

Priority Urgent



THE DEPARTMENT OF INTERNAL AFFAIRS

Te Tari Taiwhenua

## Local Government Briefing

**Hon Rodney Hide**  
**Minister of Local Government**

Copy to: Hon John Carter  
Associate Minister of Local Government

**Title:** Local Government (Auckland Reorganisation) Bill: notes for the Committee of the whole House

**Date:** 12 May 2009

<b>Key issues</b>
Attached are notes for the Committee of the whole for the Local Government (Auckland Reorganisation) Bill.

<b>Action sought</b>	<b>Timeframe</b>
Note the contents of this briefing.	12 May 2009

### Contact for telephone discussion (if required)

Name	Position	Telephone		Suggested first contact
		direct line	after hours	
Anne Carter	Deputy Secretary	(04) 495 9323	021 229 6261	✓
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DMS file reference: PLG 3013-04 1674551DA  
Ministerial database reference: LGC200901556

## Purpose of briefing

1. This briefing provides you with notes for the Committee of the whole (Committee stage) process for the Local Government (Auckland Reorganisation) Bill (the Bill).

## Background information

2. The Bill is expected to be considered under urgency. Despite this, it is expected that the Committee stage will still occur.
3. During the debate, officials will be available to assist you and will be located on the officials' bench behind the table you will be seated at.

## Order of considering Bill

4. Standing Order 293 sets out the order in which a bill should be considered if undertaken part by part. The notes for a truncated Committee stage are consistent with Standing Order 293, which is set out below:
  - a. any preamble (*there is no preamble for this Bill*);
  - b. provisions contained in parts and other provisions that are not preliminary clauses;
  - c. for the purposes of debate, any schedules are considered together with the parts to which they principally relate (*this Bill contains a schedule that would be considered with Part 3*);
  - d. questions on any schedules which are put separately without further debate: and
  - e. any preliminary clauses not in a part, which are considered together for the purposes of debate, and the questions on which are put separately without further debate (*this Bill has preliminary clauses setting out the title and the commencement provisions*).

## Recommendation

5. The recommendation is that you **note** the contents of this briefing.



Anne Carter  
Deputy Secretary  
Local Government and Community Branch

seen by the Hon Rodney Hide

Hon Rodney Hide  
Minister of Local Government

**Truncated speech - Committee of the whole of the House - Local Government (Auckland Reorganisation) Bill**

**Part one Preliminary provision**

Part one of the Bill sets out:

- background material to provide context for the Bill;
- the purpose of the Bill;
- outlines the clauses and parts of the Bill and what they do;
- defines some terms used in the Bill;
- sets out the relationship between the Bill and other local government legislation;
- provides that the Act binds the Crown; and
- repeals the Act on close of 1 November 2010.

*That Part one be agreed to.*

**Part two - Auckland Council**

- Part two of the Bill establishes the Auckland Council. This Part does not come into force until 1 November 2010.
- It is necessary to establish the Auckland Council in this first Bill to provide context and the direction for the Transition Agency to work towards putting the new governance arrangements in place.
- The Auckland Council will assume the responsibilities, duties, and powers, of the Auckland Regional Council and the seven territorial authorities in the Auckland Region.
- The Auckland Council will be a territorial authority and have the powers of a regional council (ie a unitary council).

*That Part two be agreed to.*

### Part three Transitional arrangements

- Part Three of the Bill is concerned with the transitional arrangements that must be made in order for the Auckland Council to be ready to assume its role in late 2010. Accordingly, this Part commences on the day after this Bill receives the Royal assent with the exception of clauses 27 and 28 and sub-part three of Part three that come into force on the close of 31 October 2010.
- This Bill enables the reorganisation process to commence, but does not yet contain all the legislative provisions that will need to apply to the change on 1 November 2010. Further policy work by officials, and investigation and analysis by the Auckland Transition Agency is needed to identify what other provisions will be needed at that time. Additional provisions will therefore be included in a third Bill to be introduced around October of this year and enacted by May 2010
- Part Three covers a range of matters including:
  - establishing the Auckland Transition Agency, that is responsible for developing and establishing arrangements to enable the Auckland Council to operate once it's established;
  - specific functions for the Auckland Transition Agency such as the appointment of an interim chief executive officer for the Auckland Council;
  - accountability and reporting requirements of the Auckland Transition Agency;
  - disestablishes the Auckland Transition Agency when the Auckland Council comes into existence;
  - requires in certain situations that the existing Auckland local authorities and their subsidiaries must obtain consent of the Auckland Transition Agency before implementing decisions;
  - provides for expenditure and recovery of costs for the Auckland Transition Agency; and
  - provides that existing local government organisations are required to cooperate with the Auckland Transition Agency in responding to requests for information and for the secondment of staff.

*That Part three be agreed to.*

[**Note** – a separate vote on the schedule in the Bill that is referenced in Part three].

### **Schedule Provisions relating to members and procedure of governing body of Auckland Transition Agency**

- This schedule sets out matters relating to membership and procedure of the governing body of the Auckland Transition Agency.
- The matters include:
  - terms and conditions of appointment;
  - temporary members;
  - duties of members;
  - affect of vacancy on memberships;
  - holding and meeting and the role of the chairperson;
  - conflicts of interest; and
  - voting.

*That the Schedule to the Local Government (Auckland Reorganisation) Bill be agreed to.*

### **Title and commencement of the Bill**

- The title is the Local Government (Auckland Reorganisation) Act 2009.
- Part two comes into force on 1 November 2010.
- Clauses 27 and 28 and subpart three of Part three come into force on the close of 31 October 2010.
- The rest of this Bill comes into force on the day after the date on which it receives the Royal assent.

*That the title and commencement of the Bill be agreed to.*