

7 16A. Special consultative procedure-

(1) Where this Act or any other Act requires a local authority to adopt the special consultative procedure in relation to any proposal (being an intention to act or a draft plan or policy), that local authority-

- (a) Shall place notice of that proposal before a meeting of the local authority; and
 - (b) Shall give public notice, and such specific notice as the local authority considers appropriate, of the proposal; and
 - (c) Shall, in every notice given under paragraph (b) of this subsection, specify a period within which persons interested in the proposal may make submissions on the proposal to—
 - (i) The local authority; or
 - (ii) A community board; or
 - (iii) A committee of the local authority or community board; and
 - (d) Shall ensure that any person who makes written submissions on the proposal within the period specified in the notice given under paragraph (b) of this subsection is given a reasonable opportunity to be heard by the body to which the submissions are made; and
 - (e) Shall ensure that, except as otherwise provided by Part VII of the Local Government Official Information and Meetings Act 1987, every meeting at which the submissions are heard or at which the local authority, community board, or committee deliberates on the proposal is open to the public; and
 - (f) Shall make all written submissions on the proposal available to the public unless there is in law some good reason why it should not do so; and
 - (g) Shall ensure that the final decision in relation to the proposal is made at a meeting of the local authority.
- (2) The period specified pursuant to subsection (1)(c) of this section-
- (a) Shall be not less than one month; and
 - (b) Unless the local authority otherwise directs, shall not be more than 3 months.]

Section 33 of the Resource Management Act requires that before any local authority transfers any power to another public authority, the local authority must use the special consultative procedure specified in section 716A of the Local Government Act 1974. Before using that special consultative procedure, the local authority must serve notice on the Minister of its proposal to transfer the function, power, or duty. In addition, both authorities must agree that the transfer is desirable on all of the following grounds:

- (i) The authority to which the transfer is made represents the appropriate community of interest relating to the exercise or performance of the function, power, or duty:
- (ii) Efficiency :
- (iii) Technical or special capability or expertise.