

Local Government (Protection of Auckland Assets) Amendment Bill

Member's Bill

Explanatory Note

This Bill protects Auckland's local government 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 received the Royal Assent.

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 2004.

5. New Section 63A inserted

The following section is inserted after Section 63:

“63A. Restriction on sale or privatisation of Auckland local body assets.

“(1) No Auckland local authority shall—

“(a) sell or otherwise dispose of, or sell any equity securities in; or

“(b) surrender any voting rights in; or

“(c) relinquish any right to appoint trustees, directors, or managers (however described) of

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 provisions of the Local Electoral Act 2001 .

“(2) 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 normal portfolio management, 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 provisions of the Local Electoral Act 2001.

“(3) In this section, “Auckland local authority” includes

“(a) Auckland City Council; or

“(b) Auckland Regional Council; or

“(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

“(h) Waitakere City Council; or

“(i) Auckland Transitional Authority (as established by the Local Government (Auckland Reorganisation) Act 2009); or

“(j) Any successor body to any of the above.”

6. New Schedule Added

The following new schedule is added:

“s63A

“Schedule 21

“Protected Auckland Assets

“Auckland Regional Transport Authority

“Auckland Regional Holdings Ltd

“America's Cup Village Limited

“Ports Of Auckland Limited

“Tourism Auckland & Visitor Trust

“Sea+City Projects Limited

“Metro Water Ltd
“Auckland International Airport Ltd
“Watercare Services Ltd
“Auckland Regional Transport Network Ltd
“NSC Holdings Ltd
“12 North Shore Domain and North Harbour Stadium
“North West Auckland Airport Ltd
“Enterprise North Shore
“Waitemata Harbour Clean-Up Trust
“The Safer Papakura Trust
“Proudly Papakura Trust
“Manukau City Investments Ltd
“Manukau Water Ltd
“Tomorrow's Manukau Properties Ltd ("TMPL")
“TMPL (Flatbush) Ltd
“Waste Disposal Services
“Manukau Building Consultants Ltd
“Manukau City Investments Ltd
“Manukau Leisure Services Ltd
“Manukau Education & Employment Trust
“The City of Manukau Education Trust
“Pakuranga Arts & Cultural Trust
“Highbrook Park Trust
“Manukau Beautification Charitable Trust
“Te Puru Community Trust
“Counties Manukau Pacific Trust
“John Walker "Find Your Field Of Dreams" Foundation
“Waitakere City Holdings Ltd
“Waitakere Properties Ltd
“Waitakere Enterprise Trust
“Prime West Ltd
“Prime West Management Ltd
“Araparera Forestry Management Ltd
“Franklin Arts, Culture & Library Trust
“Local Authority Shared Services Ltd”