

1944
NEW ZEALAND

LOCAL BILLS COMMITTEE

(REPORTS OF THE)

(MR. J. W. MUNRO, CHAIRMAN)

Laid on the Table of the House of Representatives

ORDERS OF REFERENCE

Extracts from the Journals of the House of Representatives

WEDNESDAY, THE 15TH DAY OF MARCH, 1944

Ordered, "That a Select Committee be appointed, consisting of ten members, to whom all local Bills shall stand referred after the first reading; the Committee to report whether the rights and prerogatives of the Crown are in any way affected by the provisions of the Bills, and to recommend such amendments as it may think proper; and to report, when necessary, on the merits of the Bills; the Committee to have power to confer with any Committee appointed for a similar object by the Legislative Council; the Committee to consist of Mr. Anderton, the Rev. Clyde Carr, Mr. Coleman, Mr. Findlay, Mr. Macfarlane, Mr. Massey, Mr. Munro, Mr. Polson, Mr. Smith, and the Mover."—(Hon. Mr. PARRY.)

THURSDAY, THE 16TH DAY OF MARCH, 1944

Ordered, "That for the remainder of the session all Select Committees of the House have leave to sit on days on which the House is not sitting."—(Right Hon. Mr. FRASER.)

FRIDAY, THE 24TH DAY OF MARCH, 1944

Ordered, "That the Local Elections and Polls Amendment Bill be referred to the Local Bills Committee."—(Hon. Mr. PARRY.)

TUESDAY, THE 28TH DAY OF MARCH, 1944

Ordered, "That the Local Bills Committee have leave to sit for the remainder of the sittings of the House during the present week at all times during which the House is sitting."—(MR. MUNRO.)

FRIDAY, THE 4TH DAY OF AUGUST, 1944

Ordered, "That in reference to the Auckland Metropolitan Drainage Bill the Standing Orders relating to local Bills be suspended so far as to allow the Bill to be introduced and to be proceeded with as a local Bill, notwithstanding that the requirements of Standing Orders 361 and 366 have not been complied with, in that notice of the Bill was not published within the time prescribed and that the Bill is being introduced later than forty-two days after the commencement of the session."—(MR. ANDERTON.)

Ordered, "That in reference to the Lower Hutt City Empowering and Vesting Bill the Standing Orders relating to local Bills be suspended so far as to allow the Bill to be introduced and to be proceeded with as a local Bill, notwithstanding that the requirements of Standing Orders 361 and 366 have not been complied with, in that notice of the Bill was not published within the time prescribed and that the Bill is being introduced later than forty-two days after the commencement of the session."—(Hon. Mr. NASIL.)

Ordered, "That in reference to the Carterton Borough Empowering Bill the Standing Orders relating to local Bills be suspended so far as to allow the Bill to be introduced and to be proceeded with as a local Bill, notwithstanding that the requirements of Standing Orders 361 and 366 have not been complied with, in that notice of the Bill was not published within the time prescribed and that the Bill is being introduced later than forty-two days after the commencement of the session."—(Hon. Mr. ROBERTS.)

THURSDAY, THE 10TH DAY OF AUGUST, 1944

Ordered, "That with respect to the Free Ambulance (Lower Hutt Site) Bill the Standing Orders relating to local Bills be suspended so far as to allow the Bill to be introduced and to be proceeded with as a local Bill, notwithstanding that the requirements of Standing Orders 361, 362, 364, and 366 have not been complied with and that the Bill is being introduced later than forty-two days after the commencement of the session."—(Hon. Mr. NASIL.)

WEDNESDAY, THE 16TH DAY OF AUGUST, 1944

Ordered, "That with respect to the North Shore Boroughs (Auckland) Water Conservation Bill the Standing Orders relating to Local Bills be suspended so far as to allow the Bill to be introduced and to be proceeded with as a local Bill, notwithstanding that the requirements of Standing Orders 361 and 366 have not been complied with and that the Bill is being introduced later than forty-two days after the commencement of the session."—(MR. T. C. WEBB, for Mr. MORTON.)

THURSDAY, THE 24TH DAY OF AUGUST, 1944

Ordered, "That with respect to the Otago Harbour Board Empowering Bill the Standing Orders relating to local Bills be suspended so far as to allow the Bill to be introduced and to be proceeded with as a local Bill, notwithstanding that the requirements of Standing Orders 361 and 366 have not been complied with and that the Bill is being introduced later than forty-two days after the commencement of the session."—(MR. CONNOLLY.)

Ordered, "That with respect to the Auckland Harbour Board Empowering Bill the Standing Orders relating to local Bills be suspended so far as to allow the Bill to be introduced and to be proceeded with as a local Bill notwithstanding that the requirements of Standing Orders 361 and 366 have not been complied with and that the Bill is being introduced later than forty-two days after the commencement of the session."—(MR. ANDERTON.)

WEDNESDAY, THE 27TH DAY OF SEPTEMBER, 1944

Ordered, "That with respect to the Carterton Borough Empowering (No. 2) Bill the Standing Orders relating to local Bills be suspended so far as to allow the Bill to be introduced and to be proceeded with as a local Bill, notwithstanding that the requirements of Standing Orders 361 and 366 have not been complied with and that the Bill is being introduced later than forty-two days after the commencement of the session."—(Hon. Mr. ROBERTS.)

TUESDAY, THE 10TH DAY OF OCTOBER, 1944

Ordered, "That with respect to the Christchurch Hospital Amendment Bill the Standing Orders relating to local Bills be suspended so far as to allow the Bill to be introduced and to be proceeded with as a local Bill, notwithstanding that the requirements of Standing Orders 361 and 366 have not been complied with and that the Bill is being introduced later than forty-two days after the commencement of the session."—(Mr. McGOUBS, for Mr. MACFARLANE.)

WEDNESDAY, THE 11TH DAY OF OCTOBER, 1944

Ordered, "That with respect to the Petone and Lower Hutt Gas Amendment Bill the Standing Orders relating to local Bills be suspended so far as to allow the Bill to be introduced and to be proceeded with as a local Bill, notwithstanding that the requirements of Standing Orders 361 and 366 have not been complied with and that the Bill is being introduced later than forty-two days after the commencement of the session."—(Hon. Mr. NASU.)

WEDNESDAY, THE 22ND DAY OF NOVEMBER, 1944

Ordered, "That the Local Bills Committee have leave to sit during the present sitting of the House."—(Rev. Clyde CARR, for Mr. MURRO.)

Ordered, "That in reference to the Christchurch District Drainage Amendment Bill the Standing Orders relating to local Bills be suspended so far as to allow the Bill to be introduced and to be proceeded with as a local Bill, notwithstanding that the requirements of Standing Orders 361 and 366 have not been complied with, in that notice of the Bill was not published within the time prescribed and that the Bill is being introduced later than forty-two days after the commencement of the session."—(Miss HOWARD.)

TUESDAY, THE 28TH DAY OF NOVEMBER, 1944

Ordered, "That the Engineers Registration Amendment Bill be referred to the Local Bills Committee."—(Gen. Mr. SIMPSON.)

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REPORTS

PETONE AND LOWER HUTT GAS LIGHTING EMPOWERING BILL

THE Local Bills Committee, to which was referred the above-mentioned Bill, has the honour to report—

- (1) That it is a local Bill.
- (2) That the Standing Orders have been complied with.
- (3) That the rights and prerogatives of the Crown are not affected.
- (4) That the Committee recommends that the Bill be allowed to proceed without amendment.

22nd March, 1944.

DUNEDIN CITY CORPORATION EMPOWERING AMENDMENT BILL

THE Local Bills Committee, to which was referred the above-mentioned Bill, has the honour to report—

- (1) That it is a local Bill.
- (2) That the Standing Orders have been complied with.
- (3) That the rights and prerogatives of the Crown are not affected.
- (4) That the Committee recommends that the Bill be allowed to proceed, with the amendments as shown on the copy of the Bill annexed hereto.

22nd March, 1944.

WAIPUKURAU BOROUGH MILK-SUPPLY BILL

THE Local Bills Committee, to which was referred the above-mentioned Bill, has the honour to report—

- (1) That it is a local Bill.
- (2) That the Standing Orders have been complied with.
- (3) That the rights and prerogatives of the Crown are not affected.
- (4) That having been informed by the honourable member in charge of the Bill that he wishes to withdraw the same, the Committee recommends that leave to withdraw it be accorded him.

22nd March, 1944.

LOCAL ELECTIONS AND POLLS AMENDMENT BILL

THE Local Bills Committee, to which was referred the Local Elections and Polls Amendment Bill, has the honour to report that it has carefully considered the same and taken evidence thereon, and recommends that it be allowed to proceed, with amendment as shown on the copy of the Bill annexed hereto.

31st March, 1944.

HAWKE'S BAY CREMATORIUM BILL

THE Local Bills Committee, to which was referred the above-mentioned Bill, has the honour to report—

- (1) That it is a local Bill.
- (2) That the Standing Orders have been complied with.
- (3) That the rights and prerogatives of the Crown are not affected.
- (4) That the Committee recommends that the Bill be allowed to proceed, with the amendments as shown on the copy of the Bill annexed hereto.

4th August, 1944.

FREE AMBULANCE (LOWER HUTT SITE) BILL

THE Local Bills Committee, to which was referred the above-mentioned Bill, has the honour to report—

- (1) That it is a local Bill.
- (2) That the Standing Orders have not been complied with, but were suspended by the House to enable the Bill to be introduced and proceeded with.
- (3) That the rights and prerogatives of the Crown are not affected.
- (4) That the Committee recommends that the Bill be allowed to proceed, with the amendments as shown on the copy of the Bill annexed hereto.

18th August, 1944.

LOWER HUTT CITY EMPOWERING AND VESTING BILL

THE Local Bills Committee, to which was referred the above-mentioned Bill, has the honour to report—

- (1) That it is a local Bill.
- (2) That the Standing Orders have been complied with, except in the under-mentioned respects, but were suspended in those respects by the House to enable the Bill to be introduced and proceeded with: (a) Standing Order 361 was not complied with, in that notice of intention to introduce the Bill was not published within the prescribed time; and (b) Standing Order 366 was not complied with in so far as it relates to the number of days from the commencement of the session within which local Bills may be introduced.
- (3) That the rights and prerogatives of the Crown are affected, in that the Bill vests in the Lower Hutt City Corporation as streets certain areas of land which are at present vested in the Crown as roads.
- (4) That the Committee recommends that the Bill be allowed to proceed, with the amendments as shown on the copy of the Bill annexed hereto.

18th August, 1944.

NORTH SHORE BOROUGH (AUCKLAND) WATER CONSERVATION BILL

THE Local Bills Committee, to which was referred the above-mentioned Bill, has the honour to report—

- (1) That it is a local Bill.
- (2) That the Standing Orders have been complied with, except in the under-mentioned respects, but were suspended by the House in those respects to enable the Bill to be introduced and proceeded with: (a) Standing Order 361 was not complied with, in that notice of intention to introduce the Bill was not published within the prescribed time; and (b) Standing Order 366 was not complied with in so far as it relates to the number of days from the commencement of the session within which local Bills may be introduced.
- (3) That the rights and prerogatives of the Crown are affected, in that the Bill vests in the Corporation of the City of Auckland an area known as Lake Takapuna, which in previous legislation has been assumed to be vested in the Crown.
- (4) That the Committee recommends that the Bill be allowed to proceed, with the amendments as shown on the copy of the Bill annexed hereto.

1st September, 1944.

OTAGO HARBOUR BOARD EMPOWERING BILL.

THE Local Bills Committee, to which was referred the above-mentioned Bill, has the honour to report—

- (1) That it is a local Bill.
- (2) That the Standing Orders have been complied with, except in the under-mentioned respects, but were suspended in those respects by the House to enable the Bill to be introduced and to be proceeded with: (a) Standing Order 361 was not complied with, in that notice of intention to introduce the Bill was not published within the prescribed time; and (b) Standing Order 366 was not complied with in so far as it relates to the number of days from the commencement of the session within which local Bills may be introduced.
- (3) That the rights and prerogatives of the Crown are affected, in that under subclause (6) of clause 6 certain leases proposed to be granted by the Otago Harbour Board are exempted from the provisions of the Servicemen's Settlement and Land Sales Act, 1943. (NOTE.—The rights and prerogatives of the Crown will not be affected if the amendment to clause 6 recommended by the Committee is agreed to.)
- (4) That the Committee recommends that the Bill be allowed to proceed, with the amendments as shown on the copy of the Bill annexed hereto.

1st September, 1944.

AUCKLAND METROPOLITAN DRAINAGE BILL.

THE Local Bills Committee, to which was referred the above-mentioned Bill, has the honour to report—

- (1) That it is a local Bill.
- (2) That the Standing Orders have been complied with, except in the under-mentioned respects, but were suspended in those respects by the House to enable the Bill to be introduced and proceeded with: (a) Standing Order 361 was not complied with, in that notice of intention to introduce the Bill was not published within the prescribed time; and (b) Standing Order 366 was not complied with in so far as it relates to the number of days from the commencement of the session within which local Bills may be introduced.
- (3) That the rights and prerogatives of the Crown are affected, in that the Bill confers on the Drainage Board proposed to be constituted thereunder power to enter upon lands vested in the Crown for the purpose of removing earth, metal, &c.
- (4) That the Committee recommends that the Bill be allowed to proceed, with the amendments as shown on the copy of the Bill annexed hereto.

20th September, 1944.

AUCKLAND HARBOUR BOARD EMPOWERING BILL.

THE Local Bills Committee, to which was referred the above-mentioned Bill, has the honour to report:—

- (1) That it is a local Bill.
- (2) That the Standing Orders have been complied with, except in the under-mentioned respects, but were suspended in those respects by the House to enable the Bill to be introduced and proceeded with: (a) Standing Order 361 was not complied with, in that notice of intention to introduce the Bill was not published within the prescribed time; and (b) Standing Order 366 was not complied with in so far as it relates to the number of days from the commencement of the session within which local Bills may be introduced.
- (3) That the rights and prerogatives of the Crown are affected, in that under clause 6 all the leases authorized by the Bill are exempt from the provisions of the Servicemen's Settlement and Land Sales Act, 1943. (NOTE.—The rights and prerogatives of the Crown will not be affected if the amendment to clause 6 recommended by the Committee is agreed to by the House.)
- (4) That the Committee recommends that the Bill be allowed to proceed, with the amendments as shown on the copy of the Bill annexed hereto.

20th September, 1944.

CARTERTON BOROUGH EMPOWERING BILL.

I HAVE the honour to report that as the honourable member in charge of the above-mentioned Bill has intimated to the Local Bills Committee that he wishes to withdraw the same, the Committee recommends that leave to withdraw it be accorded him.

12th October, 1944.

CARTERTON BOROUGH EMPOWERING (No. 2) BILL

THE Local Bills Committee, to which was referred the above-mentioned Bill, has the honour to report:—

- (1) That it is a local Bill.
- (2) That the Standing Orders have been complied with, except in the under-mentioned respects, but were suspended in those respects by the House to enable the Bill to be introduced and proceeded with: (a) Standing Order 361 was not complied with, in that notice of intention to introduce the Bill was not published within the prescribed time; and (b) Standing Order 366 was not complied with in so far as it relates to the number of days from the commencement of the session within which local Bills may be introduced.
- (3) That the rights and prerogatives of the Crown are not affected.
- (4) That the Committee recommends that the Bill be allowed to proceed, with the amendments as shown on the copy of the Bill annexed hereto.

12th October, 1944.

PETONE AND LOWER HUTT GAS AMENDMENT BILL

THE Local Bills Committee, to which was referred the above-mentioned Bill, has the honour to report:—

- (1) That it is a local Bill.
- (2) That the Standing Orders have been complied with, except in the following respects, but were suspended in those respects by the House to enable the Bill to be introduced and proceeded with: (a) Standing Order 361 was not complied with, in that notice of intention to introduce the Bill was not published within the prescribed time; and (b) Standing Order 366 was not complied with in so far as it relates to the number of days from the commencement of the session within which local Bills may be introduced.
- (3) That the rights and prerogatives of the Crown are not affected.
- (4) That the Committee recommends that the Bill be allowed to proceed, with the amendments as shown on the copy of the Bill annexed hereto.

18th October, 1944.

LOCAL LEGISLATION BILL

THE Local Bills Committee, to which was referred the above-mentioned Bill, has the honour to report that it has carefully considered the same and taken evidence thereon, and recommends that it be allowed to proceed, without amendment.

23rd November, 1944.

CHRISTCHURCH HOSPITAL AMENDMENT BILL

THE Local Bills Committee, to which was referred the above-mentioned Bill, has the honour to report:—

- (1) That it is a local Bill.
- (2) That the Standing Orders have been complied with, except in the following respects, but were suspended in those respects by the House to enable the Bill to be introduced and proceeded with: (a) Standing Order 361 was not complied with, in that notice of intention to introduce the Bill was not published within the prescribed time; and (b) Standing Order 366 was not complied with in so far as it relates to the number of days from the commencement of the session within which local Bills may be introduced.
- (3) That the rights and prerogatives of the Crown are affected, in that part of the land proposed to be dealt with under the Bill forms a portion of a reserve that is subject to the provisions of the Public Reserves, Domains, and National Parks Act, 1928.
- (4) That the Committee recommends that the Bill be allowed to proceed, with the amendments as shown on the copy of the Bill annexed hereto.

23rd November, 1944.

CHRISTCHURCH DISTRICT DRAINAGE AMENDMENT BILL

THE Local Bills Committee, to which was referred the above-mentioned Bill, has the honour to report:—

- (1) That it is a local Bill.
- (2) That the Standing Orders have been complied with, except in the following respects, but were suspended in those respects to enable the Bill to be introduced and proceeded with: (a) Standing Order 361 was not complied with, in that notice of intention to introduce the Bill was not published within the prescribed time; and (b) Standing Order 366 was not complied with in so far as it relates to the number of days from the commencement of the session within which local Bills may be introduced.
- (3) That the rights and prerogatives of the Crown are not affected.
- (4) That the Committee recommends that the Bill be allowed to proceed, without amendment.

29th November, 1944.

SPECIAL REPORT

By direction of the Local Bills Committee, I have the honour to present the following supplementary report in connection with the local Bills referred to the Committee during the present session:—

The Committee desires to draw attention to the frequency with which Standing Orders 361 and 366 have not been complied with and have been suspended by the House. These Standing Orders provide, *inter alia*, for notice of intention to introduce a local Bill being published not later than thirty days after the commencement of the session, and for the Bill to be introduced not later than forty-two days after the commencement of the session.

During the war years, owing to uncertainty as to when sessions of Parliament are to begin, it has become somewhat difficult for local authorities always to comply with these provisions, and consequently it has become customary for them to be relaxed. Whilst the Committee recognizes that promoters of local legislation have in this regard often been placed at a disadvantage, it is of the opinion that, in many instances, the willingness of the House to assist them in the matter has been unnecessarily taken advantage of and that the indulgence granted has been abused. For instance, although the present session opened on 22nd February and continued, prior to the adjournment, until 4th April, and it was generally known for a considerable time before February that Parliament would meet in that month, only three local Bills out of a total of fifteen were introduced during the first part of the session. Furthermore, a number of them were not introduced within six weeks of the opening of the second part of the session. It would therefore seem that an undesirable precedent has been established. Apart from the general principle involved, the tardy introduction of local Bills, which in most cases could be introduced within the prescribed time, results in short-staffed Government Departments being obliged to devote much time to studying and reporting on them during the latter part of the session, when the pressure of Government business is heaviest. This particularly applies to the Law Drafting Office, the Department of Internal Affairs, and the Surveyor-General's Office. As members may be aware, considerable revision to Bills has usually to be made by the first-named office and lengthy amendments drafted after long consultations with Government Departments and other parties concerned. The Surveyor-General, too, sometimes finds that insufficient time is given him in which to check and certify to the correctness of the land schedules and the plans, and he has, in fact, on several occasions suggested that local authorities be required to submit the same to him during the recess. Other Government Departments are similarly affected, though not usually to the same extent.

The Committee considers that the tendency to ignore the Standing Orders is one that should be checked and that suspension of them should not be agreed to without a full explanation of the circumstances rendering it necessary being given in every case.

In view of the facts set out above, the Committee has the honour to recommend:—

“That a new Standing Order be framed to provide that all motions for the suspension of the Standing Orders relating to local Bills shall stand referred to the Local Bills Committee, which shall be required to investigate the reasons for the applications for suspension, and which shall report to the House whether, in its opinion, the suspension is warranted.”

Should the Committee's recommendation be adopted, it is suggested that the Department of Internal Affairs be instructed to circularize local authorities acquainting them with the course which will in future be followed.

29th November, 1944.

ENGINEERS REGISTRATION AMENDMENT BILL

THE Local Bills Committee, to which was referred the above-mentioned Bill, has the honour to report that it has carefully considered the same and taken evidence thereon, and recommends that it be allowed to proceed, with amendment as shown on the copy of the Bill annexed hereto.

30th November, 1944.

J. W. MUNRO, Chairman.

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