

Local Government (Protection of Auckland Assets) Amendment Bill

Member's Bill

Explanatory note

General policy statement

This bill protects Auckland's local authority assets by requiring a referendum under the Local Electoral Act 2001 before sale or privatisation.

Clause by clause analysis

Clause 1 is the Title provision.

Clause 2 provides for the bill to come into force on the day after the date on which it receives the Royal assent.

Clause 3 sets out the purpose of the bill.

Clause 4 defines the Principal Act as the Local Government Act 2002.

Clause 5 inserts new section 63A, preventing the sale, disposal, or surrender of control of assets or organisation listed in new Schedule 21.

Clause 6 adds new Schedule 21, listing protected Auckland assets.

Phil Twyford

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Local Government (Protection of Auckland Assets) Amendment Act **2009**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

- 3 Purpose**
The purpose of this Act is to prevent the sale or privatisation of council controlled organisations.
- 4 Principal Act amended**
This Act amends the Local Government Act 2002. 5
- 5 New section 63A inserted**
The following section is inserted after section 63:
- “63A Restriction on sale or privatisation of Auckland local authority assets**
- “(1) No Auckland local authority shall— 10
 “(a) sell or otherwise dispose of, or sell any equity securities;
 or
 “(b) surrender any voting rights; or
 “(c) relinquish any right to appoint trustees, directors, or
 managers (however described). 15
- “(2) **Subsection (1)** applies to any asset or organisation listed in
 Schedule 21 of this Act unless the proposal for sale, disposal,
 or surrender of control has been carried by a majority of the
 valid votes cast in a referendum conducted under the provi-
 sions of the Local Electoral Act 2001. 20
- “(3) No Auckland local authority shall sell or otherwise dispose of
 any parks, swimming pools, public libraries, or public housing
 assets, except in a business as usual transaction as part of nor-
 mal portfolio management, unless the proposal for sale, dis-
 posal, or surrender of control has been carried by a majority of
 the valid votes cast in a referendum conducted under the pro-
 visions of the Local Electoral Act 2001. 25
- “(4) In this section, ‘Auckland local authority’ includes—
 “(a) Auckland City Council; or
 “(b) Auckland Regional Council; or 30
 “(c) Franklin District Council; or
 “(d) Manukau City Council; or
 “(e) North Shore City Council; or
 “(f) Papakura District Council; or
 “(g) Rodney District Council; or 35
 “(h) Waitakere City Council; or

- “(i) Auckland Transitional Authority (as established by the Local Government (Tamaki Makaurau) Act 2009); or
- “(j) any successor body to any of the above.”

6 New Schedule added

The principal Act is amended by adding the Schedule 21 set out in the Schedule of this Act.

Schedule
New Schedule 21 added to principal Act

Schedule 21 **s 63A**
Protected Auckland assets

Auckland Regional Transport Authority	
Auckland Regional Holdings Ltd	5
America’s Cup Village Limited	
Ports of Auckland Limited	
Tourism Auckland and Visitor Trust	
Sea+City Projects Limited	
Metro Water Ltd	10
Auckland International Airport Ltd	
Watercare Services Ltd	
Auckland Regional Transport Network Ltd	
NSC Holdings Ltd	
12 North Shore Domain and North Harbour Stadium	15
North West Auckland Airport Ltd	
Enterprise North Shore	
Waitemata Harbour Clean-Up Trust	
The Safer Papakura Trust	
Proudly Papakura Trust	20
Manukau City Investments Ltd	
Manukau Water Ltd	
Tomorrow’s Manukau Properties Ltd (TMPL)	
TMPL (Flatbush) Ltd	
Waste Disposal Services	25
Manukau Building Consultants Ltd	
Manukau City Investments Ltd	
Manukau Leisure Services Ltd	
Manukau Education and Employment Trust	
The City of Manukau Education Trust	30
Pakuranga Arts and Cultural Trust	
Highbrook Park Trust	
Manukau Beautification Charitable Trust	

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Schedule

Te Puru Community Trust	
Counties Manukau Pacific Trust	
John Walker "Find Your Field of Dreams" Foundation	
Waitakere City Holdings Ltd	
Waitakere Properties Ltd	5
Waitakere Enterprise Trust	
Prime West Ltd	
Prime West Management Ltd	
Araparera Forestry Management Ltd	
Franklin Arts, Culture and Library Trust	10
Local Authority Shared Services Ltd	