

MINISTER OF LOCAL GOVERNMENT BILL

EXPLANATORY NOTE

THIS Bill provides that functions, powers, and duties conferred or imposed on the Minister of Internal Affairs or the Secretary for Internal Affairs by certain Acts dealing with local government are to be exercised or performed by the Minister of Local Government and the Secretary for Local Government, respectively.

Clause 1 relates to the Short Title.

Clause 2 provides that the functions, powers, and duties conferred or imposed on the Minister of Internal Affairs by any of the Acts listed in the Schedule to the Bill are to be exercised or performed by the Minister of Local Government.

Clause 3 provides that the Secretary for Internal Affairs is also to hold the office of Secretary for Local Government, and as Secretary for Local Government is to exercise or perform the functions, powers, and duties conferred or imposed on the Secretary for Internal Affairs by any of the Acts listed in the Schedule to the Bill.

Clause 4 authorises the Minister of Local Government and the Secretary for Local Government to delegate any of the functions, powers, and duties conferred or imposed on them by any of the Acts listed in the Schedule to the Bill.

Clause 5 provides for consequential amendments. All references to the Minister of Internal Affairs or to the Secretary for Internal Affairs in any of the Acts listed in the Schedule or in any subordinate legislation under any of those Acts are to be read as references to the Minister of Local Government and the Secretary for Local Government, respectively.

Hon. Mr Highet

MINISTER OF LOCAL GOVERNMENT

ANALYSIS

Title	3. Secretary for Local Government
1. Short Title	4. Delegation of Minister's or Secretary's powers
2. Functions, powers, and duties of Minister of Local Government	5. Consequential amendments Schedule

A BILL INTITULED

An Act to make provision with respect to the functions, duties, and powers of the Minister of Local Government and matters related thereto

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

1. **Short Title**—This Act may be cited as the Minister of Local Government Act 1972.

10 2. **Functions, powers, and duties of Minister of Local Government**—(1) The functions, powers, and duties conferred or imposed on the Minister of Internal Affairs by any of the Acts specified in the Schedule to this Act, or by any regulations, rules, orders, or bylaws made under any such Act,
15 shall be exercised or performed by the Minister of Local Government.

(2) The Governor-General may from time to time, by Order in Council, amend the Schedule to this Act by adding a reference to the Short Title of any Act.

3. Secretary for Local Government—(1) The person for the time being holding the office of Secretary for Internal Affairs shall be the Secretary for Local Government. 5

(2) The functions, powers, and duties conferred on the Secretary for Internal Affairs by any of the Acts specified in the Schedule to this Act, or by any regulations, rules, orders, or bylaws made under any such Act, shall be exercised or performed by the Secretary for Local Government. 10

(3) On the occurrence from any cause of a vacancy in the office of Secretary for Local Government, whether by reason of death, resignation, or otherwise, or in the absence from duty of the Secretary for Local Government, from whatever cause arising, and so long as the vacancy or absence continues, the Deputy Secretary for Internal Affairs shall have and may exercise and perform all the functions, powers, and duties of the Secretary for Local Government. 15

(4) The fact that the Deputy Secretary for Internal Affairs exercises or performs any function, power, or duty as aforesaid shall be conclusive evidence of his power to do so, and no person shall be concerned to inquire whether the occasion requiring or authorising him to do so has arisen or has ceased. 20

4. Delegation of Minister's or Secretary's powers—(1) The Minister of Local Government may from time to time by writing under his hand, either generally or particularly, delegate to any person employed in the Department of Internal Affairs any of the functions, powers, and duties conferred or imposed on the Minister by section 2 of this Act (including this power of delegation). 25 30

(2) The Secretary for Local Government may from time to time by writing under his hand, either generally or particularly, delegate to any person employed in the Department of Internal Affairs any of the functions, powers, or duties conferred or imposed on the Secretary by subsection (2) of section 3 of this Act (including this power of delegation). 35

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(3) Subject to any general or special directions given or conditions attached by the person making the delegation, any person to whom any functions, powers, or duties are delegated under this section may exercise or perform those
5 functions, duties, or powers in the same manner and with the same effect as if they had been conferred or imposed on him directly by this section and not by delegation.

(4) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in
10 accordance with the terms of the delegation in the absence of proof to the contrary.

(5) Any delegation under this section may be made to a specified employee or to employees of a specified class, or may be made to the holder or holders for the time being of a
15 specified office or class of offices.

(6) Every delegation under this section shall be revocable in writing at will, and no such delegation shall prevent the exercise or performance of any function, power, or duty by the person making the delegation.

(7) Every delegation under this section shall, until revoked, continue in force according to its tenor. In the event of the Minister or Secretary by whom any such delegation has been made ceasing to hold office, it shall continue to have effect as if made by the person for the time being holding
20 that office.
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5. Consequential amendments—Every reference in any of the Acts specified in the Schedule to this Act, or in any regulation, rule, order, notice, bylaw, agreement, deed, instrument, application, or other document whatsoever made
30 or given pursuant to any such Act and in force at the passing of this Act—

(a) To the Minister of Internal Affairs shall, after the passing of this Act, be read as a reference to the Minister of Local Government:

35 (b) To the Secretary for Internal Affairs shall, after the passing of this Act, be read as a reference to the Secretary for Local Government.

Sections 2, 3 (2)

SCHEDULE**ACTS UNDER WHICH FUNCTIONS, POWERS, AND DUTIES ARE
CONFERRED OR IMPOSED ON MINISTER OF LOCAL GOVERNMENT
AND SECRETARY FOR LOCAL GOVERNMENT**

- 1910, No. 28—The Bylaws Act 1910. (1957 Reprint, Vol. 1, p. 729.)
 1956, No. 64—The Counties Act 1956. (Reprinted, 1969, Vol. 2,
 p. 1077.)
 1949, No. 18—The Fire Services Act 1949. (1957 Reprint, Vol. 5,
 p. 179.)
 1908, No. 96—The Land Drainage Act 1908. (1957 Reprint, Vol. 7,
 p. 471.)
 1963, No. 65—The Local Authorities (Employment Protection) Act
 1963.
 1956, No. 63—The Local Authorities Loans Act 1956. (1957 Reprint,
 Vol. 8, p. 443.)
 1970, No. 134—The Local Authorities (Petroleum Tax) Act 1970.
 1966, No. 101—The Local Elections and Polls Act 1966.
 1967, No. 134—The Local Government Commission Act 1967.
 1968, No. 39—The Ministry of Transport Act 1968.
 1939, No. 16—The Municipal Association Act 1939. (1957 Reprint,
 Vol. 10, p. 371.)
 1954, No. 76—The Municipal Corporations Act 1954. (Reprinted
 1969, Vol. 4, p. 2439.)
 1949, No. 28—The New Zealand Counties Association Act 1949.
 (1957 Reprint, Vol. 11, p. 149.)
 1969, No. 141—The Public Bodies Leases Act 1969.
 1956, No. 34—The Rangitaiki Land Drainage Act 1956. (1957
 Reprint, Vol. 7, p. 538.)
 1967, No. 123—The Rating Act 1967.
 1908, No. 165—The River Boards Act 1908. (1957 Reprint, Vol. 13,
 p. 397.)
 1964, No. 130—The Turangi Township Act 1964.