



Local Government (Auckland Council) Amendment Act 2013

Public Act 2013 No 87
Date of assent 22 October 2013
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Local Government (Auckland Council) Amendment Act 2013.
- 2 Commencement**
This Act comes into force on 1 November 2013.
- 3 Principal Act**
This Act amends the Local Government (Auckland Council) Act 2009 (the **principal Act**).

4 Section 31 amended (Delegations)

- (1) Replace the heading to section 31 with “**Delegations to local boards from governing body**”.
- (2) Replace section 31(4) to (7) with:
 - “(4) A local board to which the governing body has delegated a responsibility, duty, or power may, without confirmation by the governing body, exercise or perform the responsibility, duty, or power in the same manner and with the same effect as the governing body could itself have exercised or performed it.
 - “(5) No delegation under this section relieves the governing body of the liability or legal responsibility to perform or ensure the performance of any responsibility or duty.”

5 New section 31A inserted (Delegations by local boards)

After section 31, insert:

“31A Delegations by local boards

- “(1) For the purposes of efficiency and effectiveness in the conduct of a local board’s business, a local board may delegate to a committee, subcommittee, or member of the local board, or an officer of the Auckland Council, any of its responsibilities, duties, and powers, except—
 - “(a) the duty to identify and communicate the interests and preferences of the people in its local board area in relation to the content of the strategies, policies, plans, and bylaws of the Auckland Council:
 - “(b) the power to propose a bylaw or an amendment to a bylaw:
 - “(c) the power to confirm a bylaw or modify a proposed bylaw:
 - “(d) the power to propose the revocation of a bylaw:
 - “(e) the duty to adopt the local board plan for its area:
 - “(f) the duty to agree the local board agreement for its area with the governing body of the Auckland Council:
 - “(g) the power to apply to the Local Government Commission for a binding determination in respect of a dispute between itself and the governing body:
 - “(h) a responsibility, duty, or power that this Act or any other Act expressly provides may not be delegated.

- “(2) However, nothing in subsection (1) restricts the power of a local board to delegate to a committee, subcommittee, or member of the local board, or an officer of the Auckland Council, the power to do anything precedent to the performance or exercise by the local board of a responsibility, duty or power specified in that subsection.
- “(3) Subsection (1) applies to any responsibilities, duties, or powers delegated to the local board by the governing body subject to any conditions, limitations, or prohibitions imposed by the governing body when making the original delegation.
- “(4) A committee, subcommittee, or person to which or to whom a local board has delegated a responsibility, duty, or power, may,—
- “(a) without confirmation by the local board, exercise or perform the responsibility, duty, or power in the same manner and with the same effect as the local board could itself have exercised or performed it:
 - “(b) delegate the responsibility, duty, or power to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by the local board when making the original delegation.
- “(5) No delegation relieves the local board of the liability or legal responsibility to perform or ensure the performance of any responsibility or duty.”
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Legislative history

8 May 2013	Introduction (Bill 106–1)
2 July 2013	First reading and referral to Local Government and Environment Committee
23 August 2013	Report of the Local Government and Environment Committee
19 September 2013	Second reading
24 September 2013	Committee of the whole House
15 October 2013	Third reading
22 October 2013	Royal assent

This Act is administered by the Department of Internal Affairs.
