

[AS REPORTED FROM THE INTERNAL AFFAIRS AND LOCAL
GOVERNMENT COMMITTEE]

House of Representatives, 23 June 1988.

Words struck out are shown in italics within bold round brackets, or with black rule at beginning and after last line; words inserted are shown in roman underlined with a single rule, or with single rule before first line and after last line.

Dr the Hon. Michael Bassett

LOCAL GOVERNMENT AMENDMENT

ANALYSIS

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A BILL INTITULED

An Act to amend the Local Government Act 1974

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Local Government Amendment Act 1988, and shall be read together with and deemed part of the Local Government Act 1974* (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the day after the date on which it receives the Royal assent.

*R.S. Vol. 20, p. 1

No. 36—2

Price
incl. GST \$1.90

New

1A. Interpretation—Section 2 (1) of the principal Act is hereby amended by inserting in the definition of the term “reorganisation scheme” (as inserted by section 3 (2) of the Local Government Amendment Act 1978), after the words “reorganisation scheme prepared under”, the words “**section 15b** or”.

2. Temporary members—Section 8 of the principal Act (as substituted by section 6 of the Local Government Amendment Act 1985) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The Minister may, at the request of the Commission, appoint a person having special knowledge of local government to be a temporary member of the Commission for the purposes of any function of the Commission under any Act.”

3. Committees—(1) Section 8A (1) of the principal Act (as enacted by section 6 of the Local Government Amendment Act 1985) is hereby amended by omitting the expression “3”, and substituting the expression “2”.

New

(1A) Section 8A of the principal Act (as enacted by section 6 of the Local Government Amendment Act 1985) is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) No person other than a member of the Commission appointed under section 3 of this Act may chair a committee appointed under this section.”

(2) Section 9 (2) of the principal Act (as substituted by section 6 of the Local Government Amendment Act 1985) is hereby amended by inserting, after the words “if the number is odd”, the words “but in no case shall be less than 2 members”.

4. Power of Commission to engage consultants—The principal Act is hereby amended by inserting, after section 11 (as substituted by section 2 of the Local Government Amendment Act (No. 2) 1977), the following section:

“11A. (1) The Commission may engage such consultants as it thinks necessary or desirable to assist it to carry out its functions.

“(2) The Commission may pay to any person engaged under **subsection (1)** of this section, for services rendered by that person, such fees or commissions or both as it thinks fit, and may reimburse any such person for expenses reasonably incurred in rendering services for the Commission.”

5. New sections inserted—The principal Act is hereby amended by inserting, after section 15 (as substituted by section 2 of the Local Government Amendment Act (No. 2) 1977), the following sections:

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“15A. **Object**—The object of **sections 15B to 15D** of this Act is to enable substantial reform of local government in New Zealand to take place before the triennial general elections in October 1989.

“15B. **Power to require Commission to prepare final reorganisation schemes**—(1) The Governor-General may from time to time, by Order in Council, require the Commission, by a date specified in the order,—

“(a) To consider, without being constrained by the existing form of local government in New Zealand, matters and circumstances which relate to local government in New Zealand and which are specified in the order; and

“(b) Notwithstanding anything in any other provision of this Act, to prepare such final reorganisation schemes as in its opinion are necessary to improve local government in New Zealand or any part of New Zealand.

“(2) Any Order in Council made under **subsection (1)** of this section—

“(a) May specify—
“(i) Policies or principles that are binding on the Commission; and

“(ii) Facts or matters that the Commission shall take into account; and

“(b) May require the Commission to prepare final reorganisation schemes for such local authorities as

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it thinks necessary or for any specified local authorities.

“15c. Commission’s obligation to give priority to preparation of final reorganisation schemes—(1) The Commission shall, in carrying out its functions under this Act, give priority to the preparation of final reorganisation schemes required to be prepared by it pursuant to an Order in Council made under **section 15b** of this Act. 5

“(2) The Commission shall decline to perform any function under this Act (other than the function of preparing final reorganisation schemes pursuant to an Order in Council made under **section 15b** of this Act) if, in the opinion of the Commission, the obligations imposed on it by an Order in Council made under **section 15b** of this Act and by **subsection (1)** of this section make it expedient to do so. 10 15

“(3) Nothing in **subsections (1) and (2)** of this section entitles the Commission to decline to perform—

“(a) Its functions in relation to the reorganisation proposals specified in the Schedule to the Local Government Amendment Act 1988; or 20

“(b) Its functions under any of the provisions of—

“(i) Sections 44, 46, 50, 56B to 56D, 58, 82, 125A, and 318 of this Act; or

“(ii) Any other Act. 25

“15d. Procedures for preparing final reorganisation schemes—(1) Notwithstanding anything in this Act or any other Act, in preparing any final reorganisation scheme pursuant to an Order in Council made under **section 15b** of this Act, the Commission shall follow the procedures specified in this section, and nothing in sections 15, 17 to 24, 26 to 34, 49, 261, and 265 of this Act shall apply to the preparation of that scheme. 30

“(2) Before completing any final reorganisation scheme pursuant to an Order in Council made under **section 15b** of this Act, the Commission shall grant every local authority affected by the scheme the opportunity to meet with and be heard by the Commission on the application of the scheme to or within the district of the local authority. 35

“(3) The modification of any final reorganisation scheme by the Commission after any hearing granted under **subsection (2)** of 40

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this section shall not require the Commission to grant to any local authority any further opportunity to meet with and be heard by the Commission.

5 “(4) The failure of any local authority to avail itself of the opportunity to meet with and be heard by the Commission under **subsection (2)** of this section, or to comply with any other request of the Commission, shall not prevent the completion of any final reorganisation scheme by the Commission or affect its
10 validity.

“(5) Subject to **subsection (2)** of this section, and to the Order in Council, the Commission, in preparing a final reorganisation scheme,—

“(a) Shall conduct such investigations as it thinks fit; and

15 “(b) May consult such persons and organisations as it thinks necessary.”

New

“15A. **Object**—The object of **sections 15B to 15E** of this Act is to enable substantial reform of local government in New
20 Zealand to take place before the triennial general elections in October 1989.

“15B. **Duty of Commission to prepare final reorganisation schemes**—(1) The Commission shall, before the close of the 1st day of July 1989, prepare such final
25 reorganisation schemes as in its opinion are necessary to improve local government in New Zealand or any part of New Zealand.

“(2) In carrying out the object of **sections 15A to 15E** of this Act and the duty imposed on it by **subsection (1)** of this section, the
30 Commission—

“(a) Shall not be constrained by the existing form of local government in New Zealand; but

“(b) Shall observe the provisions of the **First Schedule** to the Local Government Amendment Act 1988; and

35 “(c) Shall, subject to **section 15c** of this Act, establish for every part of New Zealand that is within the district of a territorial authority a system of local government that conforms to the provisions of the **First Schedule** to the Local Government Amendment Act 1988; and

New

“(d) May, notwithstanding any other provision of this Act, include in any final reorganisation scheme prepared pursuant to **subsection (1)** of this section provisions affecting—

“(i) Any local authority or class of local authority:

“(ii) Any function, duty, or power of any local authority or class of local authority under any Act.

“(3) Where any provision of the **First Schedule** to the Local Government Amendment Act **1988** affects or conflicts with any other provision, whether of this Act or of any other Act, the provisions of the **First Schedule** to that Act shall prevail over that other provision.

“(4) Where any provision of any Act (other than the Health Act 1956 or the Civil Defence Act 1983) confers any function, duty, or power on any regional council, territorial authority, or special purpose local authority, that provision shall cease to confer that function, duty, or power on that regional council, territorial authority, or special purpose authority if the Commission specifies, in a final reorganisation scheme prepared under **section 15B (1)** of this Act, that that function, duty, or power does not belong to that regional council, territorial authority, or special purpose local authority.

“(5) Nothing in this section or in **section 15A** of this Act applies in respect of the Chatham Islands.

“**15c. Power of Commission to confirm, in respect of any part of New Zealand, the existing system of local government**—(1) Notwithstanding anything in **section 15A** or **section 15B** of this Act, the Commission may determine that the existing system of local government in any part of New Zealand accords with the provisions of the **First Schedule** to the Local Government Amendment Act **1988**.

“(2) Any determination made under **subsection (1)** of this section shall be published in the *Gazette* as soon as practicable after it is made and shall have the effect of confirming, in respect of the part of New Zealand to which it relates, the existing system of local government.

“**15D. Commission’s obligation to give priority to preparation of final reorganisation schemes**—(1) The Commission shall, in carrying out its functions under this Act,

New

give priority to the preparation of final reorganisation schemes required to be prepared by it under **section 15B** of this Act.

5 “(2) The Commission shall decline to perform any function under this Act (other than the function of preparing final reorganisation schemes under **section 15B** of this Act) if, in the opinion of the Commission, the obligations imposed on it by **section 15B** of this Act and by **subsection (1)** of this section make it expedient to do so.

10 “(3) Subject to **subsection (4)** of this section, nothing in **subsections (1) and (2)** of this section entitles the Commission to decline to perform—

15 “(a) Its functions in relation to the reorganisation proposals specified in the **Second Schedule** to the Local Government Amendment Act **1988**; or

“(b) Its functions under any of the provisions of—

“**(i)** Sections 44, 46, 50, 56B to 56D, 58, 82, 125A, and 318 of this Act; or

“**(ii)** Any other Act.

20 “(4) Notwithstanding **subsection (3) (b)** of this section, the Commission may decline to perform its functions under section 56B of this Act in relation to any council if the Commission has resolved to prepare, under **section 15B** of this Act, a final reorganisation scheme that will in its opinion be likely to affect
25 the membership of that council or the boundaries of that council’s district.

“**15E. Procedures for preparing final reorganisation schemes**—(1) Notwithstanding anything in this Act or any other Act, in preparing any final reorganisation scheme under
30 **section 15B** of this Act, the Commission shall follow the procedures specified in this section, and nothing in sections 15, 17 to 24, 26 to 34, 49, 261, and 265 of this Act shall apply to the preparation of that scheme.

35 “(2) Before completing any final reorganisation scheme under **section 15B** of this Act, the Commission shall grant every local authority affected by the scheme the opportunity to meet with and be heard by the Commission on the application of the scheme to or within the district of the local authority.

40 “(3) The modification of any final reorganisation scheme by the Commission after complying with **subsection (2)** of this section shall not require the Commission to grant to any local

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authority any further opportunity to meet with and be heard by the Commission.

“(4) The failure of any local authority to avail itself of the opportunity to meet with and be heard by the Commission under **subsection (2)** of this section, or to comply with any other request of the Commission, shall not prevent the completion of any final reorganisation scheme by the Commission or affect its validity. 5

“(5) Subject to **subsection (2)** of this section, and to the **First Schedule** to the Local Government Amendment Act **1988**, the Commission, in preparing a final reorganisation scheme under **section 15b** of this Act,— 10

“(a) Shall conduct such investigations as it thinks fit; and

“(b) May consult such persons and organisations as it thinks necessary.” 15

5A. Interpretation—(1) Section 270 (2) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by omitting the words “Minister of Works and Development”, and substituting the words “Minister of Local Government”. 20

(2) Section 316 (4) (c) of the principal Act (as enacted by section 2 of the Local Government Amendment Act 1978) is hereby amended by omitting the words “Minister of Works and Development”, and substituting the words “Minister of Local Government”. 25

6. Amendments to First Schedule—(1) The First Schedule to the principal Act (as substituted by section 2 (1) of the Local Government Amendment Act 1976) is hereby amended by inserting in Part II, after the item relating to administering bodies of scenic reserves, the following item: 30

“Area Health Boards	1983, No. 134—The Area Health Boards Act 1983”.
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(2) The said First Schedule is hereby further amended by inserting in Part II, after the item relating to District Noxious Plants Authorities (as inserted by section 52 of the Local Government Amendment Act 1980), the following item: 35

“District Roads Councils	1953, No. 118—The National Roads Act 1953”.
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(3) The said First Schedule is hereby further amended by inserting in Part II, after the item relating to Drainage Boards, the following item:

"Education Boards	1964, No. 135—The Education Act 1964".
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5 (4) The said First Schedule is hereby further amended by inserting in Part II, after the item relating to Harbour Boards, the following item:

"Hospital Boards	1957, No. 40—The Hospitals Act 1957".
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10 (5) The said First Schedule is hereby further amended by inserting in Part II, after the item relating to Irrigation Boards, the following item:

"Maritime Planning Authorities	1977, No. 121—The Town and Country Planning Act 1977".
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(5A) The said First Schedule is hereby amended by omitting from Part III the item relating to the Auckland Institute and Museum Trust Board, and substituting the following item:

"The Council of the Auckland Institute and Museum	1957, No. 18—The Charitable Trusts Act 1957".
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15 (6) The said First Schedule is hereby amended by inserting in Part III, after the item relating to the Dunedin Drainage and Sewerage Board, the following (*items*) item:

"The Dunedin Ocean Beach Domain Board	1892, No. 13 (Local)—The Ocean Beach Public Domain Act 1892 <i>Struck Out</i>
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"The Greytown Trust Lands Trustees	1979, No. 4 (Local)—The Greytown Trusts Lands Act 1979".
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20 (7) The said First Schedule is hereby amended by inserting in Part III, after the item relating to the Marlborough Forestry Corporation, the following item:

"The Masterton Trust Lands Trust	1966, No. 27 (Local)—The Masterton Trust Lands Act 1966".
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Section 5

SCHEDULE*New*SCHEDULES

Section 5

FIRST SCHEDULE

PROVISIONS TO BE OBSERVED BY THE COMMISSION IN PREPARING FINAL
REORGANISATION SCHEMES
[to come]

Section 5

SECOND SCHEDULE

REORGANISATION PROPOSALS THAT MAY PROCEED

Part I—Unions of Territorial Authority Districts

The union of Paeroa Borough and Ohinemuri County to form Paeroa-Ohinemuri District.

Struck Out

The union of Carterton Borough and Wairarapa South County to form Carterton District.

The union of Taupo Borough and Taupo County to form Taupo District.
The union of Rangiora District and Eyre County to form Rangiora District.

The union of Richmond Borough, Motueka Borough, and Waimea County to form Tasman District.

Struck Out

The union of Waimate Borough and Waimate County to form Waimate District.

The union of Dunedin City, St. Kilda Borough, Green Island Borough, and Port Chalmers Borough to form Dunedin City.

New

The union of Taumarunui Borough and Taumarunui County to form Taumarunui District.

The union of Marlborough County, Blenheim Borough, and Picton Borough to form Marlborough District.

The union of Waipa County and Te Awamutu Borough to form Waipa-Te Awamutu District.

SECOND SCHEDULE—*continued*

Part I—Unions of Territorial Authority Districts—continued

New

The union of Stratford Borough and Stratford County to form Stratford District.

The union of Helensville Borough and Rodney County to form Rodney District.

The union of Masterton Borough and Masterton County to form Masterton District.

The union of Lyttelton Borough and Mount Herbert County to form Lyttelton District.

The union of Ashburton Borough and Ashburton County to form Ashburton District.

Part II—Abolition and Partition of District Territorial Authority

The abolition of Hutt County and its partition between Porirua City, Upper Hutt City, and Wainuiomata District.

Part III—Boundary Alterations between Districts of Territorial Authorities

Boundary alteration between Nelson City and Waimea County (Whangamoia Riding).

Boundary alteration between Kaiapoi Borough and Rangiora District (Hayes property).

New

Boundary alteration between Taupo County and Taumarunui County.