



Cabinet

CAB Min (09) 3717

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Minute of Decision

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Report of the Cabinet Committee on Implementation of Auckland Governance Reforms: Period Ended 16 October 2009

On 19 October 2009, Cabinet made the following decisions on the work of the Cabinet Committee on Implementation of Auckland Governance Reforms for the period ended 16 October 2009

AGR Min (09) 10/2	Local Government (Auckland Law Reform) Bill: Overview of Process and Assessment of Issues for Inclusion Portfolio: Local Government	CONFIRMED
AGR Min (09) 10/3	Auckland Governance: Water Issues Portfolio: Local Government	Separate Minute: see CAB Min (09) 37/12

Rebecca Kitteridge
Secretary of the Cabinet

Reference: CAB (09) 579

Proactively Released by the Minister of Local Government



Cabinet Committee on Implementation of Auckland Governance Reforms

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Minute of Decision

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Local Government (Auckland Law Reform) Bill: Overview of Process and Assessment of Issues for Inclusion

Portfolio: Local Government

On 15 October 2009, the Cabinet Committee on Implementation of Auckland Governance Reforms (AGR):

1 noted that:

- 1.1 the Local Government (Auckland Law Reform) Bill (the Bill) is planned for introduction in late 2009;
- 1.2 the Bill has a category 4 priority (to proceed to a select committee in 2009) on the 2009 Legislation Programme;

2 noted that the Bill:

- 2.1 is the third piece of legislation in the Auckland Governance Reform Programme;
- 2.2 will be an omnibus Bill that amends the Local Government (Tamaki Makaurau Reorganisation) Act 2009, the Local Government (Auckland Council) Act 2009, and other legislation as appropriate to deal with the transition to the new Auckland Council and the implementation of government decisions;

3 noted that policy decisions on transport and ongoing governance matters have already been taken [CAB Min (09) 30/10 and AGR Min (09) 8/1], and that drafting instructions are currently being prepared for the Parliamentary Counsel Office;

4 noted that further policy decisions will be sought in two stages to release drafting instructions to the Parliamentary Counsel Office on:

- 4.1 Stage 1: Overview;
- 4.2 Stage 1: Water issues;
- 4.3 Stage 1: Spatial planning options;

- 4.4 Stage 2: Entities, assets and liabilities, taxation and staff;
 - 4.5 Stage 2: Interim and transitional provisions (including Resource Management Act requirements);
 - 4.6 Stage 2: Local, private and provincial Acts;
 - 4.7 Stage 2: Planning, reporting, rates and local boards;
- 5 noted that the uncertainty caused by the timing of the Auckland Transition Agency programme and the need to develop the Bill for introduction before the end of 2009 will likely result in further matters being referred to Cabinet:
- 5.1 during the Bill's drafting period; or
 - 5.2 during the select committee process for resolution through that process; or
 - 5.3 by Supplementary Order Paper when the Bill returns to the House;
- 6 agreed that the Department of Internal Affairs investigate the practicality of a limited Order in Council process to deal with transition issues that arise after the enactment of the Bill;

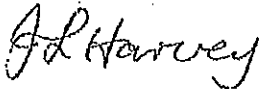
Criteria and assessment of transitional matters

- 7 noted that in March 2009, Cabinet agreed that the Royal Commission's recommendations on Auckland governance be assessed using the following criteria:
- 7.1 they meet good governance principles of being democratic, efficient and effective;
 - 7.2 they are feasible to implement within desirable timeframes;
 - 7.3 they are consistent with other government programmes and initiatives;
 - 7.4 they recognise the Treaty of Waitangi;
- [CAB Min (09) 8/10]
- 8 agreed that the development of provisions for the Bill be assessed against the set of criteria referred to above, with the addition of the following specific transition criteria:
- 8.1 the existing local government legislative framework should apply wherever possible, unless changes are necessary;
 - 8.2 if new arrangements are necessary, they should:
 - 8.2.1 aim to be similar to mechanisms in the present framework;
 - 8.2.2 minimise compliance costs and be able to easily be implemented by the Auckland Council;
 - 8.2.3 support 'business as usual' and minimise potential disruption to the continued delivery of services from 1 November 2010;
 - 8.2.4 minimise unnecessary and inefficient use of existing local authority resources over the transition period;

- 9 agreed that the criteria set out in paragraphs 7 and 8 above continue to be used to assess issues and proposals arising during the transition phase to 1 November 2010;

Legislation and publicity

- 10 noted that the recommendations in the paper under AGR (09) 17 will inform the development of the proposed Local Government (Auckland Law Reform) Bill planned for introduction in late 2009;
- 11 agreed that the Minister of Local Government advise the Auckland Transition Agency of Cabinet's decisions relating to the paper under AGR (09) 17.



Janine Harvey
Committee Secretary

Reference: AGR (09) 17

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