



ANALYSIS

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1963, No. 66

An Act to amend the Local Government Commission Act 1961
[23 October 1963]

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 Local Government Commission Amendment Act 1963, and shall be read together with and deemed part of the Local Government Commission Act 1961 (hereinafter referred to as the principal Act).

2. Matters to be provided for in reorganisation schemes—Section 14 of the principal Act is hereby amended by omitting from subsection (6) the words “subsection (4)”, and substituting the words “subsection (5)”.

3. Objections to provisional scheme—Section 19 of the principal Act is hereby amended by adding to subsection (4) the following further proviso:

“Provided further that, notwithstanding that an objection is dismissed by the Commission, the Commission, in its discretion, may modify the scheme to make provision for any matter arising out of that objection.”

4. Hearing and determination of appeal—(1) Section 36 of the principal Act is hereby amended by inserting in subsection (5), after the words “subject to amendment”, the words “or referring the scheme back to the Commission for reconsideration either generally or with respect to any matters specified by the Appeal Authority”.

(2) Section 36 of the principal Act is hereby further amended by adding to subsection (5) the following further proviso:

“Provided further that the Appeal Authority shall not amend any scheme so far as it provides for any matter specified in subsection (1) of section 14 of this Act by substituting for the matter so provided for in the scheme any other matter specified in that subsection.”

(3) Section 36 of the principal Act is hereby further amended by inserting, after subsection (5), the following subsections:

“(5A) Where under subsection (5) of this section any scheme is referred back to the Commission for reconsideration, the Commission may make such further investigations and inquiries as it thinks fit, and may, in its discretion,—

“(a) Abandon the scheme; or

“(b) Confirm the scheme; or

“(c) Modify the scheme, in which case the scheme as so modified shall be deemed to be a provisional scheme prepared in substitution for the scheme so referred back; or

“(d) Prepare a further provisional scheme in substitution for the scheme so referred back.

“(5B) Where under subsection (5A) of this section the Commission confirms a scheme referred back to it for reconsideration, the provisions of section 21 of this Act shall apply as if the confirmation of the scheme were the approval of the scheme by the Commission:

“Provided that where any request for a poll on any proposal contained in the scheme so referred back has been made within the time prescribed by section 37 of this Act, that request shall continue to have effect as if it had been made with respect to the scheme so confirmed.

“(5C) Where under paragraph (c) or paragraph (d) of subsection (5A) of this section the Commission modifies any scheme or prepares a further provisional scheme, all the provisions of this Act with respect to provisional schemes shall apply with respect to the scheme substituted or deemed to have been substituted for the scheme referred back.”

5. Minister may request Commission to review scheme—

Section 40 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) In any such case the Commission, in its discretion, may recommend to the Minister that those other parts of the scheme or the related scheme be proceeded with or be not proceeded with, or that those other parts of the scheme or the related scheme be proceeded with subject to such amendments as the Commission considers desirable:

“Provided that no amendment to those other parts of the scheme or to the related scheme may be made by the Commission that relates to any district or area not included in those other parts of the scheme or in the related scheme:

“Provided further that the Commission may, in its discretion, prepare a further provisional scheme in substitution for those other parts of the scheme or for the related scheme. All the provisions of this Act with respect to provisional schemes shall apply with respect to every substituted scheme so prepared.”

6. Investigations and inquiries under repealed Act—Section 46 of the principal Act is hereby amended as from the commencement of that Act by repealing subsection (2), and substituting the following subsection:

“(2) This Act shall apply with respect to every investigation or inquiry under the Local Government Commission Act 1953 commenced but not completed by the Local Government Commission at the commencement of this Act, and to every such investigation or inquiry that has been completed at the commencement of this Act and in respect of which no provisional scheme has been prepared before the commencement of this Act; and—

“(a) Every such investigation or inquiry shall be continued and completed under this Act; and

“(b) A provisional scheme may be prepared under this Act in respect of any such investigation or inquiry commenced before the commencement of this Act and completed under this Act, and in respect of any such investigation or inquiry that has been completed before the commencement of this Act and in respect of which no provisional scheme has been prepared before the commencement of this Act.”