Introducing Local and Private Bills

E Whakamōhio atu ana i ngā Pire Hau Kāinga, Tūmataiti

Thames–Coromandel District Council and Hauraki District Council Mangrove Management Bill

Explanatory note

General policy statement

The spread of mangroves in the coastal area of the districts of the Thames–Coromandel del District Council and Hauraki District Council is increasingly becoming a concern for local councils and the Ministry of Agriculture and the Environment. The mangrove forests at the coast of the Thames, with their sandy beaches, are an internationally significant bird-watching site and a popular area for local photography.

52nd Parliament
About this booklet

This booklet aims to help promoters of a local bill or a private bill. It sets out how to prepare a local bill or a private bill, and the procedures that must be followed before the bill is accepted for introduction in the House of Representatives. The booklet also sets out the steps a bill progresses through after introduction.

The procedures are set out in detail in the Standing Orders of the House of Representatives (rules of procedure). References to the relevant Standing Orders are given in the text of the booklet. The preliminary procedures for local bills and private bills are set out in detail in Appendix C to the Standing Orders.

If you want to promote a local or a private bill, contact the Office of the Clerk to discuss the process. The staff of the Table Office can assist with all queries and information relating to local bills and private bills.
Introduction to local bills and private bills

What is a local bill?
Local bills deal with matters confined to a particular locality. SO 253(1)(c) They are intended to change or limit the effect of the general law in its application to the particular locality concerned.

The area described as a “locality” may be wider for a regional council than that of a district council. A local authority may promote a bill only for an area that is within its jurisdiction.

A single policy proposal affecting several adjacent localities may also be jointly promoted in a single local bill by the affected local authorities.

If any Act has been passed as a local Act, any amendment to it must be introduced as a local bill. A bill to amend a public Act cannot be a local bill, even if the amending bill relates to one district only or a particular locality. However, a local bill may include consequential amendments to a public Act.

A bill that substantively amends local Acts in more than one locality is an omnibus bill. It is treated as a Government bill, known as a Local Legislation Bill. A Local Legislation Bill is introduced by the Minister of Local Government on application by local authorities.

What is a private bill?
Private bills provide for the particular interest or benefit of an individual or group of people. SO 253(1)(d) Private legislation fills in the gaps left by the general law, for the benefit of individuals. Today there are fewer gaps to be filled in, so there is less need for persons to have resort to private legislation to deal with their own special circumstances. However, there are still occasions when legislation of this nature is necessary because there is no alternative remedy or redress.
Private bills commonly involve matters relating to private trusts, for example, lands held on trust for community use. Matters such as changes to the trustees administering a trust, or the validation of scholarships and allowances provided by a private trust board are matters for private, not general legislation.

Another common reason for promoting a private bill is to facilitate reconstructions and amalgamations of individual banking corporations.

Any amendment to a private Act must be introduced as a private bill.

**Promoting a local bill**

A local bill must be promoted by a local authority. **SO 253(1)(c)** A local authority is taken to be a territorial authority or a regional council. The local member of Parliament is often the member in charge of a local bill. Members in charge of a local bill are not required to support the premise of the bill.

**Promoting a private bill**

A private bill can be promoted by a person or body of persons. **SO 253(1)(d)** A member of Parliament is approached by the promoter to be the member in charge of a private bill. Members in charge of a private bill are not required to support the premise of the bill.

Private bills are required to contain a preamble setting out the facts on which the bill is founded and the circumstances giving rise to the necessity for it. A promoter of a private bill must set out the reasons why the object of the bill can be achieved only by legislation, or why it would be unjust or unfair (not merely inconvenient) to proceed under the general law. **SO 258**
This is a reminder that Parliament is reluctant to grant special legislative rights to private persons unless there is a proven necessity. Where the law provides avenues for redress (for example, variations of trusts), persons such as trustees must apply to the court and not look to Parliament to assume the role given to the courts.

**Drafting local or private bills**

The promoter is responsible for drafting a local or a private bill. It is important that any bill presented for introduction to the House conforms to Standing Order requirements for the drafting of bills. It is recommended that the promoter obtain drafting assistance or review from the Parliamentary Counsel Office. Office of the Clerk staff can assist in making initial contact with the Parliamentary Counsel Office.

Once a promoter has a bill that conforms to Standing Orders and addresses the intended policy objective, the promoter may undertake the preliminary procedures prescribed in Appendix C of the Standing Orders.
Preliminary procedures for the introduction of a local or private bill

Standing Order notification requirements

Before a private bill or a local bill can be introduced it must be endorsed as complying with Appendix C of the Standing Orders. SO 273, SO 274(2). Appendix C requires the promoter of a local or private bill to alert the public through public notice of the promoter’s intention to introduce the bill.

The Clerk of the House of Representatives examines the local or private bill and documents required by Appendix C to ensure that Standing Order requirements have been complied with (clause 15, Appendix C). In practice the Office of the Clerk engages with the promoters of both types of bills prior to their introduction to ensure compliance.

If you are the promoter of a local or private bill it is important to contact the Office of the Clerk before initiating any procedures for the introduction of the bill.

Notice of intention

Notice of an intention to promote a local bill must be advertised in either a daily newspaper circulating in the region or in a newspaper that has equivalent circulation to such a daily newspaper.

Notice of an intention to promote a private bill must be advertised either in the major centres or, if the bill affects land, in a daily newspaper circulating in the locality of the land or in a newspaper that has equivalent circulation to such a daily newspaper.

The notice of intention must be published at least once in each of two successive calendar weeks.
Every notice must be headed with the title of the bill and state the following:

- the intention of the promoter to promote the bill
- the objects of the bill
- the promoter’s contact details
- the places where the bill can be inspected
- the website on which a copy of the bill is publicly available
- the dates during which the bill can be inspected (Appendix C, clause 2).

The objects of the bill, as described in the notice, limit the scope of any amendments that can be recommended or made to it as it passes through the House. The bill that is the subject of the notice must contain the same content as the bill that is submitted for introduction to the House.

**Notice to persons with direct interest**

As well as advertising an intention to introduce the bill, a promoter must also advise persons with a direct interest in the subject matter or who may exercise any power proposed in the bill. The Standing Orders provide a list of those most likely to be affected, and a number of office-holders in certain cases. However, this list is not exclusive, and the promoter needs to consider who else might be affected. The success of this will be tested when the bill reaches a select committee and submissions are called for.

A promoter of a local bill must give written notice to every member of a Māori or General electoral district whose constituents may be affected by the provisions of the bill. Proof that this notice has been given is required.
Notice can be by email, mail or by hand.

Bills must be available for inspection by the time of the first publication of the notice. For a local bill, the bill must be available at a public library or a service centre. For a private bill, the bill must be available at the office of the promoter, or the promoter’s solicitor or agent.

The promoter or the promoter’s solicitor or agent must also ensure that a copy of the bill is publicly available on a website.

Bills dealing with land

Local or private bills that propose to deal with land require a number of additional steps before they can be introduced (clause 9, Appendix C).

Where the bill deals with land that is already comprised in a certificate of title issued under the Land Transfer Act 1952 (or the Land Transfer Act 2017) or any computer register created under that Act, the requirements are reduced to obtaining a certificate authorised by the Chief Executive of LINZ. That certificate must confirm that the description of the land used in the bill is correct.

Declaration required

Once the preliminary procedures for a local or private bill have been completed, the promoter must provide evidence of this by making a declaration to the House relating to the bill. The declaration must be in the form set out in Appendix C (see the Appendix to this booklet) and must be provided together with the information required to evidence completion of the preliminary procedures.

The declaration should be submitted to the Clerk of the House. The declaration must be received within 6 months of the first publication of the notice of the bill. No fee is required for submitting the declaration and the bill.
Presenting a bill for introduction

The role of members of Parliament

When the bill is ready to be introduced, the member of Parliament who has agreed to be in charge of the bill will be advised and the member will lodge a notice of intention to introduce the bill. Lodging a notice does not mean a member agrees with the intent of the bill.

The member lodges this notice by delivering it to the Clerk. A local bill or a private bill is introduced when the notice of intention is received on any working day, but on a sitting day it must be received by 1pm.
What happens to the introduced bill

First reading
Local and Private Orders of the Day are considered on alternate sitting Wednesdays. SO76(1) Local bills and private bills are available for first reading on the third sitting day following introduction. If your bill passes its first reading, it will be referred to a select committee for consideration.

Consideration by select committee
Select committees normally have 6 months to consider and report back recommendations on a bill to the House. A select committee may call for submissions and hear oral evidence on a bill. If you wish to be heard, state this clearly when making a written submission. You will be responsible for paying for your own travel and any other costs associated with presenting a submission.

Copies of the booklet Making a Submission to a Parliamentary Select Committee are available at www.parliament.nz or free of charge from the Office of the Clerk.

The clerk of the committee can be contacted at Select Committee Services by email select.committees@parliament.govt.nz, telephone on 04 817 9520, or by writing to

Select Committee Services
Parliament Buildings
WELLINGTON 6160a
Remaining stages

The select committee reports your bill back to the House with any changes it recommends to the bill. The House considers the recommended changes in the second reading debate. If the bill passes its second reading it is set down for consideration in a committee of the whole House on the following members’ day.

The committee of the whole House stage is the last opportunity to amend your bill. The committee reports the bill back to the House with any amendments it recommends.

The bill is set down for its final stage, the third reading, on the following member’s day. If your bill passes the third reading, the Clerk prepares the bill to be assented by the Governor-General, at which stage the bill becomes an Act of Parliament.
Further information

The Office of the Clerk publishes a range of material about Parliament at www.parliament.nz.

Email the Table Office: table.office@parliament.govt.nz

Phone the Manager (House) on 04 817 9079, or Principal Clerk (Legislation) on 04 817 9441, or write to

Manager (House)
Parliament Buildings
WELLINGTON 6160
Appendix

Declaration – required content

DECLARATION FOR A PRIVATE BILL OR LOCAL BILL
To the House of Representatives
I, [full name of representative, and position] declare that—

1 The [name of promoter or local authority] respectfully requests that [title of bill] (the deposited copies of which are attached) be introduced into the House.

2 The reasons for the bill are—
   [list the reasons].

3 The objects of the bill are—
   [list the objects, including any in a preamble or purpose clause].

4 The objects of the bill cannot be attained otherwise than by legislation because
   [give reasons].
   or
   The objects of the bill can be attained otherwise than by legislation but [give reasons why legislation sought].

5 Notice of the bill has been published in two consecutive calendar weeks in
   issues of [name(s) of newspaper(s)] on [dates] on page(s) [give numbers] (copies of which notices are attached). A copy of the bill was publicly available at
   [name of website] for the same period.

6 Notice of the bill was given to the following persons who have a direct interest
   in the subject-matter of the bill or in the exercise of a power proposed to be
   given by the bill:
   [name and address of natural or legal person, including person specified in clause 4(2) of this Appendix], who is affected by clause [give reference] of the bill
   because [give reason].
   [etc.]
   (copies of which notices are attached).

   [Signature]
   [Name of signatory]
   [Date]