

## CREATING A SUPER CITY: AUCKLAND COUNCIL LEGISLATION AT A GLANCE

Two Bills establishing the new Auckland Council were introduced into Parliament on Wednesday evening. The first bill, the Local Government (Auckland Reorganisation) Bill, establishes the Auckland Transition Agency, and the government intends that it will be passed under urgency today (Friday). The second bill, the Local Government (Auckland Council) Bill, establishes the Auckland Council's governance and electoral arrangements. It has been referred to a special select committee set up to consider the Auckland Council legislation, and is expected to be enacted by 24 September 2009.

The government also intends to introduce a third bill in October 2009 and pass it by May 2010. The third bill will presumably provide for other establishment matters for the Auckland Council and affected council organisations. It is also likely to provide transitional measures for existing bylaws, policies and plans.

### Local Government (Auckland Reorganisation) Bill

This Bill creates a transition period for moving to the new Auckland Council. It establishes the Auckland Council from 1 November 2010, and dissolves the existing councils on that date. All assets and liabilities of those councils will be transferred to the new council. The Bill ensures that the necessary structures are in place for the new councillors that will be elected in October 2010.

The Bill establishes the Auckland Transition Agency. The Transition Agency must plan and manage all reorganisation matters to ensure the Auckland Council is ready to function from 1 November 2010.

The Bill sets out the functions of the Transition Agency. These include developing an organisational structure and change management plans for assets and staff for the new council. It must also appoint an interim chief executive for the Auckland Council, whose term cannot extend beyond 30 June 2012. The interim chief executive is able to employ staff and enter into leases and other types of contracts on behalf of the new council. The Transition Agency must ensure that key projects, such as the Rugby World Cup 2011, are not hindered or interrupted by the reorganisation process.

The Transition Agency will have a governing body consisting of a chair and up to 4 members. The Minister of Local Government has indicated he will announce shortly who the chair and members will be. The governing body may appoint a chief executive for its own staffed office. It is likely that most staff will be seconded from existing councils and council organisations.

Auckland rate-payers will ultimately fund the Transition Agency. Although the Crown will provide the funding during the transition process, the Auckland Council will reimburse the Crown after it is established.

The Transition Agency will scrutinise existing councils and council organisations. It must confirm or decline decisions that could significantly prejudice or impact on the reorganisation or the Auckland Council's future operations. Such decisions will be void and of no effect until they are confirmed by the Transition Agency. Confirmation will happen as a result of a council or council organisation seeking confirmation itself, or the Transition Agency reviewing decisions or agenda items on its own initiative.

The Bill lists a number of decisions that will be captured by this confirmation process. They include decisions to set a rate or buy or sell assets (other than in accordance with an existing LTCCP), to appoint a chief executive, to establish a CCO, or to borrow if the borrowing term applies beyond 30 June 2011. Similar restrictions will be placed on a council or council organisation entering into a contract that extends beyond 30 June 2011, although the financial limit of such contracts is currently being debated and may be anywhere between \$5,000 and \$20,000.

The Bill imposes obligations on the existing councils and council organisations during the transition period. They must continue to perform their existing roles and obligations, co-operate with others to facilitate the reorganisation, and provide information and secondments to the Transition Agency.

### **Local Government (Auckland Council) Bill**

The second Bill establishes the Auckland Council's governance and structure.

The Council's governing body will be a Mayor and 20 councillors. The Mayor and 8 councillors will be elected by voters across the region, and the other 12 councillors will each be elected by and represent one of the 12 wards in the region.

The Mayor is required to articulate and promote a vision for Auckland and to provide leadership to achieve that vision. The Mayor will have executive powers, including the ability to appoint the Deputy Mayor and the chairs of the Council's committees. The Mayor must also develop proposals for the LTCCP and annual plans for the Council's consideration, and will have a staffed office to assist him or her.

The Bill also establishes local boards. The local boards are tasked with enabling democratic decision-making for their areas. They are required to facilitate local input into the new council's decision-making processes, and to identify local preferences on matters of local significance. The only decisions that local boards will get to make for their areas will be those that are delegated to them by the Council.

The main job of local boards will be to represent and advocate for their local areas. In particular, local boards' functions include reaching agreement with the Auckland Council on service levels, local facilities, and funding arrangements for local board areas. Also, each local board can monitor and review the services and facilities provided by the Council, and may report to the Council on any matter of interest or concern to the local board. The local boards will also be required to communicate with community organisations and special interest groups in their areas.

A local board will be an unincorporated body, and will receive its funding, administrative services and facilities from the Council. Each local board will have 4 to 9 elected members.

The Bill also requires the Local Government Commission to settle a number of issues. The Commission must determine how many local boards there should be and the boundaries for the local board areas. It will also have to resolve ward boundaries and the boundaries for the entire region. In setting the southern boundary for the region, the Commission must exclude the Mangatawhiri river and the Mangatangi stream catchments, and the part of the Franklin district situated between the Mangatangi stream catchment and the Firth of Thames.

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