outlines the law relating to gas safety, installations, appliances and distribution systems.   |
| <a href="#"><u>Health and Safety at Work Act 2015</u></a>                             | Outlines the law relating to the protection of workers via imposing duties on employers, encouraging worker engagement and creating an enforceable framework.                      |
| <a href="#"><u>Land Transfer Act 2017</u></a>   | Outlines the law relating to land titles and maintains the Torrens system of land title in New Zealand.  |
| <a href="#"><u>Plumbers, Gasfitters, and Drainlayers Act 2006</u></a>                 | Outlines the law relating to plumbers, gasfitters and drainlayers, including registration, licencing and offences.   |
| <a href="#"><u>Property Law Act 2007</u></a>  | Outlines the law relating to real and personal property.   |
| <a href="#"><u>Public Authorities (Party Wall) Empowering Act 1919</u></a>            | Empowers the Council to enter into agreements to erect walls on boundary lines.  |
| <a href="#"><u>Public Bodies Leases Act 1969</u></a>                                  | Outlines the law relating to public bodies leasing.  |



|   |   |
|---|---|
| <a href="#"><u>Public Records Act 2005</u></a>                                    | Outlines the law relating to the keeping of public records by central and local government.   |
| <a href="#"><u>Resource Management Infringement Offences Regulations 1999</u></a> | Sets out the fees for infringements under the RMA.  |
| <a href="#"><u>River Boards Act 1908</u></a>                                      | Outlines the law related to river boards and the construction of river works.   |
| <a href="#"><u>Soil Conservation and Rivers Control Act 1941</u></a>              | Outlines the law relating to catchment districts and boards.  |
| <a href="#"><u>Trespass Act 1980</u></a>  | Outlines the law relating to trespass.  |
| <a href="#"><u>Utilities Access Act 2010</u></a>                                  | Outlines the law relating to the administering and application of the National Code of Practice for Utility Operators' Access to Transport Corridors. |
| <a href="#"><u>Walking Access Act 2008</u></a>                                    | Outlines the law relating to walking access and establishes the New Zealand Walking Access Commission.  |

## Miscellaneous – Related to the Council

|  |   |
|--|---|
| <a href="#"><u>Accident Compensation Act 2001</u></a>  | Outlines ACC's activities and personal injury compensation law generally.                               |
| <a href="#"><u>Animal Welfare Act 1999</u></a>         | Outlines the law around the ill-treatment and testing of animals.                                       |
| <a href="#"><u>Arbitration Act 1996</u></a>            | Outlines the law around the arbitration of disputes.  |
| <a href="#"><u>Biosecurity Act 1993</u></a>            | Outlines the law relating to the exclusion, eradication and management of pests and unwanted organisms. |
| <a href="#"><u>Building Research Levy Act 1969</u></a> | Authorises the building levy and prescribes what the money is to be used for.                           |
| <a href="#"><u>Citizenship Act 1977</u></a>            | Outlines the law around the acquisition and loss of New Zealand citizenship.                            |
| <a href="#"><u>Commerce Act 1986</u></a>               | Establishes the Commerce Commission and outlines the rules around competition (or anti-trust) law.      |
| <a href="#"><u>Community Trusts Act 1999</u></a>       | Outlines the law related to the operation of community trust.   |

|  |   |
|--|---|
| <a href="#"><u>Companies Act 1993</u></a>  | Outlines the law relating to companies.   |
| <a href="#"><u>Consumer Guarantees Act 1993</u></a>  | Outlines the law around the sale of consumer-targeted goods and services.   |
| <a href="#"><u>Copyright Act 1994</u></a>  | Outlines the law relating to copyright.   |
| <a href="#"><u>Crimes Act 1961</u></a>   | Outlines many important crimes in New Zealand.  |
| <a href="#"><u>Crown Pastoral Land Act 1998</u></a>  | Outlines the law relating to the administration of Crown pastoral land.   |
| <a href="#"><u>Disabled Persons Community Welfare Act 1975</u></a>                             | Outlines the law relating to the provision of the disabled.   |
| <a href="#"><u>Dog Control Act 1996</u></a>  | Outlines the law relating to the control of dogs. Includes powers and duties of territorial authorities.  |
| <a href="#"><u>Dog Control (National Dog Control Information Database Levy) Order 2006</u></a> | Establishes a levy on territorial authorities to fund the National Dog Control Information Database.  |
| <a href="#"><u>Electoral Act 1993</u></a>  | Establishes the electoral commission and the rules around parliamentary elections. Also provides a power to electoral officials of local authorities to obtain information from the electoral commission. |
| <a href="#"><u>Employment Relations Act 2000</u></a>   | Outlines the law relating to employee-employer relationships. Outlines the role and jurisdiction of the employment relations authority and employment court.  |
| <a href="#"><u>Energy Efficiency and Conservation Act 2000</u></a>                             | Establishes the Energy Efficiency and Conservation Authority and provides for the creation of the National energy efficiency and conservation strategy.   |
| <a href="#"><u>Energy Companies (Alpine Energy Limited) Vesting Order 1993</u></a>             | Vested Alpine Energy shares in Timaru District Council.   |
| <a href="#"><u>Environment Act 1986</u></a>  | Establishes the Ministry for the Environment.   |
| <a href="#"><u>Fair Trading Act 1986</u></a>   | Outlines the rules relating to the general trading of goods and services in NZ. Includes prohibiting deceptive conduct and unfair practices.  |

|   |  |
|---|--|
| <a href="#"><u>Financial Markets Conduct Act 2013</u></a>                 | Outlines the law relating to the exchange of shares and other tradable instruments. Also regulates the operations of listed companies. |
| <a href="#"><u>Financial Reporting Act 2013</u></a>                       | Outlines the law relating to the issuing of financial reporting, climate, auditing and assurance standards.                            |
| <a href="#"><u>Food Act 2014</u></a>                                      | Outlines the law relating to the trade of food.  |
| <a href="#"><u>Freedom Camping Act 2011</u></a>                           | Outlines the law relating to freedom camping.  |
| <a href="#"><u>Fire and Emergency New Zealand Act 2017</u></a>            | Outlines the law relating to the fire service and some offences relating to fire safety.   |
| <a href="#"><u>Fisheries Act 1996</u></a>                                 | Outlines the law relating to fisheries resources. Includes sustainability, quotas, offences, penalties                                 |
| <a href="#"><u>Gambling Act 2003</u></a>                                  | Outlines the law relating to gambling, including minimising harm due to gambling.  |
| <a href="#"><u>Goods and Services Tax Act 1985</u></a>                    | Imposes GST and outlines the rules relating to GST.  |
| <a href="#"><u>Hazardous Substances and New Organisms Act 1996</u></a>    | Outlines the law relating to the management of hazardous substances and new organisms.   |
| <a href="#"><u>Health (Registration of Premises) Regulations 1966</u></a> | Provides to the registration of certain trade premises with local authorities.   |
| <a href="#"><u>Holidays Act 2003</u></a>                                  | Outlines the law relating to holidays, leave and holiday pay.  |
| <a href="#"><u>Housing Act 1955</u></a>                                   | Outlines the law relating to state housing.  |
| <a href="#"><u>Human Rights Act 1993</u></a>                              | Establishes the Human Rights Commission, Human Rights Review Tribunal and offences relating to discrimination.                         |
| <a href="#"><u>Impounding Act 1955</u></a>                                | Outlines the law relating to the establishment of pounds, their conduct and offences relating to impounding.                           |
| <a href="#"><u>Income Tax Act 2002</u></a>                                | Outlines the rules relating to income tax.   |
| <a href="#"><u>Infrastructure Funding and Financing Act 2020</u></a>      | Provides for the funding of public infrastructure via private capital arrangements.  |

|  |  |
|--|--|
| <a href="#"><u>Insolvency Act 2006</u></a>   | Outlines the rules relating to insolvent persons and bankruptcy.   |
| <a href="#"><u>Libraries and Mechanics' Institutes Act 1908</u></a>                | Outlines the law relating to public libraries and mechanics' institutes managed by trustees.   |
| <a href="#"><u>Litter Act 1979 (Litter Control)</u></a>                            | Outlines the law relating to littering, including the appointment of litter control officers by public authorities.  |
| <a href="#"><u>Local Authorities (Members' Interests) Act 1968</u></a>             | Outlines the law relating to the making of contract between local authorities and the members thereof.   |
| <a href="#"><u>Local Electoral Act 2001</u></a>                                    | Outlines the law relating to the election of the elected members of territorial authorities and boards.  |
| <a href="#"><u>Local Government Official Information and Meetings Act 1987</u></a> | Outlines the law relating to official information requests from local authorities. Also contains rules around the publicity of local authority meetings.   |
| <a href="#"><u>Local Government Members (2021/22) Determination 2021</u></a>       | Provides the remuneration of the members of territorial authorities.   |
| <a href="#"><u>Local Government (Rating) Act 2002</u></a>                          | Outlines the law relating to setting and enforcing rates.  |
| <a href="#"><u>Machinery Act 1950 and Amusement Devices Regulations 1978</u></a>   | Provides the rules around amusement device certificates, required under s 21A of the Machinery Act 1950 (which is still in force as per sch 1, cl 2(3) of the Health and Safety at Work Act 2015). |
| <a href="#"><u>Minimum Wage Act 1983</u></a>                                       | Outlines the law relating to minimum wages.  |
| <a href="#"><u>Major Events Management Act 2007</u></a>                            | Outlines the law relating to the management of major events in New Zealand.  |
| <a href="#"><u>Maritime Transport Act 1994</u></a>                                 | Outlines the law relating to Maritime Transport, related offences and establishes Maritime New Zealand.  |
| <a href="#"><u>Marine and Coastal Area (Takutai Moana) Act 2011</u></a>            | Outlines the law around marine and coastal areas, includes the status of ownership and customary rights.   |
| <a href="#"><u>Native Plants Protection Act 1934</u></a>                           | Outlines the law relating to the protection of native plants on Crown land, state forests and public reserves.   |

|   |   |
|---|---|
| <a href="#"><u>New Zealand Bill of Rights Act 1990</u></a>                          | Outlines the rights of New Zealanders. Used in the interpretation of other statutes and in judicial review cases.   |
| <a href="#"><u>New Zealand Library Association Act 1939</u></a>                     | Incorporates the New Zealand Library Association and provides for local authorities to become members.  |
| <a href="#"><u>New Zealand Public Health and Disability Act 2000</u></a>            | Outlines the law relating to district health boards, Pharmac, NZBOS, HPA and HQSC.  |
| <a href="#"><u>Oaths and Declarations Act 1957</u></a>                              | Outlines the law relating to oath, affirmations and declarations.   |
| <a href="#"><u>Ombudsmen Act 1975</u></a>   | Establishes and outlines the law relating to the ombudsmen.   |
| <a href="#"><u>Parental Leave and Employment Protection Act 1987</u></a>            | Outlines the law relating to parental leave and the protection of leaver's employment.  |
| <a href="#"><u>Postal Services Act 1998</u></a>                                     | Outlines the law relating to the provision of postal services.  |
| <a href="#"><u>Prohibition of Gang Insignia in Government Premises Act 2013</u></a> | Prohibits the display of gang insignia on government premises. This includes the premises of local authorities.   |
| <a href="#"><u>Protected Disclosures Act 2000</u></a>                               | Outlines the law relating to the protection from liability for disclosing certain information.  |
| <a href="#"><u>Psychoactive Substances Act 2013</u></a>                             | Outlines the law relating to the regulation of psychoactive substances in New Zealand.  |
| <a href="#"><u>Public Audit Act 2001</u></a>  | Outlines the law relating to the auditing of public sector organisations. Also establishes the positions of Controller, Deputy Controller and Auditor-General.  |
| <a href="#"><u>Public Bodies Contracts Act 1959</u></a>                             | Outlines the law relating to public bodies contracts. <u>The TDC is NOT a public body under the Act.</u> As per <i>Christchurch City Council v Link Co Ltd &amp; Ors</i> CIV-2005-409-000966 at [273] and the LGA 2002. |
| <a href="#"><u>Public Finance Act 1989</u></a>                                      | Outlines the law relating to the use of public financial resources.   |
| <a href="#"><u>Racing Industry Act 2020</u></a>                                     | Outlines the law around racing and betting on races.  |
| <a href="#"><u>Rates Rebate Act 1973</u></a>  | Creates provision for the granting of rebates of rates payable in respect of certain residential properties.  |

|   |   |
|---|---|
| <a href="#"><u>Rating Valuations Act 1998</u></a>   | Outlines the law relating to the valuation of land for rating purposes.   |
| <a href="#"><u>Remuneration Authority Act 1977</u></a>  | Outlines the law relating to the remuneration of public officers.   |
| <a href="#"><u>Residential Tenancies Act 1986</u></a>   | Outlines the law relating to residential tenancies.   |
| <a href="#"><u>Residential Tenancies (Healthy Homes Standards) Regulations 2019</u></a>                                 | Imposes the Healthy Homes Standards on residential tenancies.   |
| <a href="#"><u>Resource Management (Approval of New Zealand Transport Agency as Requiring Authority) Order 1992</u></a> | Approves NZTA as a 'requiring authority' under the RMA.   |
| <a href="#"><u>Sale and Supply of Alcohol Act 2012</u></a>  | Outlines the law relating to the sale and supply of alcohol.  |
| <a href="#"><u>Secret Commissions Act 1910</u></a>  | Prohibits secret commissions. Secret commissions are benefits received by an agent in exchange for acting corruptly towards their employer. |
| <a href="#"><u>Shop Trading Hours Act 1990</u></a>  | Outlines the law relating to the trading day and hours of businesses.   |
| <a href="#"><u>Smokefree Environments and Regulated Products Act 1990</u></a>   | Outlines the law relating to smoking, vaping and similar products.  |
| <a href="#"><u>Standards and Accreditation Act 2015</u></a>   | Outlines the law relating to NZ Standards and the Accreditation Council.  |
| <a href="#"><u>Summary Offences Act 1981</u></a>  | Outlines the law relating to less serious offences.   |
| <a href="#"><u>Telecommunications Act 2001</u></a>  | Outlines the law relating to telecommunication services.  |
| <a href="#"><u>Te Ture Whenua Maori Act 1993</u></a>  | Outlines the law around and establishes the Maori Land Court.   |
| <a href="#"><u>Treaty of Waitangi Act 1975</u></a>  | Outlines the law around and establishes the Waitangi Tribunal.  |
| <a href="#"><u>Unit Titles Act 2010</u></a>   | Outlines the law relating to unit titles (ownership of units).  |
| <a href="#"><u>Urban Development Act 2020</u></a>   | Outlines the law relating to urban development by Kāinga Ora.   |

[Wages Protection Act 1983](#)

Outlines the law relating to the payment of wages and salaries.

[Weathertight Homes  
Resolution Services Act 2006](#)

Provides a dispute resolution service for those with leaky homes.

[Wild Animal Control Act 1977](#)

Outlines the law relating to the control of wild animals.