

House of Representatives

Supplementary Order Paper

Tuesday, 1 June 2010

Local Government (Auckland Law Reform) Bill

Proposed amendments

David Clendon, in Committee, to move the following amendments:

Clause 59:

To omit this clause (lines 2 to 13 on page 130).

Clause 60:

To omit this clause (lines 14 to 19 on page 130) and substitute the following clause:

60 Poll to be conducted on electoral system for 2013 triennial general election

- (1) The Auckland Council must, no later than 28 February 2012, resolve to conduct a poll on the electoral system to be used for the elections of the local authority and its local boards.
- (2) **Subsection (1)** applies despite anything in sections 27 to 32 of the Local Electoral Act 2001.
- (3) Sections 33 and 34 of the Local Electoral Act 2001 apply to the poll required by **subsection (1)**.

Clause 62(1):

To omit “1 July 2012” (lines 13 of page 131) and substitute “1 April 2014”.

To omit from the definition of “**moratorium**” (line 26 of page 132) “1 July 2012” and substitute “1 April 2014”.

Explanatory note

Clause 59 denies Aucklanders the right to make any reorganisation proposal to the Local Government Commission until after the 2013 triennial general elections, despite the considerable disquiet about being included within the district of

the Auckland Council expressed to the Auckland Governance Legislation Committee by many residents of Franklin, Rodney and Papakura Districts.

The democratic right to petition for a reorganisation proposal is conferred upon electors of all other territorial and unitary authorities and regional councils by Schedule 3 of the Local Government Act 2002. Clause 59 proposes to deny that right to electors of the Auckland Council.

This Supplementary Order Paper will ensure that the democratic right to petition for a reorganisation proposal is preserved in Auckland.

Clause 60 as reported by the Auckland Governance Legislation Committee proposes that the First Past the Post (FPP) electoral system must be used for the 2013 triennial general elections for the Auckland Council and its local boards.

The report of the Auckland Governance Legislation Committee on the earlier Local Government (Auckland Council) Bill acknowledged that the STV voting system was more popular among submitters than the alternative FPP voting system which was supported by the Committee majority.

While, ideally, electors in Auckland should be polled on the electoral system to be used for the October 2010 triennial general election for the Auckland Council and its local boards, time constraints now preclude that option.

No such time constraints exist, however, in relation to the 2013 triennial general election for the Auckland Council and its local boards.

This Supplementary Order Paper proposes to give Aucklanders the democratic right to choose their electoral system for that election.

Clause 62 provides for a moratorium on the sale, transfer or disposal of strategic property of the Auckland Council or its Council-Controlled Organisations (other than to or between the Auckland Council and its Council-Controlled Organisations or their subsidiaries). The period of the moratorium proposed in the Bill as reported is from 1 November 2010 to 1 July 2012.

This Supplementary Order Paper proposes to extend the period of the moratorium to 1 April 2014.

Many submitters to the Auckland Governance Legislation Committee expressed concerns over the possible privatisation of strategic property of the Auckland Council or its Council-Controlled Organisations. The reason for the extension of the moratorium proposed by this Supplementary Order Paper is to ensure that any proposal by the Auckland Council or its Council-Controlled Organisations to privatise strategic property has a democratic mandate through the 2013 triennial general election before it is finalised.
