

LOCAL GOVERNMENT COMMISSION AMENDMENT BILL

EXPLANATORY NOTE

This Bill amends the Local Government Commission Act 1961.

Clause 1 relates to the Short Title.

Clause 2: By section 16 of the principal Act, the Local Government Commission in considering any proposal must first ascertain whether or not all the local authorities likely to be affected are in agreement on the proposal. If the Commission considers that no such agreement exists and that the proposal warrants further investigation, it must then convene a meeting of all those local authorities for the purpose of discussing the proposal.

The effect of this clause is to give to the Commission a discretion as to whether or not to convene such a meeting. The purpose of this provision is to avoid the delay and expense involved in holding a compulsory meeting where it is clear that there is no agreement between the local authorities concerned and that a public inquiry should be held.

Clause 3: By section 19 (2) of the principal Act, the Commission is to consider all objections to a provisional scheme, and may convene a meeting of the local authorities affected and the objectors, or hold a public inquiry for the purpose of considering the objections. The section does not specify what notice is to be given of such a public inquiry.

This clause provides that in such a case section 17 is to apply, and the same notices are to be given as in the case of a public inquiry held for the purpose of deciding whether or not a scheme should be prepared.

Clause 4: Section 23 (1) (gg) of the principal Act (as inserted by section 2 (1) of the Local Government Commission Amendment Act 1962) provides that for the purpose of giving effect to a final scheme the Governor-General may, by Order in Council, determine the system of rating to be in force in a new district if different systems were in force in the districts or parts of districts comprising the new district.

This clause re-enacts that provision, with an additional provision that such an Order in Council may provide that for a maximum period of 10 years the existing systems of rating are to continue in force in the former districts or parts of districts, either for the purposes of all rates or of any kind or kinds of rates specified in the order.

Hon. Mr Seath

**LOCAL GOVERNMENT COMMISSION
AMENDMENT**

ANALYSIS

Title
1. Short Title

2. Investigation of possibility of agree-
ment on proposal
3. Objections to provisional scheme
4. Rating systems

A BILL INTITULED

**An Act to amend the Local Government Commission Act
1961**

5 **BE IT ENACTED** by the General Assembly of New Zealand
in Parliament assembled, and by the authority of the same,
as follows:

10 **1. Short Title**—This Act may be cited as the Local Govern-
ment Commission Amendment Act 1964, and shall be read
together with and deemed part of the Local Government
Commission Act 1961* (hereinafter referred to as the prin-
cipal Act).

15 **2. Investigation of possibility of agreement on proposal**—
Section 16 of the principal Act is hereby amended by omitting
from subsection (2) the words “it shall convene a meeting”,
and substituting the words “it may, in its discretion, convene
a meeting”.

*1961, No. 132
Amendments: 1962, No. 81; 1963, No. 66

No. 74—1

3. Objections to provisional scheme—Section 19 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) The provisions of subsections (1) and (2) of section 17 of this Act, as far as they are applicable and with any necessary modifications, shall apply with respect to every public inquiry under the provisions of this section as if for the words ‘any scheme’ in the proviso to subsection (2) there were substituted the words ‘any determination of the Commission under this section or any substituted scheme’.”

4. Rating systems—(1) Section 23 of the principal Act is hereby amended by repealing paragraph (gg) of subsection (1) (as inserted by section 2 (1) of the Local Government Commission Amendment Act 1962), and substituting the following paragraph:

“(gg) Where a new district is constituted, determine, notwithstanding anything in the Rating Act 1925, the system of rating to be in force in the new district if different systems were previously in force in the respective districts or parts of districts comprising the new district:

“Provided that, notwithstanding anything in the Rating Act 1925, where the system of rating to be in force in the new district is so determined, the Governor-General may, by the same Order in Council, determine that for such period, not exceeding ten years from the date of the constitution of the new district, as is specified in the order all rates, or such kind or kinds of rates as are specified in the order, shall be separately made and levied in the several areas comprising the former districts or parts of districts included in the new district according to the several systems of rating in force in those districts or parts of districts immediately before the constitution of the new district:”

(2) Section 2 of the Local Government Commission Amendment Act 1962 is hereby amended by repealing subsection (1).