



Local Government (Auckland) Amendment Act Order 2007

Anand Satyanand, Governor-General

Order in Council

At Wellington this 24th day of September 2007

Present:

The Right Hon Helen Clark presiding in Council

Pursuant to section 30 of the Local Government (Auckland) Amendment Act 2004, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following order.

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Order

1 Title

This order is the Local Government (Auckland) Amendment Act Order 2007.

2 Commencement

This order comes into force on the day after the date of its notification in the *Gazette*.

3 Interpretation

- (1) In this order, **agreement** means the Transfer Agreement Relating to the Assets and Businesses of ARTNL Harbour Berths Limited and ARTNL Metro Limited dated 2 July 2007, the parties to which are—
 - (a) Auckland Regional Transport Network Limited, ARTNL Harbour Berths Limited, and ARTNL Metro Limited (as transferors); and
 - (b) the Auckland Regional Council (or its nominee appointed under clause 16 of the agreement) (as recipient); and
 - (c) the Auckland City Council, the Manukau City Council, and the Waitakere City Council (as covenantors).
- (2) By a deed of accession dated 4 July 2007, the Auckland Regional Transport Authority became the recipient after being nominated by the Auckland Regional Council under clause 16 of the agreement.

4 Application of section 30 of Local Government (Auckland) Amendment Act 2004

- (1) Section 30 of the Local Government (Auckland) Amendment Act 2004 applies to the following dispositions:
 - (a) the transfer of assets under clause 3.1 of the agreement by Auckland Regional Transport Network Limited, ARTNL Harbour Berths Limited, and ARTNL Metro Limited to the Auckland Regional Transport Authority; and
 - (b) the assumption of liabilities and obligations relating to the assets under clause 3.3 of the agreement by the Auckland Regional Transport Authority; and
 - (c) the transfer of—

- (i) the Downtown Ferry land and the Orakei Wharf ferry assets under clauses 11.1 and 11.2 of the agreement by ARTNL Harbour Berths Limited to the Auckland City Council; and
 - (ii) the Half Moon Bay ferry land under clause 11.3 of the agreement by ARTNL Harbour Berths Limited to the Manukau City Council.
- (2) Subclause (1) applies to a disposition on and from the date of the disposition even though the date of the disposition is before the commencement of this order.
- (3) Subclause (1) does not apply to any additional assets transferred under clause 9 of the agreement.
- (4) Subclauses (2) and (3) apply to avoid doubt.

5 General description of dispositions

- (1) The purpose of this clause is to provide a general description of the dispositions referred to in clause 4(1).
- (2) This clause does not limit or affect clause 4.
- (3) The assets transferred under clause 3.1 of the agreement comprise the following assets of Auckland Regional Transport Network Limited, ARTNL Harbour Berths Limited, and ARTNL Metro Limited:
 - (a) the contracts, leases, and arrangements listed in Part C of Schedule 1 of the agreement. These include,—
 - (i) in relation to Auckland Regional Transport Network Limited, contracts relating to a number of grants from Infrastructure Auckland for various purposes:
 - (ii) in relation to ARTNL Harbour Berths Limited, various agency and services agreements, licences for berths, leases, sale and purchase agreements, and construction contracts:
 - (iii) in relation to ARTNL Metro Limited, leases and subleases relating to various stations, service agreements, and construction contracts:
 - (b) books and records, including the books of account, financial records, lists of customers and suppliers, and all other records and information relating to the assets on whatever medium they are stored:
 - (c) intellectual property:

- (d) improvements comprising the Devonport wharf and canopies, the Northcote Stage I and Stage II improvements, and the Birkenhead Stage I improvements, more particularly being the assets listed on pages 24 to 26 and 29 of ARTNL Harbour Berths Limited's asset register dated 31 March 2006:
- (e) assets relating to the Downtown Ferry terminal and Half Moon Bay ferry terminal, excluding—
 - (i) the Downtown Ferry land; and
 - (ii) Half Moon Bay ferry land; and
 - (iii) waterspace management rights in relation to the Orakei Wharf:
- (f) in relation to ARTNL Metro Limited, the assets described in its fixed asset register dated 31 March 2006, and all capital work in progress under the contracts listed in Part C of Schedule 1 of the agreement that relate to ARTNL Metro Limited:
- (g) any coastal permits, resource consents, building consents, and any other approval, permit, licence, or other consent from any authority relating to the other assets that is legally able to be transferred.

6 Order applies subject to legal effectiveness of dispositions

- (1) This order applies to a disposition subject to the legal effectiveness of the disposition under any other applicable enactment and the general law.
- (2) This clause applies to avoid doubt.

Diane Morcom,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on the day after the date of its notification in the *Gazette*, applies section 30 of the Local Government (Auckland) Amendment Act 2004 to the disposition of—

- certain assets and liabilities of Auckland Regional Transport Network Limited, ARTNL Harbour Berths Limited, and ARTNL Metro Limited to the Auckland Regional Transport Authority;
- the Downtown Ferry land and Orakei Wharf ferry assets from ARTNL Harbour Berths Limited to the Auckland City Council;
- Half Moon Bay ferry land from ARTNL Harbour Berths Limited to Manukau City Council.

The effects of the order are—

- subpart 1 of Part 6 of the Local Government Act 2002 does not apply in relation to the dispositions; and
- for the purposes of the Inland Revenue Acts, the parties to the dispositions are to be treated as the same person.

Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 27 September 2007.

This order is administered by the Department of Internal Affairs.
