

## **Schedule 2.2 — Provisions about names, wards and representation**

[Section 2.2(3)]

*[Heading amended by No. 64 of 1998 s. 53.]*

### **1. Terms used**

In this Schedule, unless the contrary intention appears —

***affected electors***, in relation to a submission, means electors whose eligibility as electors comes from residence, or ownership or occupation of property, in the area directly affected by the submission;

***review*** means a review required by clause 4(4) or 6 or authorised by clause 5(a);

***submission*** means a submission under clause 3 that an order be made to do any or all of the things referred to in section 2.2(1), 2.3(3) or 2.18(3).

### **2. Advisory Board to make recommendations relating to new district**

- (1) When a local government is newly established, the Advisory Board —
- (a) at the direction of the Minister; or
  - (b) after receiving a report made by a commissioner appointed under section 2.6(4) after carrying out a review,

is, in a written report to the Minister, to recommend the making of an order to do all or any of the things referred to in section 2.2(1)(a), 2.3(2) or 2.18(1).

- (2) In making its recommendations under subclause (1) the Advisory Board is to take into account the matters referred to in clause 8(c) to (g) so far as they are applicable.

### **3. Who may make submissions about ward changes etc.**

- (1) A submission may be made to a local government by affected electors who —
- (a) are at least 250 in number; or
  - (b) are at least 10% of the total number of affected electors.

- (2) A submission is to comply with any regulations about the making of submissions.

**4. Dealing with submissions**

- (1) The local government is to consider any submission made under clause 3.
- (2) If, in the council's opinion, a submission is —
- (a) one of a minor nature; and
  - (b) not one about which public submissions need be invited,
- the local government may either propose\* to the Advisory Board that the submission be rejected or deal with it under clause 5(b).

*\* Absolute majority required.*

- (3) If, in the council's opinion —
- (a) a submission is substantially similar in effect to a submission about which the local government has made a decision (whether an approval or otherwise) within the period of 2 years immediately before the submission is made; or
  - (b) the majority of effected electors who made the submission no longer support the submission,
- the local government may reject the submission.
- (4) Unless, under subclause (2) or (3), the local government rejects, or proposes to reject, the submission or decides to deal with it under clause 5(b), the local government is to carry out a review of whether or not the order sought should, in the council's opinion, be made.

*[Clause 4 amended by No. 49 of 2004 s. 68(2)-(4).]*

**5. Local government may propose ward changes or make minor proposals**

A local government may, whether or not it has received a submission —

- (a) carry out a review of whether or not an order under section 2.2, 2.3(3) or 2.18 should, in the council's opinion, be made; or

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- (b) propose\* to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3) if, in the opinion of the council, the proposal is —
  - (i) one of a minor nature; and
  - (ii) not one about which public submissions need be invited;
- or
- (c) propose\* to the Minister the making of an order changing the name of the district or a ward.

*\* Absolute majority required.*

**6. Local government with wards to review periodically**

- (1) A local government the district of which is divided into wards is to carry out reviews of —
  - (a) its ward boundaries; and
  - (b) the number of offices of councillor for each ward,from time to time so that not more than 8 years elapse between successive reviews.
- (2) A local government the district of which is not divided into wards may carry out reviews as to —
  - (a) whether or not the district should be divided into wards; and
  - (b) if so —
    - (i) what the ward boundaries should be; and
    - (ii) the number of offices of councillor there should be for each ward,from time to time so that not more than 8 years elapse between successive reviews.
- (3) A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.

*[Clause 6 amended by No. 49 of 2004 s. 68(5) and (6).]*

**7. Reviews**

- (1) Before carrying out a review a local government has to give local public notice advising —
  - (a) that the review is to be carried out; and
  - (b) that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.
- (2) In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.

**8. Matters to be considered in respect of wards**

Before a local government proposes that an order be made —

- (a) to do any of the matters in section 2.2(1), other than discontinuing a ward system; or
- (b) to specify or change the number of offices of councillor for a ward,

or proposes under clause 4(2) that a submission be rejected, its council is to have regard, where applicable, to —

- (c) community of interests; and
- (d) physical and topographic features; and
- (e) demographic trends; and
- (f) economic factors; and
- (g) the ratio of councillors to electors in the various wards.

*[Clause 8 amended by No. 49 of 2004 s. 68(7).]*

**9. Proposal by local government**

On completing a review, the local government is to make a report in writing to the Advisory Board and may propose\* to the Board the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit.

*\* Absolute majority required.*

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**10. Recommendation by Advisory Board**

- (1) Where under clause 5(b) a local government proposes to the Advisory Board the making of an order under section 2.2(1), 2.3(3) or 2.18(3), and the Board is of the opinion that the proposal is —
- (a) one of a minor nature; and
  - (b) not one about which public submissions need be invited,
- the Board, in a written report to the Minister, is to recommend the making of the order but otherwise is to inform the local government accordingly and the local government is to carry out a review.
- (2) Where under clause 9 a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8 that, in the Board's opinion, correctly takes into account the matters referred to in clause 8(c) to (g), the Board, in a written report to the Minister, is to recommend the making of the order.
- (3) Where a local government proposes to the Advisory Board the making of an order of a kind referred to in clause 8, or that a submission under clause 4(2) be rejected, that, in the Board's opinion, does not correctly take into account the matters referred to in that clause —
- (a) the Board may inform the local government accordingly and notify the local government that a proposal that does correctly take those matters into account is to be made within such time as is set out in the notice; and
  - (b) if the local government does not make a proposal as required by a notice under paragraph (a), the Board may, in a written report to the Minister, recommend\* the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account those matters.

*\* Absolute majority required.*

- (4) Where a local government fails to carry out a review as required by clause 6, the Advisory Board, in a written report to the Minister, may recommend\* the making of any order under section 2.2(1), 2.3(3) or 2.18(3) it thinks fit that would correctly take into account the matters referred to in clause 8.

*\* Absolute majority required.*

*[Clause 10 amended by No. 49 of 2004 s. 68(8).]*

**11. Inquiry by Advisory Board**

- (1) For the purposes of deciding on the recommendation, if any, it is to make under clause 10(3)(b) or (4), the Advisory Board may carry out any inquiry it thinks necessary.
- (2) The Advisory Board may recover the amount of the costs connected with an inquiry under subclause (1) from the local government concerned as if it were for a debt due.

**12. Minister may accept or reject recommendation**

- (1) The Minister may accept or reject a recommendation of the Advisory Board made under clause 10.
- (2) If the recommendation is accepted the Minister can make a recommendation to the Governor for the making of the appropriate order.