Auckland Regional Amenities Funding Amendment Act 2020

Private Act	2020 No 1
Date of assent	2 July 2020
Commencement	see section 2

Contents

		Page
	Preamble	
1	Title	2
2	Commencement	2
3	Principal Act	2
4	Section 4 amended (Interpretation)	2
5	New section 4A inserted (Transitional, savings, and related provisions)	3
	4A Transitional, savings, and related provisions	3
6	Section 39 amended (Specified amenity does annual report)	3
7	Section 40 amended (Funding Board does annual report)	3
8	New Schedule 1AA inserted	3
	Schedule	4
	New Schedule 1AA inserted	

Preamble

(1) The Auckland Regional Amenities Funding Act 2008 (the **principal Act**) provides for funding for specified amenities in the Auckland region:

(2) Section 39 of the principal Act requires that the specified amenities prepare financial statements that contain a statement of financial position prepared in accordance with New Zealand International Financial Reporting Standards and that contain the other statements and information set out in section 39(2)(b):

(3) The specified amenities are registered charitable entities under the Charities Act 2005:

(4) In 2015, the Charities Act 2005 was amended to require that certain charitable entities (those whose total operating payments are $125,000 or more in each of the 2 preceding accounting periods) prepare financial statements in accordance with generally accepted accounting practice (**GAAP**) (*see* section 42A of that Act):

(5) By the same Act that amended the Charities Act 2005, some legislation governing specific charitable entities was amended to achieve consistency with the accounting standard required under the Charities Act 2005 (*see* the Financial Reporting (Amendments to Other Enactments) Act 2013):

(6) The principal Act was not amended:

(7) The requirement under the Charities Act 2005 to prepare financial statements in accordance with GAAP is in addition to any other reporting requirement under any other enactment:

(8) Consequently, the specified amenities are currently required to prepare financial statements according to both New Zealand International Financial Reporting Standards and GAAP:

(9) The objects of this Act are to remove the requirement that specified amenities prepare financial statements according to New Zealand International Financial Reporting Standards and to permit specified amenities to prepare a single set of financial statements that comply with GAAP:

(10) For consistency, this Act also amends section 40 of the principal Act to clarify that the Funding Board's audited financial statements are prepared in accordance with GAAP:

(11) The objects of this Act cannot be achieved without legislation:

The Parliament of New Zealand therefore enacts as follows:

1 Title

This Act is the Auckland Regional Amenities Funding Amendment Act 2020.

2 Commencement

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

3 Principal Act

This Act amends the Auckland Regional Amenities Funding Act 2008 (the **principal Act**).

4 Section 4 amended (Interpretation)

In section 4, insert in their appropriate alphabetical order:

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

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

5 New section 4A inserted (Transitional, savings, and related provisions)

After section 4, insert:

4A Transitional, savings, and related provisions

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

6 Section 39 amended (Specified amenity does annual report)

Replace section 39(2)(b) with:

(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.

7 Section 40 amended (Funding Board does annual report)

Replace section 40(1)(c) with:

(c) contains audited financial statements for the year prepared in accordance with generally accepted accounting practice; and

8 New Schedule 1AA inserted

Insert the Schedule 1AA set out in the Schedule of this Act as the first schedule to appear after the last section of the principal Act.

Schedule
New Schedule 1AA inserted

s 8

Schedule 1AA
Transitional, savings, and related provisions

s 4A

Part 1
Provisions relating to Auckland Regional Amenities Funding Amendment Act 2020

1 Interpretation

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

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.

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.

Legislative history

12 September 2019	Introduction (Bill 176–1)
25 September 2019	First reading and referral to Governance and Administration Committee
21 February 2020	Reported from Governance and Administration Committee (Bill 176–2)
11 March 2020	Second reading
17 June 2020	Committee of the whole House
1 July 2020	Third reading
2 July 2020	Royal assent

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