



HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, 17 July 1996

LOCAL GOVERNMENT AMENDMENT BILL (NO. 5)

Further Proposed Amendments

Hon. JOHN BANKS, in Committee, to move the following amendments:

Clause 1 (2): To omit from line 11 on page 2 the expression “1st day of July 1996”, and substitute the words “day after the date on which this Act receives the Royal assent”.

Clause 3 (new section 122A): To omit the new section 122A (all the words in lines 25 and 26 on page 40).

Clause 3 (new section 122j): To omit subsection (3) of the new section 122j (all the words in lines 36 to 41 on page 45 and in lines 2 to 8 on page 46), and substitute the following subsections:

“(3) It shall be the responsibility of each local authority to make judgments about the ways in which the principles specified in **section 122d (1)** of this Act are to be complied with by the local authority having regard to—

“(a) The purposes specified in **section 122c** of this Act; and

“(b) The role of local authorities in making appropriate expenditure and funding decisions which reflect the goals of the communities they serve; and

“(c) Such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.

“(4) Without limiting the generality of **subsection (3)** of this section, it shall be the responsibility of each local authority, having regard to any relevant submissions received by the local authority,—

“(a) To make judgments about fairness and equity; and

“(b) To make judgments concerning the extent to which any provision of **sections 122g to 122i** of this Act is relevant to any particular case,—

which judgments may reflect the complexity and inherent subjectivity of any benefit allocation for specified outputs and the complexity of the economic, social, and political assessments required in the exercise of political judgment concerning rating.”

Clause 27 (3): To omit from line 36 on page 89 the expression “1998”, and substitute the expression “1999”.

Third Schedule: To omit the item relating to the Otago Museum Trust Board Act 1955 (which item appears on page 107).

EXPLANATORY NOTE

The proposed amendments have 3 principal effects. They—

- (a) Change the date of commencement from 1 July 1996 to the day after Royal assent. Certain provisions will still come into force on later dates:
- (b) Replace, without change, the amendments on Supplementary Order Papers Nos. 195 and 208:
- (c) Make other minor corrections of a consequential nature.

Clause 1: The proposed amendment changes the date of commencement from 1 July 1996 to the day after Royal assent.

Clause 3: The first proposed amendment deletes the date of commencement provision for the new Part VIIA, which relates to financial management.

The second proposed amendment amends the new section 122j of the Local Government Act 1974 (which relates to compliance with the financial management provisions of Part VIIA of that Act).

Subsection (3) of that section is divided into two subsections and rewritten. The rewritten provisions now include extracts from the judgment of the Court of Appeal in *Wellington City Council v. Woolworths New Zealand Limited*.

The proposed amendment to *clause 3 (new section 122j)*, which amendment is set out on page 2 of Supplementary Order Paper No. 173, is not being proceeded with.

Clause 27: The proposed amendment is consequential on the commencement dates in SOP No. 173.

Third Schedule: The proposed amendment omits from the Third Schedule to the Bill the amendment to the Otago Museum Trust Board Act 1955. The substance of that amendment was dealt with in the Otago Museum Trust Board Bill (which was assented to in June).