

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Thursday, 9 November 1989

LOCAL LEGISLATION BILL

Proposed Amendments

Hon. Dr M. E. R. BASSETT, in Committee, to move the following amendments:

Clause 3: To omit from *subclause (1)* the words “**subsection (2)** of”.

To omit *subclauses (2) and (3)*, and substitute the following subclauses:

(1A) The Thames-Coromandel District Council (hereafter in this section referred to as the Council) shall not sell or exchange the library land unless—

(a) The building that was on the library land immediately before the commencement of this Act (hereafter in this section referred to as the library building) has been demolished or removed from the library land; and

(b) The Council has adopted and complied with the special consultative procedure in relation to the intention to sell or exchange the library land.

(1B) The Council shall not permit the library building to be demolished unless the Council—

(a) Is satisfied that it has deteriorated to the point that it is effectively untenable; and

(b) Has adopted and complied with the special consultative procedure in relation to the intention to permit it to be demolished.

(1C) The Council shall not permit the library building to be removed from the library land unless the Council—

(a) Is satisfied that it will be re-erected on a site within, or within a reasonable distance of, the district of the former Thames Borough Council; and

(b) Has adopted and complied with the special consultative procedure in relation to the intention to permit it to be removed from the library land.

(2) **Subsection (3)** of this section applies to the library land, and to any land acquired by the Council—

(a) In full or part exchange for any land to which that subsection applies; or

(b) Out of the proceeds of the sale of any land to which that subsection applies.

(3) The Council shall use within the district of the former Thames Borough Council only, and for library purposes only,—

(a) Any income derived from land to which this subsection applies or from the library building; and

(b) The net proceeds of the sale of any land to which this subsection applies; and

(c) The net proceeds of any sale of the library building.

To omit from *subsection (4)* the words “**subsections (1) and (3)**”, and substitute the words “**subsection (1)**”.

Clause 4: To insert in *subclause (1)*, before the word “Borough”, the word “former”.

To insert in *subclauses (3) to (6)*, before the word “Council” or “Council’s”, wherever it appears, the word “Borough”.

To insert in *subclause (5) and subclause (6)*, after the word “Council” in each case, the words “or the Franklin District Council”.

To omit from *subclause (5)* the word “it”, and substitute the words “the Borough or District Council”.

To omit from *subclause (6)* the word “it” where it first appears, and substitute the words “the District Council”.

Clause 5: To insert, before the word “Waiheke”, the word “former”.

To insert, before the word “Council” where it secondly appears, the word “County”.

To insert in *paragraphs (b) and (c)*, after the word “Council” in each case, the words “or the Auckland City Council”.

To add the following paragraph:

(d) Such part of the charges as has not yet been paid to the County Council or the City Council is hereby deemed to be lawfully payable to the City Council, and capable of being collected as if it had always been lawfully payable.

Clause 6: To insert, before the word “Wairoa”, the word “former”.

EXPLANATORY NOTE

The amendments have 3 effects.

First, a number of amendments are made to *clause 3*, which relates to the Thames public library. The District Council will not now be able to sell or exchange the land the library is on unless the library building has been demolished or removed, and the Council has followed the special consultative procedure in relation to the sale or exchange; the Council will not be able to demolish the library building unless it is untenable and the Council has followed the special consultative procedure in relation to the demolition; and the Council will not be able to permit the removal of the library building unless it will be re-erected in or near the District of the former Thames Borough Council, and the Council has followed the special consultative procedure in relation to the removal. The Council is required to use for library purposes only any income from the land or building, and any proceeds from the sale of the land or the building.

Secondly, a number of clauses are amended to take account of the recent local body reorganisation.

Thirdly, an omission in *clause 5* is rectified.