

Auckland Reorganisation – Local Boards and Council-controlled organisations

The Auckland Transition Agency (ATA) has just released two Discussion Documents that are open for feedback only until 26 March 2010.

The two papers cover ATA's proposals for Local Boards in accordance with its statutory mandate to allocate the non-regulatory activities of Auckland Council for the initial period, and its proposals for rationalisation of existing Council-controlled organisations (CCOs) and new CCOs that will be owned by and report to Auckland Council.

Both Discussion Documents can be downloaded at <http://www.discussiondocuments.co.nz/>.

The role of local boards

ATA addresses the statutory provisions applying to the governance of the Auckland Council and local boards at some length before moving on to set out its thinking on the role of local boards. The paper points out that local boards have some direct statutory responsibilities such as community engagement and preparation of local board plans. Beyond that the governing body of Auckland Council can delegate some regulatory functions to local boards, and allocate non-regulatory responsibilities in line with the principles in the Local Government (Auckland Council) Act 2009.

ATA has taken an inclusive approach to the allocation of non-regulatory responsibilities to local boards. It says that instead of asking: "Why should local boards do certain non-regulatory activities?" it has taken the approach of asking "Why not?".

The result is an extensive table of non-regulatory responsibilities divided into activity groups, and showing the split between the role of local boards and the governing body of Auckland Council. Those expecting a precise list of responsibilities will be disappointed by the table, which is heavy on terms such as "communicating", "engagement with", "advocacy to" and "input to", and light on "decide" or "determine". But the paper does provide a series of useful examples of the role local boards might play in relation to particular projects and issues of concern to the community.

Although ATA cannot delegate regulatory responsibilities the paper indicates the roles local boards might play in relation to bylaws and recognises that some regulatory provisions relating to matters such as liquor, dog control, gambling and brothels are local concerns where local boards have a role to play.



The paper also contains a helpful discussion for those keen to understand how local boards will be managed and interact with the governing body of Auckland Council and its CCOs.

CCOs

One of the features of the reorganisation is the creation of new significant CCOs and there is speculation about the impact these will have on the manner in which the Auckland Council governs its activities. This paper addresses the rationale for CCOs in the Auckland context and the governance and monitoring issues that have been raising public concern.

But what we suspect most readers will turn to first is the proposed structure for the seven significant CCOs that are proposed – Auckland Transport, Watercare Services Ltd, Council Investments, Economic Development, Tourism & Events Agency, Major Regional Facilities, Property Holdings, and Waterfront Development Agency – to look to see what each will control and which existing entities will or will not be gobbled up by these CCOs.

The proposals seek to rationalise the existing entities for the most part where doing so will have a benefit to the region. However, not all existing CCOs will be rationalised immediately and some (eg North Harbour Stadium, Telstra Clear Pacific Events Centre) will survive for a transition period beyond 1 November 2010, or may remain as separate entities.

Comment

It is doubtful that either of the Discussion Documents will satisfy critics of the reorganisation proposals. But both address issues that have been raised in the community as well as providing an excellent guide to the legislation as it applies to local boards and CCOs.

Our LG Law senior personnel are:

Melinda Dickey*Partner*

t: (09) 979 2210

e: dickey@brookfields.co.nz

Andrew Green*Partner*

t: (09) 979 2172

e: green@brookfields.co.nz

Linda O'Reilly*Partner*

t: (09) 979 2167

e: oreilly@brookfields.co.nz

John Young*Principal*

t: (09) 979 2155

e: youngj@brookfields.co.nz

Andrew Cameron*Consultant*

t: (04) 499 9824

e: cameron@brookfields.co.nz

Matthew Allan*Senior Associate*

t: (09) 979 2128

e: allan@brookfields.co.nz

John Watson*Senior Associate*

t: (09) 979 2262

e: watson@brookfields.co.nz

Stephanie Curran*Senior Solicitor*

t: (09) 979 2137

e: curran@brookfields.co.nz

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Auckland t 09 379 9350
f 09 379 3224
Manukau 09 262 2145
09 379 3224
Wellington 04 499 9824
04 499 9822
www.brookfields.co.nz



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