



Office of the Clerk of the House of Representatives

Parliament House Wellington 1 New Zealand

Promoting a local bill

These notes are designed for the guidance and information of local authorities promoting local bills and their legal advisers. The notes should be read in association with the Standing Orders of the House of Representatives relating to local bills. Copies of the Standing Orders can be obtained from bookshops operated by Bennetts Books.

Definition and scope of local bill

A local bill is a public bill promoted by a local authority which affects a particular locality only. A local bill may not deal with several matters in different districts.

A local bill cannot amend a public Act except purely consequentially.

Preliminary procedures

The bill

The local authority is responsible for drawing up the bill. Normally the local authority's legal adviser prepares the draft.

Standing Orders changes made in 1999 in relation to the format of legislation mean that

- all bills must now have an explanatory note (previously the practice was for Government and Members' bills to have them) (SO 253)
- the enacting formula is more directly expressed (SO 250)
- the Title is stated in the first clause of the bill (and there is no Long Title) (SO 251)
- a separate commencement clause is required (SO 252)
- the temporary law clause has been restated (SO 255).

Other changes have also been made to the style and layout of bills.

The Office of the Clerk recommends that legal advisers, either directly or through the Office of the Clerk, ask the Parliamentary Counsel Office to scrutinise the draft bill. The Parliamentary Counsel Office look at the draft for conformity to parliamentary drafting style and will also ensure that matters of form or substance that arise are dealt with in the preparation stage. It is important that this step is taken before the bill is advertised and formal procedures are embarked upon.

Having decided to proceed, the local authority should ask a member of Parliament to have charge of the bill in the House. It has been a convention that the promoter, in the first instance, approach the electorate member for the local authority district.

Once the text of the bill is finalised, the promoter arranges for a copy of the bill to be deposited in the District Court and gives notice in the locality of the intention to introduce the bill in terms of Appendix C.

Public notice

After the text of the bill is finalised, the next step is for the local authority to give public notice of the bill in accordance with the Standing Orders of the House.

Notice of the bill, summarising its objects and stating where copies have been deposited for public inspection, must be published not less than once in each of two successive calendar weeks in a daily newspaper circulating in the locality to which the bill relates. On the first date that the notice is published in the newspaper, a copy of the bill must be deposited for public inspection in the District Court and another in the local authority's office (clause 4, Appendix C of the Standing Orders).

A copy of each published notice, showing the name of the newspaper, date of publication and page number must be obtained to send to the Clerk of the House once the preliminary procedures have been carried out.

Separate notice to appropriate members of Parliament is also required (clause 9, Appendix C of the Standing Orders (see page 3)).

Deposit of bill for public inspection in the District Court and local authority's office

Copies of the bill must be deposited in —

- the District Court nearest the centre of the locality, and
- the local authority's public office

for 15 working days for public inspection without charge during office hours. If the bill is deposited or uplifted during public office hours, the day concerned does not count towards meeting the prescribed 15 working days.

Depending on the size and population distribution of the local authority district and the subject-matter of the bill, it may be desirable for the local authority to also make copies of the bill available for inspection at, for instance, other District Courts in the local authority district, at local authority service centres or sub-offices, or at public libraries.

On uplifting the bill, the local authority must ensure that the District Court Judge's or Registrar's certificate that the 15 day deposit requirement has been complied with is inscribed on the copy of the bill that has been deposited (clause 6, Appendix C of the Standing Orders). (By virtue of the District Courts Act 1947, a Registrar includes a Deputy Registrar.) This certificate may *not* be a separate document but must be inscribed on the bill itself. Note the stamping requirements.

A certificate in the following form is suitable:

<p>PURSUANT to the Standing Orders of the House of Representatives, I [insert name], certify that this bill was deposited in the District Court at [place] and remained open to public inspection during office hours, without fee, for a period of not less than 15 working days, from 20.... to 20....</p> <p style="text-align: center;">[signature]</p> <p style="text-align: center;">[designation, ie. District Court Judge or Registrar]</p> <p>Dated at, this day of 20....</p>

Where land is not comprised in any certificate of title, is not described in legislation or is not shown on a deposited plan, a true copy of the plan of the land **certified correct** by the Chief Surveyor of the relevant land district must also accompany each copy of the bill deposited in the district court and the public office of the local authority (clause 7, Appendix C of the Standing Orders).

The plans must be certified in the same manner as the deposited copy of the bill.

Notice to affected members of Parliament

Who should be served?

The local authority must serve notice on members of Parliament for the General and Māori electoral district whose constituents may be affected by the provisions of the bill (clause 9, Appendix C of the Standing Orders). Notice must be served on all members for General and Māori electoral districts covering areas of the local authority district concerned. Notice may be served by

- personal delivery, or
- posting, or
- delivery by courier, or
- delivery to a document exchange, or
- sending by fax.

Prior consultation with any member, including the member who is to have charge of the bill in the House, does not obviate the obligation to serve notice on that member.

In terms of section 54 of the Electoral Act 1993 there is no member of Parliament for any electoral district from the close of polling day at a general election until the return of the writ for that electoral district. Therefore, any service to persons in the intervening period is ineffective.

Certification of notice to members

Prepare a certificate that notice has been served on affected members (clause 9 (3) of Appendix C of the Standing Orders). This certificate should be forwarded to the Clerk of the House at the same time as the deposited bills.

The certificate must state that notice was served on named members at least three days before the date of the certificate.

The principal administrative officer should sign the certificate .

After the bill has been forwarded to the Clerk

Once the preliminary procedures have been completed, the local authority forwards the relevant papers to the Office of the Clerk.

Fee

The papers which are forwarded to the Office of the Clerk should be accompanied by the prescribed fee of \$2,000 (which includes GST) (clause 10(2), Appendix C of the Standing Orders). The cheque should be made out to the "Office of the Clerk of the House of Representatives".

Procedure following lodgement of documents

When the documents have been lodged with the Office of the Clerk, provided that Standing Orders have been complied with, we will advise the member who is to have charge of the bill.

Once the bill has been printed, the member may initiate the bill into the House on a suitable sitting day. The introduction of the bill is announced by the Clerk soon after 2 p.m. on a sitting day. After its introduction the bill is set down for first reading.

The first reading debate on a local bill takes place on a members' day, which is generally on alternate Wednesdays on which the House sits. The bill is then normally referred to the Local Government and Environment Committee for consideration and report to the House.

Relevant Government departments are usually called on to make reports on the bill to the committee. The local authority hears from the clerk of the committee at the appropriate time, and is normally given the opportunity to make a submission to the committee.

The subsequent stages at which a bill may be debated and through which it must pass to become an Act are:

- Second reading, when the report of the select committee on the bill is considered;
- Committee of the whole House; and
- Third reading.

If Standing Orders have been complied with local bills can be introduced while the House is adjourned and is not due to meet again within the next 14 days. (SO 275). Where a bill is introduced during an adjournment, there is no first reading. The bill is deemed read a first time and is referred to the Local Government and Environment Committee.

The consideration of local bills at each stage in the House has precedence over Government business on alternate Wednesdays on which the House sits, except when the House is debating the Address in Reply, the Prime Minister's statement, the Budget, or the Estimates, in which case Government orders of the day are taken first, and private and local orders of the day and Member's orders of the day are taken first on the following Wednesday.

Having been read a third time, the bill is prepared for the Royal assent. Once signed by the Governor-General, the bill becomes an Act of Parliament and it is printed for sale as a statute.

Office of the Clerk of the House of Representatives
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