

Version
as at 28 October 2021



Auckland Regional Amenities Funding Act 2008

Private Act 2008 No 3
Date of assent 29 August 2008
Commencement see section 2

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Preamble

- (1) Several arts, educational, rescue, and community organisations that are vital to the Auckland region contribute to the well-being of the whole region by providing facilities or services to the community:

- (2) The organisations are an essential part of the fabric of the Auckland region and are necessary to make the region a vibrant and attractive place to live in and visit:
- (3) A significant proportion of those who visit or use, or otherwise benefit from, the organisations come from all the territorial authority districts in the Auckland region:
- (4) The organisations currently receive their funding from a range of sources by way of grants made in response to annual or periodic applications. In particular, they make separate applications to each of the territorial authorities and various trusts for funding. The grants resulting from applications are often ad hoc and short term:
- (5) This process does not provide a secure funding stream for the organisations and it does not necessarily result in all the territorial authorities in the Auckland region making a contribution to the organisations' funding:
- (6) A statutory framework is needed to provide adequate and secure funding for the organisations by all the territorial authorities in the Auckland region:
- (7) The existing statutory frameworks for regional funding of the Auckland War Memorial Museum and the Museum of Transport and Technology provide a model for the funding of the organisations:
- (8) Territorial authorities funding the organisations should have a formal role, through the Electoral College, in the decisions on funding.

1 Title

This Act is the Auckland Regional Amenities Funding Act 2008.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

Preliminary provisions

3 Purposes

- (1) The first purpose of this Act is to establish a mechanism to provide adequate, sustainable, and secure funding for specified amenities that, by providing arts, education, rescue, or community facilities for or services to the Auckland region,—
 - (a) contribute to the well-being of the region; and
 - (b) contribute towards making Auckland a vibrant and attractive place to live in and visit.

- (2) The second purpose is to ensure that the Auckland Council is part of the mechanism and so contributes towards the funding of the specified amenities.

Section 3(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

4 Interpretation

In this Act, unless the context otherwise requires,—

advisory officer means the advisory officer appointed under clause 12 of Schedule 4

Amenities Board means the Amenities Board established by section 11

assessment criteria means the assessment criteria in section 14(1)

Auckland Council means the local authority established by section 6(1) of the Local Government (Auckland Council) Act 2009

Auckland region means the district of the Auckland Council

establishment day means the day 28 days after this Act comes into force

financial statements has the same meaning as in section 6 of the Financial Reporting Act 2013

financial year means the period starting on 1 July and ending with 30 June in the following year that is the financial year of the Funding Board

first financial year means the first full financial year after the commencement of this Act

fourth financial year means the financial year after the third financial year

Funding Board means the Auckland Regional Amenities Funding Board established by section 6

funding principles means the funding principles in section 21

generally accepted accounting practice has the same meaning as in section 8 of the Financial Reporting Act 2013

Local Government Commission means the Local Government Commission appointed under the Local Government Act 2002

long-term plan—

(a) means a specified amenity's long-term plan described in section 22; and

(b) if the plan has been amended, means the plan as amended

public notice means a notice published in 1 or more newspapers circulating in the Auckland region

revenue from rates means revenue from all rates set under the Local Government (Rating) Act 2002 except—

(a) the part of the revenue from any general rate set under section 13 of that Act that is to be applied to the provision of water supply or wastewater services; and

- (b) any targeted rate for the provision of water or wastewater services set under section 16 of that Act; and
- (c) any targeted rate for water supply set under section 19 of that Act; and
- (d) *[Repealed]*

second financial year means the financial year after the first financial year
specified amenity—

- (a) means an organisation listed in Schedule 1; and
- (b) includes an organisation that is the subject of a notice under section 18 that has come into force under section 20(3); and
- (c) does not include an organisation described in paragraph (a) or (b) that is the subject of a notice under section 19(6) that has come into force under section 20(3)

third financial year means the financial year after the second financial year.

Section 4 **adjusted revenue from rates**: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4 **Auckland Council**: inserted, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4 **Auckland region**: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4 **contributing authority**: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4 **district**: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4 **Electoral College**: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 4 **financial statements**: inserted, on 3 July 2020, by section 4 of the Auckland Regional Amenities Funding Amendment Act 2020 (2020 No 1 (P)).

Section 4 **generally accepted accounting practice**: inserted, on 3 July 2020, by section 4 of the Auckland Regional Amenities Funding Amendment Act 2020 (2020 No 1 (P)).

Section 4 **reorganisation scheme**: repealed, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

Section 4 **revenue from rates** paragraph (d): repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

4A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Section 4A: inserted, on 3 July 2020, by section 5 of the Auckland Regional Amenities Funding Amendment Act 2020 (2020 No 1 (P)).

Part 2 Funding mechanism

Subpart 1—Administrative bodies

5 Funding Board and Amenities Board and purpose of Act

In performing their functions and duties, and exercising their powers, under this Act, the Funding Board and the Amenities Board must act in accordance with the purpose of this Act set out in section 3(1).

Funding Board

6 Establishment

This Act establishes the Auckland Regional Amenities Funding Board.

7 Membership

- (1) The Funding Board has 10 members.
- (2) The Auckland Council appoints 6 members.
- (3) The Amenities Board appoints 4 members.
- (4) One of the members appointed by the Auckland Council must be a person who, in the opinion of the Auckland Council, is appropriate to represent the interests of Māori in the Auckland region.
- (5) The members must be persons who have the management skills, experience, and professional judgment necessary to do the Funding Board's functions, in the opinion of those appointing them.
- (6) The following persons must not be appointed as members:
 - (a) a person who is currently an elected or appointed member of the Auckland Council; or
 - (b) the chief executive of the Auckland Council; or
 - (c) an employee of the Auckland Council; or
 - (d) a current board member of a specified amenity; or
 - (e) a current officer or employee of a specified amenity.

Section 7(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 7(4): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 7(6)(a): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 7(6)(b): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 7(6)(c): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

8 Charitable purposes

- (1) The Funding Board is established exclusively for charitable purposes within New Zealand.
- (2) Every action that the Funding Board does under this Act is done exclusively for charitable purposes within New Zealand.
- (3) Every business that the Funding Board carries on under this Act is carried on exclusively for charitable purposes within New Zealand.
- (4) No business that the Funding Board carries on under this Act is carried on for the pecuniary gain of any person.

9 Powers

For the purpose of performing its functions under this Act, the Funding Board—

- (a) has all the necessary rights, powers, and privileges; and
- (b) may exercise all the necessary rights, powers, and privileges; and
- (c) may incur all necessary liabilities and obligations.

10 Administration

The administrative provisions applying to the Funding Board are in Schedule 4.

Amenities Board

11 Amenities Board

This Act establishes the Amenities Board.

12 Function

- (1) The Amenities Board's function is to make the appointments to the Funding Board required by section 7(3).
- (2) The Amenities Board must make the appointments by majority vote.
- (3) If the votes are equal, the person presiding has a casting vote as well as a deliberative vote.
- (4) The person whom the members elect as chairperson must preside at all meetings of the Amenities Board at which he or she is present. If he or she is absent from a meeting, the members present must appoint one of their number to be the chairperson of the meeting.
- (5) The quorum of the Amenities Board is—
 - (a) half of the members if the number of members is even; or
 - (b) a majority of members if the number of members is odd.
- (6) The Amenities Board may do its function even if there is a vacancy in its membership.

- (7) The Amenities Board must comply with subsections (2) to (6), but otherwise regulates its own proceedings.

13 Membership

- (1) Every specified amenity must appoint 1 representative to the Amenities Board.
- (2) An appointment as a specified amenity's representative ends when the amenity or the representative ends the appointment.
- (3) When an appointment as a specified amenity's representative ends, the amenity must appoint another representative.

Subpart 2—Specified amenities

Assessment criteria

14 Assessment criteria

- (1) The assessment criteria that the Funding Board and the Auckland Council apply under sections 17 to 19 are as follows:
- (a) whether funding the organisation meets the purposes of this Act; and
 - (b) whether the organisation provides its facilities or services to residents of and visitors to the Auckland region; and
 - (c) whether the facilities or services that the organisation provides to residents of and visitors to the Auckland region are facilities or services that are not otherwise generally available; and
 - (d) whether the residents of the Auckland region visit or use, or otherwise benefit from, the organisation; and
 - (e) whether, according to independent market research, the residents of the Auckland region perceive the organisation as a regional one; and
 - (f) whether the organisation has proper governance and management structures; and
 - (g) whether the organisation has structures for ensuring that any funding provided to it under this Act is used predominantly for the organisation's facilities or services; and
 - (h) whether the organisation has operated within a properly prepared budget, annual business plan, and long-term plan over the 5 years immediately before the date on which the Funding Board or the Auckland Council applies this criterion; and
 - (i) whether the organisation has audited financial accounts covering the 5 years immediately before the date on which the Funding Board or the Auckland Council applies this criterion; and
 - (j) whether the organisation is a registered charitable entity under the Charities Act 2005.

- (2) The Funding Board must monitor the specified amenities' compliance with the assessment criteria.

Section 14(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 14(1)(h): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 14(1)(i): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

15 Discretion in application of assessment criteria

The Funding Board and the Auckland Council each has an absolute discretion in deciding—

- (a) whether or not an organisation satisfies an assessment criterion; and
- (b) the extent to which an organisation satisfies an assessment criterion.

Section 15: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Procedure

16 Organisation applies to be specified amenity

- (1) The Auckland Council may invite organisations to apply to be a specified amenity.
- (2) The invitation must be given by public notice.
- (3) The public notice may require that applications be made only—
 - (a) by a particular type of arts, educational, rescue, or community organisation; or
 - (b) on terms that the Auckland Council considers appropriate.
- (4) An application must—
 - (a) be in the form that the Auckland Council specifies in the notice; and
 - (b) contain, or be accompanied by, any information that the Auckland Council specifies in the notice.

Section 16(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 16(3)(b): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 16(4)(a): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 16(4)(b): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

17 Funding Board assesses application

- (1) The Funding Board must assess every application that the Auckland Council receives under section 16.

- (2) The Funding Board’s procedure for doing its assessments—
- (a) must be determined by it; and
 - (b) may include hearing an applicant in person.
- (3) The Funding Board must give the Auckland Council, in writing or electronically,—
- (a) its assessment of whether an applicant satisfies—
 - (i) the requirements in the public notice, if there were any; and
 - (ii) the assessment criteria; and
 - (b) its recommendation on whether the applicant should or should not be a specified amenity; and
 - (c) its reasons for its assessment and recommendation.

Section 17(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 17(3): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

18 Auckland Council decides whether organisation to be specified amenity

- (1) The Auckland Council must—
- (a) receive the Funding Board’s assessment and recommendation under section 17; and
 - (b) apply the assessment criteria; and
 - (c) decide whether an applicant is to be a specified amenity; and
 - (d) if an applicant is to be a specified amenity, give a notice as described in section 20.
- (2) A notice under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 18 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 18(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 18(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

19 Auckland Council decides whether organisation to be suspended or cease to be specified amenity

- (1) This section applies if the Funding Board considers that a specified amenity no longer satisfies 1 or more of the assessment criteria.
- (2) The Funding Board may give a notice to the specified amenity requiring it to satisfy the criterion or criteria within such reasonable period as the Board specifies.
- (3) The Funding Board must provide an opportunity for the amenity to be heard in relation to any notice before deciding that the amenity should be suspended or cease to be a specified amenity.
- (4) If the specified amenity does not satisfy the criterion or criteria within the period specified by the Funding Board, the Funding Board may give the Auckland Council, in writing or electronically,—
 - (a) its recommendation on whether the specified amenity should be suspended from being or cease to be a specified amenity; and
 - (b) its reasons for its recommendation.
- (5) The Auckland Council must—
 - (a) receive the Funding Board’s recommendation; and
 - (b) apply the assessment criteria; and
 - (c) decide whether the specified amenity should be suspended from being or cease to be a specified amenity.
- (6) If the Auckland Council decides that a specified amenity listed in Schedule 1 should cease to be a specified amenity, the following provisions apply:
 - (a) the Auckland Council must request the Minister of Local Government to recommend to the Governor-General the making of an Order in Council amending Schedule 1 by removing the name of the amenity; and
 - (b) on receiving the request, the Minister may make the recommendation; and
 - (c) on receiving the recommendation, the Governor-General may make the Order in Council; and
 - (d) on the making of the Order in Council, the Auckland Council must give notice as described in section 20 that the amenity is no longer a specified amenity.
- (7) If the Auckland Council decides that a specified amenity not listed in Schedule 1 should cease to be a specified amenity, it must give notice as described in section 20 that the amenity is no longer a specified amenity.
- (8) A notice or order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 19 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 19(4): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 19(5): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 19(6): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 19(6)(a): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 19(6)(d): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 19(7): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 19(8): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

20 Notices

- (1) The Auckland Council gives a notice under section 18 or 19 by publishing it under the Legislation Act 2019.
- (2) The Auckland Council must send a copy of the notice to the Amenities Board.
- (3) A notice given under section 18 or 19 comes into force—
 - (a) 28 days after the date of the notice’s publication under the Legislation Act 2019; or
 - (b) on a later date specified in the notice.
- (4) A notice given under section 18 that an organisation is a specified amenity lasts until a notice is given under section 19 that the specified amenity is no longer a specified amenity.

(5) *[Repealed]*

Section 20(1): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 20(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 20(2): replaced, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7)

Section 20(3)(a): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 20(5): repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Subpart 3—Funding process

Funding principles

21 Funding principles

- (1) The funding principles to which the Funding Board and the Auckland Council must have regard under sections 24 and 28 are as follows:
 - (a) the primary purpose of the funding is to contribute to the expenses that the specified amenity must incur to provide its facilities or services; and
 - (b) funding is not available for capital expenditure; and
 - (c) funding is not available for any part of facilities or services that the specified amenity provides outside the Auckland region; and
 - (d) funding is not available for facilities or services that at any time in the 5 years immediately before the date on which the Funding Board or the Auckland Council applies this paragraph have been provided funding by—
 - (i) a Crown entity, as defined in section 7(1) of the Crown Entities Act 2004; or
 - (ii) a department specified in Part 1 of Schedule 2 of the Public Service Act 2020; and
 - (e) funding for the retention and preservation of a specified amenity's library or collection takes priority over the amenity's other expenses; and
 - (f) funding is available only if the specified amenity has made all reasonable endeavours to maximise its funding from other available funding sources; and
 - (g) total funding for all specified amenities assessed for a financial year must not exceed the maximum levy for that year under section 34; and
 - (h) any other funding principle that the Auckland Council publicly notifies under subsection (3).
- (2) The Funding Board may recommend to the Auckland Council that it add funding principles to those in subsection (1).
- (3) The Auckland Council—
 - (a) may receive a recommendation from the Funding Board; and
 - (b) with or without a recommendation, may add funding principles; and
 - (c) must give public notice of the added funding principles.

Section 21(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 21(1)(d): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 21(1)(d)(ii): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 21(1)(g): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 21(1)(h): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 21(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 21(3): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Funding applications

22 Specified amenity may prepare long-term plan

- (1) A specified amenity may—
 - (a) prepare a plan covering a period of at least 5 years and at most 10 years; and
 - (b) send the plan to the Funding Board.
- (2) The Funding Board may consider and approve the plan.
- (3) The Funding Board's approval of a plan is not a commitment by the Funding Board to provide funding for anything in the plan.

23 Specified amenity applies for funding

- (1) This section applies if a specified amenity seeks funding from the Funding Board for a financial year.
- (2) The specified amenity must apply to the Funding Board on or before 30 November in the year before the financial year for which funding is sought.
- (3) The application must include—
 - (a) a statement of the amount of funding that the specified amenity seeks from the Funding Board for the financial year; and
 - (b) any information that the Funding Board requires to assess the specified amenity's satisfaction of the assessment criteria currently and in the future; and
 - (c) a statement of how the application complies with the funding principles; and
 - (d) the specified amenity's annual plan for the financial year for which funding is sought prepared under subsections (4) and (5).
- (4) The specified amenity's annual plan must state the following matters:

- (a) the specified amenity's purpose; and
 - (b) the specified amenity's objectives; and
 - (c) the performance targets and other measures by which to assess the specified amenity's achievement of the objectives; and
 - (d) the nature and scope of the facilities or services to be provided by the specified amenity; and
 - (e) the indicative costs of the activities; and
 - (f) the sources of funds for the activities; and
 - (g) the details of any charges that the specified amenity proposes to make for the facilities or services.
- (5) The plan must state the matters—
- (a) in particular terms for the financial year for which funding is sought; and
 - (b) in general terms for each of the following 2 financial years.

24 Funding Board assesses application

- (1) The Funding Board must—
- (a) assess an application made by a specified amenity under section 23; and
 - (b) decide provisionally on the amount of funding to be provided to the specified amenity.
- (2) The Funding Board may request more information from the specified amenity for the purpose of making its assessment and provisional decision.
- (3) The Funding Board need not include a specified amenity in the funding plan prepared under section 25 if the amenity does not give the Board the requested information by—
- (a) 30 November in the year before the financial year for which funding is sought; or
 - (b) a later time that the Board specifies.
- (4) In making its assessment and provisional decision, the Funding Board must have regard to—
- (a) the funding principles; and
 - (b) the specified amenity's long-term plan, if it—
 - (i) includes the financial year for which funding is sought; and
 - (ii) has been approved under section 22.

Funding plans

25 Funding Board prepares draft funding plan

- (1) The Funding Board must prepare a draft funding plan for every financial year.
- (2) The draft funding plan must state the following matters for the financial year:

- (a) the nature of the facilities or services to be provided by each specified amenity; and
 - (b) the funding sought by each specified amenity; and
 - (c) the amount of funding that the Funding Board proposes to grant to each specified amenity; and
 - (d) any conditions that the Funding Board proposes to impose on the provision of funding to a particular specified amenity; and
 - (e) the maximum amount of remuneration payable by the Funding Board to its members; and
 - (f) the maximum amount of remuneration payable by the Funding Board to its advisory officer; and
 - (g) the maximum amount of the Board's reasonable administrative costs; and
 - (h) the levy that the Funding Board proposes, which may not exceed the maximum levy calculated under section 34; and
 - (i) any other information that is necessary to enable an informed assessment of the levy that the Funding Board proposes.
- (3) The draft funding plan must state the matters—
- (a) in particular terms for the financial year to which the plan relates; and
 - (b) in general terms for each of the following 2 financial years.
- (4) The Funding Board must include in the draft funding plan an explanation of any significant changes between the levy it proposes and the levy specified in the plan adopted for the immediately preceding financial year.

Section 25(2)(h): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 25(2)(i): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 25(4): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

26 Funding Board and Auckland Council confer over draft funding plan

- (1) The chairperson of the Funding Board and a person appointed by the Auckland Council for the purpose must decide jointly—
- (a) whether a meeting of the Auckland Council is to be held to consider—
 - (i) the matter of the total levy that the Board proposes in its draft funding plan; or
 - (ii) any other matter in the plan; and
 - (b) if a meeting is to be held, whether it is to be held jointly with the Board or separately from it.

- (2) Every meeting of the Auckland Council to consider a matter must be held before the draft funding plan is published under section 27(1)(a).

Section 26 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 26(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 26(1)(a): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 26(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

27 Funding Board consults on draft funding plan

- (1) When the Funding Board is satisfied with its draft funding plan, it must, as soon as is practicable,—
- (a) publicly notify it; and
 - (b) send it to the Auckland Council and the specified amenities.
- (2) The Auckland Council, a specified amenity, or any other person may make a written or electronic submission to the Funding Board on any matter in the draft funding plan within 1 month after the day on which the plan is publicly notified.
- (3) *[Repealed]*
- (4) The Funding Board must give a reasonable opportunity to every person who makes a submission to appear and be heard on the submission.
- (5) Meetings of the Funding Board, or a committee of the Funding Board, to hear submissions on the draft funding plan must be open to the public.
- (6) The Funding Board must—
- (a) consider the submissions; and
 - (b) make any modifications to the draft funding plan that the Board considers appropriate in light of the submissions; and
 - (c) refer the plan to the Auckland Council; and
 - (d) request the Auckland Council's approval of the Board's recommendation on the levy.

Section 27(1)(b): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 27(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 27(3): repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 27(6)(c): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 27(6)(d): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

28 Auckland Council considers funding plan

The Auckland Council must—

- (a) consider the Funding Board’s recommendation on the levy; and
- (b) decide whether or not to approve the recommended levy, having regard to the funding principles; and
- (c) advise the Funding Board of its decision.

Section 28 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 28: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 28(a): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 28(b): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

29 If Auckland Council does not approve levy

- (1) This section applies if the Auckland Council decides not to approve the recommended levy under section 28(b).
- (2) The dispute must be referred to an independent arbitrator.
- (3) The arbitrator must be appointed by—
 - (a) the Auckland Council and the Funding Board jointly; or
 - (b) if they are unable to agree on the appointment, the Local Government Commission.
- (4) The arbitrator must—
 - (a) take into account the submissions of the Funding Board and the Auckland Council; and
 - (b) take into account the Funding Board’s duties; and
 - (c) decide on the levy, which may not exceed the maximum levy calculated under section 34.
- (5) The levy that the arbitrator decides on is the levy to be used by the Funding Board.
- (6) The Funding Board must reconsider its draft funding plan and the amount of funding it provisionally decided to provide to each specified amenity to take account of the levy that the arbitrator decides on.

Section 29 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 29(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 29(3)(a): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 29(4)(a): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 29(4)(c): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 29(5): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 29(6): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

30 Funding Board adopts funding plan

- (1) The Funding Board must have a meeting to deliberate on and adopt its funding plan.
- (2) The meeting—
 - (a) must be open to the public; and
 - (b) must be held no later than 30 April immediately before the start of the financial year to which the plan relates.
- (3) Within 20 working days of adopting the funding plan, the Funding Board must—
 - (a) make a copy available for public inspection; and
 - (b) give public notice that a copy is available for public inspection; and
 - (c) send a copy to the Auckland Council and each specified amenity.

Section 30(3)(c): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

First financial year

[Repealed]

Heading: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

31 Individual payments for first financial year

[Repealed]

Section 31: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

32 Individual levies for first financial year

[Repealed]

Section 32: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

33 Contributing authorities pay levies for first financial year

[Repealed]

Section 33: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Funding levies

34 Maximum levy for financial years after first financial year

- (1) The maximum levy is,—
 - (a) for the second financial year,—
 - (i) if section 43 applies as at the specified date, \$16 million; or
 - (ii) if section 43 does not apply as at the specified date, \$12 million; and
 - (b) for the third financial year,—
 - (i) if section 43 applies as at the specified date, \$19 million; or
 - (ii) if section 43 does not apply as at the specified date, \$15 million; and
 - (c) for the fourth financial year and each following financial year, the amount equal to 2% of the revenue from rates of the Auckland Council in the previous financial year.
- (2) In subsection (1), **specified date** means 30 November in the year immediately before the financial year for which the maximum levy is being calculated.

Section 34: substituted, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

35 Funding Board resolves to fix levy

- (1) This section applies when the Funding Board has the following for a financial year after the second financial year:
 - (a) either—
 - (i) the Auckland Council's approval of the levy; or
 - (ii) the arbitrator's decision on the levy; and
 - (b) an adopted funding plan.
- (2) The Funding Board must send written notice of the levy to the Auckland Council.
- (3) The Funding Board must comply with subsection (2) on or before 30 April before the financial year for which the levy is imposed.

Section 35 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 35(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 35(1)(a)(i): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 35(1)(a)(ii): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 35(2): substituted, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

36 Auckland Council to pay levy for financial years after second financial year

- (1) This section applies to the levy notified under section 35(2).
- (2) The Auckland Council must pay the amount of the levy—
 - (a) out of its general revenues; and
 - (b) to the Funding Board; and
 - (c) on the next 1 July after the notification.

Section 36: substituted, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

37 If contributing authority's district changes

[Repealed]

Section 37: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

*Funding payments***38 Funding Board pays funding**

- (1) This section applies to the funding payable to a specified amenity under the Funding Board's approved funding plan for a financial year.
- (2) The Funding Board must—
 - (a) pay the funding to the specified amenity; and
 - (b) do so as soon as is practicable after 12 July and no later than 15 August in the year; and
 - (c) tell the specified amenity, in writing or electronically, about any conditions in the approved funding plan on the provision of funding.

Subpart 4—Reporting**39 Specified amenity does annual report**

- (1) This section applies to a specified amenity that has received or is receiving funding under this Act for a financial year.
- (2) The specified amenity must prepare a report that—
 - (a) assesses the amenity's application of the funding against the matters specified in the amenity's annual plan for the year under section 23(4); and
 - (b) contains financial statements for the year prepared in accordance with generally accepted accounting practice; and
 - (c) contains any other information reasonably necessary to enable the Funding Board to make an informed assessment of the amenity's operations for the year as set out in its annual plan.

- (3) If a specified amenity has the same financial year as the Funding Board, the financial statements provided under subsection (2)(b) must be audited and the annual report must contain the auditor's report.
- (4) If a specified amenity has a different financial year from that of the Funding Board, the financial statements provided under subsection (2)(b) need not be audited but subsection (5) applies.
- (5) When subsection (4) applies, the specified amenity—
 - (a) must prepare audited financial statements for the financial year for the specified amenity; and
 - (b) must provide those audited financial statements and auditor's report to the Funding Board within three months after the end of the specified amenity's financial year.
- (6) The specified amenity must prepare the report and send it to the Funding Board within 3 months after the end of the financial year to which it relates.

Section 39(2)(b): replaced, on 3 July 2020, by section 6 of the Auckland Regional Amenities Funding Amendment Act 2020 (2020 No 1 (P)).

Section 39(2)(c): inserted, on 3 July 2020, by section 6 of the Auckland Regional Amenities Funding Amendment Act 2020 (2020 No 1 (P)).

40 Funding Board does annual report

- (1) The Funding Board must, at the end of every financial year, prepare a report that—
 - (a) assesses the Funding Board's performance; and
 - (b) assesses the performance of each of the specified amenities, taking into account their annual reports under section 39; and
 - (c) contains audited financial statements for the year prepared in accordance with generally accepted accounting practice; and
 - (d) contains the auditor's report on the financial statements; and
 - (e) contains any other information necessary to enable an informed assessment of the operations of the Funding Board and the specified amenities for the financial year as set out in the Board's funding plan adopted for the financial year.
- (2) The Funding Board must adopt the report within 5 months after the end of the financial year to which it relates.
- (3) Within 20 working days of adopting the report, the Funding Board must—
 - (a) make a copy available for public inspection; and
 - (b) give public notice that a copy is available for public inspection; and
 - (c) send a copy to the Auckland Council and the Amenities Board.

Section 40(1)(c): replaced, on 3 July 2020, by section 7 of the Auckland Regional Amenities Funding Amendment Act 2020 (2020 No 1 (P)).

Section 40(3)(c): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

41 Auckland Council's annual report

The Auckland Council must include information about its dealings with, and payments to, the Funding Board in its annual report under section 98 of the Local Government Act 2002.

Section 41 heading: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 41: amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Subpart 5—Miscellaneous provisions

42 Specified amenities may seek other funding

- (1) This section applies to a specified amenity that has received or is receiving funding under this Act.
- (2) The specified amenity may receive public funding from any other funding agencies or sources, including—
 - (a) a central government agency; and
 - (b) a department specified in Part 1 of Schedule 2 of the Public Service Act 2020.
- (3) The specified amenity may not receive funding from the Auckland Council for expenses that have been or are being funded under this Act.

Section 42(2)(b): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 42(3): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

43 Auckland Zoo

- (1) In this section, **Auckland Zoo** means the Auckland Council undertaking known as the Auckland Zoo or the Auckland Zoological Park.
- (2) This section applies if the Auckland Zoo—
 - (a) is established as a legal entity that—
 - (i) carries out the functions of the Auckland Zoo; and
 - (ii) is separate from the Auckland Council; and
 - (b) is registered as a charitable entity under the Charities Act 2005.
- (3) On the date on which the Auckland Zoo is both established and registered, the zoo—
 - (a) is treated as if it were listed in Schedule 1; and

(b) is subject to this Act.

Section 43(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Section 43(2)(a)(ii): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Subpart 6—Transitional provisions

[Repealed]

Subpart 6 heading: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

44 Funding Board: first appointments

[Repealed]

Section 44: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

45 Funding Board: first actions

[Repealed]

Section 45: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

46 Amenities Board: first actions

[Repealed]

Section 46: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

47 Termination of contracts or agreements between specified amenities and contributing authorities

[Repealed]

Section 47: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Schedule 1AA

Transitional, savings, and related provisions

s 4A

Schedule 1AA: inserted, on 3 July 2020, by section 8 of the Auckland Regional Amenities Funding Amendment Act 2020 (2020 No 1 (P)).

Part 1

Provisions relating to Auckland Regional Amenities Funding Amendment Act 2020

Schedule 1AA Part 1: inserted, on 3 July 2020, by section 8 of the Auckland Regional Amenities Funding Amendment Act 2020 (2020 No 1 (P)).

1 Interpretation

In this Part, **2020 Amendment Act** means the Auckland Regional Amenities Funding Amendment Act 2020.

Schedule 1AA clause 1: inserted, on 3 July 2020, by section 8 of the Auckland Regional Amenities Funding Amendment Act 2020 (2020 No 1 (P)).

2 Application of financial reporting amendments

- (1) This Act, as amended by section 6 of the 2020 Amendment Act, applies to the following financial years of a specified amenity:
- (a) financial years beginning after the commencement date of the 2020 Amendment Act; and
 - (b) the financial year beginning—
 - (i) on that commencement date; or
 - (ii) before, and ending on or after, that commencement date; and
 - (c) any financial year ending on, or in the 3-month period before, that commencement date.
- (2) This Act, as amended by section 7 of the 2020 Amendment Act, applies to the following financial years of the Funding Board:
- (a) financial years beginning after the commencement date of the 2020 Amendment Act; and
 - (b) the financial year beginning—
 - (i) on that commencement date; or
 - (ii) before, and ending on or after, that commencement date; and
 - (c) any financial year ending on, or in the 5-month period before, that commencement date.

Schedule 1AA clause 2: inserted, on 3 July 2020, by section 8 of the Auckland Regional Amenities Funding Amendment Act 2020 (2020 No 1 (P)).

3 When financial reporting requirements of specified amenities must be treated as satisfied

- (1) This clause applies to financial years of a specified amenity that began on or after 1 April 2015 (the commencement date of section 42A of the Charities Act 2005).
- (2) However, this clause does not apply to financial years of the specified amenity that are described in clause 2(1).
- (3) If the financial statements for the financial year were prepared in accordance with the requirements of section 42A(1) of the Charities Act 2005, section 39(2)(b)(i) (as in force before the commencement of section 6 of the 2020 Amendment Act) must be treated as having been complied with for that financial year.

Schedule 1AA clause 3: inserted, on 3 July 2020, by section 8 of the Auckland Regional Amenities Funding Amendment Act 2020 (2020 No 1 (P)).

Schedule 1

Specified amenities

s 4

Auckland Observatory and Planetarium Trust Board
Auckland Philharmonia
Auckland Regional Rescue Helicopter Trust
Auckland Theatre Company Limited
Coast Guard Northern Region Incorporated
New Zealand National Maritime Museum Trust Board
New Zealand Opera Limited
Surf Life Saving Northern Region Incorporated
The Auckland Festival Trust
Watersafe Auckland Incorporated

Schedule 2

Funding for first financial year

[Repealed]

s 31

Schedule 2: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Schedule 3

Contributing authorities and differential factors

[Repealed]

s 4

Schedule 3: repealed, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Schedule 4

Administrative provisions for Funding Board

s 10

1 Nature

- (1) The Funding Board has perpetual succession.
- (2) The Funding Board is not a council-controlled organisation for the purposes of the Local Government Act 2002.

2 Independence

- (1) In doing the functions and duties, and exercising the powers, of the Funding Board, the members must act independently of—
 - (a) the Amenities Board; and
 - (b) the Auckland Council; and
 - (c) the specified amenities.
- (2) In doing the functions and duties, and exercising the powers, of the Funding Board, the member referred to in section 7(4) must represent the interests of Māori in the Auckland region.

Schedule 4 clause 2(1)(a): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Schedule 4 clause 2(1)(b): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

3 No personal liability

Funding Board members are not personally liable for acts done or defaults made—

- (a) in good faith; and
- (b) in the course of the Funding Board's operations; and
- (c) by—
 - (i) the Funding Board, or
 - (ii) a Funding Board member.

4 Terms of office

- (1) Every Funding Board member is appointed for a term of 3 years starting on the day after the date on which the previous term ends.
- (2) Subclause (1) does not apply to members appointed under clause 6(3).
- (3) Every member is eligible for reappointment.
- (4) Subclause (5) applies to a member to whom the following apply:
 - (a) his or her term of office ends; and
 - (b) he or she has not resigned his or her office; and

- (c) he or she is not in a situation described in clause 6(1).
- (5) The member continues to hold office by virtue of his or her appointment until—
- (a) he or she is reappointed; or
- (b) his or her successor is appointed.
- (6) The Funding Board's functions, duties, and powers are not affected by a vacancy in its membership.

Schedule 4 clause 4(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

5 Resignations

- (1) A Funding Board member may resign his or her office by giving a notice in writing or electronically to the advisory officer.
- (2) A member who resigns his or her office on terms that permit him or her to continue in office may do so by virtue of his or her appointment until his or her successor is appointed.

6 Extraordinary vacancies

- (1) This clause applies if any Funding Board member is in one of the following situations:
- (a) the member dies; or
- (b) the member resigns his or her office on terms that do not permit his or her continuing to hold office; or
- (c) the member is absent without leave from 2 consecutive Funding Board meetings; or
- (d) the member becomes an elected or appointed member of the Auckland Council; or
- (e) the member becomes the chief executive of the Auckland Council; or
- (f) the member becomes an employee of the Auckland Council; or
- (g) the member becomes a board member of a specified amenity; or
- (h) the member becomes an employee of a specified amenity; or
- (i) the member is declared bankrupt; or
- (j) the member becomes the subject of an order under section 383 of the Companies Act 1993; or
- (k) the member becomes a special patient as defined in section 2(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992; or
- (l) the member becomes the subject of an order under the Protection of Personal and Property Rights Act 1988; or

- (m) the member is convicted of an offence punishable by a term of imprisonment of 2 years or more.
- (2) If a member is in one of these situations,—
 - (a) his or her term of office ends; and
 - (b) the vacancy is an extraordinary vacancy.
- (3) An extraordinary vacancy must be filled in the same way as the appointment to the vacant office was originally made. The member appointed holds office only for the rest of the vacating member's term.
- (4) If an extraordinary vacancy occurs within 6 months before the date fixed for the next appointment to the office that has been vacated, the appointing body may decide not to fill the vacancy.

Schedule 4 clause 6(1)(d): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Schedule 4 clause 6(1)(e): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Schedule 4 clause 6(1)(f): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

7 Chairperson and deputy chairperson

- (1) The Funding Board must annually—
 - (a) elect 1 of the 6 members appointed by the Auckland Council under section 7(2) as chairperson; and
 - (b) elect any member as deputy chairperson.
- (2) The chairperson and deputy chairperson may stand for re-election.
- (3) The chairperson of the Funding Board—
 - (a) must preside at all meetings of the Funding Board at which he or she is present; and
 - (b) has the functions, duties, and powers that the Board delegates to him or her from time to time.
- (4) The deputy chairperson must act in place of the chairperson in any case where the chairperson—
 - (a) is absent; or
 - (b) is unable to act for any other reason.

Schedule 4 clause 7(1)(a): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

8 Meetings

- (1) If the chairperson and the deputy chairperson are absent from a meeting, the members present must appoint one of their number to be the chairperson of the meeting.
- (2) A quorum for a meeting of the Funding Board is a majority of its members.

- (3) The Funding Board must decide every question before it in open voting by a majority of the votes recorded on it.
- (4) The person presiding at a meeting of the Funding Board has a deliberative vote and, if the votes are equal, also has a casting vote.
- (5) Part 7 of the Local Government Official Information and Meetings Act 1987 applies to the Funding Board as if it were a local authority subject to that Part.

9 Procedural rules

The Funding Board may regulate its own proceedings on matters not specifically dealt with in this Act.

10 Remuneration

- (1) The Auckland Council must decide how much to pay each member of the Funding Board after considering a recommendation from the Funding Board.
- (2) The Auckland Council must decide to pay an amount that is appropriate having regard to—
 - (a) the public purpose of the Board's functions; and
 - (b) the extent of public funding of the Board's operations.
- (3) The Auckland Council must not determine a rate of pay for a Funding Board member in a financial year greater than that specified for the payment of a member in the funding plan adopted for the year.
- (4) The Funding Board must recommend to the Auckland Council how much a member of the Board should be paid in a financial year having regard to the matters in subsections (2) and (3).
- (5) The Funding Board must pay its members the amount determined by the Auckland Council.

Schedule 4 clause 10(1): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Schedule 4 clause 10(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Schedule 4 clause 10(3): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Schedule 4 clause 10(4): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

Schedule 4 clause 10(5): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

11 Dealings with other bodies

The Funding Board may liaise, consult, and, if it considers necessary, enter into agreements with any body that—

- (a) provides funding to a specified amenity; or
- (b) is a potential source of funding for a specified amenity.

12 Advisory officer

- (1) The Funding Board may appoint an advisory officer to assist it in doing its functions.
- (2) However, if the Auckland Council requires it, the advisory officer must be a person seconded for service from the Auckland Council.
- (3) The advisory officer is responsible to the Funding Board for—
 - (a) implementing the Board’s decisions; and
 - (b) ensuring that the Board’s operations are conducted in a transparent and accountable manner; and
 - (c) providing services and advice to Board members; and
 - (d) ensuring the effective, efficient, and economic management of the Board’s operations and planning; and
 - (e) doing any other functions that the Board delegates to him or her.

Schedule 4 clause 12(2): amended, on 1 November 2010, by section 113(1) of the Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37).

13 Auditor

- (1) The Auditor-General is the Funding Board’s auditor.
- (2) For the purpose of auditing the Funding Board, the Auditor-General—
 - (a) has and may do all the Auditor-General’s functions and duties under the Public Audit Act 2001; and
 - (b) has and may exercise all the Auditor-General’s powers under the Public Audit Act 2001.

Notes

1 *General*

This is a consolidation of the Auckland Regional Amenities Funding Act 2008 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Auckland Regional Amenities Funding Amendment Act 2020 (2020 No 1 (P))

Local Government Act 2002 Amendment Act 2012 (2012 No 93): section 43

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37): section 113(1)