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Local Government and Electoral

Local Government Act 2002

This is one of the central pieces of legislation governing local authorities' powers, responsibilities, and structure. It outlines the functions of local government, including planning, financial management, and community engagement.

Audit NZ audits Long-term Plans and Annual Plans.

Various other key documents and activity areas have oversight via our internal audit functions.

Covenant Trustees Services Ltd audit the Council's compliance with the balance benchmark requirements, and contract requirements for the Local Government Funding Agency.

Consulting is carried out in accordance with section 82 (principles) and 83 (special consultative procedure) of the Act. Reporting templates and the Significance & Engagement Policy reinforce its use.

Pecuniary interests are detailed by section 54A – 54I of the Act. Annual declarations are requested from elected members in January/February of each year, although responsibility for making a declaration falls solely to members themselves (i.e., liability for non-compliance sits with members).

Local Government Official Information and Meetings Act 1987

LGOIMA provides a framework for the public's right to access official information held by local authorities and regulates local authority meetings.

The Council has the ability to withhold information under the Act (e.g., privacy, commercial negotiations) in response to LGOIMA requests. Where this is done, the requestor is advised of their right to appeal this to the Ombudsman.

In every LGOIMA response that withholds parts of requested information, the Council advise the requester of their rights to appeal this to the Ombudsman:

"You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602."

The Act details the appropriate reasons that the Council might use to exclude the public from meetings for certain items (e.g., privacy, commercial negotiations).

Local Electoral Act 2001 This Act covers the rules and procedures for local government elections, including the election of mayors, councillors, and community board members.	Compliance with this act falls to our Electoral Officer, Warwick Lampp of the Election Services company Electionz.com Ltd. The Council signs a contract each election with electionz.com, which details their approach and commitment to meeting the requirements set out in the Local Electoral Act 2001. Council staff who participate in elections (the Deputy Electoral Officer, and Electoral Officials) are ‘sworn in’ to those roles, and the Electoral Office holds training with those staff prior to elections to ensure the obligations are understood. Representation reviews and by-elections are also outsourced to our Electoral Officer, with in-house staff managing non-legislative aspects of these. The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 amended the Local Electoral Act 2001 and Local Electoral Regulations 2001. Changes included requirements relating to Māori wards and constituencies, polls on electoral systems, and other electoral processes. The Manawatū District Council’s 2025 referendum on our Māori ward failed, and the position will be disestablished for the 2028 elections.
Local Electoral Regulations 2001 Local councils must adhere to various regulations related to local government elections, which are periodically held to elect mayors, councillors, and community board members.	Compliance with this Act falls to our Electoral Officer, Warwick Lampp of the Election Services company Electionz.com Ltd. The Council signs a contract each election with electionz.com, which details their approach and commitment to meeting the requirements set out in the Local Electoral Act 2001. Council staff who participate in elections (the Deputy Electoral Officer, and Electoral Officials) are ‘sworn in’ to those roles, and the Electoral Officer holds training with those staff prior to elections to ensure the obligations are understood.
Local Authorities (Members’ Interests) Act 1968 Financial interests.	The Local Authorities (Members’ Interests) Act 1968 regulates certain financial interests of elected members. It contains two main requirements: restrictions on members having an interest in contracts with their local authority, and restrictions on members discussing or voting on matters in which they have a direct or indirect pecuniary interest. Council maintains processes for elected members to declare interests and to identify potential conflicts relating to matters being considered at Council and Committee meetings. Where required, advice can be sought from the Audit Office regarding application of the Act, including exemptions from the

	non-participation rule and approval of contracts. On 6 June 2026, the contracting threshold under section 3 of the Act increased from \$25,000 (including GST) to \$100,000 (excluding GST) in any financial year. The \$100,000 threshold applies to the total payments under all contracts in which the member is concerned or interested, rather than to each individual contract. Contracts made before 6 June 2026 remain subject to the previous \$25,000 threshold. Where the \$100,000 threshold would otherwise be exceeded, Council may apply to the Auditor-General for approval in accordance with the Act.
Regulatory	
Building Act 2004 The Building Act 2004 sets out the rules for the construction, alteration, demolition and maintenance of new and existing buildings in New Zealand. The purpose of the Building Act is so that people can use buildings safely and without endangering their health. The Act is used in conjunction with the Building Code which sets performance standards for all New Zealand building work.	The International Accreditation New Zealand (IANZ) audits Council's quality management system every two years. In cases where IANZ considers BCAs performance to be higher risk, IANZ may conduct assessments annually or more frequently. The audit IANZ conducts includes the Council's processes around meeting substantive compliance, code compliance certificates, consent processing, inspections and compliance schedules. The Building and Construction (Small Stand-alone Dwellings) Amendment Act 2025 amended the Building Act to enable qualifying small stand-alone dwellings (commonly referred to as "granny flats") to be constructed without a building consent, subject to specified requirements. The remaining provisions of these amendments came into force on 15 January 2026. The new framework includes notification and information requirements involving territorial authorities for qualifying dwellings constructed under the exemption. Further changes to the building regulatory system are proposed through the Building Amendment Bill, which was introduced in June 2026 and is currently before Parliament. The Bill proposes changes including building consent processing, liability settings, Building Consent Authority arrangements, Project Information Memoranda, and other aspects of the building regulatory system. As these changes have not yet been enacted, Council will need to monitor the Bill's progress and assess any resulting changes to its building control functions and processes.

	The Building (Earthquake-prone Buildings) Amendment Bill proposes significant changes to the earthquake-prone building regime, with the aim of establishing a more proportionate and risk-based approach. The proposed changes include narrowing the buildings subject to the regime, providing greater flexibility and longer timeframes for seismic strengthening in some circumstances, and reducing requirements for unrelated building upgrades when seismic work is undertaken. The Bill will affect Council's responsibilities as a territorial authority for identifying, monitoring and managing earthquake-prone buildings. Council will need to monitor the Bill's progress and implement any resulting changes to its processes and regulatory responsibilities.
Burial and Cremation Act 1964 and Cremation Regulations 1973	As of 2024, Cemetery Officers have access to the Death Documents Service so they can search and view documents to comply with the legal obligations associated with the disposal of a body and notifying the death for registration. Cemetery Officers will be able to print the documents for authenticated customers, to enable them to arrange the disposal of the body and register the death with The Department of Internal Affairs (DIA) as required by legislation.
Complaints All fits into either Health Act 1956, Building Act 2004 or even the Freedom Camping Act 2011.	The Council reports on the number of complaints received around substandard or unsanitary housing, on a quarterly basis. This may be enforced under the Health Act (1956) or the Building Act (2004). The Council's building functions are also subject to external auditing by either The Ministry of Business, Innovation & Employment (MBIE) or IANZ.
Dog Control Act 1996 Councils are responsible for administering the provisions of the Act, including dog registration and managing dangerous dogs.	The Council reports each year (under Section 10A of the Act) on dog numbers in the district, registration fees, prosecutions, hearings, disqualified owners, and the number of dogs that are classified as being menacing or dangerous. Internal quarterly reporting also ensures that priority 1, 2 and 3 reports are responded to within agreed timeframes.

Freedom Camping Act 2011	The Act allows local authorities to pass bylaws to regulate Freedom Camping by identifying Local Authority Areas where Freedom Camping is prohibited or restricted and the restrictions that apply in those areas to manage the effects of Freedom Camping. Freedom camping in a motor vehicle that is not self-contained is generally prohibited unless it is specifically permitted in an area by a local authority bylaw (or under other legislation).
Food Act 2014 Regulates our food industry ensuring that all food is safe and suitable.	The Ministry for Primary Industries (MPI) monitors the Council's duties under the Food Act to perform the function of a registration authority and verify food businesses. Details on registered food businesses and verifications (that the Council conducts) are entered onto MPI's TiTiro and MAPS system. Additionally, internal quarterly reporting ensures that food businesses are verified in accordance with timeframes specified by the Act.
Health Act 1956 Legislation governing the investigation of health complaints, hoarding, health nuisances and premises such as hairdresser compliance, Funeral parlours, Trade waste applications, offensive trades.	The Council does quarterly reporting on all inspections completed under the Health Act, such as hairdressers, offensive trades, and funeral parlours. This reporting helps to ensure that inspections are conducted annually, as per legislation.
Heritage New Zealand Pouhere Taonga Act 2014 Local councils may have responsibilities related to the protection and preservation of heritage buildings and sites within their jurisdictions.	The Council must apply for archaeological authority if undertaking any activity or investigation that will (or may) modify or destroy the whole or any part of an archaeological site, as per the Heritage NZ Pouhere Taonga Act 2014. Modification or demolition of a scheduled heritage building requires consent under the Resource Management Act 1991. The Council must currently consider the New Zealand Heritage List/Rārangi Kōrero when considering review of District Plan heritage schedules.
Impounding Act 1955 The Impounding Act 1955 in New Zealand provides a legal framework for dealing with livestock (such as cattle, sheep, or horses) that are found trespassing on private property or public land. The Act outlines the process for seizing (impounding) livestock and ensures that owners are held accountable for damages caused by their animals.	Stock control is carried out under the Impounding Act (1955) and MDC's Animal Control Bylaw, and aims to remove roaming stock from roads and reserves to prevent hazards and/or damage to the environment. Key Provisions Related to Local Authorities and Pounds: Establishment of Pounds: Under the Act, local authorities have the power to establish and maintain a pound where stray or trespassing livestock can be impounded.

	Authority to Impound Livestock: The Act gives local authorities the authority to impound animals that are found wandering or trespassing, typically when they are causing damage or posing a danger. Pound Fees and Costs: Local authorities can charge fees for the care and maintenance of impounded livestock, including any damages caused by the animals. These fees are intended to cover the costs of impoundment and, if applicable, any damages to the property owner. If the owner fails to claim the livestock and pay the fees within a certain period, the council may have the authority to sell the animals to recover the costs. Sale of Impounded Livestock: If the livestock are not claimed within the statutory time period the Act allows local authorities to sell the animals at auction to cover the impoundment and other related costs.
Local Alcohol Policy In addition to the Sale and Supply of Alcohol Act (2012), councils can develop their own Local Alcohol Policies to regulate alcohol sales and licensing in their communities.	Not applicable (MDC does not have a local alcohol policy).
Sale and Supply of Alcohol Act 2012 Councils may issue licenses and monitor the sale and supply of alcohol within their areas in compliance with this Act.	The Council does quarterly KPI reporting on inspections that have been conducted. The Council also reports to the Alcohol Regulatory & Licensing Authority, who oversee our compliance with the Act.
Reserves Act 1977	Council can vest land as Reserve to protect the natural environment and for other purposes such as historic, cultural, archaeological, and recreational reasons. Reserve management plans are developed and adhered to for every reserve under Council control. Rangers are appointed to enforce any actions or non-compliance with the Act.
Health and Safety	

Biosecurity Act 1993 Local councils may be involved in biosecurity efforts to prevent the spread of pests, diseases, and other biosecurity risks within their regions.	Not applicable for our Council.
Health and Safety at Work Act 2015 Local councils are responsible for ensuring the health and safety of their employees and may have to comply with this Act, which sets out health and safety requirements for workplaces.	SafePlus audit is undertaken an audit every 2 years on the Council’s health and safety compliance under the Act.
Infrastructure	
Local Government (Water Services) Act 2025 This Act establishes the enduring framework for the governance, delivery, planning, funding and regulation of local government water services.	This Act makes territorial authorities responsible for ensuring water services are provided within their districts and provides for different structural arrangements through which those services may be delivered. The Act establishes requirements covering the delivery and management of drinking water, wastewater and stormwater services, including planning and reporting, financial management and charging, development contributions, trade waste, stormwater management, infrastructure access, bylaws, and compliance and enforcement. Council must ensure its water services activities, planning and decision-making comply with these requirements.
Local Government (Water Services Preliminary Arrangements) Act 2024 This Act established the transitional framework for councils to develop and implement plans for the future delivery of drinking water, wastewater and stormwater services under the Government’s Local Water Done Well reforms.	The Act required territorial authorities to prepare, adopt and submit a Water Services Delivery Plan setting out how water services would be delivered and become financially sustainable. Plans were required to address matters including infrastructure, service levels, regulatory compliance, financial projections, asset management, delivery arrangements and implementation. Council has prepared its Water Services Delivery Plan in accordance with the Act. Ongoing obligations include giving effect to the accepted plan and providing information required for monitoring its implementation. Under the Local Government (Water Services) Act 2025, Council is also required to submit a further Water Services Delivery Plan by 3 September 2030 and at five-year intervals thereafter. The requirements of the Local Government (Water Services Preliminary Arrangements) Act 2024 will continue to apply to the preparation and content of these subsequent plans, subject to the modifications provided for in the 2025 Act.

Public Works Act 1981 Local authorities may use this Act to acquire land for public works projects, such as infrastructure development.	This relates to the Council’s ability to acquire land for a public work under the relevant section of the Public Works Act 1981, depending on what the public work is for. Council must identify that the work meets the definition of a ‘public work’ before undertaking an acquisition using the Act. The Act sets out a framework for land acquisition that can be used whenever Council acquires land as the best practice method to fairly compensate the affected landowner. It also provides for compensation and other entitlements for affected landowners. A separate accelerated acquisition process applies to certain specified critical infrastructure projects. Further amendments to the Act are currently before Parliament and, if enacted, will make additional changes to land acquisition processes, landowner engagement and compensation.
Waste Minimisation Act 2008 Councils have responsibilities related to waste management and minimizing waste in their communities, in accordance with this Act.	A key responsibility of Council under this legislation is to develop, consult on and implement a Waste Management & Minimisation Plan on a six yearly cycle. This Plan should outline how the Council intends to invest the Waste Levy it collects for waste minimisation initiatives. Council last adopted it’s Waste Management and Minimisation Plan in 2022 after an extensive review in consultation with the community. Council’s spending of waste levy funding remains in line with the adopted Waste Management and Minimisation Plan as required by the Waste Minimisation Act 2008. The Act also outlines what fines the Council can impose for rubbish related offences (i.e., fly-tipping).
Roading	
Land Transport Management Act 2003 This Act relates to transportation planning, funding, and management, which is often a significant responsibility for local government.	This relates to the Council’s function as a Road Controlling Authority (RCA) and includes everything from the setting of speed limits on local roads to the Council’s obligation to maintain the roading network in accordance with Waka Kotahi standards. The Council contributes to the development of the Regional Land Transport Plan (a regional council function) which underpins the regional roading investment from the National Land Transport Fund. The Council’s obligations around road management and investment are primarily driven by the Land Transport Management Act 2003.

Land Transport Act 1998 Council manages parking compliance within Feilding.	The Land Transport Act 1998 establishes requirements relating to New Zealand's land transport system, including road safety, vehicle and driver requirements, enforcement, and the regulation of road use. Council has appointed a Parking Warden under section 128D of the Act. The Parking Warden exercises the powers provided under section 128E, including enforcement of stationary vehicle and special vehicle lane offences within the district. These powers also include, in specified circumstances, directing that vehicles be moved or arranging for their removal where they cause an obstruction or their removal is appropriate for road safety or the convenience or interests of the public. Council's parking enforcement activities are undertaken in accordance with the Land Transport Act 1998 and relevant regulations and bylaws
Other	
Emergency Management Act 2026	The Emergency Management Act 2026 replaces the Civil Defence Emergency Management Act 2002 and establishes the legislative framework for emergency management in New Zealand. The Act retains an all-hazards approach covering risk reduction, readiness, response and recovery, while updating governance arrangements, emergency powers and responsibilities across the emergency management system. Most provisions came into force in September 2026, with some requirements subject to delayed commencement and transitional arrangements. Council will need to ensure its emergency management arrangements are updated as the remaining provisions come into effect. The Council has prepared and delivered Response and Recovery Plans to our communities, enabling them to be better prepared for an event. The Council has also prepared and made use of flood and other hazard action plans in liaison with neighbouring districts and the regional council. The Council requires all staff to complete, at minimum, an introduction to emergency management under the nationally agreed Integrated Training Framework. This helps prepare staff to operate in an Emergency Operations Centre where required. Some individuals within Council have specific emergency management roles, including Local Controller and Local Recovery Manager.

Employment Relations Act 2000	The Employment Relations Act 2000 provides the primary legal framework governing employment relationships in New Zealand, including the rights and obligations of employers, employees and unions, employment agreements, good faith, collective bargaining and the resolution of employment relationship problems. Council manages its obligations under the Act through its employment agreements, employment policies and procedures, and People and Culture processes. The Act is particularly relevant to recruitment and employment agreements, workplace change, performance and disciplinary processes, collective bargaining, and the resolution of employment relationship problems. Council receives specialist employment advice where required to support compliance with its obligations under the Act.
Holidays Act 2003 / Employment Leave Act 2026	The Holidays Act 2003 currently provides minimum employee entitlements relating to annual holidays, public holidays, sick leave, bereavement leave and family violence leave, and establishes associated payment and record-keeping requirements. The Employment Leave Act 2026 has been enacted to replace the Holidays Act 2003 and introduces a new framework for employee leave entitlements and payments. Council will need to transition its payroll systems, employment documentation and associated processes to comply with the new requirements as they come into force.
Privacy Act 2020	The Privacy Act 2020 governs how organisations collect, store, use, disclose and provide access to personal information. Council is required to comply with the information privacy principles contained in the Act and has obligations relating to access and correction requests, privacy breaches and the protection of personal information. The General Manager – Corporate is currently Council’s appointed Privacy Officer. Privacy considerations are incorporated into Council’s information management practices, policies and procedures, and staff can seek advice from the Privacy Officer where required. Suspected privacy breaches are

	assessed and managed in accordance with the Act, including notification to the Privacy Commissioner and affected individuals where a breach meets the threshold for notification. From 1 May 2026, the Act also includes Information Privacy Principle 3A, which introduces requirements to notify individuals when their personal information is collected indirectly, subject to specified exceptions.
Public Records Act 2005	The Public Records Act 2005 establishes requirements for the creation, maintenance, preservation, disposal and accessibility of public and local authority records. Its purposes include ensuring that full and accurate records of local government activities are created and maintained, supporting accountability and public confidence in the integrity of public records. Council is required to create and maintain full and accurate records of its activities and to ensure that records remain accessible and usable for as long as they are required. Council must manage the disposal of records in accordance with the requirements of the Act and applicable disposal authorities and must protect and preserve records classified as protected local authority records. Council's information and records management practices are also required to comply with mandatory standards issued by the Chief Archivist, including the Information and Records Management Standard. Council maintains policies, systems and information management processes to support compliance with these requirements, including controls relating to the creation, storage, retention and authorised disposal of Council records.
Protected Disclosures (Protection of Whistleblowers) Act 2022	The Protected Disclosures (Protection of Whistleblowers) Act 2022 provides a framework for people to report serious wrongdoing and provides protections for people who make protected disclosures, including confidentiality and protection from retaliation or less favourable treatment. Council is required to maintain appropriate internal procedures for

	receiving and dealing with protected disclosures. These procedures must identify who disclosures can be made to, provide for confidentiality and protection from retaliation, and explain how practical assistance and advice will be provided to people making protected disclosures. Council's internal policies and procedures provide mechanisms for staff to raise concerns about serious wrongdoing and for those matters to be appropriately assessed, investigated or referred to another appropriate authority where required. As at September 2026, Council has not received any protected disclosures.
Local Government (Rating) Act 2002 This Act governs the rating system used by local authorities to collect revenue for funding local services and infrastructure.	Audit NZ audits the financial sections of the Long-term Plans and Annual Reports which include the rating area. Price Water House Cooper reviews the rates resolution before the Council adopts the rating funding impact statement for the Annual Report and Long-term Plan.

Resource Management Act 1991 While not exclusively focused on local government, this Act is crucial for local authorities as it deals with resource management, land use planning, and environmental protection. Councils must administer and adhere to these in their planning and development processes.	The Council reports to the Ministry for the Environment each year in regards to offences and enforcement under sects 9, 11, 12, 13, 14, 15, 16, 327 of the Act. Additionally, the Council completes quarterly KPI reports for consent processing timeframes, hearing reports, permitted boundary consents, and marginal consents processed under the Act. The Council is required to provide information to the Ministry for the Environment, via the National Monitoring System, to ensure our compliance on land use planning, environmental protection and resource management. Sections 35 and 35A of the Act details the duty to gather information and maintain records about the environment and iwi/hapū. The Resource Management (Consenting and Other System Changes) Amendment Act 2025 made a significant package of amendments to the RMA, including changes relating to consent processing, conditions, duration, lapsing, designations, plan-making, enforcement, emergency works and penalties. The Resource Management (Duration of Consents) Amendment Act 2025 made further changes to consent durations, generally extending qualifying resource consents that would otherwise expire before 31 December 2027 until that date. The Act also requires consent authorities to update affected consent records to reflect the new expiry dates. The Government is progressing legislation to replace the RMA with a new resource management system.
Gangs Act 2024 The purpose of this Act is to reduce the ability of gangs to operate, cause fear or disruption to the community. It prohibits the display of insignia and patches in public places. While not enforced by local government, our facilities are public places.	Council does not enforce this Act, but has an obligation to provide information if requested by New Zealand Police.