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# BILLS DIGEST

Digest No. 1734

## Local Government (Auckland Law Reform) Bill 2009

<b>Date of Introduction:</b>	10 December 2009
<b>Portfolio:</b>	Local Government
<b>Select Committee:</b>	As at 15 December, 1st Reading not held.
<p><b>Published: 15 December 2009</b></p> <p>Prepared by <b>John McSoriley</b> BA LL.B, Barrister</p> <p>Legislative Analyst</p> <p>P: (04) 471-9626 (Ext. 9626)</p> <p>F: (04) 471-1250</p>	<p>Caution: This Digest was prepared to assist consideration of the Bill by members of Parliament. It has no official status.</p> <p>Although every effort has been made to ensure accuracy, it should not be taken as a complete or authoritative guide to the Bill. Other sources should be consulted to determine the subsequent official status of the Bill.</p>

### Purpose

The aim of this Bill is to " ... implement the Government's decisions on governance arrangements for the Auckland region"<sup>1</sup>.

### Background

"This Bill completes the legislative framework for ongoing local governance arrangements in Auckland and makes the necessary interim and transitional provisions for the operation of the Auckland Council from 1 November 2010. It provides " ... further establishment-related provisions to:

- enable the establishment of the various new local governance arrangements in Auckland; and
- facilitate the smooth transition of staff and assets to the new structures; and
- prepare for local elections in Auckland; and
- provide clarity regarding planning and reporting arrangements for the period up until 1 November 2010"<sup>2</sup>.

<sup>1</sup> Local Government (Auckland Law Reform) Bill, 2009 No 112-1, Explanatory note, General policy statement. p. 1.

<sup>2</sup> Ibid., pp. 2 and 3.

The Bill also provides " ... the substantive detail for the Auckland Council to be able to operate effectively from its establishment on 1 November 2010, including:

- further detail of the relationship between the Council's governing body and its local boards; and
- arrangements for the management of transport and water supply and wastewater services; and
- provision for the development of a spatial plan for Auckland; and
- arrangements for a Board to promote issues of significance for mana whenua and Māori for Tamaki Makaurau; and
- arrangements relating to the governance of council-controlled organisations, development contributions, and representation reviews; and

The Bill also provides for transitional planning, funding, and rating arrangements for the Auckland Council until at least July 2012 and makes consequential amendments to other legislation arising from Government decisions on the nature and scope of the new Auckland governance arrangements<sup>3</sup>.

## Main Provisions

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### Purpose

The Bill provides that its main purpose is " ... to resolve further matters relating to the reorganisation of local government in Auckland begun under the Local Government (Tamaki Makaurau Reorganisation) Act 2009 [(the Reorganisation Act)] and continued under the Local Government (Auckland Council) Act 2009 [(the Auckland Council Act)].

In particular (without limiting this purpose) this Bill amends the Local Government (Tamaki Makaurau Reorganisation) Act 2009, by adding provisions to:

- enable the establishment of new and various local governance arrangements for Auckland; and
- facilitate the smooth transition of staff and assets from existing local government organisations to entities forming part of the new arrangements; and
- prepare for the October 2010 triennial general elections in Auckland; and
- provide clarity in respect of planning and reporting arrangements for existing local authorities and other entities during the reorganisation period.

This Bill also amends the Local Government (Auckland Council) Act 2009, by adding provisions to:

- provide further details of the relationship between the Council's governing body and its local boards; and
- establish arrangements for the management of transport and water supply and wastewater services for Auckland; and
- provide for the development of a spatial plan for Auckland; and

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<sup>3</sup> Ibid., p. 3.

- establish a board to promote issues of significance for mana whenua and Māori of Tamaki Makaurau; and
- clarify arrangements relating to council-controlled organisations, development contributions, and representation reviews.

The Bill also has the purpose of providing transitional arrangements for the operation of the Auckland Council and of amending and repealing certain enactments (*Clause 3 (the "purpose clause")*).

### Auckland Transition Agency

The Bill amends the Local Government (Tamaki Makaurau Reorganisation) Act 2009 which established the Auckland Transition Agency, the entity responsible for both overseeing the reorganisation process for Auckland local government and ensuring that the Auckland Council will be able to operate on and from 1 November 2010. These amendments provide for:

- the making of arrangements for waste management and minimisation for Auckland (*Part 1, Clause 11(2), amending Section 13(1) of the Reorganisation Act*);
- the establishing of the Waterfront Development Agency as a council-controlled organisation of the Auckland Council, responsible for the development of the Auckland waterfront (*Part 1, Clause 11(3); Clause 18, inserting New Section 19B into the Reorganisation Act*);
- making arrangements in relation to the initial operation of Auckland Transport, the new transport authority (*Part 1, Clause 11(4), amending Section 13 of the Reorganisation Act; Clause 45, inserting New Part 4 into the Auckland Council Act (headed: "Transport management for Auckland"), New Section 38 of that Act*);
- ensuring appropriate arrangements are made so that, once established, the Auckland Council can implement a single integrated rating policy within Auckland (*Part 1, Clause 15, inserting New Section 18A into the Reorganisation Act*);
- setting out in more detail the requirements of the planning document that the Transition Agency is required to prepare under Section 19A of the Reorganisation Act (*Part 1, Clause 17 amending Section 18A of the Reorganisation Act; Schedule 1 to the Bill, inserting New Schedule 2 into the Reorganisation Act*).

The Bill also provides further for council-controlled organisations, transfer and termination of employment for employees of the entities, and development contributions made or owing at the time of the existing local authorities' dissolution (*Part 1, Clauses 4-26*).

### Amendments to the Auckland Council Act

The Bill amends the Local Government (Auckland Council) Act 2009 particularly in relation to the following:

- the entity called "Auckland Transport" is established separately from the Auckland Council with responsibility for planning and delivering transport activities, and exercising certain statutory functions and powers, in relation to the Auckland transport system (*Part 2, Clause 45, inserting New Part 4 into the Auckland Council Act, New Sections 37-48 of that Act*);
- water supply and wastewater services for Auckland and the functions, duties, and powers of Auckland water organisations (*Part 2, Clause 30, amending Section 4 of the Auckland Council Act; Clause 45, inserting New Part 5 into the Auckland Council Act (headed: "Water supply and wastewater services for Auckland"), New Sections 49-65 of that Act*);

- spatial planning for Auckland and the requirement for the Auckland Council to prepare and adopt a spatial plan (*Clause 45, inserting New Part 6 into the Auckland Council Act (headed: "Spatial planning for Auckland")*, *New Section 66 of that Act*);
- the establishment and operation of a board promoting issues of significance for mana whenua and Māori of Tamaki Makaurau (*Part 2, Clause 45, inserting New Part 7 into the Auckland Council Act (headed: "Board promoting issues of significance for mana whenua and Māori of Tamaki Makarau")*, *New Sections 67-74 of that Act*); and
- miscellaneous functions, powers, and duties of the Auckland Council (*Part 2, Clause 45, inserting New Part 8 into the Auckland Council Act, New Sections 75-85 of that Act*);

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