

[REDACTED]

[REDACTED]

Date 20 August 2024.

Lance Vervoort,
CEO, Hamilton City Council
Anglesea Street,
Hamilton

Dear Lance Vervoort ,

I make this request under the Official Information Act and the Declaration on Open and Transparent Government as approved by Cabinet on 8 August 2011.

- It's come to our attention that the District Courts Act does not apply to Hamilton City Council and that you are running a Council Court.
- Does the Council hire the Court Rooms and supply their own judges?
- Please disclose what jurisdiction your Court is running under
- Please disclose what enactments Hamilton City Council are relying on.
- Please disclose any Secondary Legislation Hamilton City Council are relying on and operating under.
- Is the Local Government Act 2002 still the Hamilton City Council Constitution?

Thank you for your time,

Kind Regards,

By:

[REDACTED]

From: [Official Information](#)
To: [Official Information](#)
Subject: FW: FYI - Final response - [REDACTED]
Date: Monday, 2 September 2024 9:33:24 am
Attachments: [image001.png](#)
[240820 \[REDACTED\] - LGOIMA re HCC Constitution.pdf](#)

Kia ora,

We refer to your information request below. Hamilton City Council provides the following response.

Your request:

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Our response:

1. **It's come to our attention that the District Courts Act does not apply to Hamilton City Council and that you are running a Council Court.**

The Council does not run a Council court. From the questions you have raised you have a misunderstanding of how regulatory and enforcement powers are conferred on councils.

The District Court and the District Court Act 2016 has jurisdiction over Family Court, Youth Court, and Disputes Tribunal and also general discretion to exercise the ordinary civil and criminal jurisdiction. This is set out in s9 Divisions of Court under the District Court Act.

2. **Does the Council hire the Court Rooms and supply their own judges?**

Hamilton City Council does not hire the Courts.

Council does not have its own judges. Council is not part of the judiciary and has never been so.

3. **Please disclose what jurisdiction your Court is running under.**

As advised above Council does not run a court.

4. **Please disclose what enactments Hamilton City Council are relying on.**

All Councils in New Zealand have a range of obligations and powers under several pieces of legislation. Many of the powers conferred on Councils are regulatory and are enforceable by a Council within its own district or region.

The Dog Control Act is one example where Councils have regulatory powers and can take enforcement action against dog owners. There are specific provisions in the Dog Control Act that allow dog owners to object to certain decisions and request a council hearing on the matter.

There are similar provisions for hearings under the Resource Management Act and Sale and Supply of Alcohol Act.

The primary legislation (Acts of Parliament) that provides the majority of Council's regulatory and enforcement powers are listed below:

- [Building Act 2004](#)
- [Burial and Cremation Act 1964](#)
- [Bylaws Act 1910](#)
- [Dog Control Act 1996](#)
- [Food Act 2014](#)
- [Freedom Camping Act 2011](#)
- [Gambling Act 2003](#)
- [Hazardous Substances and New Organisms Act 1996](#)
- [Health Act 1956](#)
- [Impounding Act 1955](#)
- [Land Transport Act 1998](#)
- [Land Transport Management Act 2003](#)
- [Litter Act 1979](#)
- [Local Electoral Act 2001](#)
- [Local Government \(Rating\) Act 2002](#)
- [Local Government Act 1974](#)
- [Local Government Act 2002](#)
- [Local Government Official Information and Meetings Act 1987](#)
- [Property Law Act 2007](#)
- [Prostitution Reform Act 2003](#)
- [Psychoactive Substances Act 2013](#)
- [Public Works Act 1981](#)
- [Rates Rebate Act 1973](#)
- [Rating Valuations Act 1998](#)
- [Reserves Act 1977](#)
- [Resource Management Act 1991](#)

- [Sale and Supply of Alcohol Act 2012](#)
- [Trespass Act 1980](#)

5. **Please disclose any Secondary Legislation Hamilton City Council are relying on and operating under.**

The secondary/subordinate documents we rely on are

- The District Plan
- Bylaws: <https://hamilton.govt.nz/your-council/policies-bylaws-and-legislation/bylaws/>

There will be other regulations and orders in council that will impact Council's regulatory powers, these are not detailed here as this would require substantial collation. Staff are happy to provide further information if there is a particular piece of legislation you are interested in.

6. **Is the Local Government Act 2002 still the Hamilton City Council Constitution?**

Hamilton City Council is a body corporate with perpetual succession under [section 12](#) and Schedule 2, Part 2 [of the Local Government Act 2002](#).

The Local Government Act 2002 isn't a constitution, it is however the main piece of legislation that forms councils as legal entities and provides most of its general powers.

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.

Ngaa mihi

Keeley Faulkner

Official Information Coordinator

Legal services

Governance & Assurance Team | Partnerships, communication & Maaori

Email: officialinformation@hcc.govt.nz



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