



## **D1.11**

# **ORDER 21 UNDER SECTION 124 OF THE LOCAL GOVERNMENT ACT 1993**



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**ENVIRONMENT AND PLANNING - EDUCATION AND COMPLIANCE**

**POLICY OBJECTIVES**

To specify the criteria which Council should consider in determining whether to issue an Order 21 under Section 124 of the Local Government Act 1993.

In considering whether to issue an Order 21, in relation to alleged unsafe conditions, to seek to manage Council staff resources efficiently and effectively and to provide leadership in the use of alternative dispute resolution, where appropriate.

To use Council's regulatory functions consistently.

**LEGISLATION**

Under Section 124 of the Local Government Act 1993, Council may issue an Order 21 as follows:-

- a) *To do or refrain from doing such things as are specified in the Order to ensure that land is, or premises are, placed or kept in a safe or healthy condition;*
- b) *If the land or premises are not in a safe and healthy condition;*
- c) *To the owner or occupier of land or premises.*

**POLICY STATEMENT**

If Council receives a complaint from a resident alleging unsafe conditions on a property, the resident will be informed that Council considers such matters are best resolved directly by the resident using civil remedies, including alternative dispute resolution processes such as negotiation and mediation.

Council will consider the use of its power to issue an Order 21 under Section 124 of the Local Government Act 1993 if Council has been provided with:-

- 1 A written report from a suitably qualified person stating that the alleged condition may cause serious injury or death, or may cause serious property damage.
- 2 Evidence that all means of alternative dispute resolution have been tried and have been unsuccessful.
- 3 Evidence that no other civil remedies are available to the complainant.

(Min No 214/2005 - 8 March 2005)

(Min No 311/2009 - 5 May 2009 - Review of Policies)