

6. RICcarton Bush Act 1914 – APPROVAL OF COUNCIL ACTING AS PROMOTER OF AMENDMENT BILL)

General Manager responsible:	General Manager Regulation & Democracy Services, DDI 941-8462
Officer responsible:	Acting Manager, Legal Services Unit
Author:	Robert O'Connor, Solicitor, Legal Services Unit

PURPOSE OF REPORT

1. The purpose of this report is to seek the approval of the Council to the proposal that it acts as the formal promoter of the Riccarton Bush Amendment Bill ("the Bill") in relation to the Bill's progress through the parliamentary process.

EXECUTIVE SUMMARY

2. This report appeared on the agenda for the Council meeting of 25 February 2010, but was left to lie on the table pending the Council's consideration of the 'Outside Appointments – Conflict of Issue' matter. This occurred at the Council meeting held on 26 August 2010. The Council's resolution of 26 August 2010 included a request that the draft Bill be altered to allow the Council to appoint either elected members or non-elected members to the Riccarton Bush Trust Board, rather than just elected members as originally drafted. As the Riccarton Bush Trust Board has formally agreed to this amendment, this report may now be considered by the Council.
3. The Bill proposes to amend the Riccarton Bush Act 1914 ("the Act"), the statute governing Riccarton House and Bush, in a number of areas to reflect current circumstances and practice.
4. The Legal Services Unit, working closely with a Working Party appointed by the Riccarton Bush Trustees ("the Board"), has prepared the draft Bill.
5. Full details of the amendments proposed to be made to the Act by the Bill were discussed in a report considered by the Council on 23 April 2009.
6. At its meeting of 23 April 2009 the Council considered the draft Bill and resolved:
 - (a) *To approve the draft Riccarton Bush Amendment Bill and to support its enactment into law.*
 - (b) *To authorise Council staff to make a submission in support of the Bill to the Select Committee considering the draft Bill."*
7. When the draft Bill was previously considered by the Council, it was the expectation of the Board and the Legal Services Unit that the Board would formally act as the promoter of the Bill and that the Council would simply act in support.
8. Subsequently, the Office of the Clerk of the House has advised the Board that the Bill, as a 'local bill', should more properly be promoted by the Council rather than the Board. The reason for this is that as the Act is a 'local act' it should be amended by a 'local bill', which may only be promoted by a local authority. The Office of the Clerk has advised that historically the previous amendments to the Act have been promoted by this Council. The Riccarton Bush Trustees are not a "local authority" for the purposes of Parliament's Standing Orders.
9. As the promoter of the Bill, the Council would be responsible for the drafting of the Bill (subject to comments by the Office of the Clerk of the House and the Parliamentary Counsel Office) and complying with the Parliamentary Standing Orders in relation to the Bill. This means that the Council must:
 - (a) Prepare the necessary documentation and attend to the public notification of the Bill before it is introduced into Parliament.
 - (b) Liaise with the Member of Parliament who will be in charge of the Bill in the House (note that Hon. Gerry Brownlee has indicated he is willing to take on this role) and liaise with the Office of the Clerk.

- (c) Finalise the Bill for introduction for the House which involves the Chief Executive making a written declaration, and paying a \$2000 parliamentary fee to the Office of the Clerk.
 - (d) Make a submission on the Bill once it is referred to a Select Committee for consideration.
 - (e) Be available to assist with the passage of the Bill through the House (for example providing information to members of Parliament).
10. The drafting of the Bill has already been finalised with the Board, the Office of the Clerk and the Parliamentary Counsel Office. Similarly, the public notification documentation is largely ready for publication (subject to some adjustments being made to provide that the Council is the promoter of the Bill).
 11. The Board has formally consented to the Council acting as the formal promoter of the Bill and have agreed to continue to be liable to meet the \$2000 fee payable to the Office of the Clerk.
 12. It is not anticipated that the role as promoter of the Bill will result in the imposition of any additional expense or cost upon the Council other than that already anticipated. As the Board is a Council Controlled Organisation, the Council has already acted in support of the Board in its endeavour to have the Bill enacted into law through the Legal Services Unit taking a lead role in the process to date. Whether the Council acts as promoter of the Bill or not, that same level of support would still be provided to the Board.
 13. Notwithstanding the assumption of the formal status as promoter of the Bill, the Council will continue to work closely in partnership with the Board to seek the enactment of the Bill into law.

FINANCIAL IMPLICATIONS

14. It is not anticipated that the role as promoter of the Bill will result in the imposition of any additional expense or cost upon the Council. The Board has agreed to continue to be liable to meet the \$2000 fee payable to the Office of the Clerk of the House.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

15. Yes.

LEGAL CONSIDERATIONS

16. Yes, see above.

Have you considered the legal implications of the issue under consideration?

17. Yes, see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

18. Yes.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

19. Yes.

ALIGNMENT WITH STRATEGIES

20. Yes.

Do the recommendations align with the Council's strategies?

21. Yes.

CONSULTATION FULFILMENT

22. As detailed in the report to the Council considered at its meeting of 23 April 2009, the Board has completed a comprehensive consultation process in respect of the draft Bill, which resulted in the receipt of 10 submissions in support of the Bill. No submissions were received in opposition to the draft Bill. It is not considered that a Council decision to act as promoter of the Bill imposes any additional consultation requirement. In any event the progress of the Bill through the Parliamentary process will involve the further opportunity for the public to make submissions on the Bill.

STAFF RECOMMENDATION

It is recommended that the Council resolves to:

- (a) Promote the Riccarton Bush Amendment Bill to Parliament.
- (b) Authorise the Chief Executive to:
 - (i) Take such steps as are necessary to promote the draft Bill through the Parliamentary process, including signing the declaration for a local bill and any other documentation on behalf of the Council required.
 - (ii) Make such changes to the draft Bill as are required as a result of the Parliamentary process, provided that those changes do not materially alter the intent or purpose of the Bill.