

## LOCAL LEGISLATION BILL.

### EXPLANATORY MEMORANDUM.

THE object of this Bill is to provide a method by which ratepayers and all other persons interested may have full prior information both as to the purpose of proposed minor local legislation and as to the actual legislative method by which effect is to be given to such proposals.

The process adopted in recent years, by which a mass of minor local legislation is collated and passed by Parliament at the end of each session in the Reserves and other Lands Disposal and Public Bodies Empowering Act, has been substituted for the method of former years under which each local authority proposing legislation was required to promote a separate Local Bill dealing with its own subject-matter, in which cases the Standing Orders of both Houses provided for ample public information by advertisement and the deposit of the Bill in the locality affected. It has been found in practice that during the session, and especially towards the end of the session, demand is made for the insertion in the Reserves and other Lands Disposal and Public Bodies Empowering Bill of an extraordinary number of clauses, each dealing with an independent subject-matter, which are presented to Parliament in one or more masses at a time of the session when it is impossible that each clause should receive careful consideration by a special Committee, and when Parliament itself is forced to rely largely upon the responsibility of the Government which has accepted the clauses for insertion in the Bill.

By the present method it is intended to obviate the process, which has been tested and found unsatisfactory, partly because of the want of reference to a special Committee with full time and opportunity for consideration of the effect and the details of each proposed clause, partly because Members of Parliament have not themselves sufficient opportunity to consider each clause in all its aspects, and partly because the ratepayers and persons in the locality affected have in many cases no notice of the intention of a clause, and, even where they have knowledge of the intention, have no notice of the language in which that intention is to be carried into effect.

Under the present Bill a local authority desiring specific empowering legislation on its behalf is required to submit its proposals in a concrete form to the Minister of Internal Affairs for consideration by the Government, and no such proposal may be submitted after the expiration of two months from the commencement of a session. If the Minister is satisfied that the proposal is one which should properly be submitted to Parliament he publishes in the *Gazette* a notice to that effect, together with a copy of the clause, thus enabling all persons locally interested in the proposed legislation to become acquainted with the proposals for a sufficient time before Parliament deals with the subject, and also enabling objectors to present any objections for consideration by a Committee of Parliament. A further object is to enable the Members of Parliament, and any special Committee appointed by either House of Parliament to deal with local legislation, to have the exact details of the proposed legislation in their hands. Due provision is thus made for full consideration by the Departments of the Government, and for full notice to the public, before Parliament is called upon to consider the advisability or otherwise of passing the legislation.

It is desired to emphasize the fact that under the process which has been followed for many years the responsibility for such legislation has been practically thrown upon the Government, which promotes as a Government measure the Reserves and other Lands Disposal and Public Bodies Empowering Bill in each session. Under the present Bill the Government assumes the same responsibility for Departmental inquiry and investigation before the submission to Parliament of a local proposal, but ensures to the public and to Parliament the full opportunity (which is wanting under the present method) of consideration of, and, if necessary, objection to, the proposal before its final confirmation by Parliament.

Hon. Mr. Downie Stewart.

## LOCAL LEGISLATION.

### ANALYSIS.

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| Title.  |  |
| 1. Short Title.   | 6. Gazette containing Ministerial approval and draft legislation to be laid before Parliament. |
| 2. Interpretation.  | 7. Limitation of time within which applications under this Act may be received.                |
| 3. Draft of local legislation may be submitted to Minister of Internal Affairs for consideration and provisional approval. Subject-matter of legislation. | 8. Annual Local Legislation Bill to be introduced.   |
| 4. Minister may provisionally approve proposed legislation. Approval to be gazetted.  | 9. Powers of initiating local legislation not affected.  |
| 5. Objections to proposed legislation.  | 10. Regulations.   |

### A BILL INTITULED

AN ACT to make Better Provision for Due Notification to Ratepayers and other Persons interested of the Form and Effect of Local Legislation before the Consideration thereof by Parliament. Title.

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

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| 1. This Act may be cited as the Local Legislation Act, 1923.  | Short Title.  |
| 2. In this Act, if not inconsistent with the context, "Minister" means the Minister of Internal Affairs.  | Interpretation.   |
| 3. (1.) Application in writing may be made to the Minister by any local authority or public body for preliminary consideration and provisional approval of a clause or clauses to be submitted to Parliament to effect any of the following matters and to authorize the carrying-out of the same, that is to say:— | Draft of local legislation may be submitted to Minister of Internal Affairs for consideration and provisional approval. |
| (a.) The exchange of any lands vested in or administered by the applicant for any other lands specified in the application:   | Subject-matter of legislation.  |
| (b.) The change of purpose for which any lands are held:  |   |
| (c.) The acquisition of any estate or interest in land, and the payment of purchase-money, rent, interest, or other charges or expenses in connection therewith:  |   |
| (d.) The disposal of any land whether by way of sale, lease, grant, or otherwise howsoever:   |   |
| (e.) The grant of any easement or other limited right over land:  |   |
| (f.) The grant of statutory power to enter into any contract or to undertake any work:  |   |
| (g.) The borrowing of money, either with or without a poll of ratepayers, and the giving of security therefor:  |   |
| (h.) The expenditure of money for any specified purpose:  |   |

(i.) Any other purpose or matter the giving effect to which, by means of the procedure provided for by this Act, may, in the opinion of the Minister, be reasonably deemed to be in the public interest.

(2.) In this section the term "lands" without limitation of its general meaning, includes lands comprised in any domain or reserve, whether public or local. 5

(3.) Every such application shall be accompanied by a draft of the proposed clause or clauses.

Minister may provisionally approve proposed legislation.

4. (1.) On receipt of any such application the Minister shall consider the form and effect of the proposed legislation, and if any other Department of the Government is concerned in the proposal, shall submit the application for the consideration of such Department. 10

(2.) The Minister may—

(a.) Provisionally approve the application and the proposed clause or clauses; or 15

(b.) Decline the application; or

(c.) Provisionally approve the application, with such modification of the proposed clause or clauses as he thinks fit.

Approval to be gazetted.

(3.) If the Minister approves the application, he shall cause notice of his approval to be published in the *Gazette*, together with the form of the proposed clause or clauses, with such modification (if any) as he has thought fit to make. 20

Objections to proposed legislation.

5. (1.) Objection to such proposed legislation, on public or private grounds, may be made by any person in writing addressed to the Minister of Internal Affairs. 25

(2.) A copy of every such objection when received by the Minister shall be sent to the local authority or public body making the application.

(3.) Every such objection shall be submitted by the Minister for the consideration of any Committee of either House of Parliament appointed to report on local legislation. 30

*Gazette* containing Ministerial approval and draft legislation to be laid before Parliament.

6. A copy of the *Gazette* containing the notice aforesaid shall be laid on the table of each House of Parliament within fourteen days after the publication thereof in the *Gazette* if Parliament is then in session, and if Parliament is not then in session, within fourteen days after the commencement of the next ensuing session. 35

Limitation of time within which applications under this Act may be received.

7. No application under this Act shall be received by the Minister during any period of a session of Parliament after the expiration of the first two months of such session.

Annual Local Legislation Bill to be introduced.

8. (1.) In every year there shall (if required) be submitted to Parliament a Bill to be entitled the Local Legislation Bill. 40

(2.) Every such Bill shall contain for the consideration of Parliament the several clauses provisionally theretofore approved by the Minister as set forth in the several notifications in the *Gazette*, but no other clauses. 45

Powers of initiating local legislation not affected.

9. Notwithstanding anything in this Act, any local authority, public body, body corporate, or person may cause to be submitted to Parliament any legislation in accordance with the Standing Orders of Parliament; but no provision shall be included in a Local Legislation Bill as hereinbefore provided for unless application has been made and notification given thereof in the *Gazette* as provided by this Act. 50

Regulations.

10. The Governor-General may from time to time, by Order in Council, make all such regulations as may be necessary for the effective carrying-out of the provisions of this Act.