

**Reprint
as at 2 November 2010**



**Local Government (Tamaki
Makaurau Reorganisation) Act
2009**

Public Act 2009 No 13
Date of assent 23 May 2009
Commencement see section 2

Local Government (Tamaki Makaurau Reorganisation) Act 2009: repealed, on
2 November 2010, by section 8.

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Department of Internal Affairs.

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[Repealed]

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Schedule 4

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Terminating organisations and receiving entities

1 Title

This Act is the Local Government (Tamaki Makaurau Reorganisation) Act 2009.

2 Commencement

- (1) Subject to subsections (3) and (4), this Act comes into force 2 days after the date on which it receives the Royal assent.
- (2) *[Repealed]*
- (3) Sections 27 and 28 come into force on the close of 31 October 2010.
- (4) Subparts 3 and 4 of Part 3 (as substituted by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010) come into force on the day after the date on which that Act receives the Royal assent.

Section 2(1): amended, on 15 June 2010, by section 5(1) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 2(2): repealed, on 15 June 2010, by section 5(2) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 2(3): amended, on 15 June 2010, by section 5(3) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 2(4): added, on 15 June 2010, by section 5(4) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Part 1**Preliminary provisions****3 Background and purpose of Act**

- (1) Local government arrangements for the Auckland region have caused considerable concern for at least 49 years.
- (2) Over the next 99 years, it is expected that the Auckland region will face enormous change brought about by global economic, environmental, and political forces. Local trends, including high population growth, add to the challenges and opportun-

ities the region faces. To meet these challenges and opportunities, Auckland requires local and regional governance of the highest standard.

- (3) Accordingly, a Royal Commission was established in October 2007 to inquire into, investigate, and recommend local government arrangements for the Auckland region over the foreseeable future (*Gazette* 2007, p 3110).
- (4) The Royal Commission reported to the Government on 25 March 2009, its principal recommendation being that the local authorities governing the Auckland region be dissolved and a single entity be formed to replace them (Royal Commission on Auckland Governance, *Report: Royal Commission on Auckland Governance*).
- (5) The Government considered the Royal Commission's report and agreed with many of its recommendations, including the creation, through legislation, of—
 - (a) a single governing body for the Auckland region; and
 - (b) an entity to effect the necessary changes.
- (6) The Government also determined that the legislation should be enacted so that the members of the governing body and second tier bodies be elected at the October 2010 local government triennial general elections.
- (7) The purpose of this Act, therefore, is—
 - (a) *[Repealed]*
 - (b) to dissolve the existing local authorities that govern the Auckland region (being 1 regional and 7 territorial authorities) on 1 November 2010; and
 - (c) to establish an entity to facilitate the transition to the new local government arrangements; and
 - (d) to require the existing local authorities and other local government organisations to support the reorganisation by both doing specified things and refraining from doing specified things; and
 - (da) to provide for the Governor-General, Ministers, and other public officials and bodies to undertake specified duties to facilitate the reorganisation; and
 - (e) to make any necessary amendments to any other enactments.

Section 3(7)(a): repealed, on 15 June 2010, by section 6(1) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 3(7)(b): amended, on 15 June 2010, by section 6(2) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 3(7)(da): inserted, on 15 June 2010, by section 6(3) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

4 Outline of Act

- (1) The general scheme and effect of this Act is set out in the following subsections. This section is by way of explanation only and does not limit or affect the other provisions of this Act.
- (2) Part 1 provides for preliminary matters.
- (3) *[Repealed]*
- (4) Part 3 is concerned with the transitional arrangements that must be made in order for the Auckland Council to be ready to assume its role as the unitary authority for Auckland on and from 1 November 2010.
- (5) Subpart 1 of Part 3 establishes the Auckland Transition Agency. The Agency is responsible for making arrangements to enable the Auckland Council to operate on and from its establishment on 1 November 2010. This will involve developing the Council's structure and operational arrangements and determining how the systems, plans, and policies of the existing local authorities (Auckland Regional Council, Auckland, Manukau, North Shore, and Waitakere City Councils, and Rodney, Franklin, and Papakura District Councils) and other local government organisations will be linked to and integrated within that structure.
- (6) Subpart 2 of Part 3 sets out the obligations of the existing local authorities and other existing local government organisations during the period between the enactment of this Act and 1 November 2010 (the **transition period**). In certain situations, the existing entities must obtain the consent of the Transition Agency before implementing decisions they have made.
- (7) Subpart 3 of Part 3 provides for the dissolution of the existing local authorities and other local government organisations. For the most part, the impact of the dissolution is that the

functions, duties, powers, interests, property, rights, liabilities, etc, of the existing local authorities become functions, duties, powers, interests, property, rights, liabilities, etc, of the Auckland Council. However, the subpart provides for different outcomes in particular cases, or in relation to particular interests. For example, specified assets, liabilities, interests, rights, or obligations of an existing local authority may become assets, liabilities, interests, rights, or obligations of a council-controlled organisation of the Auckland Council, rather than of the Council itself.

- (8) Subpart 4 of Part 3 deals with miscellaneous matters relating to the setting up of the Auckland Council.

Section 4(3): repealed, on 15 June 2010, by section 7(1) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 4(4): amended, on 15 June 2010, by section 7(2) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 4(7): substituted, on 15 June 2010, by section 7(3) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 4(8): added, on 15 June 2010, by section 7(3) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

5 Interpretation

- (1) In this Act, unless the context otherwise requires,—

Auckland has the same meaning as in section 4(1) of the Local Government (Auckland Council) Act 2009

Auckland Council or **Council** has the same meaning as in section 4(1) of the Local Government (Auckland Council) Act 2009

Auckland Transition Agency or **Transition Agency** means the entity established by section 10

Auckland Transport means the entity established by section 38 of the Local Government (Auckland Council) Act 2009

boundary adjustment order means the Order in Council—

- (a) made under section 35 of the Local Government (Auckland Council) Act 2009; and
- (b) that gives effect to the Local Government Commission's determination of the boundaries of Auckland in accordance with section 33 of that Act; and
- (c) published in the *Gazette* (2010, p 858)

existing local authority—

- (a) means the Auckland Regional Council, the Auckland City Council, the Franklin District Council, the Manukau City Council, the North Shore City Council, the Papakura District Council, the Rodney District Council, and the Waitakere City Council; but
- (b) in subparts 3 and 4 of Part 3, excludes the assets, liabilities, rights, obligations, and other matters of the Franklin District Council transferred to the Hauraki District Council or the Waikato District Council under the boundary adjustment order

existing local government organisation—

- (a) means—
 - (i) an existing local authority; and
 - (ii) a council-controlled organisation of an existing local authority; and
- (b) includes—
 - (i) Watercare Services Limited and any subsidiary of Watercare Services Limited; and
 - (ii) Ports of Auckland Limited and any subsidiary of Ports of Auckland Limited; and
 - (iii) Auckland Regional Transport Authority (established under section 7 of the Local Government (Auckland) Amendment Act 2004) and any subsidiary of the Auckland Regional Transport Authority; and
 - (iv) Auckland Regional Holdings (established under section 18 of the Local Government (Auckland) Amendment Act 2004) and any subsidiary of Auckland Regional Holdings

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is responsible for the administration of the Local Government Act 2002

receiving entity, in relation to a terminating organisation, means the entity named in the second column of Schedule 4

reorganisation means the reorganisation of local governance in Auckland as provided for by this Act

terminating organisation means an entity that is named in the first column of Schedule 4

transition period means the period that—

- (a) commences on the day after the date on which this Act receives the Royal assent; and
- (b) expires on the close of 31 October 2010.

- (2) Unless the context otherwise requires, terms and expressions used and not defined in this Act, but defined in the Local Government Act 2002, have the same meaning as in that Act.

Section 5(1) **Auckland**: substituted, on 15 June 2010, by section 8(2) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 5(1) **Auckland Council** or **Council**: substituted, on 15 June 2010, by section 8(3) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 5(1) **Auckland Transport**: inserted, on 15 June 2010, by section 8(1) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 5(1) **boundary adjustment order**: inserted, on 15 June 2010, by section 8(1) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 5(1) **existing local authority**: substituted, on 15 June 2010, by section 8(4) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 5(1) **existing local government organisation** paragraph (b)(iii): amended, on 15 June 2010, by section 8(5) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 5(1) **existing local government organisation** paragraph (b)(iv): amended, on 15 June 2010, by section 8(6) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 5(1) **receiving entity**: inserted, on 15 June 2010, by section 8(1) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 5(1) **terminating organisation**: inserted, on 15 June 2010, by section 8(1) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

6 Relationship with Local Government Act 2002, Local Government (Auckland) Amendment Act 2004, Local Government Act 1974, and Local Electoral Act 2001

If there is any inconsistency between this Act and the Local Government Act 2002, the Local Government (Auckland) Amendment Act 2004, the Local Government Act 1974, the

Local Electoral Act 2001, or any regulations made under those Acts, this Act prevails.

7 Act binds the Crown

This Act binds the Crown.

8 Act repealed on close of 1 November 2010

This Act is repealed on the close of 1 November 2010.

**Part 2
Auckland Council**

[Repealed]

Part 2: repealed (without coming into force), on 15 June 2010, by section 9 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

9 Auckland Council established

[Repealed]

Section 9: repealed (without coming into force), on 15 June 2010, by section 9 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

**Part 3
Transitional arrangements**

Subpart 1—Auckland Transition Agency

10 Auckland Transition Agency established

- (1) This section establishes the Auckland Transition Agency (which must only be known as the Auckland Transition Agency).
- (2) The Transition Agency is a body corporate with perpetual succession.
- (3) For the purpose of performing its functions and duties, the Transition Agency has—
 - (a) full capacity to carry on or undertake any activity, do any act, or enter into any transaction; and
 - (b) for the purposes of paragraph (a), full rights, powers, and privileges.

- (4) Subsections (2) and (3) are subject to this Act, any other enactment, and the general law.

11 Governing body of Transition Agency

- (1) The Transition Agency must have a governing body consisting of a chairperson and no fewer than 2 but no more than 5 other members appointed by the Minister.
- (2) The governing body is responsible and accountable for the exercise of the powers and the performance of the functions and duties of the Transition Agency.
- (3) The Minister must notify appointments to the governing body in the *Gazette* as soon as practicable after making them.
- (4) Schedule 1 applies to the members and procedure of the governing body.

Section 11(4): amended, on 15 June 2010, by section 10 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

12 Chief executive of Transition Agency

- (1) The governing body of the Transition Agency must appoint a chief executive for the Transition Agency.
- (2) The chief executive is responsible for—
- (a) implementing the decisions of the governing body; and
 - (b) providing advice to the governing body; and
 - (c) maintaining systems to enable effective planning and accurate reporting of the financial and service performance of the Transition Agency; and
 - (d) employing, on behalf of the Transition Agency, the staff of the Transition Agency; and
 - (e) negotiating the terms of employment of the staff of the Transition Agency; and
 - (f) establishing and maintaining an interests register in relation to the governing body.

Functions and duties of Transition Agency

13 Functions and duties of Transition Agency

- (1) The Transition Agency has the following functions and duties:

- (a) to plan and manage all matters in relation to the reorganisation to ensure that the Auckland Council is ready to function on and from 1 November 2010:
- (b) to advise the Minister on any matter associated with the reorganisation, including in relation to existing or proposed legislation:
- (c) to report to the Minister,—
 - (i) at regular intervals, on progress in relation to the reorganisation and on the matters referred to in clause 15 of Schedule 1; and
 - (ii) at the end of the transition period, by submitting a final report on its affairs for presentation to the House of Representatives (together with the financial statements required by section 45J of the Public Finance Act 1989):
- (ca) to approve a process for, and oversee, the planning and management of the integration of Auckland's water supply and wastewater services by Watercare Services Limited (acting under section 30A):
- (cb) to do the following in relation to waste management and minimisation:
 - (i) oversee the work, if any, of the existing local authorities in preparation for the first waste assessment that the Auckland Council will make under section 50(2) of the Waste Minimisation Act 2008; and
 - (ii) oversee the preparation by the existing local authorities of detailed proposals for achieving long-term integrated waste management and minimisation planning and services in Auckland (including proposals for managing waste contracts, leases, and other arrangements in relation to waste); and
 - (iii) prepare options on these matters for consideration by the Auckland Council:
- (cc) to develop, in consultation with the Secretary for Internal Affairs, proposals in relation to the establishment of an Ethnic Peoples Advisory Panel to the Auckland Council (as required by section 86 of the Local Gov-

ernment (Auckland Transitional Provisions) Act 2010) for consideration by the mayor of Auckland on his or her election:

- (d) to provide information to existing local government organisations and their employees in relation to the reorganisation:
- (e) to provide information to the public of Auckland, or any section of that public, as it thinks fit, in relation to the reorganisation:
- (f) to second employees from any existing local government organisation to the Transition Agency:
- (g) to carry out any other functions conferred on the Transition Agency by or under this Act or any other enactment, including—
 - (i) appointing an electoral officer under section 14 and determining certain electoral matters under section 15; and
 - (ii) appointing a chief executive for an existing local authority under section 16; and
 - (iii) appointing an interim chief executive for the Auckland Council under section 17; and
 - (iv) assisting and supporting the interim chief executive of the Auckland Council in carrying out his or her responsibilities under sections 18 and 18B (and, in certain circumstances, carrying out those responsibilities under section 19); and
 - (iva) preparing a planning document for the Auckland Council for the period beginning on 1 November 2010 and ending at the close of 30 June 2012 in accordance with section 19A; and
 - (ivb) establishing a waterfront development entity as a council-controlled organisation of the Auckland Council under section 19B; and
 - (v) reviewing, under section 20, a decision made by, or on behalf of, an existing local government organisation or any item on the agenda for a meeting of an existing local government organisation (or any committee of an existing local govern-

- ment organisation) to be held during the transition period; and
- (vi) confirming a decision made by an existing local government organisation under section 21; and
 - (vii) making arrangements under section 21A (and 21C, as the case may be) in relation to the initial operation of Auckland Transport.
- (2) Without limiting subsection (1)(a), the Transition Agency must—
- (a) develop an organisational structure for the Auckland Council so that it can operate efficiently and effectively on and from 1 November 2010; and
 - (b) develop a change management plan that includes protocols and processes for managing—
 - (i) the transition of assets from existing local government organisations to give effect to the new local governance arrangements for Auckland; and
 - (ii) the transition or termination of staff from existing local government organisations to give effect to the new local governance arrangements for Auckland, having regard to the existing employment agreements applying to the staff.
- (3) The Transition Agency, in exercising its powers or performing its functions and duties, must ensure that—
- (a) its activities are conducted efficiently and effectively (including in a cost-effective manner); and
 - (b) it operates in a financially responsible manner; and
 - (c) key local government projects in Auckland are not hindered or interrupted.
- (4) An employee of an existing local government organisation who is seconded to the Transition Agency under subsection (1)(f) continues to be employed and remunerated—
- (a) by the existing local government organisation; and
 - (b) on terms and conditions that are agreed between the Transition Agency, the existing local government organisation, and the employee.
- (5) Nothing in subsection (1)(ca) applies to stormwater drainage services.

Section 13(1)(c)(i): amended, on 15 June 2010, by section 11(1) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 13(1)(ca): inserted, on 23 September 2009, by section 38(1) of the Local Government (Auckland Council) Act 2009 (2009 No 32).

Section 13(1)(cb): inserted, on 15 June 2010, by section 11(2) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 13(1)(cc): inserted, on 15 June 2010, by section 11(2) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 13(1)(g)(iv): amended, on 15 June 2010, by section 11(3) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 13(1)(g)(iva): inserted, on 23 September 2009, by section 38(2) of the Local Government (Auckland Council) Act 2009 (2009 No 32).

Section 13(1)(g)(iva): amended, on 15 June 2010, by section 11(4) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 13(1)(g)(ivb): inserted, on 15 June 2010, by section 11(5) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 13(1)(g)(vi): amended, on 15 June 2010, by section 11(6) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 13(1)(g)(vii): added, on 15 June 2010, by section 11(6) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 13(2)(b): substituted, on 15 June 2010, by section 11(7) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 13(5): added, on 23 September 2009, by section 38(3) of the Local Government (Auckland Council) Act 2009 (2009 No 32).

14 Appointment of electoral officer for October 2010 triennial general elections

- (1) No later than 31 October 2009, the Transition Agency must appoint an electoral officer for Auckland to exercise the powers and carry out the duties conferred on an electoral officer by or under the Local Electoral Act 2001 and any other enactment in relation to the October 2010 triennial general elections.
- (2) For the purposes of this section, the electoral officer must exercise those powers and carry out those duties as if section 6

of the Local Government (Auckland Council) Act 2009 were in force and the Auckland Council were established.

- (3) For the purposes of the October 2010 triennial general elections,—
- (a) the elections for the Auckland Council must be held using the electoral system commonly known as First Past the Post (as defined in section 5(1) of the Local Electoral Act 2001); and
 - (b) the members of the Auckland Council (other than the mayor) must be elected by the electors of each ward of Auckland (as those wards and the number of members for each ward are determined by the Local Government Commission under section 34(1)(d) of the Local Government (Auckland Council) Act 2009 and given effect to by Order in Council under section 35 of that Act); and
 - (c) the election of members of the Waitakere and Portage Licensing Trusts must be held using the electoral system commonly known as First Past the Post (as defined in section 5(1) of the Local Electoral Act 2001).

Section 14(1): amended, on 15 June 2010, by section 12(1) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 14(2): amended, on 15 June 2010, by section 12(2) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 14(3): added, on 23 September 2009, by section 39 of the Local Government (Auckland Council) Act 2009 (2009 No 32).

Section 14(3)(a): amended, on 15 June 2010, by section 12(3) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 14(3)(b): amended, on 15 June 2010, by section 12(4) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 14(3)(c): added, on 15 June 2010, by section 12(4) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

15 Determination of certain electoral matters

For the purposes of preparing for the October 2010 triennial general elections, the Transition Agency has the powers of a local authority—

- (a) under section 79 of the Local Electoral Act 2001 (being the power to determine that voting documents at that

election be processed during the voting period) and that section applies accordingly with any necessary modification:

- (b) under regulation 31 of the Local Electoral Regulations 2001 (being the power to determine the order of candidates' names on voting documents) and that regulation applies accordingly with any necessary modification.

16 Appointment of chief executive of existing local authority if vacancy arises during transition period

- (1) Subsection (2) applies if, during the transition period, the position of chief executive of an existing local authority becomes vacant.
- (2) The Transition Agency must appoint a person to the position on the terms and conditions, and for the period, that it considers appropriate having regard to the requirements of this Act and clause 33 of Schedule 7 of the Local Government Act 2002.
- (3) In making an appointment, the Transition Agency must consult the governing body of the existing local authority.
- (4) To avoid doubt, clauses 34 and 35 of Schedule 7 of the Local Government Act 2002 do not apply to an appointment made under this section.

17 Appointment of interim chief executive for Auckland Council

- (1) The Transition Agency must, as soon as practicable, appoint a chief executive for the Auckland Council for a term ending no later than 29 June 2012.
- (2) In making an appointment under subsection (1), the Transition Agency must have regard to—
 - (a) the matters that a local authority must consider in relation to appointing a chief executive under clause 33 of Schedule 7 of the Local Government Act 2002; and
 - (b) the skills and experience required of a chief executive in order to—
 - (i) prepare for the establishment of the Auckland Council on 1 November 2010; and

- (ii) exercise the powers set out in sections 18, 18A, and 18B; and
 - (iii) provide effective leadership of the staff and management of the systems and resources of the Council during its infancy.
- (3) *[Repealed]*
- Section 17(2)(b): amended, on 15 June 2010, by section 13(1) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).
- Section 17(2)(b)(ii): amended, on 15 June 2010, by section 13(2) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).
- Section 17(3): repealed, on 15 June 2010, by section 13(3) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

18 Interim chief executive may appoint staff, enter into contracts, and call first meeting of Council

- (1) A chief executive appointed under section 17 may—
- (a) employ, on behalf of the Council, staff for the Council (whose start date may be before, on, or after 1 November 2010 as the chief executive thinks fit); and
 - (b) on behalf of the Council, enter into contracts, leases, and other agreements to enable the Council to operate efficiently and effectively on and from 1 November 2010; and
 - (c) exercise the duties of a chief executive under clause 21 of Schedule 7 of the Local Government Act 2002 to call the first meeting of the Council before 1 November 2010 (to be held on or after that date).
- (2) In acting under subsection (1)(a), the chief executive must follow the change management plan developed under section 13(2)(b) and any other protocols or processes developed by the Transition Agency.
- (3) For the purposes of this section, the chief executive must exercise the powers and carry out the functions described in this section as if section 6 of the Local Government (Auckland Council) Act 2009 were in force and the Auckland Council were established, and—
- (a) any appointment made under subsection (1)(a) by him or her before 1 November 2010 is—

- (i) deemed to be made with the express authority of the Auckland Council; and
 - (ii) valid and enforceable; and
- (b) any contract, lease, or other agreement entered into under subsection (1)(b) by him or her before 1 November 2010 is—
 - (i) deemed to be entered into with the express authority of the Auckland Council; and
 - (ii) valid and enforceable.
- (4) Despite subsection (3), the Transition Agency is responsible for all costs and other obligations associated with any appointment, contract, lease, or other agreement made by the chief executive under subsection (1) and incurred before 1 November 2010.

Section 18 heading: amended, on 15 June 2010, by section 14(1) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 18(1)(b): amended, on 15 June 2010, by section 14(2) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 18(1)(c): added, on 15 June 2010, by section 14(2) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 18(3): amended, on 15 June 2010, by section 14(3) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

18A Interim chief executive must enter contract with Watercare Services Limited for collection of water rates

- (1) The chief executive appointed under section 17, acting on behalf of the Council under section 53 of the Local Government (Rating) Act 2002, must, no later than 31 October 2010, enter into a contract with Watercare Services Limited to—
 - (a) deliver rates invoices under section 46(4) of the Local Government (Rating) Act 2002 for the specified rates; and
 - (b) collect payments of the specified rates in respect of the invoices referred to in paragraph (a); and
 - (c) carry out any matter ancillary to the matters referred to in paragraphs (a) and (b).
- (2) The contract—

- (a) may provide for Watercare Services Limited to retain all money received by it under subsection (1)(b) for the purposes of section 32(3) of the Local Government (Auckland Transitional Provisions) Act 2010; but
 - (b) must not provide for Watercare Services Limited to be reimbursed for the administrative costs (other than extraordinary costs) associated with the delivery of rates invoices and the collection of payments.
- (3) In this section, **specified rates** means rates that are set by the Franklin District Council, the North Shore City Council, the Rodney District Council, or the Waitakere City Council under section 19 of the Local Government (Rating) Act 2002—
- (a) in accordance with section 29B of this Act; and
 - (b) in respect of any water supply services that will, from 1 November 2010, be provided by Watercare Services Limited.

Section 18A: inserted, on 15 June 2010, by section 15 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

18B Interim chief executive must ensure arrangements for Auckland rating information database and district valuation roll

- (1) In order to assist the implementation of a single integrated Council rating policy from 1 July 2012 for Auckland, the chief executive appointed under section 17 must make arrangements to ensure that—
- (a) a single rating information database for Auckland is prepared under the Local Government (Rating) Act 2002; and
 - (b) a district valuation roll for Auckland is prepared under the Rating Valuations Act 1998; and
 - (c) the district valuation roll represents values current as at 1 July 2011.
- (2) The chief executive must notify the Valuer-General, no later than 1 October 2010, of the arrangements made to give effect to the obligations under subsection (1) and, in doing so, must include the following information (supplied in accordance with section 8 of the Rating Valuations Act 1998):

- (a) the person or body who is to undertake the valuation services; and
 - (b) the values and valuation bases proposed to be implemented or used in preparing the valuation roll and related information.
- (3) In this section, **district valuation roll** and **valuation services** have the meanings given to them in section 2(1) of the Rating Valuations Act 1998 and **rating information database** has the meaning given to it in section 5 of the Local Government (Rating) Act 2002.

Section 18B: inserted, on 15 June 2010, by section 15 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

19 Transition Agency may exercise powers under section 18 or 18B in certain circumstances

The Transition Agency may exercise the powers of the chief executive described in section 18 or 18B—

- (a) with the agreement of the chief executive; or
- (b) as the chief executive, if no person is, for the time being, appointed under section 17.

Section 19 heading: amended, on 15 June 2010, by section 16(1) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 19: amended, on 15 June 2010, by section 16(2) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

19A Preparation of planning document

- (1) The Transition Agency must prepare a planning document for the Auckland Council for the period beginning on 1 November 2010 and ending at the close of 30 June 2012.
- (2) In preparing the document, the Transition Agency—
 - (a) must make an initial allocation of decision-making responsibility for the non-regulatory activities of the Council between the Council's governing body and its local boards; and
 - (b) must prepare estimated budgets for the 2011/2012 financial year for each local board, based upon the projected costs of the local activities in each local board area for the 2010/2011 financial year; and

- (c) must ensure that the document complies with the requirements of Schedule 2.
- (3) The Transition Agency must allocate responsibilities under subsection (2)(a) in accordance with the principles for allocating responsibilities set out in section 17(2) of the Local Government (Auckland Council) Act 2009.
- (4) The Transition Agency must complete the document by 31 October 2010.

Section 19A: substituted, on 15 June 2010, by section 17 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

19B Establishment of waterfront development council-controlled organisation

- (1) The Transition Agency must establish an entity as a council-controlled organisation of the Auckland Council, with responsibility for development of the Auckland waterfront, to operate on and from 1 November 2010.
- (2) The Transition Agency must establish the entity in a way that complies with—
 - (a) the Order in Council made under subsection (3); and
 - (b) Part 5 of the Local Government Act 2002.
- (3) The Governor-General must, by Order in Council made on the recommendation of the Minister,—
 - (a) specify the objectives of the entity; and
 - (b) specify the governance structure of the entity; and
 - (c) specify any other details concerning the structure and operation of the entity that the Minister recommends.
- (4) Without limiting subsection (3)(c), and to avoid doubt, an order made under subsection (3) may specify details concerning the financial structure and operation of the entity.
- (5) The Minister must not recommend the making of the order without first consulting the Transition Agency.
- (6) The Minister may appoint initial directors of the entity under section 48.
- (7) For the purposes of subsection (2)(b), Part 5 of the Local Government Act 2002 applies—
 - (a) as if the Transition Agency were a local authority; and
 - (b) with any necessary modifications, except that—

- (i) sections 56 and 57(1) of that Act do not apply; and
- (ii) the initial constitution of the entity must provide for a review of its provisions by the Auckland Council before 30 June 2012.

Section 19B: inserted, on 15 June 2010, by section 18 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

19C Establishment of other council-controlled organisations

- (1) The Transition Agency must establish the council-controlled organisations (if any) that it is directed to establish in accordance with section 44.
- (2) The Transition Agency must establish a council-controlled organisation to which this section applies in a way that complies with—
 - (a) the requirements of the relevant Order in Council; and
 - (b) Part 5 of the Local Government Act 2002; and
 - (c) any other relevant enactment.
- (3) For the purposes of subsection (2)(b), Part 5 of the Local Government Act 2002 applies—
 - (a) as if the Transition Agency were a local authority; and
 - (b) with any necessary modifications, except that—
 - (i) sections 56 and 57(1) of that Act do not apply; and
 - (ii) the initial constitution of the organisation must provide for a review of its provisions by the Auckland Council before 30 June 2012.

Section 19C: inserted, on 15 June 2010, by section 18 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

20 Review of existing local government organisation decisions and meeting agendas during transition period

- (1) The Transition Agency may review—
 - (a) any decision made by, or on behalf of, an existing local government organisation during the transition period; and
 - (b) any item on the agenda for any meeting of an existing local government organisation or any committee of an

existing local government organisation to be held during the transition period.

- (2) Despite subsection (1), the Transition Agency may not review a decision under this section that it has confirmed under section 21(2)(a).
- (3) The Transition Agency must, without delay, notify an existing local government organisation if it—
 - (a) reviews a decision of the organisation under subsection (1)(a); and
 - (b) considers, on reasonable grounds, that the decision is a decision to which section 31 applies.
- (4) The Transition Agency must, without delay, notify an existing local government organisation if it—
 - (a) reviews an item under subsection (1)(b); and
 - (b) considers, on reasonable grounds, that a decision in relation to that item will, or may, be a decision to which section 31 applies.

21 Confirmation of decisions of existing local government organisations

- (1) This section applies to the Transition Agency if an existing local government organisation seeks confirmation of a decision to which section 31 applies.
- (2) The Transition Agency must, as soon as practicable and in writing,—
 - (a) confirm the decision; or
 - (b) decline to confirm the decision and give reasons for doing so (with reference to the matters in section 31(1)); or
 - (c) if it considers that it has insufficient information to make a decision, request further information from the chief executive and then act under paragraph (a) or (b), as the case may be.

21A Appointment of interim chief executive for Auckland Transport

- (1) The Transition Agency must, as soon as practicable, appoint a chief executive for Auckland Transport for a term ending no later than 30 June 2012.
- (2) In making an appointment under subsection (1), the Transition Agency must have regard to the skills and experience required of a chief executive in order to—
 - (a) prepare for the establishment of Auckland Transport on 1 November 2010; and
 - (b) exercise the powers set out in section 21B; and
 - (c) provide effective leadership of the staff and management of the systems and resources of Auckland Transport during its infancy.

Section 21A: inserted, on 15 June 2010, by section 19 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

21B Interim chief executive for Auckland Transport may appoint staff and enter into contracts

- (1) A chief executive appointed under section 21A may, on behalf of Auckland Transport,—
 - (a) employ staff for Auckland Transport (whose start date may be before, on, or after 1 November 2010 as the chief executive thinks fit); and
 - (b) enter into contracts, leases, and other agreements to enable Auckland Transport to operate efficiently and effectively on and from 1 November 2010.
- (2) In acting under subsection (1)(a), the chief executive must follow the change management plan developed under section 13(2)(b) and any other protocols or processes developed by the Transition Agency.
- (3) For the purposes of this section, the chief executive must exercise the powers and carry out the functions described in this section as if section 6 and Part 4 of the Local Government (Auckland Council) Act 2009 (as substituted by section 31 of the Local Government (Auckland Council) Amendment Act 2010) were in force and the Auckland Council and Auckland Transport were established, and—

- (a) any appointment made under subsection (1)(a) by him or her before 1 November 2010 is—
 - (i) deemed to be made with the express authority of Auckland Transport; and
 - (ii) valid and enforceable; and
 - (b) any contract, lease, or other agreement entered into under subsection (1)(b) by him or her before 1 November 2010 is—
 - (i) deemed to be entered into with the express authority of Auckland Transport; and
 - (ii) valid and enforceable.
- (4) Despite subsection (3), the Transition Agency is responsible for all costs and other obligations associated with any appointment, contract, lease, or other agreement made by the chief executive under subsection (1) and incurred before 1 November 2010.

Section 21B: inserted, on 15 June 2010, by section 19 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

21C Transition Agency may exercise powers under section 21B in certain circumstances

The Transition Agency may exercise the powers of the chief executive described in section 21B—

- (a) with the agreement of the chief executive; or
- (b) as the chief executive, if no person is, for the time being, appointed under section 21A.

Section 21C: inserted, on 15 June 2010, by section 19 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Expenditure and recovery of costs

22 Expenditure to be approved by Ministers

The Transition Agency must obtain the approval of the Minister and the Minister of Finance for its budgeted expenditure for the period of its existence.

23 Crown expenses and capital expenditure recoverable from Transition Agency

Any expenses or capital expenditure that the Crown incurs in relation to establishing the Transition Agency, or for the pur-

poses of the Transition Agency, constitute a debt due by the Transition Agency to the Crown on the terms and conditions agreed between the Minister, the Minister of Finance, and the Transition Agency.

Application of certain enactments to Transition Agency

24 Application of Ombudsmen Act 1975 and Official Information Act 1982

The Ombudsmen Act 1975 and the Official Information Act 1982 apply to the Transition Agency as if the Transition Agency were an organisation named in Part 2 of Schedule 1 of the Ombudsmen Act 1975.

25 Application of Public Audit Act 2001

The Public Audit Act 2001 applies to the Transition Agency as if the Transition Agency were an entity listed in Schedule 2 of that Act.

26 Schedule 4 of Public Finance Act 1989 amended to include Transition Agency

Schedule 4 of the Public Finance Act 1989 is amended by inserting the following item in its appropriate alphabetical order:

Name or description of organisation	Annual re-		SSP	Se-cur-ities	Bor-row-ing	Guar-an-tees	Deriva-tives	Sur-plus
	SOI	port						
	139	150	153	161	162	163	164	165
Auckland Transition Agency				✓	✓	✓	✓	

26A Transition Agency not required to prepare annual financial statements for year ending 30 June 2010

- (1) Despite sections 154 to 156 of the Crown Entities Act 2004 (as applied by section 45M of the Public Finance Act 1989), the Transition Agency is not required to produce audited financial statements for the financial year ending 30 June 2010.

- (2) Instead, the financial statements required by section 45J of the Public Finance Act 1989 must cover the entire period of the Transition Agency's existence.
- (3) The Auditor-General must—
 - (a) audit the financial statements referred to in subsection (2); and
 - (b) provide an audit report on them to the Minister and the Auckland Council before 28 February 2011.

Section 26A: inserted, on 15 June 2010, by section 20 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Dissolution of Transition Agency

27 Dissolution of Auckland Transition Agency

- (1) The Transition Agency is dissolved on the close of 31 October 2010.
- (2) Any property of the Transition Agency remaining at the time of its dissolution vests in the Auckland Council.
- (2A) All information held by the Transition Agency at the time of its dissolution is transferred to the Auckland Council.
- (2B) All money payable to or by the Transition Agency at the time of its dissolution becomes payable to or by the Auckland Council.
- (2C) Any rights, liabilities, contracts, entitlements, or engagements of the Transition Agency remaining at the time of its dissolution become rights, liabilities, contracts, entitlements, and engagements of the Auckland Council.
- (2D) The dissolution of the Transition Agency and the transfer of any property, information, money, rights, liabilities, contracts, entitlements, or engagements to the Auckland Council—
 - (a) is not to be treated as placing a person in breach of, or in default under, any contract, or in breach of trust, or in breach of confidence, or as otherwise making the person guilty of a civil wrong; and
 - (b) is not to be treated as entitling a person to—
 - (i) terminate or cancel or modify a contract, an agreement, or an arrangement; or
 - (ii) enforce or accelerate the performance of an obligation; or

- (iii) require the performance of an obligation not otherwise arising for performance; and
- (c) does not release any surety wholly or in part from all or any obligation; and
- (d) does not invalidate or discharge any contract or security.

(3) *[Repealed]*

Section 27(2): substituted, on 15 June 2010, by section 21 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 27(2A): inserted, on 15 June 2010, by section 21 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 27(2B): inserted, on 15 June 2010, by section 21 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 27(2C): inserted, on 15 June 2010, by section 21 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 27(2D): inserted, on 15 June 2010, by section 21 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 27(3): repealed, on 23 September 2009, by section 41 of the Local Government (Auckland Council) Act 2009 (2009 No 32).

28 Consequential amendment to Public Finance Act 1989

Schedule 4 of the Public Finance Act 1989 is consequentially amended by omitting the item relating to the Auckland Transition Agency.

Subpart 2—Existing local authorities and
local government organisations

29 Obligations of existing local authorities during transition period

- (1) An existing local authority must continue, subject to the provisions of this subpart, to perform its role as a local authority (as described in section 11 of the Local Government Act 2002) during the transition period.
- (2) An existing local authority must co-operate with the Transition Agency and every other existing local government organisation (including existing local authorities) to facilitate the re-organisation.
- (3) Without limiting subsection (2), an existing local authority must—

- (a) comply with any reasonable request by the Transition Agency for employees of the existing local authority to be seconded to the Transition Agency under section 13(1)(f); and
- (b) comply with any reasonable request by the Transition Agency for any information that the existing local authority holds that is relevant to the reorganisation (including personal information relating to employment matters); and
- (c) act in accordance with section 31.

29A Obligations of existing local authorities in relation to 2010/2011 annual plan

- (1) This section applies in relation to the annual plan for the financial year commencing 1 July 2010 that each existing local authority is required to prepare and adopt under section 95 of the Local Government Act 2002.
- (2) The annual plan is only required to cover the period from 1 July 2010 to 31 October 2010 (being the period from the commencement of the financial year until the date on which each existing local authority is dissolved under section 35).
- (3) Despite section 95(2) of the Local Government Act 2002, the annual plan may simply be adopted by resolution of the existing local authority, but only if the plan is consistent with the financial statements and funding impact statement included in its long-term council community plan (LTCCP) for the 2010/2011 financial year.
- (4) An annual plan is not inconsistent with the financial statements and funding impact statement included in the LTCCP for the 2010/2011 financial year because—
 - (a) the plan applies to a 4-month period; or
 - (b) the plan reflects more accurate estimates of—
 - (i) the costs of achieving and maintaining the levels of service provision identified in the LTCCP in respect of that year; or
 - (ii) any other costs or expenses identified in the LTCCP in respect of that year; or

- (iii) any revenue or other income of the existing local authority identified in the LTCCP in respect of that year.
- (5) An existing local authority must consult the Transition Agency throughout the preparation of the annual plan.
- (6) Except to the extent that it is modified by this section, section 95 of the Local Government Act 2002 applies to the annual plan.
- (7) Nothing in subsection (5) limits or affects the obligations imposed on an existing local authority under section 29 or 31.

Section 29A: inserted, on 23 September 2009, by section 42 of the Local Government (Auckland Council) Act 2009 (2009 No 32).

29B Rates and other revenue mechanisms

- (1) Each existing local authority must set each rate and any other revenue mechanism provided for in the funding impact statement included in the annual plan to which section 29A applies for the full financial year.
- (2) Subsection (1) applies despite the annual plan only covering the 4-month period from 1 July 2010 to 31 October 2010.
- (3) In setting each rate or other revenue mechanism, an existing local authority must ensure that the rate or mechanism is set at a level sufficient to meet—
 - (a) the amount of funds required from the mechanism (as set out in the funding impact statement) for the 4-month period; and
 - (b) the amount of funds that would be required from the mechanism for the balance of the financial year, if the requirements identified in paragraph (a) continued for that period.

Section 29B: inserted, on 23 September 2009, by section 42 of the Local Government (Auckland Council) Act 2009 (2009 No 32).

29C Obligations of existing local authorities in relation to 2009/2010 annual report

- (1) An existing local authority is not required to prepare and adopt an annual report for the 2009/2010 financial year.

- (2) Instead, a report for the period 1 July 2009 to 31 October 2010 must be prepared by each existing local authority for completion and adoption by the Auckland Council.
- (3) Sections 98 and 99 of the Local Government Act 2002 apply, with all necessary modifications, to a report prepared under subsection (2) as if the report were an annual report.

Section 29C: inserted, on 23 September 2009, by section 42 of the Local Government (Auckland Council) Act 2009 (2009 No 32).

Section 29C heading: amended, on 15 June 2010, by section 22(1) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 29C(2): amended, on 15 June 2010, by section 22(2) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Section 29C(3): amended, on 15 June 2010, by section 22(3) of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

29D Obligations of existing local authorities under section 79 of Resource Management Act 1991

An existing local authority that works on the development of a regional policy statement, regional plan, or district plan to be made by the Auckland Council after 1 November 2010 is deemed to have complied with section 79 of the Resource Management Act 1991.

Section 29D: inserted, on 15 June 2010, by section 23 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

29E Obligations of existing local authorities in relation to October 2010 triennial general elections

- (1) For the purposes of preparing for the October 2010 triennial general elections in Auckland, each existing local authority that is a territorial authority must, no later than 1 July 2010,—
 - (a) make a bylaw, or amend an existing bylaw,—
 - (i) to give effect, within its district, to the rules and requirements set out in Schedule 3 (which relates to signs); and
 - (ii) that identifies all the land owned by the existing local authority on which signs may be erected in accordance with the bylaw; and

- (b) revoke any existing bylaw or part of any bylaw that is inconsistent with the rules and requirements set out in Schedule 3.
- (2) Sections 155 and 156 of the Local Government Act 2002 do not apply to the making, amending, or revoking of a bylaw under this section.
- (3) To avoid doubt, subsection (1) does not require the Franklin District Council to make, amend, or revoke any bylaw in respect of any part of its district in which, because of the boundary adjustment order, elections for the Auckland Council will not be held.

Section 29E: inserted, on 15 June 2010, by section 23 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

29F Rodney District Council and Waitakere City Council 2010 revaluations not required

- (1) The Rodney District Council and the Waitakere City Council are not required to revise their district valuation rolls in 2010 for the purposes of a general revaluation.
- (2) Subsection (1) applies despite the requirements of—
 - (a) section 9(1), or any other provision, of the Rating Valuations Act 1998; or
 - (b) the Local Government (Rating) Act 2002.

Section 29F: inserted, on 15 June 2010, by section 23 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

29G Auckland Regional Council must ensure sufficient Watercare Services Limited employees appointed as enforcement officers

- (1) The Auckland Regional Council must ensure that sufficient Watercare Services Limited employees are appointed (with effect no later than the close of 31 October 2010) as enforcement officers under section 177 of the Local Government Act 2002 for the purposes of dealing with or enforcing (by operation of section 67 of the Local Government (Auckland Transitional Provisions) Act 2010) water supply and wastewater services offences and bylaws after the Council is dissolved.
- (2) The Auckland Regional Council must consult the Transition Agency before acting under subsection (1).

Section 29G: inserted, on 15 June 2010, by section 23 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

29H Franklin District Council must prepare and adopt schedules relating to development contributions

- (1) This section applies to the Franklin District Council in respect of development contributions under subpart 5 of Part 8 of the Local Government Act 2002 payable in its district in accordance with its development contributions policy.
- (2) No later than 30 September 2010, the Council must prepare and adopt—
 - (a) a schedule specifying the community facilities—
 - (i) in the areas of its district that on 1 November 2010, in accordance with the boundary adjustment order, will become part of the Waikato District; and
 - (ii) for which development contributions may be required under its development contributions policy; and
 - (b) based on the schedule in paragraph (a), a schedule of development contributions payable in respect of those areas; and
 - (c) a schedule specifying the community facilities—
 - (i) in the areas of its district that on 1 November 2010, in accordance with the boundary adjustment order, will become part of the Hauraki District; and
 - (ii) for which development contributions may be required under its development contributions policy; and
 - (d) based on the schedule in paragraph (c), a schedule of development contributions payable in respect of those areas; and
 - (e) a schedule specifying the community facilities—
 - (i) in the areas of its district that on 1 November 2010, in accordance with the boundary adjustment order, will become part of Auckland; and

- (ii) for which development contributions may be required under its development contributions policy; and
 - (f) based on the schedule in paragraph (e), a schedule of development contributions payable in respect of those areas.
- (3) The schedules referred to in subsection (2)(b), (d), and (f) must comply with the requirements of section 202 of the Local Government Act 2002, and that section applies accordingly with any necessary modifications.
- (4) In preparing the schedules, the Franklin District Council is not required to use the special consultative procedure but must consult the Waikato District Council, the Hauraki District Council, and the Transition Agency.
- (5) Development contributions payable under a schedule referred to in subsection (2)(b), (d), or (f) must not exceed the development contributions payable in the same circumstances and for the same purposes as stated in the development contributions policy.
- (6) In this section, **development contributions policy** means the policy on development contributions—
 - (a) adopted by the Franklin District Council under section 102(4)(d) of the Local Government Act 2002; and
 - (b) included in its long-term council community plan as at 1 July 2010.

Section 29H: inserted, on 15 June 2010, by section 23 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

30 Obligations of existing local government organisations (other than existing local authorities) during transition period

- (1) This section applies to all existing local government organisations other than existing local authorities.
- (2) An existing local government organisation must continue, subject to the provisions of this subpart, to fulfil its legal obligations and perform its duties during the transition period.
- (3) An existing local government organisation must co-operate with the Transition Agency and every other existing local gov-

ernment organisation (including every existing local authority) to facilitate the reorganisation.

- (4) Without limiting subsection (3), an existing local government organisation must—
- (a) comply with any reasonable request by the Transition Agency for employees of the existing local government organisation to be seconded to the Transition Agency under section 13(1)(f); and
 - (b) comply with any reasonable request by the Transition Agency for any information that the existing local government organisation holds that is relevant to the reorganisation (including personal information relating to employment matters).
- (5) In this section, **existing local government organisation** includes a council organisation (as defined in section 6(1)(a) of the Local Government Act 2002).

30A Watercare Services to plan and manage integration of water supply and wastewater services

- (1) Watercare Services Limited must plan and manage the integration of water supply and wastewater services in Auckland—
- (a) under the oversight of the Transition Agency; and
 - (b) in accordance with the process approved by the Transition Agency under section 13(1)(ca); and
 - (c) in a way that ensures that Watercare Services Limited becomes the provider of integrated water supply and wastewater services to Auckland.
- (2) For the purposes of subsection (1), Watercare Services Limited must formulate—
- (a) a plan for the interim management, as from 1 November 2010, of stand-alone water and wastewater schemes within Auckland; and
 - (b) detailed proposals for the long-term management and operation of those schemes for consideration by the Auckland Council and its local boards.
- (3) Nothing in this section applies to stormwater drainage services.

Section 30A: inserted, on 23 September 2009, by section 43 of the Local Government (Auckland Council) Act 2009 (2009 No 32).

31 Decision making during transition period

- (1) Subsections (6) and (7) apply to any decision of an existing local government organisation—
 - (a) during the transition period; and
 - (b) that may, directly or because of its consequences,—
 - (i) significantly prejudice the reorganisation;
 - (ii) significantly constrain the powers or capacity of the Auckland Council or any subsidiary of the Auckland Council following the reorganisation;
 - (iii) have a significant negative impact on the assets or liabilities that are transferred to the Auckland Council as a result of the reorganisation.
- (2) Without limiting subsection (1), subsections (6) and (7) apply to any decision—
 - (a) made during the transition period by an existing local authority and to which subsection (4) applies; or
 - (b) made during the transition period by an existing local government organisation other than an existing local authority and to which subsection (5) applies.
- (3) However, nothing in subsection (2) applies to Ports of Auckland Limited or any subsidiary of Ports of Auckland Limited.
- (4) This subsection applies to a decision—
 - (a) in respect of which the Transition Agency has notified the existing local authority under section 20:
 - (b) to adopt or amend a long-term council community plan or to adopt an annual plan;
 - (c) to adopt a policy required by the Local Government Act 2002:
 - (d) that is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy or plan adopted by the existing local authority under the Local Government Act 2002:
 - (e) to set a rate other than in accordance with its long-term council community plan:
 - (f) to purchase or dispose of assets other than in accordance with its long-term council community plan:
 - (g) to appoint a chief executive or to modify the terms and conditions on which the chief executive is employed:
 - (h) to terminate the chief executive's employment:

- (i) to enter into any contract (other than an employment agreement)—
 - (i) that imposes, or will continue to impose, any obligation on the existing local authority after 30 June 2011; and
 - (ii) the consideration for which is, or is equivalent to, \$20,000 or more:
 - (j) to borrow money for a period that extends beyond 30 June 2011:
 - (k) to establish, or become a shareholder in, a council-controlled organisation:
 - (l) to adopt or amend a policy concerning the appointment or remuneration of directors of a council-controlled organisation:
 - (m) to appoint a person as a director of a council-controlled organisation:
 - (n) to agree to, or modify, the statement of intent of a council-controlled organisation.
- (5) This subsection applies to a decision—
- (a) in respect of which the Transition Agency has notified the existing local government organisation under section 20:
 - (b) to purchase or dispose of an asset, if the purchase or disposal of the asset will have a material impact on the capacity or financial well-being of the organisation:
 - (c) to appoint a chief executive, or to appoint any person to a position established only after the commencement of the transition period:
 - (d) to enter into any contract (other than an employment agreement)—
 - (i) that imposes, or will continue to impose, any obligation on the organisation after 30 June 2011; and
 - (ii) the consideration for which is, or is equivalent to, \$20,000 or more:
 - (e) to borrow money for a period that extends beyond 30 June 2011.
- (6) The chief executive of the existing local government organisation must ensure that the decision has been confirmed in

writing by the Transition Agency before implementing the decision.

- (7) A decision to which this section applies is void and of no effect until it is confirmed.

32 No October 2010 triennial general election for existing local authorities

- (1) Despite section 10 of the Local Electoral Act 2001,—
- (a) a triennial general election is not required to be held on 9 October 2010 for—
 - (i) an existing local authority; or
 - (ii) a community board of an existing local authority; and
 - (b) sections 19H to 19ZI of that Act do not apply to an existing local authority during the transition period.
- (2) Each member of an existing local authority and each member of a community board of an existing local authority remains in office until the close of 31 October 2010.

Section 32(2): added, on 15 June 2010, by section 24 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

33 Extraordinary vacancy during transition period

Sections 117(2) to (6), 118, and 119 of the Local Electoral Act 2001 apply, with all necessary modifications, to any extraordinary vacancy that occurs—

- (a) in the office of an elected member of an existing local authority or in the office of an elected member of a community board of an existing local authority; and
- (b) at any time during the transition period.

34 Chief executives of existing local authorities

- (1) The chief executive of an existing local authority is, in addition to the matters set out in section 42(2) and (3) of the Local Government Act 2002, responsible for ensuring, so far as is practicable, that the other employees and resources of the authority are available for the purposes of section 29(2).
- (2) Nothing in this Act affects the employment agreement of any person appointed as a chief executive under section 42 of the Local Government Act 2002 by an existing local authority.

34A Employees of existing local authorities and terminating organisations

Part 2 of the Local Government (Auckland Transitional Provisions) Act 2010 applies to employees of existing local authorities and terminating organisations.

Section 34A: added, on 15 June 2010, by section 25 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Subpart 3—Dissolution of existing local authorities and other local government organisations

Subpart 3: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

35 Dissolution of existing local authorities

- (1) On 1 November 2010, each existing local authority is dissolved and—
- (a) the functions, duties, and powers of each existing local authority under any enactment become functions, duties, and powers of the Auckland Council; and
 - (b) except in respect of terminating organisations, the interests of each existing local authority in any council-controlled organisation or council organisation become interests of the Auckland Council in the council-controlled organisation or council organisation; and
 - (c) Part 2 of the Local Government (Auckland Transitional Provisions) Act 2010 applies to the employees of each existing local authority; and
 - (d) all property belonging to each existing local authority vests in the Auckland Council; and
 - (e) all information held by each existing local authority is held by the Auckland Council; and
 - (f) all money payable to or by each existing local authority becomes payable to or by the Auckland Council; and
 - (g) all rights, liabilities, contracts, entitlements, and engagements of each existing local authority become rights, liabilities, contracts, entitlements, and engagements of the Auckland Council; and

- (h) anything done, or omitted to be done, or that is to be done, by, or in relation to, each existing local authority (including, to avoid doubt, the existing community boards of each existing local authority) must be treated as having been done, or having been omitted to be done, or to be done, by, or in relation to, the Auckland Council; and
 - (i) proceedings commenced, continued, or enforced by or against each existing local authority may instead be commenced, continued, or enforced by or against the Auckland Council (without amendment to the proceedings); and
 - (j) a matter or thing that would have, but for this section, been completed by an existing local authority must be completed by the Auckland Council.
- (2) To avoid doubt, the dissolution of an existing local authority does not, of itself, affect any of the following matters:
- (a) any decision made, or anything done or omitted to be done, by the existing local authority in relation to the performance of the authority's functions and duties or the exercise of its powers under any enactment:
 - (b) any proceedings commenced by or against the existing local authority:
 - (c) any other matter or thing arising out of the existing local authority's performance, or purported performance, of the authority's functions and duties, or the exercise, or purported exercise, of its powers under any enactment.
- (3) In subsection (1)(b), **interests** includes property, rights, liabilities, contracts, entitlements, powers, duties, and functions.
- (4) Subsection (1)(a), (b), and (d) to (j) apply in respect of each existing local authority except to the extent that an Order in Council under section 36 or 37 provides otherwise.

Section 35: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

36 Vesting of assets, etc, of existing local authorities in entities other than Auckland Council

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister,—

- (a) vest any specified assets of an existing local authority in an entity other than the Auckland Council (an **alternative entity**):
 - (b) specify any liabilities of an existing local authority as liabilities of an alternative entity:
 - (c) specify any rights, obligations, or other matters of an existing local authority as rights, obligations, or other matters of an alternative entity.
- (2) An order made under this section—
- (a) must be made before 1 November 2010; and
 - (b) has effect on and from 1 November 2010; and
 - (c) must specify the alternative entity (which must be one of the entities described in section 43(2)(b)(ii) or (iii)).
- (3) The Minister must not recommend the making of an order without first consulting the Transition Agency.

Section 36: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

37 Vesting of assets, etc, of existing local authorities in Watercare Services Limited

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister,—
- (a) vest any specified assets of the existing local authorities that are used for or relate to water supply or wastewater services in Watercare Services Limited:
 - (b) specify any liabilities of the existing local authorities that relate to water supply or wastewater services as liabilities of Watercare Services Limited:
 - (c) specify any rights, obligations, or other matters of the existing local authorities that relate to water supply or wastewater services as rights, obligations, or other matters of Watercare Services Limited.
- (2) An order may also—
- (a) identify the total liability of the existing local authorities that—
 - (i) relates to water supply or wastewater services (including any relevant portions of general liabilities); and

- (ii) by operation of section 35(1)(g) will become the liability of the Auckland Council; and
 - (b) provide for a corresponding debt (however structured), owed by Watercare Services Limited to the Auckland Council.
- (3) An order made under this section—
- (a) must be made before 1 November 2010; and
 - (b) has effect on and from 1 November 2010.
- (4) The Minister must not recommend the making of an order without first consulting the Transition Agency.
- (5) In this section,—
- existing local authorities** means the Auckland City Council, the Manukau City Council, the North Shore City Council, the Waitakere City Council, the Franklin District Council, the Papakura District Council, and the Rodney District Council
- water supply and wastewater services**—
- (a) includes both bulk and retail supply and services; but
 - (b) does not include—
 - (i) water supply or wastewater schemes that are independent of a water supply network or wastewater network, as the case may be, within Auckland;
 - (ii) privately owned water supply or wastewater schemes;
 - (iii) stormwater drainage services, except to the extent that any stormwater drainage infrastructure is also used for wastewater services under normal dry weather flow conditions.

Section 37: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

38 Terminating organisations

- (1) On 1 November 2010, each terminating organisation is dissolved and—
- (a) all property belonging to each terminating organisation vests in its receiving entity; and
 - (b) the interests of each terminating organisation in any other council-controlled organisation or council organisation become interests of its receiving entity in the

- council-controlled organisation or council organisation;
and
- (c) Part 2 of the Local Government (Auckland Transitional Provisions) Act 2010 applies to the employees of each terminating organisation; and
 - (d) all information held by each terminating organisation is held by its receiving entity; and
 - (e) all money payable to or by each terminating organisation becomes payable to or by its receiving entity; and
 - (f) all rights, liabilities, contracts, entitlements, and engagements of each terminating organisation become rights, liabilities, contracts, entitlements, and engagements of its receiving entity; and
 - (g) anything done, or omitted to be done, or that is to be done, by, or in relation to, each terminating organisation must be treated as having been done, or having been omitted to be done, or to be done, by, or in relation to, its receiving entity; and
 - (h) proceedings commenced, continued, or enforced by or against each terminating organisation may instead be commenced, continued, or enforced by or against its receiving entity (without amendment to the proceedings); and
 - (i) a matter or thing that would have, but for this section, been completed by a terminating organisation must be completed by its receiving entity.
- (2) To avoid doubt, the dissolution of a terminating organisation does not, of itself, affect any of the following matters:
- (a) any proceedings commenced by or against the terminating organisation:
 - (b) if the terminating organisation has statutory functions, duties, or powers under any enactment,—
 - (i) any decision made, or anything done or omitted to be done, by the organisation in relation to the performance of those functions and duties or the exercise of those powers:
 - (ii) any other matter or thing arising out of the organisation's performance, or purported performance,

of those functions and duties, or the exercise, or purported exercise, of those powers.

- (3) No director or board member of a terminating organisation is entitled to any compensation in respect of the termination of his or her office as a result of the dissolution of the organisation under this section.
- (4) In subsection (1)(b), **interests** includes property, rights, liabilities, contracts, entitlements, powers, duties, and functions.
- (5) Subsection (1)(a), (b), and (d) to (i) apply in respect of each terminating organisation except to the extent that an Order in Council under section 39 provides otherwise.

Section 38: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

39 Vesting of assets, etc, of terminating organisations in entities other than receiving entity

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister,—
 - (a) vest any specified assets of a terminating organisation in an entity other than its receiving entity (an **alternative entity**):
 - (b) specify any liabilities of a terminating organisation as liabilities of an alternative entity:
 - (c) specify any rights, obligations, or other matters of a terminating organisation as rights, obligations, or other matters of an alternative entity.
- (2) An order made under this section—
 - (a) must be made before 1 November 2010; and
 - (b) has effect on and from 1 November 2010; and
 - (c) must specify the alternative entity (which must be one of the entities described in section 43(2)(b)).
- (3) The Minister must not recommend the making of an order without first consulting the Transition Agency.

Section 39: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

40 Obligations of terminating organisations in relation to 2009/2010 annual report

- (1) A terminating organisation is not required to prepare and adopt an annual report for the 2009/2010 financial year.
- (2) Instead, a report for the period beginning on 1 July 2009 and ending at the close of 31 October 2010 must be prepared by the organisation for completion and adoption by its receiving entity.
- (3) However, if a terminating organisation does prepare an annual report for the 2009/2010 financial year, a report for the period beginning on 1 July 2009 and ending at the close of 31 October 2010 must also be prepared by the organisation for completion and adoption by its receiving entity.
- (4) Sections 67 and 68 of the Local Government Act 2002 apply, with all necessary modifications, to a report prepared under subsection (2) or (3) as if the report were an annual report.

Section 40: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

41 Auckland Regional Transport committee disestablished

- (1) On 1 November 2010, the Auckland Regional Transport committee is disestablished and the term of office of every member of the committee ends.
- (2) No member of the committee is entitled to any compensation in respect of the termination of his or her office under subsection (1).

Section 41: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

42 Rights, obligations, etc, not affected by dissolutions, transfers, vestings, etc, effected under this subpart

- (1) This section applies to the following actions effected under this subpart:
 - (a) the dissolution of an existing local authority and the transfer of its property, rights, obligations, etc, to the Auckland Council under section 35:
 - (b) the vesting of assets, etc, of an existing local authority in an alternative entity under section 36:

- (c) the vesting of water supply or wastewater services assets, liabilities, etc, of an existing local authority in Watercare Services Limited under section 37:
 - (d) the dissolution of a terminating organisation and the transfer of its property, rights, obligations, etc, to its receiving entity under section 38:
 - (e) the vesting of assets, etc, of a terminating organisation in an alternative entity under section 39.
- (2) An action to which this section applies—
- (a) is not to be treated as placing a person in breach of, or in default under, any contract, or in breach of trust, or in breach of confidence, or as otherwise making the person guilty of a civil wrong; and
 - (b) is not to be treated as entitling a person to—
 - (i) terminate or cancel or modify a contract, an agreement, or an arrangement; or
 - (ii) enforce or accelerate the performance of an obligation; or
 - (iii) require the performance of an obligation not otherwise arising for performance; and
 - (c) does not release any surety wholly or in part from all or any obligation; and
 - (d) does not invalidate or discharge any contract or security.

Section 42: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Subpart 4—Miscellaneous provisions

Subpart 4: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Governor-General's powers

Heading: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

43 Power to amend Schedule 4

- (1) This section applies only to a council-controlled organisation that is wholly owned or controlled by—
- (a) 1 or more existing local authorities; or
 - (b) 1 or more terminating organisations; or

- (c) 1 or more existing local authorities and 1 or more terminating organisations.
- (2) The Governor-General may, by Order in Council made on the recommendation of the Minister, amend Schedule 4 to—
 - (a) identify a council-controlled organisation as a terminating organisation by inserting its name in the first column of that schedule; and
 - (b) identify one of the following entities as the receiving entity for the council-controlled organisation by inserting the name of the entity in the second column of that schedule:
 - (i) the Auckland Council;
 - (ii) an existing local government organisation that, on and from 1 November 2010, by operation of this Act, will be a council-controlled organisation of the Auckland Council;
 - (iii) a council-controlled organisation of the Auckland Council established on and from 1 November 2010 by or under this or any other enactment (whether or not the enactment is in force at the time of the making of the order).
- (3) An order made under this section must be made before 1 November 2010.
- (4) The Minister must not recommend the making of an order—
 - (a) unless he or she is satisfied that,—
 - (i) at the time of making the recommendation, the council-controlled organisation is a council-controlled organisation to which this section applies; and
 - (ii) the dissolution of the council-controlled organisation is necessary for the effective and efficient governance of Auckland and does not inappropriately constrain the discretion and accountability of the Auckland Council; and
 - (b) without first consulting the Transition Agency.
- (5) To avoid doubt, an order may be made under this section in respect of Auckland Regional Holdings.

Section 43: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

44 Power to direct Transition Agency to establish council-controlled organisation

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, direct the Transition Agency to establish 1 or more entities as council-controlled organisations of the Auckland Council to operate on and from 1 November 2010.
- (2) An order made under this section—
 - (a) must be made before 1 November 2010; and
 - (b) must specify the objectives of the council-controlled organisation; and
 - (c) must specify the governance structure of the organisation; and
 - (d) may specify any other details concerning the structure and operation of the organisation that the Minister recommends.
- (3) Without limiting subsection (2)(d), and to avoid doubt, an order made under subsection (1) may specify details concerning the financial structure and operation of the organisation.
- (4) The Minister must not recommend the making of an order—
 - (a) unless he or she is satisfied that the establishment of the council-controlled organisation concerned is necessary for the effective and efficient governance of Auckland and does not inappropriately constrain the discretion and accountability of the Auckland Council; and
 - (b) without first consulting the Transition Agency.
- (5) The Minister may appoint initial directors of a council-controlled organisation established under this section under section 48.

Section 44: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

45 Power to specify certain fees and charges

- (1) This section applies to a fee or charge that—
 - (a) is prescribed by an existing local authority; and
 - (b) relates to a certificate, authority, approval, or permit, or a consent from, or inspection by, or registration with, the existing local authority that is required by or under an enactment; and

- (c) is authorised by or under that enactment or section 150 of the Local Government Act 2002; and
 - (d) does not relate to goods, services, or amenities provided by the existing local authority in reliance on its general powers under section 12 of the Local Government Act 2002.
- (2) The Governor-General may, by Order in Council made on the recommendation of the Minister, replace a fee or charge with 1 or more new fees or charges.
 - (3) An order made under this section—
 - (a) must be made before 1 October 2010; and
 - (b) has effect on and from a specified date (being no later than the close of 31 October 2010).
 - (4) The Minister must not recommend the making of an order without first consulting the Transition Agency.

Section 45: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

46 Power to prescribe standing orders for Auckland Council

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, prescribe standing orders to serve as the standing orders of the Auckland Council until the Council adopts its first standing orders under clause 27 of Schedule 7 of the Local Government Act 2002.
- (2) The prescribed standing orders must not contravene the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987, or any other Act.
- (3) An order made under this section—
 - (a) must be made before 1 November 2010; and
 - (b) has effect on and from 1 November 2010.
- (4) The Minister must recommend the making of an order, but must first consult the Transition Agency.

Section 46: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

47 Transitional regulations

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations to—

- (a) prescribe matters in respect of the establishment of the Auckland Council and its subsidiaries that may be in addition to or in place of the provisions of this Act:
 - (b) extend the time for completing an action, a step, or a procedure that is required by or under this Act and that is not done or cannot be done by the time required:
 - (c) make provision for a situation for which no or insufficient provision is made by or under this Act.
- (2) The Minister must not recommend the making of regulations unless he or she is satisfied that to do so is necessary for the effective and efficient governance of Auckland on and from 1 November 2010.
- (3) Any regulations made under this section that are in force on 31 October 2010 expire at the close of that day.

Section 47: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Ministerial powers

Heading: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

48 Minister may appoint initial directors of certain council-controlled organisations

- (1) This section applies to the following council-controlled organisations:
- (a) the entity established under section 19B:
 - (b) an entity established as a council-controlled organisation in accordance with section 44.
- (2) The Minister may, by notice in the *Gazette*, appoint initial directors of a council-controlled organisation to which this section applies on any terms and conditions that he or she specifies. However,—
- (a) no director may be appointed for a term greater than 3 years; and
 - (b) no more than one-third of the total number of directors appointed may be appointed for a term greater than 2 years; and

- (c) no more than two-thirds of the total number of directors appointed may be appointed for a term greater than 1 year.
- (3) The Minister must not appoint a person under this section unless he or she is satisfied that the person has the skills, knowledge, or experience to—
 - (a) guide the council-controlled organisation, having regard to the nature and scope of its activities; and
 - (b) contribute to the achievement of the objectives of the organisation.
- (4) The Minister may appoint directors under this section to act as the chairperson and deputy chairperson of a council-controlled organisation until the Auckland Council makes any appointment to those positions (whether under section 95 of the Local Government (Auckland Council) Act 2009 or otherwise).
- (5) The Minister must not appoint a person under this section without first consulting the Transition Agency.

Section 48: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

49 Minister of Transport and Minister may appoint initial directors of Auckland Transport

- (1) The Minister of Transport and the Minister may, by notice in the *Gazette*, appoint initial directors of Auckland Transport on any terms and conditions that the Ministers specify. However,—
 - (a) no director may be appointed for a term greater than 3 years; and
 - (b) no more than one-third of the total number of directors appointed may be appointed for a term greater than 2 years; and
 - (c) no more than two-thirds of the total number of directors appointed may be appointed for a term greater than 1 year.
- (2) The Ministers must not appoint a person under this section unless they are satisfied that the person has the skills, knowledge, or experience to—
 - (a) guide Auckland Transport, having regard to the nature and scope of its activities; and

- (b) contribute to the purpose of Auckland Transport.
- (3) The Ministers may appoint directors under this section to act as the chairperson and deputy chairperson of Auckland Transport until the Auckland Council makes appointments to those positions under section 43(3) of the Local Government (Auckland Council) Act 2009.
- (4) The Ministers must not appoint a person under this section without first consulting the Transition Agency.

Section 49: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Public officials' duties

Heading: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

50 Chief executive of Ministry of Pacific Island Affairs must develop proposals in relation to establishment of Pacific Peoples Advisory Panel

- (1) The chief executive of the Ministry of Pacific Island Affairs must develop proposals in relation to the establishment of a Pacific Peoples Advisory Panel (as required by section 86 of the Local Government (Auckland Transitional Provisions) Act 2010) for consideration by the mayor of Auckland on his or her election.
- (2) The proposals must be developed no later than 1 November 2010.
- (3) In acting under subsection (1), the chief executive—
 - (a) must consult the Transition Agency and each existing local authority; and
 - (b) may consult any other person as he or she thinks fit.

Section 50: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

51 Remuneration Authority to determine remuneration for Auckland Council and local boards

- (1) The Remuneration Authority must, no later than 15 July 2010, determine the remuneration, allowances, and expenses payable to—
 - (a) the mayor and members of the Auckland Council:

- (b) the chairpersons and members of local boards of the Auckland Council.
- (2) For the purposes of this section, the Remuneration Authority must act as if Part 2 of the Local Government (Auckland Council) Act 2009 were in force and the Auckland Council were established, and clauses 6 to 13 of Schedule 7 of the Local Government Act 2002 apply accordingly, with any necessary modifications.

Section 51: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

52 Auckland Council to be entered in register of building consent authorities

Before the close of 31 October 2010, the chief executive of the Ministry that is responsible for the administration of the Building Act 2004 must, for the purposes of section 73 of the Local Government (Auckland Transitional Provisions) Act 2010, enter the name of the Auckland Council in the register of building consent authorities kept under section 273(1)(a) of the Building Act 2004 without applying sections 191 to 197 of that Act.

Section 52: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

*Board promoting issues of significance for
mana whenua groups and mataawaka of Tamaki
Makaurau*

Heading: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

53 Initial members of board promoting issues of significance for mana whenua groups and mataawaka of Tamaki Makaurau to be appointed on or before 1 November 2010

- (1) The initial members of the board established by section 81 of the Local Government (Auckland Council) Act 2009 must be appointed on or before 1 November 2010 (in order for the board to be ready to carry out its functions under Part 7 of that Act on and from 1 November 2010).

- (2) For the purposes of this section, the Minister of Māori Affairs, the selection body, the mana whenua groups concerned, and any other person with a role in the appointment process of board members must act as if Part 7 and Schedule 2 of the Local Government (Auckland Council) Act 2009 were in force and the Auckland Council established.
- (3) The Transition Agency is responsible for any reasonable costs any person may incur in acting under this section, including the costs of the Minister and the mana whenua groups.

Section 53: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

*Application of Acts and Regulations Publication
Act 1989 and Regulations (Disallowance) Act
1989*

Heading: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

**54 Application of Acts and Regulations Publication Act 1989
and Regulations (Disallowance) Act 1989**

An Order in Council made under section 19B or a provision of this Part is a regulation for the purposes of the Acts and Regulations Publication Act 1989 and the Regulations (Disallowance) Act 1989.

Section 54: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

*Local Government (Watercare Services Limited)
Order 2007*

Heading: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

**55 Amendment to Local Government (Watercare Services
Limited) Order 2007**

- (1) This section amends the Local Government (Watercare Services Limited) Order 2007.
- (2) Clause 3 is amended by omitting “30 June” and substituting “31 October”.

Section 55: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

*Relationship of this Part to enactments applying
to existing local government organisations*

Heading: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

**56 Relationship of this Part to enactments applying to
existing local government organisations**

If there is any inconsistency between this Part and any enactment that applies to any existing local government organisation, this Part prevails.

Section 56: added, on 15 June 2010, by section 26 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Schedule 1

s 11(4)

Provisions relating to members, meetings, conflicts of interest, and procedure of governing body of Auckland Transition Agency

Members

1 Terms and conditions of appointment

- (1) A member (including the member appointed as the chairperson) is to be appointed for the term that is specified in his or her appointment.
- (2) Members holding office at the close of 31 October 2010 cease to hold office at that time.

2 Removal from and vacation of office

- (1) The Minister may, at any time and entirely at his or her discretion, remove a member by written notice to the member (with a copy to the Transition Agency).
- (2) The notice takes effect on—
 - (a) the date on which the member receives the notice; or
 - (b) any later date specified in the notice.
- (3) The Minister must notify the removal in the *Gazette* as soon as practicable after giving the notice.
- (4) If a member dies, resigns, or is removed from office, his or her office becomes vacant.
- (5) A vacancy under this clause must be filled in the manner in which the appointment to the vacant office was made.
- (6) Despite subclause (5), the Minister may cancel the vacancy by notice in the *Gazette* if, in doing so, the remaining total membership of the governing body will not breach the requirements of section 11(1).

3 Temporary members

- (1) The Minister may, at the request of the Transition Agency, appoint 1 or more persons to be temporary members for the purposes of any function of the Transition Agency.
- (2) An appointment may be made under subclause (1) even though there may already be 5 members of the governing body.

- (3) A person appointed under subclause (1) is to be treated for all purposes as a member of the Transition Agency, and no acts done by the Transition Agency while a person is so acting are to be questioned in any proceedings on the grounds that the occasion for the appointment had not arisen or had ceased.
- (4) The Minister must notify an appointment made under subclause (1) in the *Gazette* as soon as practicable after making it.

4 Duties of members

A member, when exercising powers or performing duties as a member, must act—

- (a) in good faith; and
- (b) with reasonable care, diligence, and skill; and
- (c) with honesty and integrity.

5 Vacancy does not affect powers and functions of Transition Agency

The powers and functions of the Transition Agency are not affected by any vacancy in the membership.

Meetings of members

6 Meetings

- (1) Meetings of the Transition Agency are to be held at the times and places that the Transition Agency or its chairperson appoints.
- (2) At every meeting of the Transition Agency the quorum is—
 - (a) half the members, if the number of members (including vacancies) is even; or
 - (b) a majority of members, if the number of members (including vacancies) is odd.
- (3) However, in no case may the quorum be less than 2 members.

7 Chairperson to preside

- (1) The chairperson must preside at all meetings of the Transition Agency at which he or she is present.
- (2) The members present must appoint 1 of their number (not being a temporary member) to be the chairperson for the meeting if—

- (a) the chairperson is not present; or
 - (b) there is no chairperson.
- (3) The appointed person has and may exercise all the powers and perform all the functions and duties of the chairperson for the purposes of the meeting.

8 Voting

- (1) A matter to be decided by the Transition Agency must be decided by a majority of the votes cast.
- (2) The presiding member has—
- (a) a deliberative vote; and
 - (b) a casting vote if there are more than 2 members voting and there is an equality of votes.

9 Resolution assented to by all members

- (1) A resolution in writing signed or assented to by letter, fax, or electronic message by all members is as valid and effectual as if it had been passed at a meeting of the Transition Agency duly called and constituted.
- (2) The resolution may consist of several documents in the same form, each signed or appearing to have been sent by 1 or more members.

10 Methods of holding meetings

A meeting of the Transition Agency may be held either—

- (a) by a number of the members constituting a quorum assembling together at the place, date, and time appointed for the meeting; or
- (b) by means of audio, or audio and visual, or electronic communication by which all members participating and constituting a quorum can simultaneously communicate with each other throughout the meeting.

Conflicts of interest

11 Obligation to disclose interest

- (1) A member who (otherwise than as a member) is interested, directly or indirectly, in a matter must disclose the nature of

the interest in accordance with clause 12 as soon as practicable after he or she knows the relevant facts.

- (2) In this clause and clauses 12 to 15, a member is **interested in a matter** if—
- (a) the matter is of the following type:
 - (i) the Transition Agency performing a function or duty or exercising a power;
 - (ii) an arrangement, agreement, or contract made or entered into, or proposed to be made or entered into, by the Transition Agency; and
 - (b) the member—
 - (i) is a party to, or will or may derive a material financial benefit from, a decision or action of the Transition Agency in relation to the matter; or
 - (ii) has a material financial interest in any agency or other party that will or may be materially affected by a decision or action of the Transition Agency in relation to the matter; or
 - (iii) is a person who will or may be materially affected by a decision or action of the Transition Agency in relation to the matter; or
 - (iv) is a director, an officer, a member, or a trustee of another party who will or may be materially affected by a decision or action of the Transition Agency in relation to the matter; or
 - (v) is the parent, child, spouse, civil union partner, or de facto partner of another party to, or person who will or may be materially affected by, a decision or action of the Transition Agency in relation to the matter; or
 - (vi) is, will be, or may be otherwise materially affected by a decision or action of the Transition Agency in relation to the matter.

12 Disclosure of interest

- (1) A member must, immediately after becoming aware of his or her interest in a matter before (or proposed to be before) the Transition Agency, give written notice of—

- (a) the nature and monetary value of the member's interest, if the monetary value can be quantified; or
 - (b) the nature and extent of the member's interest, if the monetary value cannot be quantified.
- (2) The notice must be given to—
 - (a) the chairperson of the Transition Agency (unless there is no chairperson or the chairperson is unavailable or interested in the matter); and
 - (b) the chief executive of the Transition Agency, who must enter the contents of the notice in the interests register.
- (3) For the purposes of subclause (1), a general notice to the effect that a member is a shareholder, a director, an officer, a member, or a trustee of a named company or organisation or other person and is to be regarded as interested in any matter that will or may, after the date of the notice, materially affect the company, organisation, or person, is a sufficient disclosure of interest in relation to the matter.

13 Consequences of disclosure

A member who discloses an interest in a matter under clause 12—

- (a) must not take part in any deliberation or decision of the Transition Agency relating to the matter; and
- (b) is to be disregarded for the purposes of—
 - (i) determining (under clause 6(2) and (3)) the quorum, for the part of the meeting during which a deliberation or decision relating to the matter occurs or is made; and
 - (ii) forming a quorum, for the part of the meeting during which a deliberation or decision relating to the matter occurs or is made.

14 Effect of non-compliance with clause 12 or 13

- (1) The validity of any decision or action by the Transition Agency is not affected by the fact that a member fails to comply with the requirements of clause 12 or 13.
- (2) However, the chief executive of the Transition Agency must, as soon as practicable after he or she becomes aware of any

breach of clause 12 or 13, advise the Minister in writing of the circumstances of the breach.

15 Reporting of actual and potential conflicts

Each report to the Minister under section 13(1)(c)(i) must include details of—

- (a) the notices, if any, received under clause 12(2)(b) by the chief executive since the previous report to the Minister made under that section; and
- (b) the forthcoming matters, if any, likely to be dealt with by the Transition Agency in which members are, or are expected to be, interested.

Procedure generally

16 Procedure generally

Except as otherwise provided in this Act, the Transition Agency may regulate its own procedure.

Schedule 2

s 19A

Provisions relating to planning document required under section 19A

Schedule 2: added, on 15 June 2010, by section 27 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

1 General requirements of planning document

- (1) The planning document must be based on a consolidation of the information contained in the 2009/2019 long-term council community plans and, to the extent relevant, the annual plans prepared under section 29A of this Act of the existing local authorities.
- (2) The information must be reorganised and amended in order to reflect—
 - (a) the Transition Agency's initial identification of non-regulatory activities of the Auckland Council (known as local activities) for which decision-making responsibility of the Council is allocated to local boards; and
 - (b) the transfer of assets and liabilities between entities and organisations (resulting from the reorganisation); and
 - (c) the creation or dissolution of council-controlled organisations for Auckland in accordance with this Act; and
 - (d) any other changes arising from the reorganisation, including those resulting from the operation of section 27(2) of this Act; and
 - (e) any other relevant factor.
- (3) The information in relation to subclause (2)(a) must be set out in accordance with section 18 of the Local Government (Auckland Council) Act 2009.

2 Contents: generally

- (1) The planning document must include—
 - (a) an integrated accounting policy for the Council and associated set of assumptions (formulated in accordance with clause 3(2), (3), and (4)); and
 - (b) interim funding and financial policies (formulated in accordance with clause 4).

- (2) The document must identify budgets for each local board area for the 2011/2012 financial year based on the estimated costs of—
 - (a) achieving the service levels for the local activities within each local board area; and
 - (b) providing administration and support for each local board.
- (3) The document must include the information specified in subclause (4) in relation to each group of activities of the Auckland Council,—
 - (a) in detail, in relation to the remainder of the 2010/2011 financial year and to the 2011/2012 financial year; and
 - (b) in outline, in relation to each of the subsequent 7 financial years.
- (4) The information referred to in subclause (3) is—
 - (a) a statement of the intended levels of service provision for the group of activities, including the performance targets and other measures by which actual levels of service provision may meaningfully be assessed;
 - (b) the estimated expenses of achieving and maintaining the identified levels of service provision, including the estimated expenses associated with maintaining service capacity and the integrity of assets;
 - (c) a statement of how the expenses are to be met;
 - (d) a statement of the estimated revenue levels and other sources of funds.
- (5) The information required under subclause (4)—
 - (a) must, as far as practicable, consistently identify and group activities across Auckland; but
 - (b) may be presented by reference to the districts of existing local authorities.

3 Contents: forecast financial statements

- (1) The planning document must include forecast financial statements for the Council (and may include forecast financial statements for any council-controlled organisation or other entity under the control of the Council),—
 - (a) in detail, for the remainder of the 2010/2011 financial year and for the 2011/2012 financial year; and

- (b) in outline, for each of the subsequent 7 financial years.
- (2) The document must clearly identify all the significant forecasting assumptions and risks underlying the statements.
- (3) Without limiting subclause (2), the document must clearly identify the following assumptions on which the financial statements are based:
 - (a) the assumptions concerning the useful life of significant assets; and
 - (b) the assumptions concerning sources of funds for the future replacement of significant assets.
- (4) In any case where significant forecasting assumptions involve a high level of uncertainty, the document must identify—
 - (a) the fact of the uncertainty; and
 - (b) an estimate of the potential effects of that uncertainty on the financial estimates provided.

4 Contents: funding and financial policies

- (1) The planning document must include a liability management policy for the Council containing the Council's initial policies in respect of the management of both borrowing and other liabilities, including—
 - (a) interest rate exposure; and
 - (b) liquidity; and
 - (c) credit exposure; and
 - (d) debt repayment; and
 - (e) specific borrowing limits; and
 - (f) the giving of securities.
- (2) The planning document must include an investment policy for the Council containing the Council's initial policies in respect of investments, including—
 - (a) the objectives in terms of which financial and equity investments are to be managed; and
 - (b) the mix of investments; and
 - (c) the acquisition of new investments; and
 - (d) an outline of the procedures by which investments are managed and reported to the Council; and
 - (e) an outline of how risks associated with investments are assessed and managed.

- (3) The planning document must include the policies that, as at 1 July 2010, were included in the long-term council community plans of the existing local authorities in respect of—
- (a) development contributions or financial contributions under section 106 of the Local Government Act 2002; and
 - (b) remission and postponement of rates on Māori freehold land under section 108 of the Local Government Act 2002; and
 - (c) rates remission under section 109 of the Local Government Act 2002; and
 - (d) rates postponement under section 110 of the Local Government Act 2002.
- (4) The planning document must include either an initial integrated policy of the Council on partnerships between the Council and the private sector or the policies that, as at 1 July 2010, were included in the long-term council community plans of the existing local authorities under section 102(4)(e) of the Local Government Act 2002.
- (5) The planning document must include—
- (a) an initial integrated revenue and financing policy of the Council; or
 - (b) the revenue and financing policies under section 102(4)(a) of the Local Government Act 2002 that, as at 1 July 2010, were included in the long-term council community plans of the existing local authorities; or
 - (c) the revenue and financing policies under section 102(4)(a) of the Local Government Act 2002 that, as at 1 July 2010, were included in the long-term council community plans of the existing local authorities, together with a statement or schedule of adjustments to those policies that reflects—
 - (i) any relevant requirements of this Act; and
 - (ii) any requirements that the Local Government (Auckland Council) Act 2009 and the Local Government (Auckland Transitional Provisions) Act 2010 will impose on the Council; and
 - (iii) changes in projected expenses and capital expenditure since the adoption of those policies, in-

- cluding changes as the result of the reorganisation (for example, in respect of water supply and wastewater services); and
- (iv) changes in revenue sources as the result of the reorganisation (for example, as a result of any standardisation of regulatory fees).
- (6) For the purposes of subsection (3)(a), the schedule adopted by the Franklin District Council under section 29H(2)(f) of this Act must be treated as forming part of the Franklin District Council's policy on development contributions.

5 Contents: funding impact statements

- (1) The planning document must include funding impact statements for each of the former districts of the existing local authorities in respect of—
- (a) the remainder of the 2010/2011 financial year; and
- (b) the 2011/2012 financial year.
- (2) The funding impact statements referred to in subclause (1)(a) must be based on the funding impact statements included in the 2010/2011 annual plans of the existing local authorities.
- (3) The funding impact statements referred to in subclause (1)(b) must be based on—
- (a) the funding impact statements included in the 2010/2011 annual plans of the existing local authorities; and
- (b) the funding impact statements included in the 2009/2019 long-term council community plans of the existing local authorities in respect of the 2011/2012 financial year (but modified to the extent that all rates for water supply or wastewater services are omitted from the statements).
- (4) The funding impact statements referred to in subclause (1)(b) must be—
- (a) based on the funding impact statements included in the 2010/2011 annual plans of the existing local authorities and the 2009/2019 long-term council community plans of the existing local authorities (in respect of the 2011/2012 financial year); and

- (b) modified to reflect the requirements of sections 33 and 34 of the Local Government (Auckland Transitional Provisions) Act 2010 and any other relevant provisions of that Act that will be imposed on the Council.

6 Contents: council-controlled organisations

- (1) Subclause (2) applies in relation to each council-controlled organisation of an existing local authority that continues in existence on and from 1 November 2010 (whether by operation of section 35(1)(b) of this Act or otherwise).
- (2) For each council-controlled organisation, the planning document must—
 - (a) name the organisation and any subsidiary of it; and
 - (b) identify—
 - (i) the nature and scope of the activities to be provided by the organisation; and
 - (ii) the key performance targets and other measures by which the organisation's performance may be judged; and
 - (iii) the existing local authority's significant policies and objectives in regard to ownership and control of the organisation.
- (3) Subclause (4) applies in relation to each council-controlled organisation that comes into existence on and from 1 November 2010 (whether by operation of this Act or otherwise).
- (4) For each council-controlled organisation, the planning document must—
 - (a) name the organisation and any subsidiary of it; and
 - (b) identify—
 - (i) the instrument by which the organisation is established; and
 - (ii) the objectives of the organisation.

7 Audit of planning document

- (1) The planning document must be audited—
 - (a) by the Auditor-General or a person appointed by the Auditor-General; and
 - (b) on the extent to which the document complies with the requirements of this Act.

- (2) The resulting audit report must be included in the planning document.

8 Adoption and publication of planning document

- (1) The planning document must be adopted by the Transition Agency.
- (2) Promptly after adopting the document, but in any event no later than 31 October 2010, the Transition Agency must—
- (a) make the document publicly available (within the meaning of section 5(3) of the Local Government Act 2002); and
 - (b) send copies of it to the Minister, the Secretary for Local Government, the Auditor-General, and the Parliamentary Library.

9 Information in planning document to be prepared in accordance with generally accepted accounting practice

The information required to be included in the planning document under this Act must be prepared in accordance with generally accepted accounting practice, if the information is of a form or nature for which generally accepted accounting practice has developed standards.

Schedule 3

s 29E(1)(a)(i)

**Matters in relation to election signs that
must be included in bylaw to be made for
purposes of section 29E(1)(a)(i)**

Schedule 3: added, on 15 June 2010, by section 27 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

1 Interpretation

In this schedule,—

election means the October 2010 triennial general elections in Auckland

local authority designated site means land identified in accordance with section 29E(1)(a)(ii)

sign means a sign erected for the purposes of the election and includes an election hoarding.

2 No building consent required or fee payable for sign 3 m² or less in size

- (1) Signs do not require a building consent or fee to be paid.
- (2) Subclause (1) applies only if the sign is 3 m² or less in size.
- (3) This clause applies whether the sign is erected on a local authority designated site or on private property.

3 Time period that sign may be displayed

- (1) A sign may be displayed at any time within the 2 months preceding the election.
- (2) Every sign must be removed before the day on which the voting period for the election ends (polling day).
- (3) This clause applies whether the sign is erected on a local authority designated site or on private property.

4 Prohibited sites for signs

- (1) A sign must not be erected on any footpath, traffic island, or road (except if the sign is on or connected to a legally parked motor vehicle within the meaning of section 2(1) of the Land Transport Act 1998).
- (2) A sign may be erected on private property only—

- (a) with the landowner's consent; or
- (b) where the property is subject to a tenancy agreement, and the erection of a sign is not inconsistent with that agreement, the tenant's consent.

5 Signs must be erected in manner that ensures public safety

A sign must be erected in a way that, in the opinion of an officer authorised by the existing local authority for the purpose, ensures public safety.

6 Signs on local authority designated sites

(1) A sign erected on a local authority designated site must comply with the following conditions:

- (a) the sign must be less than 3 m above ground level;
- (b) there must be at least 1.4 m clearance between the base of the sign and the ground;
- (c) the sign must have an area of 3 m² or less;
- (d) the sign must be securely braced and anchored at ground level;
- (e) the sign must be free-standing (for example, it must not be fixed to a tree, building, or furniture);
- (f) the sign must be placed outside the dripline of any tree.

(2) A sign must also comply with any site-specific requirements.

(3) Only 1 sign may be erected per candidate on each site.

7 Existing local authority may remove signs

(1) An existing local authority may remove a sign that—

- (a) does not meet the requirements of this schedule; or
- (b) is unsafe in the opinion of an officer referred to in clause 5.

(2) The existing local authority may recover from the candidate concerned the costs of removing and storing a sign to which this clause applies and any associated administrative costs.

8 Candidates must supply contact details of person responsible for signs

- (1) Each candidate must supply the electoral officer with the name and contact details of the person responsible for establishing and maintaining signs for the candidate.
 - (2) The electoral officer may make this information available to any existing local authority.
-

Schedule 4

ss 5(1), 43

**Terminating organisations and receiving
entities**

Schedule 4: added, on 15 June 2010, by section 27 of the Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010 (2010 No 35).

Terminating organisation	Receiving entity
Aotea Centre Board of Management	Regional Facilities Auckland Limited (in its capacity as trustee of Regional Facilities Auckland)
ARTNL Britomart Limited	Auckland Transport
Auckland Regional Holdings	Auckland Council
Auckland Regional Transport Author- ity	Auckland Transport
Auckland Regional Transport Network Limited	Auckland Transport
Auckland Transport Infrastructure Limited	Auckland Waterfront Development Agency Limited
Enterprise North Shore Trust	Auckland Tourism, Events and Eco- nomic Development Limited
Manukau Building Consultants Limited	Auckland Council
Manukau Enterprise and Employment Trust	Auckland Tourism, Events and Eco- nomic Development Limited
Manukau Leisure Services Limited	Auckland Council
Manukau Water Limited	Watercare Services Limited
Metro Water Limited	Watercare Services Limited
NSC Holdings Limited	Auckland Council
Rodney Properties Limited	Auckland Council
Sea + City Projects Limited	Auckland Waterfront Development Agency Limited
TMPL (Flat Bush) Limited	Auckland Council
Tomorrow's Manukau Properties Limited	Auckland Council
Waitakere City Holdings Limited	Auckland Council
Waitakere Enterprise Trust Board	Auckland Tourism, Events and Eco- nomic Development Limited
Waitakere Properties Limited	Auckland Council

Schedule 4: amended, on 31 October 2010, by clause 4 of the Local Government (Tamaki Makaurau Reorganisation) Terminating Organisations Order 2010 (SR 2010/359).

Contents

- 1 General
 - 2 Status of reprints
 - 3 How reprints are prepared
 - 4 Changes made under section 17C of the Acts and Regulations Publication Act 1989
 - 5 List of amendments incorporated in this reprint (most recent first)
-

Notes

1 *General*

This is a reprint of the Local Government (Tamaki Makaurau Reorganisation) Act 2009. The reprint incorporates all the amendments to the Act as at 2 November 2010, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, *see* <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Local Government (Tamaki Makaurau Reorganisation) Act 2009 (2009 No 13):
section 8

Local Government (Tamaki Makaurau Reorganisation) Terminating
Organisations Order 2010 (SR 2010/359)

Local Government (Tamaki Makaurau Reorganisation) Amendment Act 2010
(2010 No 35)

Local Government (Auckland Council) Act 2009 (2009 No 32): sections 38–43