

## **Appendix B: WCC's Comments on Other Legislation Requiring Amendment**

- 1.1 One enactment that has not been identified for examination during the current review round is the Local Government Act 1974 (**LGA 1974**), notwithstanding its material contribution to local government compliance obligations and costs. Although superseded from 1 July 2003 by the LGA 2002, several significant parts of the LGA 1974 remain in force and bind local authorities and members of the public to prescriptive processes. In many cases, those processes are now outdated, not responsive to contemporary conditions, and unduly process-oriented. Nevertheless, local authorities are obliged to comply with their requirements when dealing with relevant subject matter, which can lead to unnecessary time delays and the accrual of costs for all persons involved.
- 1.2 The situation is complicated further by links between the provisions of the LGA 1974 that remain in force and other legislation, such as statutes relating to land transport and public works. There are also a number of older statutes that tend to duplicate the powers, if not the processes, that remain in force under the LGA 1974. Examples include the Land Drainage Act 1908, the River Boards Act 1908, and the Soil Conservation and Rivers Control Act 1941.
- 1.3 WCC urges the Government to respond to the need to review this outdated legislation. WCC believes that it - and more importantly its communities - would benefit from a review and overhaul of the LGA 1974 and related legislation as part of the wider investigation into local government regulation.
- 1.4 WCC is keen to work with the government on identifying issues arising with the remnant provisions of the LGA 1974 and to illustrate them with reference to anecdotal examples. It is hoped that the unnecessary compliance demands that examples will portray will encourage the review of local government regulation to address the LGA 1974 and other identified statutes.
- 1.5 The ultimate objective is the development of legislative amendments that will assist local authorities in the delivery of core services, reduce associated compliance demands, and advance the Government's agenda of cutting unnecessary red tape.
- 1.6 WCC recommends the review and reform of the statutory provisions listed as follows:
  - 1.6.1 Land Drainage Act 1908 (All provisions (note Part 2 repealed from 1 July 2003))
  - 1.6.2 Local Government Act 1974
    - (a) Part 11 Local authorities petroleum tax (sections 181 to 200)
    - (b) Part 21 Roads (other than regional roads), service lanes and accessways (sections 315 to 361)

- (c) Part 26 Sewerage and stormwater drainage by territorial authorities (sections 446, 447, 451, 459 to 462, 467 and 468)
  - (d) Part 29 Land drainage and rivers clearance (sections 501F to 517)
  - (e) Part 29A Divestment of land drainage schemes and water-race schemes (sections 517A to 517ZM)
  - (f) Part 31 Waste management (sections 537 to 544)
  - (g) Part 34 Public services (sections 591 and 591A)
  - (h) Part 39 Prevention of fires (section 647 and 648)
  - (i) Part 39A Navigation (sections 650A to 650K)
  - (j) Part 43 Bylaws (sections 684 to 684F)
- 1.6.3 River Boards Act 1908 (All remaining provisions)
  - 1.6.4 Soil Conservation and Rivers Control Act 1941 (All remaining provisions)
  - 1.6.5 Transport Act 1962 (Provisions relating to infringement offences, particularly sections 41A to 43A (infringement offences) and 72 to 74 (bylaws), and 77 (regulations) )
- 1.7 WCC was advised by officials that there was not an opportunity to incorporate the review of the above legislation as apart of this Bill. As a result WCC encourages the Government to resource this work as part of the Government's agenda of reforming superfluous legislation.