

In Confidence

Office of the Minister for Land Information

Chair, Cabinet Legislation Committee

Local Government (Ōtorohanga District Council) Order 2019

Proposal

1. This paper seeks authority to submit this Order in Council to the Executive Council. The Order in Council changes the name of 'Otorohanga District Council' to 'Ōtorohanga District Council'.

Background

Statutory process for changing the name of a local authority

2. The New Zealand Geographic Board (Ngā Pou Taunaha o Aotearoa) Act 2008 (NZGBA) and the Local Government Act 2002 (LGA) prescribe linked and sequential processes for:
 - changing the name of a district or region (under the NZGBA), then
 - changing the relevant local authority's name (under the LGA).
3. The processes under the NZGBA provide for analysis and consideration of the request from the relevant local authority to change its district or region name and public submissions. The process under the LGA sets out the formal steps to change the name of the local authority.

Prior step — changing the district name under the NZGBA

4. Section 11(2) of the NZGBA gives the New Zealand Geographic Board Ngā Pou Taunaha o Aotearoa (the Board) a function to alter the name of a district or region if the relevant local authority consents to or requests it by resolution.
5. In August 2018 the former Office of Treaty Settlements (now Te Arawhiti) made a proposal to the Board on behalf of Ngāti Maniapoto Treaty Claimants to alter the official district name from 'Otorohanga District' to 'Ōtorohanga District'.
6. The Otorohanga District Council advised it would not make a resolution to consent to the alteration until it had gauged community views and after the Board had considered the proposal.
7. The Board publicly notified the proposed alteration for one month from 5 November 2018 to 5 December 2018, as required by section 16 of the NZGBA.

8. At its meeting on 11 April 2019 the Board considered the 15 supporting and two objecting submissions but did not agree with the objections to the proposal and confirmed 'Ōtorohanga District'.
9. Under section 19 of the NZGBA, the Board cannot make the final decision if objections have been made and are not upheld by the Board.
10. At its 20 August 2019 meeting, the Otorohanga District Council resolved to support the alteration to 'Ōtorohanga District'.
11. On 19 September 2019, the Board, acting under section 20(1) of the NZGBA, reported its decision to me and sought a final determination under section 20(2) of the NZGBA confirming, modifying, or rejecting the requested alteration.
12. On 24 September 2019, I confirmed the decision of the Board.

Changing the name of the local authority in Schedule 2 of the LGA

13. On 20 October 2019, I recommended to the Governor-General to make an Order in Council under section 260 of the LGA (the order) to amend the name of Otorohanga District Council in schedule 2 of that Act, to give effect to the alteration.

Effect of the order and next steps

14. The order amends Schedule 2 of the LGA to alter 'Otorohanga District Council' to 'Ōtorohanga District Council'.
15. The order that changes Otorohanga District Council's name, and the Minister for Land Information's determination that changes the name of the district, must both come into force on the same date. This is a requirement under section 23(2)(b) of the NZGBA.
16. Both will come into force on 17 January 2020.

Consultation

17. The Department of Internal Affairs has been consulted with on all draft documents.

Financial implications

18. There are no financial implications.

Human rights, disability or gender implications

19. There are no human rights, disability or gender implications.

Legislative Implications

20. As an Order in Council is required to give effect to the alteration, the Parliamentary Counsel Office was consulted and provided with drafting instructions to prepare the order.

21. The order has been certified by Parliamentary Counsel as being in order for submission to Cabinet.

Impact Analysis

22. This proposal is exempt from the impact analysis requirements as it has no or only minor impacts on businesses, individuals or not for profit entities.

Publicity

23. The Board will, as required by section 23 of the NZGBA, give public notice of my determination altering the name of the district in the *New Zealand Gazette* on 20 December 2019, and in local and national newspapers.
24. There will also be a news item notifying of the district name and local authority name change on the LINZ website.

Proactive Release

25. I intend to proactively release this paper as required by Cabinet Office circular CO (18) 4, subject to the redaction of any material as consistent with the Official Information Act 1982.

Recommendations

26. The Minister for Land Information recommends that the Cabinet Legislation Committee:

- 26.1. **note** that section 11(2) of the NZGBA gives the Board a function to alter the name of a district or region if the relevant local authority consents to or requests it, by resolution.

Prior process — changing the district name under the NZGBA

- 26.2. **note** that on 20 August 2019 the Otorohanga District Council resolved to support an earlier proposal by the former Office of Treaty Settlements (now Te Arawhiti) to alter the official district name from 'Otorohanga District' to 'Ōtorohanga District'.
- 26.3. **note** that the Board dealt with the requested alteration as required by sections 16 to 20 of the NZGBA, by publicly notifying, and receiving submissions on the requested alteration and by deciding to reject the objections it had received in relation to the requested alteration.
- 26.4. **note** that on 19 September 2019, the Board, acting under section 20(1) of the NZGBA reported its decision to the Minister for Land Information and sought a final determination by the Minister under section 20(2) of the NZGBA confirming, modifying, or rejecting the requested alteration.
- 26.5. **note** that on 24 September 2019 the Minister for Land Information confirmed the decision of the Board.

Changing the local authority's name under the LGA

- 26.6. **note** that on 20 October 2019 the Minister for Land Information noted and agreed to the Board's request under section 22(2) of the NZGBA to recommend to the Governor-General to make an Order in Council under section 260 of the LGA.
- 26.7. **note** that the Order in Council amends schedule 2 of the LGA to alter 'Otorohanga District Council' to 'Ōtorohanga District Council'.
- 26.8. **authorise** the Order in Council be submitted to the Executive Council.

Authorised for lodgement

Hon Eugenie Sage

Minister for Land Information