

Local Government (Auckland Council) (Transport Governance) Amendment Bill

Government Bill

As reported from the Transport and Infrastructure Committee

Commentary

Recommendation

The Transport and Infrastructure Committee has examined the Local Government (Auckland Council) (Transport Governance) Amendment Bill and recommends that it be passed. We recommend all amendments unanimously.

Introduction

The Local Government (Auckland Council) (Transport Governance) Amendment Bill would reform Auckland's transport governance and planning arrangements. Auckland Transport (AT) was created as a statutory transport council-controlled organisation in 2010 as part of the amalgamation of Auckland's local authorities under the Local Government (Auckland Council) Act 2009. Unlike other parts of New Zealand, where local authorities directly manage local transport functions, AT is responsible for transport strategy, policy, and operations in Auckland.

Auckland's size and population give it transport challenges that are distinct within New Zealand, and the current arrangements have not adequately addressed these challenges. This bill aims to address two major weaknesses in the current governance arrangements:

- a lack of democratic accountability in transport decision-making, with the non-elected Auckland Transport Board making most transport decisions across strategy, policy, and delivery, a role that is undertaken by locally elected members in other regions
- insufficient relationship between Auckland Council and central government in long-term transport planning, resulting in the absence of a longer-term shared view.

This bill would amend the Local Government (Auckland Council) Act 2009 by:

- establishing the Auckland Regional Transport Committee (ARTC)
- transferring most transport functions from AT to Auckland Council to ensure these functions have democratic accountability
- conferring specific transport responsibilities to Auckland's local boards on certain types of roads
- repealing and replacing legislation relating to AT and moving forward with a council-controlled organisation (CCO) that would have focused responsibilities providing public transport services in Auckland.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor or technical amendments.

Auckland Regional Transport Committee

Clause 14 of the bill would insert new subpart 1 (new sections 38–41F) into Part 4 of the Act to establish the ARTC. The ARTC would have three voting members appointed by the Minister of Transport, three voting members appointed by the Mayor of Auckland, and a jointly appointed chair. It would be responsible for developing a 30-year transport plan for Auckland, and Auckland's regional land transport plan.

The bill as introduced would not apply the Ombudsmen Act 1975 to the ARTC, which is unintended. To address this, we recommend adding the ARTC—and its permanent advisers—to Part 2 of Schedule 1 of the Ombudsmen Act 1975. This would be done by an amendment in Schedule 3 of the bill.

Mayoral appointees

New section 38F(3) would require the mayor of Auckland to consult with the governing body about the mayoral appointees before making an appointment, but the final decision would remain solely with the mayor. We discussed whether it was appropriate to confer this decision on the mayor or on the governing body. However, we accept advice that this process was developed in discussion Auckland Council and aligns with how Auckland Council operates under the Local Government (Auckland Council) Act 2009. Therefore, we do not recommend any changes to this subsection.

New section 39E provides that ministerial appointees would receive remuneration from the Crown, and mayoral appointees would receive remuneration from Auckland Council. We recommend clarifying the wording in this section. In particular, we note that the Remuneration Authority would determine entitlements for mayoral appointees in accordance with Schedule 7 of the Local Government Act 2002, not the Remuneration Authority Act 1977.

Co-design and consultation with Māori

Two different sections propose requirements for consultation with Māori in relation to the ARTC’s preparation of the 30-year transport plan. New section 42B(1)(b) would require the ARTC to establish and maintain processes for Māori to contribute to the development and preparation of the plan. New section 42D(3) would separately require the ARTC to consult with Māori in relation to the proposed plan.

We agree that providing for consultation with Māori in new section 42D(3) is appropriate.

Some of us consider that new section 42B(1) (requiring the ARTC to give Māori an exclusive role in the “development and preparation” of the plan) is unacceptable, particularly considering that those who rely on the efficient operation of the transport network—business, the freight sector, and general road users—are not included in this critical design phase.

Some of us are concerned that the bill requires the ARTC “establish and maintain processes for Māori to contribute” and that this will require appropriation of scarce transport budget and resources to a new bureaucracy rather than on roads and public transport is unacceptable.

Further, some of us consider that the bill should define what consultation with Māori would entail, to ensure that obligation is clear. Auckland Council already retains a standing *mana whenua* consultation forum for infrastructure matters, which would seem to be an appropriate and efficient vehicle for consultation on transport planning.

Publication of 30-year transport plan

The ARTC would be required to produce a 30-year transport plan for joint approval by Auckland Council and the Minister of Transport. In our discussions with submitters, we heard strong support for ensuring that this plan is published in formats accessible to people with disabilities that affect their ability to read printed text. We recommend amending proposed section 42A to require that the published plan include an accessible format, and proposed section 42D(2)(a) to require the same of proposed plans released for consultation. We further recommend amending clause 4 of the bill to add a definition of accessible format in the interpretation section of the Act.

Transport council-controlled organisation

New subparts 2 and 4 of Part 4 would provide a framework for Auckland Council’s relationship with the transport CCO. This statutory CCO would have a dedicated focus on providing an effective, efficient, and safe public transport system. To help achieve this, we consider it important for the bill to clearly define what roles Auckland Council and the transport CCO would each perform and how they would interact. We also consider it important that Auckland Council have flexibility to update these roles when needed for practicality. To this end, we propose the following amendments.

We recommend inserting new section 45C to require Auckland Council to specify in its long-term plan (LTP), the activities that would be undertaken by the transport

CCO in relation to its primary function of providing public transport services. This would initially need to be done by the end of the transition period and could be updated later by updating the LTP. This would also require a consequential amendment in Schedule 10 of the Local Government Act 2002. It is our expectation that, while the council is not required to consult on the updates to the LTP during the transition period, it would engage with the public after this period and consider changes based on their feedback.

Also in proposed section 45C, we recommend enabling the transport CCO to exercise the powers or functions of a regional council under Part 5 of the Land Transport Management Act 2003 when necessary to carry out the activities specified in the LTP.

We recommend inserting new section 46AB restricting Auckland Council from performing the functions that have been conferred on, or delegated to, the transport CCO.

We recommend amending proposed section 44(1) to make it clear that the transport CCO must provide public transport services in a way that is consistent with Auckland's regional public transport plan.

We recommend amending proposed section 46A to include additional operating rules that Auckland Council may make for the transport CCO. These would allow the council to set the CCO's scope of operations, how it would adhere to the council's strategic direction, and procedures for resolution of disputes between Auckland Council and the CCO.

As introduced, the bill would remove the transport CCO's tax exemption for local authorities, which would result in the Auckland public transport system being taxed. As this was not the intent, we recommend amending the changes to the Income Tax Act 2007 and Goods and Services Tax Act 1985 under Schedule 3 of the bill to include the transport CCO in the respective definitions of local authority in those Acts.

Decision making by local boards

New section 47C would grant local boards powers related to transport matters. It is intended that the powers, functions, and responsibilities allocated to local boards by this clause be granted statutorily by new Schedule 4 of the Act (inserted by Schedule 2 of the bill), not delegated by the governing body of Auckland Council. The bill as introduced does not address situations where there could be conflict about whether a local board is exercising its decision-making power conferred in Schedule 4, or under the general power of competence under the Local Government Act 2002. We recommend amending section 47C to make this clear.

Section 47C(4) would allow the powers conferred to local boards to be amended by Order in Council on the recommendation of the Minister of Transport. We agree with the recommendation of the Regulations Review Committee that it would be appropriate to require a statement of reasons when exercising this Henry VIII power. We recommend amending proposed subsection 47C(6) to add this requirement.

We note the intention of the bill is to provide bespoke processes for Auckland Council to confer functions and powers to local boards, the ARTC, and the transport CCO. Auckland Council would still be able to delegate in the same manner as other local authorities where this did not conflict with the new processes. We recommend amending clause 47A(2) to clarify that this section would not prevent Auckland Council from delegating performance of its functions to its staff, except those conferred to local boards under section 47C.

Cycle tracks

We note that new Schedule 4 of the Act (inserted by Schedule 2 of the bill) would confer on local boards the “power to form a public cycle track” under the Local Government Act 1974. However, it is unclear in the legislation whether this would include the ability to maintain or upgrade cycle tracks or other cycle facilities. Upgrading public cycle tracks comes under the power to upgrade roads in section 319(1)(a) of the Local Government Act, which is a power the bill would confer on the governing body of Auckland Council. We consider that it would be sensible for local boards to be able to upgrade cycle tracks on their local and collector roads. We recommend amending proposed Schedule 4 to confer on local boards the power to upgrade and repair cycle tracks on local and collector roads in their areas. This would make local boards’ power to upgrade and maintain cycle tracks consistent with their power to upgrade and maintain walking facilities.

Interruption of freight and public transport

Section 47B would require the governing body and local boards to be satisfied that they are not unreasonably interrupting freight or public transport while performing the functions specified in sections 47A to 47D. Most of us accept Auckland Council’s submission that this would be too high a procedural barrier. We recommend amending section 47B to replace this requirement with the lower threshold that local boards and the governing body must “have regard to” the transport of freight and frequently running public transport networks in the affected area. Some of us are concerned that the council might unreasonably interrupt freight and public transport, and do not support lowering the threshold.

Bylaws

New section 47D would establish the process for making land transport bylaws. As introduced, it would require the governing body and all local boards to agree to the making of a bylaw. Auckland Council could still make a bylaw only if a majority of local boards agreed and the governing body considered that the remaining local boards had unreasonably withheld their agreement. We consider that a process to determine whether a local board had unreasonably withheld its agreement could be challenging, and are concerned that this could effectively give every local board a veto power.

We recommend amending the process for making a transport bylaw in proposed section 47D(2) to require that the governing body and a simple majority of local boards

must agree. Consequently, we recommend removing section 47D(3) granting the power to make bylaws in the case of local boards unreasonably withholding agreement. We consider that this process would be more straightforward to implement and would allow for local boards to be part of decision making without each board having an individual veto.

We note that new section 47D would impose a bespoke process on Auckland Council for making a bylaw under section 22AB of the Land Transport Act 1998. We agree with the recommendation of the Regulations Review Committee that it would be helpful to include a reference to this bespoke process in that Act. We recommend adding an amendment to Schedule 3 of the bill to this effect.

Auckland Roding Classification Framework

New section 48 would require Auckland Council to develop the Auckland Roding Classification Framework. As introduced, the Roding Framework would classify roads in Auckland (apart from State highways) into arterial, local, collector, and city centre roads. Local boards would be responsible for specific decision making on local and collector roads in their areas, in accordance with new section 47D. Auckland Council's governing body would be responsible for decision-making on arterial and city centre roads, and the remaining decisions not allocated to local boards on local and collector roads.

We propose several amendments to improve the workability of the Roding Framework. We consider that these changes would contribute to efficient transport governance and provide clarity to the public on whether they would need to approach their local board or the governing body to discuss issues with specific roads.

We recommend that the Roding Framework rely on the meaning of "road" set out in section 2(1) of the Land Transport Act 1998. This definition would encompass the scope of Auckland Council's regulatory responsibilities under the Land Transport Act 1998.

We recommend amending the definition of "arterial road" to a road that has a significant volume of traffic, freight, or public transport. This would clarify the definition to align with the policy intent.

We recommend adding a requirement for Auckland Council to classify a new category of "Eden Park precinct" roads, which would be governed by Auckland Council's governing body to reflect the regional and national importance of Eden Park stadium.

We recommend adding "residual road" as an additional category for roads on council-controlled land considered to be in the remit of decision making by the governing body. This could apply in cases like regional parks.

We recommend adding a second definition of local road for council-controlled roads "considered to be in the remit of decision making by local boards" that could encompass cases like local parks and beaches.

Transition process

The bill would provide a maximum 6-month transition period which would begin on commencement of the bill. This period would allow for the shift of functions and responsibilities from the transport CCO to Auckland Council. Most policy and planning functions would transfer from AT to Auckland Council on enactment. Other functions would transfer at the end of the transition period or when Auckland Council directs the CCO to stop performing them. We propose below some amendments to the transitional arrangements. These are set out in Schedule 1 of the bill, which would insert new Part 3 into Schedule 1AA of the principal Act.

Interim board of directors of transport CCO

New Clause 9 of Schedule 1AA would require Auckland Council to appoint an interim board of directors to govern the transport CCO during the transition period. Under the bill as introduced the interim board would be composed of 3 members. Auckland Council told us that given the board's scope of responsibilities, 3 members would be insufficient. We recommend amending clause 9(1)(a) to allow for up to 5 members of the interim board.

Transfer of assets

The bill as introduced would use a deed-of-transfer approach to transfer assets, contracts, and liabilities from the transport CCO to Auckland Council. We accept Auckland Council's concerns that this method would be burdensome to implement and could expose Auckland Council to commercial risk. We recommend replacing proposed clause 20 of Schedule 1AA in the principal Act with new clauses 20 and 20A that would:

- transfer all the transport CCO's assets, liabilities, and contracts to Auckland Council at the end of the transition period (except as provided under an Order in Council under new clause 20A)
- introduce a mechanism by Order in Council to designate specified assets, contracts, and other matters to either remain with the transport CCO or be transferred to NZTA or KiwiRail
- require that such an Order in Council must come into force by the end of the transitional period
- require the Minister of Transport to consult the transition director before recommending an Order in Council.

Transfer of employment

Proposed new clauses 21–23 in Schedule 1AA of the principal Act set out the duties of the transition director, AT, and Auckland Council to employees that would be affected by the bill. Clause 22 sets out the process for the chief executive of Auckland Council to offer equivalent employment to affected AT employees that would be required by the council to carry out its new functions. If an offer of equivalent employment was accepted, that employee's employment by Auckland Council would

be treated as continuous. An offer to employees under this clause would override protection provisions in employment agreements and in Part 6A of the Employment Relations Act 2000.

We recognise the importance of preserving employee rights while minimising the risk that Auckland Council would be required to make redundancy payments to employees who continue to be employed under similar conditions. We recommend amending subclause 22(2) to broaden the definition of equivalent employment to encompass roles that are “the same or substantially similar” to the employee’s existing role, and on terms and conditions that are “overall” no less favourable.

The bill would only provide a specific process for AT employees who are offered equivalent employment with Auckland Council and not for other employees. We recommend amending 21(1)(a) to clarify this. We further recommend amending proposed clause 12 of Schedule 1AA to require that the chief executive of Auckland Council must approve the parts of the transition plan that set out the status of affected employees.

We note that AT currently has performance-related pay while Auckland Council does not. To assist smooth integration of AT staff into the remuneration frameworks of Auckland Council, we recommend amending proposed clause 22(2)(b) to exclude performance-based and other discretionary remuneration from the requirement for equivalent employment to be on similar conditions.

Other transitional matters

Based on our discussions with Auckland Council and other submitters, we identified additional amendments that would make the transition process more workable. As with other transitional matters above, the following relate to Schedule 1 of the bill, which would insert new Part 3 into Schedule 1AA of the principal Act.

Proposed new clause 16 of Schedule 1AA would require Auckland Council to review AT’s transport policies and choose to retain, amend, or revoke each policy before the end of the 6-month transition period. Auckland Council told us this was not sufficient time to review all of AT’s existing policies. We recommend inserting subclause 16(4) to allow Auckland Council to limit the reviews or amendments to giving effect to the division of responsibilities between local boards and the governing body under the bill. The requirement to complete reviews by the end of the transition period would remain.

We recommend inserting new clause 3A in Schedule 1AA to remove Auckland Council’s obligation to follow the consultation and decision-making requirements in subpart 1 of Part 6 of the Local Government Act 2002 for transitional matters necessary to give effect to the bill. This would further assist Auckland Council in being able to complete its requirements within the transition period.

In our discussions with Auckland Council, we considered measures to ensure that provision of transport services to Auckland would not be disrupted during the transition period. We recommend inserting new clause 16A into Schedule 1AA to provide

that delegations from Auckland Council to AT would continue to apply to the transport CCO during the transition, until revoked.

Appendix

Committee process

The Local Government (Auckland Council) (Transport Governance) Amendment Bill was referred to this committee on 16 September 2025.

We called for submissions on the bill with a closing date of 9 November 2025. We received and considered submissions from 47 interested groups and individuals, including a submission from Auckland Council that contained feedback from Auckland Transport, Auckland's local boards, and Houkura – Independent Māori Statutory Board. We heard oral evidence from 14 submitters at hearings in Wellington and via videoconference.

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Advice on the bill was provided by the Ministry of Transport. Ministry officials worked with Auckland Council to ensure that suggested amendments were workable. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting. The Regulations Review Committee reported to us on the powers contained in new sections 47C and 47D under clause 14.

Committee membership

Andy Foster (Chairperson)

Dan Bidois

Dr Carlos Cheung

Simon Court (from 18 November 2025)

Hon Julie Anne Genter (until 11 February 2026)

Mariameno Kapa-Kingi

Cameron Luxton (until 18 November 2025)

Dr Tracey McLellan

Tangi Utikere

Celia Wade-Brown (from 11 February 2026)

Related resources

The documents we received as advice and evidence are available on the Parliament website.

**Local Government (Auckland Council) (Transport
Governance) Amendment Bill**

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Chris Bishop

Local Government (Auckland Council) (Transport Governance) Amendment Bill

Government Bill

Contents

		Page
1	Title	4
2	Commencement	4
3	Principal Act	4

Part 1

Amendments to Parts 1 and 2

4	Section 4 amended (Interpretation)	5
5	New section 4B inserted (Act binds the Crown)	5
	4B Act binds the Crown	5
6	Section 7 amended (Decision-making of Council shared between governing body and local boards)	5
7	Section 12 amended (Status of local boards)	5
8	Section 13 amended (Functions, duties, and powers of local boards)	5
9	Section 14 amended (General scheme)	6
10	Section 15 amended (Decision-making responsibilities of governing body)	6
11	Section 16 amended (Decision-making responsibilities of local boards)	6

Part 2

Amendments to Part 4

12	Section 37 amended (Interpretation)	6
13	Sections 38 to 56 and cross-headings repealed	7
14	New subparts 1 to 4 of Part 4 inserted	7

**Local Government (Auckland Council) (Transport
Governance) Amendment Bill**

Subpart 1—Auckland Regional Transport Committee		
<i>Functions and membership of ARTC</i>		
38	Auckland Regional Transport Committee	7
38A	Functions of ARTC	8
38B	Delegation to ARTC	8
38C	Regulations prescribing ARTC functions	8
38D	Membership of ARTC	8
38E	Appointment of chairperson	9
38F	Appointment of members by Minister of Transport or mayor	9
38G	Term of office of members	10
<i>Resignation, removal, vacation of office, remuneration, etc, of members</i>		
39	Resignation of members	10
39A	Removal of members	10
39B	Vacation of office	11
39C	Vacancies	11
39D	No compensation for loss of office	11
39E	Remuneration of members	12
39F	Expenses of members	12
<i>Duties of members, conflicts of interest, and validity of appointments and acts</i>		
40	General duties of members	12
40A	Conflicts of interest	13
40B	Validity of appointments	13
40C	Validity of members' acts	13
<i>Meetings, decision making, and reporting</i>		
41	Meetings of ARTC	13
41A	Permanent advisors	14
41B	Voting at meetings	14
41C	Subcommittees	14
41D	Standing orders	14
41E	Minutes of proceedings <u>decisions</u>	15
41F	Reporting	15
Subpart 2—30-year transport plan for Auckland		
42	30-year transport plan for Auckland	15
42A	Publication of plan	16
42B	Preparation of plan	16
42C	Content of plan	16
42D	Consultation on plan	17
42E	Minor or technical amendments	17
42F	Review of plan	17

**Local Government (Auckland Council) (Transport
Governance) Amendment Bill**

42G	LTP must take plan into account	18
	Subpart 3—Transport CCO for Auckland	
	<i>Status, purpose, etc, of transport CCO</i>	
43	Transport CCO for Auckland continues	18
43A	Purpose of transport CCO	18
43B	Operating principles of transport CCO	18
43C	Status and powers of transport CCO	19
43D	Transport CCO’s status as council-controlled organisation and application of Part 5 of Local Government Act 2002	19
	<i>Functions, powers, etc, of transport CCO</i>	
44	Functions of transport CCO	19
44A	Transport CCO may delegate certain powers, functions, etc	20
44B	Transport CCO’s jurisdiction in respect of roads defined more widely than in Local Government Act 1974	21
	<i>Governing body of transport CCO</i>	
45	Governing body of transport CCO	21
45A	Duties of transport CCO governing body directors	21
45B	Validity of office holders’ acts	22
	Subpart 4—Provisions relating to Auckland Council	
	<i>Auckland Council’s relationship with transport CCO</i>	
<u>45C</u>	<u>Transport CCO to undertake public transport activities specified by Council</u>	<u>22</u>
46	Council may delegate certain powers, functions, etc	22
46A	Council may make operating rules for transport CCO	23
<u>46AB</u>	<u>Restriction on Council’s ability to perform transport CCO’s functions</u>	<u>24</u>
46B	Restriction on borrowing	24
	<i>Division of <u>transport</u> responsibilities within Auckland Council-as-road-controlling-authority</i>	
47	Auckland Council is road controlling authority	24
47A	Division of responsibilities between governing body and local boards in respect of transport matters	24
47B	Governing body and local boards must consider certain matters when exercising powers, etc	25
47C	Powers of local boards in respect of transport matters	25
47D	Division of responsibility in relation to bylaws under section 22AB of Land Transport Act 1998	26

<i>Miscellaneous provisions</i>		
48	Council must develop Auckland Roding Classification Framework	27
48A	Auckland Council's review of performance of transport functions, etc	28
48B	Council's jurisdiction in respect of roads defined more widely than in Local Government Act 1974	29

Part 3

Amendments to Part 8 and other matters

15	Section 91 amended (Council may impose additional accountability requirements on substantive council-controlled organisations)	29
16	Section 93 amended (Councillors and local board members prohibited from appointment as directors of substantive council-controlled organisations)	29
17	Section 95 amended (Council may appoint chairperson and deputy chairperson of substantive council-controlled organisation)	29
18	Section 100 amended (Development contributions for transport infrastructure)	29
19	Schedule 1AA amended	29
20	New Schedules 3 and 4 inserted	30
21	Consequential amendments	30

Schedule 1

New Part 3 inserted into Schedule 1AA

Schedule 2

New Schedules 3 and 4 inserted

Schedule 3

Consequential amendments

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Local Government (Auckland Council) (Transport Governance) Amendment Act **2025**.

2 Commencement

This Act comes into force on the day after Royal assent.

3 Principal Act

This Act amends the Local Government (Auckland Council) Act 2009.

Part 1 Amendments to Parts 1 and 2

4 Section 4 amended (Interpretation)

- (1) In section 4(1), repeal the definition of **Auckland Transport**.
- (2) In section 4(1), definition of **substantive council-controlled organisation**, paragraph (b), replace “Auckland Transport” with “the transport CCO”. 5
- (3) In section 4(1), insert in ~~its~~ their appropriate alphabetical order:
accessible format means a copy of a document in an alternative form that gives persons who have a print disability access to the document
transport CCO means the entity continued by **section 43** 10

5 New section 4B inserted (Act binds the Crown)

After section 4A, insert:

4B Act binds the Crown

- (1) Except as provided in **subsection (2)**, this Act does not bind the Crown.
- (2) The following provisions of this Act bind the Crown: 15
 - (a) **subparts 1, 2, and 4 of Part 4**; and
 - (b) **clauses 4 to 6** of Schedule 1AA.

6 Section 7 amended (Decision-making of Council shared between governing body and local boards)

In section 7(1)(b), after “sections 14 to 23”, insert “and **47A**”. 20

7 Section 12 amended (Status of local boards)

~~In section 12(4), replace “section 16” with “section 16 or **47A**”.~~

Replace section 12(4) with:

- (4) Nothing in this section limits—
 - (a) the responsibility of a local board to make the decisions of the Auckland Council that are allocated to it in accordance with section 16: 25
 - (b) the ability of a local board to exercise a power, or perform a function or responsibility, that is conferred on it under **sections 47A to 47D**.

8 Section 13 amended (Functions, duties, and powers of local boards)

- (1) In section 13(2)(d), delete “or Auckland Transport under section 54”. 30
- (2) After section 13(2)(d), insert:
 - (da) must undertake any functions and responsibilities ~~allocated to~~ conferred on it under **sections 47A to 47D**; and

	(db) may exercise any of the powers allocated to <u>conferred on</u> it under sections 47A to 47D ; and	
(3)	In section 13(2)(f), delete “or Auckland Transport under section 54”.	
9	Section 14 amended (General scheme)	
(1)	In section 14(1), replace “This section sets” with “Subsections (1) to (4) set”.	5
(2)	After section 14(3) 14(4), insert:	
(5)	<i>See also</i> section 47A , which sets out the division of powers, functions, and responsibilities between the governing body and local boards regarding transport matters specifically dealt with in subpart 4 of Part 4 .	
10	Section 15 amended (Decision-making responsibilities of governing body)	10
(1)	In section 15(1)(a), after “2002”, insert “, subject to sections 47A to 47D ”.	
(2)	In section 15(1)(b)(i), after “infrastructure”, insert “(subject to sections 47A to 47D)”.	
11	Section 16 amended (Decision-making responsibilities of local boards)	
	In section 16(1)(e), replace “section 24” with “section 150B of the Local Government Act 2002”.	15
	After section 16(1)(d), insert:	
(e)	<u>the decision making of the Auckland Council in relation to the matters conferred on local boards under sections 47A to 47D.</u>	
	Part 2	20
	Amendments to Part 4	
12	Section 37 amended (Interpretation)	
(1)	In section 37(1), insert in their appropriate alphabetical order:	
	arterial road means a road that is classified as an arterial road under section 48(2)(a)	25
	Auckland Regional Transport Committee or ARTC means the Auckland Regional Transport Committee established by section 38	
	Auckland Roding Classification Framework or Roding Framework means the framework set out in section 48	
	city centre road means a road that is classified as a city centre road under section 48(2)(d)	30
	collector road means a road that is classified as a collector road under section 48(2)(c)	
	<u>Eden Park precinct road means a road that is classified as an Eden Park precinct road under section 48(2)(e)</u>	35

fees framework means the fees framework as defined in section 10(1) of the Crown Entities Act 2004

local road means a road that is classified as a local road under **section 48(2)(b)**

mayoral appointees means the members appointed to the ARTC by the mayor under **section 38D(c)**

ministerial appointees means the members appointed to the ARTC by the Minister of Transport under **section 38D(b)**

natural person act has the meaning set out in section 24 of the Crown Entities Act 2004

non-voting members means the members appointed to the ARTC by the New Zealand Transport Agency, KiwiRail, or the transport CCO under **section 38D(d), (e), or (f)**

permanent advisors means the persons made the permanent advisors to the ARTC by **section 41A**

residual road means a road that is classified as a residual road under **section 48(2)(f)**

Secretary has the meaning set out in section 5(1) of the Land Transport Management Act 2003

(2) In section 37(1), repeal the definitions of **Auckland transport system**, **Director of Land Transport**, and **New Zealand Railways Corporation**.

(3) In section 37(1), definition of **director**, replace “Auckland Transport” with “the transport CCO”.

(4) In section 37(2), replace “**land transport**,” with “**KiwiRail, land transport, public transport service**,”.

(5) In section 37(2), after “**regional land transport plan**,”, insert “**regional public transport plan, Secretary**,”.

13 Sections 38 to 56 and cross-headings repealed

Repeal sections 38 to 56 and the cross-headings above sections 38, 43, 45, 49, and 53.

14 New subparts 1 to 4 of Part 4 inserted

After section 37, insert:

Subpart 1—Auckland Regional Transport Committee

Functions and membership of ARTC

38 Auckland Regional Transport Committee

(1) This section establishes the Auckland Regional Transport Committee.

(2) The purpose of the ARTC is to develop and maintain a long-term ~~strategic~~ direction for land transport in Auckland that is shared by Auckland Council and the Government, so that there will be—

- (a) streamlined and co-ordinated planning; and
- (b) optimisation of the Crown’s and Auckland Council’s resources; and 5
- (c) transparent transport decision making.

38A Functions of ARTC

The functions of the ARTC are to—

- (a) prepare the 30-year transport plan under **section 42**; and
- (b) monitor the delivery of the 30-year transport plan; and 10
- (c) ~~consult on and~~ prepare the regional land transport plan for Auckland in accordance with the Land Transport Management Act 2003; and
- (d) undertake any other ~~strategic transport functions~~ transport responsibilities, duties, functions, or powers that the Auckland Council may delegate to it under **section 38B**; and 15
- (e) undertake any other ~~strategic~~ transport functions prescribed by regulations made under **section 38C**.

38B Delegation to ARTC

- (1) Auckland Council may delegate to the ARTC any of its ~~strategic~~ responsibilities, duties, functions, or powers that relate to land transport in Auckland. 20
- (2) Before delegating a responsibility, duty, function, or power under **subsection (1)**, Auckland Council must consult the Minister of Transport.
- (3) A delegation does not prevent Auckland Council from performing any responsibility, duty, or function, or exercising any power, or affect Auckland Council’s responsibility for the actions of the ARTC under the delegation. 25

38C Regulations prescribing ARTC functions

- (1) The Governor-General may, by Order in Council, in accordance with a recommendation of the Minister of Transport, make regulations that prescribe transport functions that the ARTC must perform (in addition to the functions set out in **section 38A(a) to (d)**). 30
- (2) Before making a recommendation under **subsection (1)**, the Minister of Transport must consult the mayor.
- (3) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

38D Membership of ARTC 35

The ARTC comprises the following members:

- (a) a chairperson:

	(b) up to 3 members appointed by the Minister of Transport:	
	(c) up to 3 members appointed by the mayor (who must be members of the governing body and may include the mayor):	
	(d) 1 non-voting member appointed by and to represent the New Zealand Transport Agency (who must hold an identified office or position within the New Zealand Transport Agency):	5
	(e) 1 non-voting member appointed by and to represent KiwiRail Holdings Limited (who must hold an identified office or position within KiwiRail Holdings Limited):	
	(f) 1 non-voting member appointed by and to represent the transport CCO (who must hold an identified office or position within the transport CCO).	10
38E	Appointment of chairperson	
(1)	The chairperson of the ARTC is jointly appointed by—	
	(a) the mayor (who must have consulted the governing body); and	15
	(b) the Minister of Transport.	
(2)	When appointing the chairperson, sections 28 to 31 of the Crown Entities Act 2004 apply—	
	(a) as if a reference to the responsible Minister were a reference to the Minister and the mayor; and	20
	(b) with any necessary modifications.	
(3)	Despite subsection (2) ,—	
	(a) the Minister must comply with section 28(4) of that Act:	
	(b) section 31(2) of that Act does not apply.	
38F	Appointment of members by Minister of Transport or mayor	25
(1)	When appointing the members referred to in section 38D(b) ministerial appointees, sections 28 to 31 of the Crown Entities Act 2004 apply—	
	(a) as if a reference to the responsible Minister were a reference to the Minister of Transport; and	
	(b) with any necessary modifications.	30
(2)	Despite subsection (1) , section 31(2) of that Act does not apply.	
(3)	Before the mayor appoints the members referred to in section 38D(c), the mayor must have consulted the governing body.	
(3)	<u>The following requirements apply to the appointment of the mayoral appointees:</u>	35
	(a) <u>the mayor must consult the governing body before making an appointment:</u>	

(b)	an appointment must be made by written notice to the appointee (with a copy to the ARTC) stating—	
(i)	the date on which the appointment takes effect, which must not be earlier than the date on which the notice is received; and	
(ii)	the term of the appointment:	5
(c)	the mayor must ensure that the following are notified in the <i>Gazette</i> as soon as is reasonably practicable after an appointment is made:	
(i)	the name of the appointee; and	
(ii)	the date on which the appointment takes effect; and	
(iii)	the term of the appointment.	10
38G	Term of office of members	
(1)	A member of the ARTC holds office for 3 years or for any shorter period stated in the notice of appointment.	
(2)	A member may be reappointed.	
(3)	This section is subject to sections 39 to 39B .	15
<i>Resignation, removal, vacation of office, remuneration, etc, of members</i>		
39	Resignation of members	
(1)	A member of the ARTC referred to in section 38D(a), (b), or (c) The chairperson, a ministerial appointee, or a mayoral appointee may resign from office by written notice to the mayor and the Minister of Transport (with a copy to the ARTC) signed by the member.	20
(2)	A resignation under subsection (1) is effective on receipt of the notice by both the mayor and the Minister, or at any later time specified in the notice.	
(3)	A member referred to in section 38D(d), (e), or (f) non-voting member may resign from office by giving notice to their appointing organisation in any manner required by the organisation, if any.	25
(4)	If a non-voting member resigns under subsection (3) ,—	
(a)	the appointing organisation must advise the chairperson; and	
(b)	the chairperson must advise the Minister and the mayor.	
39A	Removal of members	30
(1)	The mayor and the Minister of Transport may, jointly, at any time and entirely at their discretion, remove the chairperson of the ARTC from office.	
(2)	The Minister of Transport may, at any time and entirely at the Minister's discretion, remove a member referred to in section 38D(b) ministerial appointee from office.	35

- (3) The mayor may, at any time and entirely at the mayor's discretion, remove a member referred to in **section 38D(e)** mayoral appointee from office.
- (4) The following requirements apply to the removal of a member under **subsection (1), (2), or (3)**:
- (a) the removal must be made by written notice to the member (with a copy to the ARTC): 5
 - (b) the notice must state the date on which the removal takes effect, which must not be earlier than the date on which the notice is received:
 - (c) the person removing the member must notify the removal in the *Gazette* as soon as practicable after giving the notice. 10
- (5) A member referred to in **section 38D(d), (e), or (f)** non-voting member may be removed from office by their appointing organisation, and—
- (a) the appointing organisation must advise the chairperson; and
 - (b) the chairperson must advise the Minister and the mayor.
- 39B Vacation of office** 15
- (1) If a member of the ARTC becomes a member of Parliament, the member's appointment to the ARTC ends.
- (2) If a member referred to in **section 38D(e)** mayoral appointee ceases to be a member of the governing body (for example, because of the operation of clause 1 of Schedule 7 of the Local Government Act 2002), the member's appointment to the ARTC ends. 20
- 39C Vacancies**
- (1) **Subsection (2)** applies if—
- (a) a member's term of office expires:
 - (b) a member resigns: 25
 - (c) a member is removed:
 - (d) a member's appointment to the ARTC ends under **section 39B**.
- (2) If this subsection applies, a vacancy exists in the ARTC until the member is reappointed or replaced.
- (3) A vacancy in the ARTC does not affect the validity of any act or proceeding of the ARTC or of a subcommittee of the ARTC. 30
- 39D No compensation for loss of office**
- A member of the ARTC is not entitled to any compensation or other payment or benefit relating to their ceasing, for any reason, to hold office as a member.

39E Remuneration of members

- (1) The chairperson of the ARTC is entitled to receive remuneration not within **section 39F** for services as the chairperson at a rate and of a kind jointly determined by the mayor and the Minister of Transport in accordance with the fees framework. 5
- (2) The chairperson's remuneration must be paid by the Crown and Auckland Council in equal shares.
- (3) ~~The members referred to in **section 38D(b)**~~ ministerial appointees are entitled to receive from the Crown remuneration not within **section 39F** for services as members at a rate and of a kind determined by the Minister of Transport in accordance with the fees framework. 10
- (4) ~~The members referred to in **section 38D(c)**~~ mayoral appointees are entitled to receive from Auckland Council remuneration, allowances, and expenses ~~not within **section 39F** for services as members at a rate and of a kind as determined by the Remuneration Authority in accordance with the Remuneration Authority Act 1977 under clauses 6 to 9 of Schedule 7 of the Local Government Act 2002.~~ 15
- (5) ~~A member appointed under **section 38D(d), (e), or (f)**~~ non-voting member is not entitled to any remuneration for services as a member of the ARTC in addition to their remuneration in respect of ~~that their~~ office or position within their appointing organisation. 20

39F Expenses of members

- (1) The chairperson of the ARTC is entitled, in accordance with the fees framework, to be reimbursed for their actual and reasonable travelling and other expenses incurred in carrying out their office as the chairperson. 25
- (2) The chairperson's expenses must be paid by the Crown and Auckland Council in equal shares.
- (3) ~~The members referred to in **section 38D(b)**~~ ministerial appointees are entitled, in accordance with the fees framework, to be reimbursed by the Crown for actual and reasonable travelling and other expenses incurred in carrying out their office as a member. 30
- (4) ~~The members referred to in **section 38D(c)**~~ are entitled, in accordance with the Fees and Travelling Allowances Act 1951, to be reimbursed by Auckland Council for travelling and other expenses incurred in carrying out their office as a member, and the provisions of that Act apply accordingly. 35

Duties of members, conflicts of interest, and validity of appointments and acts

40 General duties of members

A member of the ARTC must—

(a)	not contravene, or cause the contravention of, or agree to the ARTC contravening, this Act or any other enactment:	
(b)	when acting as a member, act with honesty and integrity:	
(c)	when acting as a member, act in good faith and not pursue their own interests at the expense of the performance of the ARTC's functions:	5
(d)	when acting as a member, exercise the care, diligence, and skill that a reasonable person would exercise in the same circumstances, taking into account (without limitation)—	
(i)	the nature of the action; and	
(ii)	the nature of the responsibilities undertaken by the member.	10
40A	Conflicts of interest	
	Schedule 3 applies to the ARTC.	
40B	Validity of appointments	
(1)	The appointment of a person as a member or chairperson of the ARTC is not invalid only because a defect existed in the appointment of the person.	15
(2)	This section does not apply to—	
(a)	a defect in the qualifications for appointment of a member or chairperson (for example, because they were disqualified under section 30 of the Crown Entities Act 2004 as applied by section 38F); or	
(b)	a member referred to in section 38D(c) <u>mayoral appointee</u> who was not a member of the governing body.	20
40C	Validity of members' acts	
	The acts of a person as a member or chairperson of the ARTC are valid even though—	
(a)	a defect existed in the appointment of the person; or	25
(b)	the person is or was disqualified from being a member (for example, because they are or were disqualified under section 30 of the Crown Entities Act 2004 as applied by section 38F); or	
(c)	the member's appointment to the ARTC has ended (for example, because of the operation of section 39B).	30
	<i>Meetings, decision making, and reporting</i>	
41	Meetings of ARTC	
(1)	The ARTC must hold the meetings that are necessary for it to undertake its functions and, at a minimum, must meet once every 3 months.	
(2)	The ARTC may, in its discretion, hold a meeting in private or in public.	35

- (3) If a meeting is held in public, the ARTC must allow a reasonable opportunity for members of the public to speak or otherwise put forward their views.

41A Permanent advisors

- (1) The Council's chief executive and the Secretary are the permanent advisors to the ARTC. 5
- (2) The permanent advisors are not members of the ARTC.
- (3) The ARTC must seek and consider advice from the permanent advisors on all significant matters relating to the performance of its functions.
- (4) This section does not prevent the ARTC from seeking advice from any other person. 10

41B Voting at meetings

- (1) ~~Each member appointed under section 38D(a), (b), or (c) has~~ The chairperson, each ministerial appointee, and each mayoral appointee have 1 vote.
- (2) In addition to a general vote, the chairperson has, in the case of an equality of votes, a casting vote. 15
- (3) A resolution of the ARTC is passed if it is agreed to by all members who are entitled to vote and who are present, or if a majority of the votes cast on it are in favour of it.
- (4) A member who is entitled to vote and who is present at a meeting of the ARTC is presumed to have agreed to, and to have voted in favour of, a resolution unless they expressly dissented from or voted against the resolution at the meeting. 20

41C Subcommittees

- (1) The ARTC may appoint any subcommittees that it considers appropriate.
- (2) A subcommittee is subject to the control of the ARTC and must carry out all general and special directions given to it by the ARTC. 25
- (3) At least 1 member of a subcommittee must be a member of the ARTC.
- (4) The ARTC may appoint to a subcommittee a person who is not a member of the ARTC if, in the opinion of the ARTC, that person has the skills, attributes, or knowledge that will assist the work of the subcommittee. 30
- (5) The ARTC may discharge or reconstitute a subcommittee at any time.

41D Standing orders

- (1) The ARTC must adopt a set of standing orders for the conduct of its meetings and those of its subcommittees.
- (2) The standing orders must not contravene this Act. 35

(3)	The ARTC or subcommittee may temporarily suspend standing orders during a meeting, and the reason for the suspension must be stated in the resolution of suspension.	
(4)	The adoption, suspension, amendment, or replacement of the standing orders requires a vote of not less than 75% of the members present.	5
41E	Minutes of proceedings decisions	
(1)	The ARTC must keep minutes of its decisions.	
(2)	Minutes of decisions are prima facie evidence of those decisions.	
(3)	Minutes must be made available to the public in any manner and format that the ARTC considers appropriate.	10
(4)	The ARTC may, when complying with subsection (3) , withhold any information contained in the minutes if there is good reason for withholding the information under section 5 of the Official Information Act 1982.	
	Guidance note	
	<u>The ARTC and its permanent advisors are an organisation for the purposes of section 2 of the Official Information Act 1982 because the organisation is named in Part 2 of Schedule 1 of the Ombudsmen Act 1975.</u>	15
41F	Reporting	
	The ARTC must give regular reports to the Minister of Transport and the mayor on its activities.	20
	Subpart 2—30-year transport plan for Auckland	
42	30-year transport plan for Auckland	
(1)	The ARTC must prepare and complete a 30-year transport plan for Auckland.	
(2)	The purpose of a plan is to provide direction for the development of land transport in Auckland for the following 30 years that—	25
(a)	aligns the priorities of the Government and Auckland Council; and	
(b)	sets the strategic direction for the planning and funding of, and the investment in, land transport in Auckland.	
(3)	A plan must promote the following objectives:	30
(a)	productivity and economic growth:	
(b)	the safe and rapid movement of people and goods:	
(c)	efficient asset management.	
(4)	A plan is effective after it has been approved by—	
(a)	the Minister of Transport; and	
(b)	Auckland Council.	35

(5)	Without limiting section 42G , Auckland Council must take the 30-year transport plan for Auckland into account when preparing any relevant plans or policies.	
42A	Publication of plan	
	After a plan 30-year transport plan for Auckland has been approved under section 42(4) , it must be made available to the public in any manner and format (which must include an accessible format) that the ARTC considers appropriate to the preferences and needs of the persons who will or may be affected by, or have an interest in, the plan.	5
42B	Preparation of plan	10
(1)	When preparing a 30-year transport plan for Auckland, the ARTC must—	
	(a) seek direction from the Minister of Transport and the mayor; and	
	(b) establish and maintain processes to provide opportunities for Māori to contribute to the development and preparation of the plan.	
(2)	When preparing a plan, the ARTC must take into account—	15
	(a) the GPS on land transport issued under section 66 of the Land Transport Management Act 2003:	
	(b) government strategies and policies that have implications for transport and land use:	
	(c) Auckland Council strategies and policies that have implications for transport and land use.	20
(3)	In subsection (2)(b) , strategies and policies includes a national environmental standard, a national policy statement, or a national planning standard made under Part 5 of the Resource Management Act 1991.	
42C	Content of plan	25
	A 30-year transport plan for Auckland must include—	
	(a) the long-term strategic direction for the transport system land transport in Auckland:	
	(b) the results that are intended to be achieved:	
	(c) the policies and actions necessary to achieve the results:	30
	(d) how progress towards achieving the results will be measured:	
	(e) detailed investment priorities for the first 10 years of the period covered by the plan:	
	(f) general investment priorities for the entire period covered by the plan:	
	(g) the likely sources of funding.	35

42D Consultation on plan

- (1) The ARTC must undertake consultation in accordance with this section in relation to a 30-year transport plan for Auckland before the plan can be approved under **section 42**.
- (2) The ARTC must follow the following consultation process: 5
 - (a) the proposed plan ~~may~~ must be made available to the public in any manner and format (which must include an accessible format) that the ARTC considers appropriate to the preferences and needs of the persons who will or may be affected by, or have an interest in, the plan: 10
 - (b) those persons should be encouraged to present their views to the ARTC: 10
 - (c) those persons should be given clear information concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:
 - (d) members of the public should be given a reasonable opportunity to present their views in a manner and format that is appropriate to the preferences and needs of the persons who will or may be affected by, or have an interest in, the plan: 15
 - (e) the views presented should be received with an open mind and given due consideration, and the proposed plan should be amended if the ARTC considers it appropriate: 20
 - (f) persons who presented their views should have access to a clear record or description of the decisions made by the ARTC and explanatory material relating to those decisions, which may include, for example, reports relating to the matter that were considered before the decisions were made. 25
- (3) The ARTC must, in addition to the consultation under **subsection (2)**, consult Māori in relation to the proposed plan.

42E Minor or technical amendments

Sections 42B and 42D do not apply to minor or technical amendments to a 30-year transport plan for Auckland. 30

42F Review of plan

- (1) The ARTC must, within 6 years of the completion of a 30-year transport plan for Auckland under **section 42**,—
 - (a) review the plan; and
 - (b) ~~complete~~ prepare a replacement plan. 35
- (2) If the Minister of Transport and the mayor think a plan should be reviewed and replaced at an earlier time than the time specified in **subsection (1)**, they may, by a joint written instruction, ~~jointly~~ instruct the ARTC to comply with **subsection (1)** by the date specified in ~~their~~ the instruction.

42G LTP must take plan into account

When preparing the LTP, Auckland Council must take the 30-year transport plan for Auckland into account.

Subpart 3—Transport CCO for Auckland

Status, purpose, etc, of transport CCO

5

43 Transport CCO for Auckland continues

(1) This section continues the transport council-controlled organisation for Auckland (the **transport CCO**) that was established by section 38 of this Act as in force immediately before the commencement of the Local Government (Auckland Council) (Transport Governance) Amendment Act **2025**.

10

(2) The transport CCO is—

- (a) a body corporate with perpetual succession; and
- (b) a council-controlled organisation of the Auckland Council.

(3) For the purposes of the Local Government Act 2002, Auckland Council must be treated as if it were the sole shareholder of the transport CCO.

15

43A Purpose of transport CCO

The purpose of the transport CCO is to provide public transport services in Auckland that connect communities in an efficient, effective, and safe manner, and perform any of its other functions, in accordance with—

- (a) this Part; and
- (b) the objectives of the Auckland Council referred to in section 59(1)(a) of the Local Government Act 2002.

20

43B Operating principles of transport CCO

In meeting its principal objective (as a council-controlled organisation) under section 59 of the Local Government Act 2002, and in performing its functions, the transport CCO must—

25

- (a) establish and maintain processes for Māori to contribute to its decision-making processes; and
- (b) operate in a financially responsible manner and, for this purpose, prudently manage its assets and liabilities and endeavour to ensure—
 - (i) its long-term financial viability; and
 - (ii) that it acts as a successful going concern; and
- (c) use its revenue efficiently, effectively, and in a manner that seeks value for money; and
- (d) ensure that its revenue and expenditure are accounted for in a transparent manner; and

30

35

- (e) ensure that it acts in a transparent manner in making decisions under this Act and the Land Transport Management Act 2003.

Guidance note

The transport CCO is also subject to the requirements of a substantial council-controlled organisation set out in sections 90 to 96.

5

43C Status and powers of transport CCO

- (1) In fulfilling its purpose, the transport CCO has—
- (a) full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and
 - (b) for the purposes of **paragraph (a)**, full rights, powers, and privileges.
- (2) **Subsection (1)** is subject to the rest of this Act.

10

43D Transport CCO's status as council-controlled organisation and application of Part 5 of Local Government Act 2002

- (1) For the purposes of **section 43(2)(b)**, Part 5 of the Local Government Act 2002 applies to the transport CCO with the modifications set out in **subsections (2) and (3)**.
- (2) The following provisions of Part 5 of the Local Government Act 2002 do not apply to the transport CCO:
- (a) section 56:
 - (b) sections 62 and 63:
 - (c) sections 71A and 72.
- (3) Section 60 of the Local Government Act 2002 must be read as if the following paragraphs were inserted after paragraph (b):
- (c) the provisions of Part 4 of the Local Government (Auckland Council) Act 2009; and
 - (d) any rules made by the Auckland Council under **section 46A** of the Local Government (Auckland Council) Act 2009.

15

20

25

Functions, powers, etc, of transport CCO

44 Functions of transport CCO

- (1) The primary function of the transport CCO is to provide public transport services within Auckland in a manner that is consistent with the regional public transport plan adopted for Auckland (*see also section 45C*).
- (2) The transport CCO has the following additional functions:
- (a) any other transport functions that the Auckland Council may lawfully direct it to perform or delegate to it under **section 46**:

30

35

- (b) without limiting **paragraph (a)**, any transport functions expressly conferred on the Auckland Council by any enactment (for example, under a local Act) that the Council may lawfully direct it to perform or delegate to it:
 - (c) any other functions that are given to it by this Act or any other enactment, or that are incidental and related to, or consequential upon, any of its functions under this Act or any other enactment. 5
- (3) ~~In this section, **public transport service** has the meaning given in section 5(1) of the Land Transport Management Act 2003.~~
- (4) Nothing in this section vests ownership of any road, land, or other property in the transport CCO or affects the operation of section 316(1) of the Local Government Act 1974. 10
- 44A Transport CCO may delegate certain powers, functions, etc**
- (1) The transport CCO may delegate to any of its committees or employees any of its responsibilities, duties, functions, and powers (the **specified actions**) except— 15
 - (a) the power to borrow money or purchase or dispose of any assets of the transport CCO; and
 - (b) any duty to appoint a chief executive officer.
 - (2) A delegation under this section— 20
 - (a) must be in writing; and
 - (b) may be subject to any restrictions or conditions.
 - (3) The transport CCO's power to delegate to a committee or employee under **subsection (1)** includes the power to delegate anything precedent to the transport CCO's exercise or performance of a power or duty (after consultation with the committee or employee). 25
 - (4) In respect of a committee or employee delegated a specified action under **subsection (1)**, the committee or employee may subdelegate the specified action to a subcommittee or other person (as the case may be).
 - (5) A subdelegation under this section— 30
 - (a) must be in writing; and
 - (b) is subject to any restrictions or conditions that the transport CCO imposes in the delegation under **subsection (1)** to which the subdelegation relates.
 - (6) A person to whom any specified action is delegated or subdelegated may exercise or perform that specified action in the same manner, subject to the same restrictions, and with the same effect as if the specified action had been directly conferred on them by this Act and not by delegation or subdelegation. 35

(7)	A delegation or subdelegation does not affect the transport CCO's liability or legal responsibility to perform, or to ensure the performance of, any function or duty.	
(8)	This section—	
(a)	is subject to any provision to the contrary in this, or any other, Act; and	5
(b)	does not exclude the provision of any power of delegation that the transport CCO has under any other enactment.	
44B	Transport CCO's jurisdiction in respect of roads defined more widely than in Local Government Act 1974	
	Nothing in this Part confers jurisdiction on the transport CCO in respect of roads within the meaning of section 2(1) of the Land Transport Act 1998 that are not roads within the meaning of section 315 of the Local Government Act 1974.	10
	<i>Governing body of transport CCO</i>	
45	Governing body of transport CCO	15
(1)	The governing body of the transport CCO is the board of directors.	
(2)	The board of directors comprises no fewer than 3 and no more than 5 directors.	
(3)	The board, including its chairperson and deputy chairperson, must be appointed by the Auckland Council.	
(4)	However, the Auckland Council must not appoint a person as a director if that person is—	20
(a)	a member of the governing body of Auckland Council; or	
(b)	a member of a local board; or	
(c)	an employee or board member of the New Zealand Transport Agency; or	
(d)	an employee or director of KiwiRail Holdings Limited.	25
(5)	The powers and functions of the transport CCO are not affected by any vacancy in the membership of the board of directors.	
45A	Duties of transport CCO governing body directors	
(1)	A director must not—	
(a)	breach, or cause a breach of, this Act; or	30
(b)	agree to any breach of this Act by the transport CCO.	
(2)	When acting as a director, a director must—	
(a)	act with honesty and integrity; and	
(b)	act in good faith and not pursue their own interests at the expense of the interests of the transport CCO; and	35

(c)	exercise the care, diligence, and skill that a reasonable person would exercise in the same circumstances, taking into account (without limitation)—	
(i)	the nature of the transport CCO; and	
(ii)	the nature of the action; and	5
(iii)	the position of the director and the nature of the responsibilities undertaken by the director.	
45B	Validity of office holders' acts	
	The acts of a person as a director, chairperson, or deputy chairperson of the transport CCO are not invalidated by—	10
(a)	a defect in the appointment of the person; or	
(b)	the fact that the occasion for the person's acts, or for their appointment, had not arisen or had ended.	
	Subpart 4—Provisions relating to Auckland Council	
	<i>Auckland Council's relationship with transport CCO</i>	15
45C	<u>Transport CCO to undertake public transport activities specified by Council</u>	
(1)	<u>The Auckland Council must specify, in the LTP, the activities that the transport CCO must undertake in performing its primary function set out in section 44(1) (the public transport activities).</u>	20
(2)	<u>The Auckland Council may vary the public transport activities by amending the LTP.</u>	
(3)	<u>In respect of performing its primary function set out in section 44(1), the transport CCO must undertake only the public transport activities.</u>	
(4)	<u>If, under subsection (1), the Auckland Council requires the transport CCO to exercise a power, or perform a function, obligation, or any other action, of a regional council under a provision of Part 5 of the Land Transport Management Act 2003, a reference to a regional council in that provision is to be read as if it were a reference to the transport CCO.</u>	25
46	Council may delegate certain powers, functions, etc	30
(1)	The Auckland Council may delegate any of its responsibilities, duties, functions, and powers (the specified actions) to the transport CCO if—	
(a)	the Council is satisfied that it is appropriate for the transport CCO to exercise or perform the specified action; and	
(b)	the Minister of Transport approves the proposed delegation.	35
(2)	However,—	

- (a) the Auckland Council must not delegate the power to delegate under this section to the transport CCO; and
 - (b) despite anything to the contrary in any enactment, the Auckland Council must not delegate a specified action to the transport CCO except in accordance with this section.
- (3) A delegation under this section—
 - (a) must be in writing; and
 - (b) may be subject to any restrictions or conditions.
- (4) In respect of a delegation of a specified action under **subsection (1)**, the transport CCO may subdelegate that specified action to an employee of the transport CCO.
- (5) A subdelegation under this section—
 - (a) must be in writing; and
 - (b) is subject to any restrictions or conditions that the Auckland Council imposes in the delegation under **subsection (1)** to which the subdelegation relates.
- (6) Subject to any restriction or condition specified in a delegation or subdelegation under this section, the transport CCO or subdelegate (as the case may be) may exercise or perform the specified action to which the delegation or subdelegation relates in the same manner, subject to the same restrictions, and with the same effect as if the specified action had been directly conferred on them by this Act and not by delegation or subdelegation.
- (7) A delegation or subdelegation under this section does not—
 - (a) affect or prevent the Auckland Council from performing or exercising the specified action that is delegated; and
 - (b) affect the Auckland Council’s liability or legal responsibility to perform or exercise, or to ensure the performance or exercise of, any specified action.
- 46A Council may make operating rules for transport CCO**
- (1) The Auckland Council may make rules by which the transport CCO must operate, including rules in relation to—
 - (a) how the governing body of the transport CCO must operate:
 - (aa) the scope of the transport CCO’s operations in respect of its functions:
 - (ab) the transport CCO’s adherence to the strategic direction of the Auckland Council (as set out in, for example, the transport CCO’s statement of intent and the 30-year transport plan):
 - (ac) the procedures for dispute resolution between the Auckland Council and the transport CCO:

(b) how the transport CCO must appoint and employ staff (including its chief executive): (c) how the transport CCO must acquire and dispose of significant assets: (d) how the transport CCO must procure goods and services to fulfil its functions. (2) A rule made under this section must not be inconsistent with the rest of this Act or with Part 5 of the Local Government Act 2002. (3) Section 6(3)(d) of the Local Government Act 2002 applies to a rule made under this section.	5
46AB Restriction on Council’s ability to perform transport CCO’s functions <u>The Auckland Council must not perform—</u> (a) <u>the functions of the transport CCO specified in section 44 (including functions delegated to, or conferred on, the transport CCO under that section or any other legislation); and</u> (b) <u>the public transport activities set out in section 45C.</u>	10 15
46B Restriction on borrowing The transport CCO must not borrow any funds without the written agreement of the Auckland Council. <i>Division of <u>transport</u> responsibilities within Auckland Council-as-road controlling authority</i>	20
47 Auckland Council is road controlling authority (1) The Auckland Council is the road controlling authority (as defined in section 2(1) of the Land Transport Act 1998) in relation to the roads within Auckland. (2) <i>See sections 47A to 47D for the division of responsibilities between the governing body and local boards in respect of the <u>transport</u> powers, functions, and responsibilities of the Auckland Council-as-a-road-controlling authority.</i>	25
47A Division of responsibilities between governing body and local boards in respect of transport matters (1) This section <u>further</u> sets out the division of transport powers, functions, and responsibilities between the governing body and local boards <u>(see also sections 15 and 16)</u>. (2) The transport powers, functions, and responsibilities of the Auckland Council may only be exercised and performed by the governing body, except— (a) the powers, functions, and responsibilities allocated to local boards as set out in section 47C; and	30 35

	(b) the powers in relation to bylaws for the purposes of section 22AB of the Land Transport Act 1998 must be exercised in accordance with section 47D .	
(2)	<u>The governing body may exercise or perform the transport powers, functions, and responsibilities of the Auckland Council, except those conferred on the local boards as set out in section 47C.</u>	5
(2A)	<u>The powers of the governing body in relation to bylaws and resolutions for the purposes of section 22AB of the Land Transport Act 1998 are subject to section 47D.</u>	
(3)	If sections 47A to 47D are inconsistent with Part 2, then sections 47A to 47D (as the case may be) prevail.	10
47B	Governing body and local boards must consider certain matters when exercising powers, etc	
	In exercising or performing the powers, functions, and responsibilities specified in sections 47A to 47D , the governing body or local board (as the case may be) must be satisfied that doing so would not unreasonably interrupt <u>have regard to—</u>	15
	(a) the transport of freight through the affected area; and	
	(b) frequently running public transport networks in the affected area.	
47C	Powers of local boards in respect of transport matters	20
(1)	A local board has the powers, functions, and responsibilities as specified in Schedule 4 in relation to local roads and collector roads within its local board area.	
(2)	Unless this section specifies otherwise, a local board exercising or performing a power, function, or responsibility <u>under this section specified in Schedule 4</u> may do so in the same manner, subject to the same restrictions and requirements, and with the same effect as if the power, function, or responsibility were directly conferred on it by the relevant provision.	25
(3)	In exercising the powers, performing the functions, and carrying out the responsibilities <u>described in this section specified in Schedule 4</u> , a local board must collaborate and co-operate with 1 or more other local boards in the situations where the interests and preferences of communities within each local board area will be better served by doing so.	30
(4)	The Governor-General may, by Order in Council, do any of the following on the recommendation of the Minister of Transport:	35
	(a) insert a power, function, or responsibility into Schedule 4 :	
	(b) amend or revoke a power, function, or responsibility set out in Schedule 4 .	

- (5) The Minister of Transport must not make a recommendation for the purposes of **subsection (4)** unless the recommendation is with the concurrence of the Auckland Council.
- (6) An order under **subsection (4)** ~~is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).~~ 5
- (a) is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements); and
- (b) must include a statement of the reasons for the making of the order.
- 47D Division of responsibility in relation to bylaws under section 22AB of Land Transport Act 1998** 10
- (1) This section applies to the Auckland Council for the purposes of making a bylaw or resolution under section 22AB of the Land Transport Act 1998.
- (2) For the Auckland Council to make a bylaw, the governing body and ~~each local board~~ a majority of local boards must agree to the making of the bylaw.
- (3) ~~However, despite **subsection (2)**, the Auckland Council may make a bylaw if—~~ 15
- (a) ~~the governing body and a majority of local boards agree to it; and~~
- (b) ~~the governing body considers that the local boards that have not agreed to it have unreasonably withheld their agreement.~~
- (4) In respect of the making of a bylaw under **subsection (2) or (3)**, a local board must notify the governing body, in writing, of whether the local board agrees to the making of the bylaw within a reasonable time specified by the governing body. 20
- (5) ~~Under **subsection (3)**, the governing body may consider that a local board has unreasonably withheld its agreement if (without limitation) the local board's position is—~~ 25
- (a) ~~inconsistent with the division of responsibilities between the governing body and local boards as set out in **sections 47A to 47D**; or~~
- (b) ~~accommodated by its power to make resolutions under the bylaw in accordance with **subsection (6)**.~~ 30
- (6) For the purposes of section 22AB(3) of the Land Transport Act 1998, a reference to a road controlling authority is to be read as follows: 35
- (a) in respect of a bylaw under any of the following provisions of the Land Transport Act 1998, as if it were a reference to a local board in relation to local roads and collector roads within its local board area:
- (i) section 22AB(1)(e) to (h):
- (ii) section 22AB(1)(m) and (n):

	(iii)	section 22AB(1)(o), to the extent that it provides for the making of resolutions in relation to the use of parking places for the purposes set out in section 22AB(1)(o)(i), (ii), (iii)(A), (iv), and (v):	
	(iv)	section 22AB(1)(q) to (v):	
	(iva)	<u>section 22AB(1)(z):</u>	5
	(v)	section 22AB(1)(zc):	
	(vi)	section 22AB(1)(zi):	
	(b)	in any other case, as if it were a reference to the governing body.	
(7)		<u>For the purposes of making a resolution to limit a parking place, or any specified part of that parking place, under section 22AB(3A) of the Land Transport Act 1998, a reference to a relevant road controlling authority is to be read as if it were a reference to a local board in relation to local roads and collector roads within its local board area.</u>	10
		<i>Miscellaneous provisions</i>	
48		Council must develop Auckland Roding Classification Framework	15
(1)		The Auckland Council must develop, approve, and maintain the Auckland Roding Classification Framework (the Roding Framework).	
(2)		The Roding Framework must classify a road, other than a State highway, within Auckland as—	
	(a)	an arterial road, being a road that <u>carries a significant volume of—</u>	20
	(i)	is intended to predominantly carry through traffic; or	
	(ii)	carries traffic between town centres within Auckland; or	
	(iii)	is used to carry freight to and from State highways; or	
	(iv)	carries a significant volume of passenger transport and includes special vehicle lanes (as defined in clause 1.6 of the Land Transport (Road User) Rule 2004); or	25
	(i)	<u>traffic; or</u>	
	(ii)	<u>freight; or</u>	
	(iii)	<u>public transport; or</u>	
	(b)	a local road, being a road that collects and distributes traffic to and from properties within a specific area; or—	30
	(i)	<u>a road that collects and distributes traffic to and from properties within a specific area; or</u>	
	(ii)	<u>a road that—</u>	
	(A)	<u>is, or is on land that is, under the control of the Auckland Council; and</u>	35

- (B) is contemplated to be in the remit of decision making by local boards; or
- (c) a collector road, being a road that distributes traffic between local roads and arterial roads; or
- (d) a city centre road, being a road that is within the Auckland city centre (see **subsection (3)**); or 5
- (e) an Eden Park precinct road, being a road that is within the Eden Park precinct (see **subsection (3)**); or
- (f) a residual road, being a road that—
- (i) is, or is on land that is, under the control of the Auckland Council; and 10
- (ii) is contemplated to be in the remit of decision making by the governing body.
- (3) In addition to classifying roads under **subsection (2)**, the Roding Framework must also specify the area that is the Auckland city centre. — 15
- (a) the area that is the Auckland city centre; and
- (b) the area that is the Eden Park precinct.
- (4) Before the Auckland Council approves or varies the Roding Framework,—
- (a) the Auckland Council must consult the transport CCO on the Roding Framework or variation to it (as the case may be); and 20
- (b) the Minister of Transport must approve the Roding Framework or variation to it (as the case may be).
- (4A) In this section, **road** has the meaning set out in section 2(1) of the Land Transport Act 1998.
- (5) The Roding Framework made under this section is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements). 25
- 48A Auckland Council’s review of performance of transport functions, etc**
- (1) The Auckland Council must,—
- (a) 5 years after the date on which this subpart commences (the **review date**), review the following in respect of the performance of their powers, functions, and responsibilities under this Part: 30
- (i) the Auckland Council (including the governing body and local boards);
- (ii) the transport CCO; and
- (b) within 9 months after the review date, prepare a report on that review. 35
- (2) Before completing the report, the Auckland Council must consult any person the Council considers appropriate.
- (3) As soon as practicable after the Auckland Council has completed the report,—

- (a) the Council must present the report to the Minister of Transport; and
- (b) the Minister of Transport must present the report to the House of Representatives.

48B ~~Council's jurisdiction in respect of roads defined more widely than in Local Government Act 1974~~

5

~~Nothing in this Part limits or affects the Auckland Council's jurisdiction in respect of roads within the meaning of section 2(1) of the Land Transport Act 1998 that are not roads within the meaning of section 315 of the Local Government Act 1974.~~

Part 3

10

Amendments to Part 8 and other matters

15 Section 91 amended (Council may impose additional accountability requirements on substantive council-controlled organisations)

In section 91(2), replace “Auckland Transport” with “the transport CCO”.

16 Section 93 amended (Councillors and local board members prohibited from appointment as directors of substantive council-controlled organisations)

15

Replace section 93(2) with:

- (2) However, **section 45(4)** prevails in relation to an appointment of a director of the transport CCO.

20

17 Section 95 amended (Council may appoint chairperson and deputy chairperson of substantive council-controlled organisation)

Replace section 95(2) with:

- (2) However, the Council must not appoint any of the persons specified in **section 45(4)(a) to (d)** as the chairperson or deputy chairperson of the transport CCO.

25

18 Section 100 amended (Development contributions for transport infrastructure)

In section 100(1), replace “Auckland Transport” with “the transport CCO”.

19 Schedule 1AA amended

In Schedule 1AA,—

30

- (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

20 New Schedules 3 and 4 inserted

After Schedule 2, insert the **Schedules 3 and 4** set out in **Schedule 2** of this Act.

21 Consequential amendments

Amend the legislation specified in **Schedule 3** as set out in that schedule. 5

Schedule 1
New Part 3 inserted into Schedule 1AA

s 19

	Part 3	
	Provisions relating to Local Government (Auckland Council) (Transport Governance) Amendment Act 2025	5
3	Interpretation	
	In this Part, unless the context otherwise requires,—	
	additional powers and functions means the powers and functions of the transport CCO that are—	10
	(a) set out in clause 7(1) ; but	
	(b) not functions or powers of the transport CCO under Part 4 of the new Act	
	affected employee means an employee of Auckland Transport immediately before the commencement date	15
	amendment Act means the Local Government (Auckland Council) (Transport Governance) Amendment Act 2025	
	Auckland Transport bylaws means the following bylaws made by either or both Auckland Transport and the Auckland Council:	
	(a) Activities in the Road Corridor Bylaw 2022:	20
	(b) Auckland Council and Auckland Transport Te Ture ā-Rohe mo nga Tohu 2022 / Signs Bylaw 2022:	
	(c) Auckland Transport and Auckland Council Te Ture ā-Rohe mō te Whakamahinga me te Whakatūnga Waka 2025 Vehicle Use and Parking Bylaw 2025:	25
	(d) Auckland Transport Speed Limits Bylaw 2019	
	commencement date means the date on which the amendment Act comes into force	
	<u>KiwiRail has the meaning set out in section 5(1) of the Land Transport Management Act 2003</u>	30
	new Act means this Act as in force immediately on and after the commencement date	
	<u>New Zealand Transport Agency has the meaning set out in section 37(1)</u>	
	old Act means this Act as in force immediately before the commencement date	
	transition director means the person appointed under clause 11	35

transition plan means the plan approved by the governing body of the Auckland Council under **clause 12**

transitional period means the period beginning on the commencement date and ending on the earlier of the following:

- (a) the date that is 6 months after the commencement date: 5
- (b) the date on which the transport CCO has stopped performing or exercising all additional powers and functions in accordance with a direction made under **clause 7(2)**.

Procedural matters relating to transitional period

3A Subpart 1 of Part 6 of the Local Government Act 2002 to not apply in respect of transitional matters 10

(1) During the transitional period, the Auckland Council is not required to comply with the obligations and responsibilities set out in subpart 1 of Part 6 of the Local Government Act 2002 in respect of the exercise of powers, performance of functions, and making of decisions (the **specified actions**) that are necessary to give effect to the transition from the old Act to the new Act. 15

(2) The specified actions include, but are not limited to, those required to amend the LTP, such as for the purposes of **clause 7A** (for example, use of the special consultative procedure in accordance with sections 93A to 93G of the Local Government Act 2002). 20

Establishment of ARTC

4 Appointment of members

The persons responsible for appointing the members of the ARTC in accordance with **sections 38D to 38F** must make those appointments within the period of 3 months after the commencement date. 25

5 Performance of functions during establishment

(1) During the period between the commencement date and every person responsible for appointing the members of the ARTC making those appointments, the functions of the ARTC must be performed by the permanent advisors.

(2) During the period referred to in **subclause (1)**, a reference in the Land Transport Management Act 2003 to something that is done by or in relation to the ARTC must be read as a reference to something that is done by or in relation to the permanent advisors. 30

(3) **Subclauses (1) and (2)** cease to have effect when either of the following events ~~occur~~ occur: 35

- (a) every person responsible for appointing the members of the ARTC has made those appointments:

- (b) the period referred to in **clause 4** expires.

First 30-year transport plan for Auckland

6 First 30-year transport plan for Auckland

The ARTC must complete the first 30-year transport plan for Auckland on or before the date set by the Minister of Transport and the mayor.

5

*Functions and powers of transport CCO and Auckland Council during
transitional period*

**7 Transport CCO has additional powers and functions during transitional
period**

- (1) For the transitional period, the transport CCO has the functions and powers of Auckland Transport under sections 45 and 46 of the old Act, except the functions and powers under the following provisions of the old Act:

10

- (a) section 45(a):
- (b) section 46(1)(g) to the extent that it relates to the power to make a bylaw under Part 3 of the Land Transport Act 1998 (*see clause 13(4)*):
- (c) section 46(1)(h) to the extent that it relates to the power to make a bylaw under subparts 1 and 2 of Part 8 of the Local Government Act 2002:
- (d) section 46(1)(i):
- (e) section 46(1)(j) to the extent it relates to the preparation of a regional public transport plan under sections 117 to 129 of the Land Transport Management Act 2003.

15

20

- (2) During the transitional period, in respect of an additional ~~function or power~~ power or function,—

- (a) the Auckland Council may direct the transport CCO to stop ~~performing that function or~~ exercising that power or performing that function; and
- (b) if the Auckland Council makes that direction, this clause no longer applies to that ~~function or power~~ power or function.

25

- (3) During the transitional period, the transport CCO must—

- (a) co-operate with the transition director for the purposes of the development of the transition plan; and
- (b) for that purpose, disclose information to the transition director upon request as soon as practicable.

30

- (4) To the extent that a function or power of the transport CCO under **subclause (1)** conflicts with those of the Auckland Council in Part 4 of the new Act, this Part prevails until a direction in respect of that ~~function of~~ power is made under **subclause (2)**.

35

7A	<u>Auckland Council must specify public transport activities by end of transitional period</u>	
	<u>For the purposes of complying with section 45C of the new Act, the Auckland Council must specify, in the LTP, the public transport activities before the end of the transitional period.</u>	5
8	Transfer of requiring authority status from transport CCO to Auckland Council	
(1)	On the transfer date, the Auckland Council is treated as the requiring authority in relation to any matter for which the transport CCO is the requiring authority immediately before the transfer date, for the purposes of Part 8 of the Resource Management Act 1991.	10
(2)	In this clause, transfer date means the date that is the earlier of the following:	
(a)	the date on which the Auckland Council directs the transport CCO, under clause 7(2) , to stop performing its function under section 45(b)(ii) of the old Act:	15
(b)	the end of the transitional period.	
9	Interim governing body of transport CCO during transitional period	
(1)	On or after the commencement date, the Auckland Council must—	
(a)	appoint 3 <u>at least 3, but no more than 5</u> , directors as the governing body of the transport CCO for the purposes of section 45 for the duration of the transitional period (the interim board); and	20
(b)	in respect of the governing body of Auckland Transport under section 43 of the old Act (the old board), notify directors of the old board immediately before the commencement date that the interim board has replaced the old board.	25
(2)	During the transitional period, the interim board must—	
(a)	<u>take all reasonable steps</u> to ensure that the transition from the old Act to the new Act is efficient and effective; and	
(b)	ensure that the transport CCO performs its functions and exercises its powers in accordance with clause 7 ; and	30
(c)	comply with a direction by the Auckland Council under this Act, including under clause 7(2) .	
(3)	Before the end of the transitional period, the Auckland Council must appoint the members of the governing body of the transport CCO under section 45 , including its chairperson and deputy chairperson, to replace the interim board, irrespective of whether the members to be appointed are members of the interim board.	35

10	Auckland Council must develop Auckland Roding Classification Framework	
	The Auckland Council must develop the Auckland Roding Classification Framework under section 48 before the end of the transitional period.	
10A	Transfer of status of Auckland Transport as airport authority	5
(1)	<u>During the transitional period, a reference to Auckland Transport in the Airport Authorities (Auckland Transport) Order 2020 is to be read as a reference to the transport CCO.</u>	
(2)	<u>On and after the date on which the transitional period ends, a reference to Auckland Transport in the Airport Authorities (Auckland Transport) Order 2020 is to be read as a reference to the Auckland Council.</u>	10
(3)	<u>This clause overrides section 3(4) of the Airport Authorities Act 1966.</u>	
	<i>Transition plan for Auckland Council and transport CCO</i>	
11	Auckland Council must appoint transition director	
	On or as soon as practicable after the commencement date, the chief executive of the Auckland Council must appoint a person to prepare the transition plan (the transition director).	15
12	Transition director must develop transition plan	
(1)	The transition director must prepare a transition plan that sets out—	
(a)	the strategy for, and the timing of, the transition between the old Act and the new Act in relation to the respective functions of the Auckland Council and the transport CCO; and	20
(b)	the status of the roles of affected employees as determined by the transition director under clause 21(1) ; and	
(c)	the assets, rights, liabilities, contracts, entitlements, undertakings, and engagements of the transport CCO that will be subject to a deed of transfer under clause 20.	25
(2)	The transition plan must be approved by the governing body of the Auckland Council,	
(a)	<u>in respect of the matters set out in subclause (1)(a), the governing body of the Auckland Council; and</u>	30
(b)	<u>in respect of the matters set out in subclause (1)(b), the chief executive of the Auckland Council.</u>	

Saving and transition of Auckland Transport instruments and assets

13 Saving of Auckland Transport bylaws

- (1) On and after the commencement date, the Auckland Transport bylaws, and resolutions under those bylaws, continue in force and are treated as having been made by the Auckland Council. 5
- (2) However, before the end of the transitional period, the Auckland Council must, in accordance with **clause 14**,—
 - (a) review all of the Auckland Transport bylaws; and
 - (b) amend those bylaws.
- (3) Until the Auckland Transport bylaws are reviewed and amended under **sub-clause (2)**, in relation to the making of a resolution under section 22AB(3) of the Land Transport Act 1998,— 10
 - (a) the Auckland Council must not make a resolution under an Auckland Transport bylaw; and
 - (b) the transport CCO may make a resolution under an Auckland Transport bylaw as if it were a road controlling authority. 15
- (4) On and after the commencement date, the transport CCO must not—
 - (a) make a bylaw under section 22AB of the Land Transport Act 1998; and
 - (b) amend or revoke an Auckland Transport bylaw.
- (5) Until the Auckland Transport bylaws are reviewed and amended under **sub-clause (2)**, any reference in the Auckland Transport bylaws to— 20
 - (a) Auckland Transport is to be read as if it were a reference to the transport CCO; and
 - (b) the Auckland transport system is to be read as if it had the meaning given to it in section 37(1) of the old Act. 25

14 Review of Auckland Transport bylaws

- (1) This clause applies to the review and amendment of an Auckland Transport bylaw under **clause 13(2)**.
- (2) The review and amendment of the Auckland Transport bylaw must be limited to giving effect to the division of responsibilities between the governing body and local boards as set out in **sections 47 to 47D**, in particular,— 30
 - (a) the status of the Auckland Council as the road controlling authority in Auckland (*see section 47*); and
 - (b) the division of responsibilities in relation to bylaws under section 22AB of the Land Transport Act 1998 (*see section 47D*). 35
- (3) The Auckland Council—

	(a) must review and amend the Auckland Transport bylaw in accordance with section 47D(2) to (5) and (4) and any requirements of the legislation under which the bylaw was made; but	
	(b) is not required to comply with the following if the Council is satisfied that the amendment of the bylaw is limited to giving effect to sections 47 to 47D:	5
	(i) the consultation requirements under section 22AD of the Land Transport Act 1998:	
	(ii) the requirements under section 155(1) and (2) of the Local Government Act 2002.	10
15	Saving and transition of Auckland Transport operating rules	
(1)	This clause applies to operating rules made under section 49 of the old Act that are in force immediately before the commencement date.	
(2)	On and after the commencement date, the operating rules continue in effect and are treated as having been made under section 46A by the Auckland Council for the transport CCO.	15
16	Saving and transition of policies and plans of Auckland Transport	
(1)	This clause applies to a policy or plan made by Auckland Transport—	
	(a) that is transport-related; and	
	(b) that is in force immediately before the commencement date; and	20
	(c) irrespective of whether it is required or authorised by an enactment.	
(2)	On and after the commencement date, a policy or plan continues in effect and is treated as having been made by the Auckland Council.	
(3)	Before the end of the transitional period, the Auckland Council must—	
	(a) review the policy or plan; and	25
	(b) retain, amend, or revoke the policy or plan.	
(4)	<u>However, any review or amendment of a policy or plan under subclause (3) may be limited to giving effect to the division of responsibilities between the governing body and local boards as set out in sections 47 to 47D.</u>	
16A	<u>Transition of Auckland Council delegations to Auckland Transport</u>	30
(1)	<u>This clause applies to a delegation that—</u>	
	(a) <u>was made by the Auckland Council to Auckland Transport under the old Act or any other enactment; and</u>	
	(b) <u>is in force immediately before the commencement date.</u>	
(2)	<u>On and after the commencement date, the delegation continues in force until revoked.</u>	35

17	Transition of New Zealand Transport Agency delegations to Auckland Transport	
(1)	This clause applies to a delegation that—	
	(a) was made under an enactment to Auckland Transport by the New Zealand Transport Agency or the Director (as defined in section 5(1) of the Land Transport Management Act 2003); and	5
	(b) is in force immediately before the commencement date.	
(2)	On and after the commencement date, the delegation continues in force until revoked.	
(3)	Before the end of the transitional period, the New Zealand Transport Agency or the Director (as the case may be)—	10
	(a) must review the delegation; and	
	(b) may amend or revoke the delegation.	
18	Saving of delegations by Auckland Transport	
(1)	This clause applies to a delegation made under section 54 of the old Act that is in force immediately before the commencement date.	15
(2)	If the delegation is to a committee or an employee of Auckland Transport, the delegation continues in effect and is treated as having been made to a committee or employee of the transport CCO, as the case may be, under section 44A .	
(3)	If the delegation is to the Auckland Council or any other person not specified in subclause (2) , the delegation continues in effect, and is treated as having been made by the transport CCO, until the earlier of the following:	20
	(a) the date on which the transport CCO revokes the delegation;	
	(b) the end of the transitional period.	
(4)	Despite subclauses (2) and (3) , if the delegation relates to a function of the ARTC, the delegation is revoked on the commencement date.	25
19	Saving of statutory warrants and appointments in relation to Auckland Transport employees	
(1)	This clause applies to a warrant issued to, or an appointment of, an affected employee—	30
	(a) under—	
	(i) section 177 of the Local Government Act 2002; or	
	(ia) <u>section 128D of the Land Transport Act 1998; or</u>	
	(ii) section 208 of the Land Transport Act 1998; and	
	(b) in force immediately before the commencement date.	35
(2)	On and after the commencement date, the warrant or appointment continues in force until revoked.	

20 Continuity of Auckland Transport's assets, contracts, etc

- (1) On the commencement date,—
- (a) ~~all rights, liabilities, contracts, entitlements, undertakings, and engagements of Auckland Transport remain the rights, liabilities, contracts, entitlements, undertakings, and engagements of the transport CCO; and~~ 5
 - (b) ~~all assets that were owned by Auckland Transport immediately before the commencement date remain in the ownership of the transport CCO.~~
- (2) ~~Before the end of the transitional period, the transport CCO must enter into deeds of transfer with the Auckland Council in respect of the matters set out in~~ 10
subclause (1) ~~that are determined to be transferred in the transition plan.~~
- (3) ~~A deed of transfer under~~ **subclause (2)** ~~must give effect to and be consistent with the transition plan.~~

20 Continuity and transfer of Auckland Transport's assets, contracts, etc

- (1) On the commencement date,—
- (a) all assets that were owned by Auckland Transport immediately before the commencement date remain in the ownership of the transport CCO; and 15
 - (b) all relevant matters of, or in the name of, Auckland Transport remain the relevant matters of, or in the name of, the transport CCO.
- (2) On the date that is the end of the transitional period (the transfer date), except as provided in any Order in Council made under **clause 20A**,— 20
- (a) all assets that were owned by the transport CCO immediately before the transfer date are vested in the Auckland Council; and
 - (b) all relevant matters of, or in the name of, the transport CCO become the relevant matters of, or in the name of, the Auckland Council. 25
- (3) In this clause and **clause 20A**, relevant matters—
- (a) means rights, liabilities, contracts, entitlements, undertakings, engagements, regulatory consents, and any other thing; and
 - (b) includes resource consents, designations, and notices of requirement issued under the Resource Management Act 1991. 30

20A Transfer of assets, contracts, etc, to other entity by Order in Council

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister of Transport,—
- (a) disapply **clause 20(2)** in respect of— 35
 - (i) a specified asset owned by the transport CCO;
 - (ii) a specified relevant matter of, or in the name of, the transport CCO;

	(b) <u>vest a specified asset owned by the transport CCO in the New Zealand Transport Agency or KiwiRail:</u>	
	(c) <u>specify a relevant matter of, or in the name of, the transport CCO as a relevant matter of, or in the name of, the New Zealand Transport Agency or KiwiRail.</u>	5
(2)	<u>Before making a recommendation for the purposes of subclause (1), the Minister of Transport must consult the transition director.</u>	
(3)	<u>An order made under subclause (1)—</u>	
	(a) <u>must come into force no later than the date on which the transitional period ends; and</u>	10
	(b) <u>is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).</u>	
	<i>Transfer of Auckland Transport employees and related matters</i>	
21	Duties to identify employees and provide employee information	
(1)	The transition director must determine the role of each affected employee as one of the following:	15
	(a) a role that the Auckland Council requires to carry out its functions under the new Act (<u>see clauses 22 and 23 of this schedule</u>):	
	(b) a role that the transport CCO requires to carry out its functions under the new Act:	20
	(c) a role that the Auckland Council and the transport CCO do not require to carry out their respective functions under the new Act.	
(2)	The transport CCO must provide employee information to the Auckland Council (including the transition director) if the transition director is satisfied that the information is reasonably necessary to enable—	25
	(a) the transition director to determine to whom offers of employment should be made under clause 22(2) ; and	
	(b) the chief executive of the Auckland Council to make offers of employment under clause 22(2) .	
(3)	In this clause, employee information includes (without limitation) the following information in relation to an affected employee:	30
	(a) the employee's employment agreement, remuneration, accrued leave entitlements, superannuation scheme benefits, and any service-related benefits and entitlements:	
	(b) any employment policies that are part of the employee's conditions of employment; and	35
	(c) records relating to the employee's performance as an employee of the transport CCO; and	

	(d) records relating to any disciplinary or misconduct matters against the employee.	
22	Employment of affected employees by Auckland Council	
(1)	This clause applies in respect of any affected employee who is determined under clause 21(1)(a) to be required by the Auckland Council to carry out its functions under the new Act.	5
(2)	The chief executive of the Auckland Council may offer equivalent employment to the affected employee, being employment that is—	
(a)	in substantially the same the same or substantially similar in role and duties to the affected employee's existing position; and	10
(b)	on terms and conditions (including, without limitation, in relation to the employee's overall remuneration and any service-related, redundancy, or superannuation conditions) that, overall, are no less favourable than those applying to the employee immediately before the date on which the offer of employment is made to the employee; and,—	15
(i)	<u>including, without limitation, terms and conditions in relation to the employee's base remuneration and any service-related, redundancy, or superannuation conditions; but</u>	
(ii)	<u>excluding any existing framework relating to performance-based or other discretionary remuneration that applies to the employee; and</u>	20
(c)	on terms that treat the period of service with the transport CCO (and every other period of service recognised by the transport CCO as continuous service) as if it were continuous service with the Auckland Council.	25
(3)	If the affected employee accepts an offer of employment under subclause (2) , the employee's employment by the Auckland Council is to be treated as continuous employment, including for the purpose of service-related entitlements, whether legislative or otherwise.	
(4)	An affected employee who is offered employment under subclause (2) is not entitled to receive any contractual notice or any payment, benefit, or compensation from the transport CCO or the Auckland Council on the grounds that—	30
(a)	the affected employee's position in the transport CCO has ceased to exist, whether or not the employee accepts the offer; or	
(b)	the person has ceased to be an employee of the transport CCO as a result of the employee's employment by the Auckland Council.	35
(5)	The employment of an affected employee by the Auckland Council does not—	
(a)	constitute new employment, including for the purposes of the Holidays Act 2003 or the KiwiSaver Act 2006 or any service-related entitlements or benefits (whether legislative or otherwise); or	40

Schedule 1	Local Government (Auckland Council) (Transport Governance) Amendment Bill	
	(b) treat that employee as a new employee for the purposes of the Employment Relations Act 2000.	
(6)	This clause overrides—	
	(a) Part 6A of the Employment Relations Act 2000; and	
	(b) any employee protection provision in any relevant employment agreement.	5
23	Transfer of other employment rights, duties, liabilities, or obligations of transport CCO on change of employer	
(1)	This clause applies to any other rights, duties, liabilities, or obligations of the transport CCO (including in relation to any holiday and leave entitlements under the Holidays Act 2003)—	10
	(a) relating to an affected employee who becomes an employee of the Auckland Council under clause 22 ; and	
	(b) that existed immediately before the date on which the employee became an employee of the Auckland Council.	15
(2)	The rights, duties, liabilities, and obligations referred to in subclause (1) vest in the Auckland Council on the date on which the employee becomes an employee of the Auckland Council.	

Schedule 2
New Schedules 3 and 4 inserted

s 20

Schedule 3
Conflicts of interest

5

s 40A

1 When interests must be disclosed

(1) In this ~~clause~~ schedule, **matter** means the ARTC's performance of its functions ~~(including responsibilities, duties, functions, or powers delegated under **section 38B**)~~ set out in **section 38A**.

10

(2) A member of the ARTC is **interested** in a matter if they—

- (a) may derive a financial benefit from the matter; or
- (b) are the spouse, civil union partner, de facto partner, child, or parent of a person who may derive a financial benefit from the matter; or
- (c) may have a financial interest in a person to whom the matter relates; or
- (d) are a partner, director, officer, board member, or trustee of a person who may have a financial interest in a person to whom the matter relates; or
- (e) are otherwise directly or indirectly interested in the matter.

15

(3) However, a member is not interested in a matter—

- (a) because they receive remuneration or expenses authorised under this Act or another Act; or
- (b) if their interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence them in carrying out their responsibilities under this Act or the Land Transport Management Act 2003; or
- (c) only because they have past or current involvement in the relevant sector, industry, or practice.

20

25

2 Obligation to disclose interest

(1) A member who is interested in a matter ~~relating to the ARTC~~ must disclose details of the interest in accordance with **clause 3** as soon as practicable after the member becomes aware that they are interested.

30

(2) A general notice of an interest in a matter ~~relating to the ARTC, or in a matter that may in future relate to the ARTC, or a possible future matter~~ that is disclosed in accordance with **clause 3** is a standing disclosure of that interest for the purposes of this clause.

(3) A standing disclosure ceases to have effect if the nature of the interest materially alters or the extent of the interest materially increases.

35

3	Who disclosure of interests must be made to	
(1)	The member must disclose details of the interest in an interests register kept by the ARTC.	
(2)	The ARTC must provide a copy of the interests register to the Minister of Transport and the mayor at least every 3 months.	5
4	What must be disclosed	
	The details that must be disclosed under clause 3 are—	
(a)	the nature of the interest and the monetary value of the interest (if the monetary value can be quantified); or	
(b)	the nature and extent of the interest (if the monetary value cannot be quantified).	10
5	Consequences of being interested in matter	
	A member who is interested in a matter—	
(a)	must not vote or take part in any discussion or decision relating to the matter, or otherwise participate in any activity that relates to the matter; and	15
(b)	must not sign any document relating to the initiation of the matter; and	
(c)	is to be disregarded for the purpose of forming a quorum (if a quorum is required by standing orders) for that part of a meeting during which a discussion or decision relating to the matter occurs or is made.	20
6	Consequences of failing to disclose interest	
(1)	The ARTC must notify the Minister of Transport and the mayor of a failure to comply with clause 2 or 5 , and of the acts affected, as soon as practicable after becoming aware of the failure.	
(2)	A failure to comply with clause 2 or 5 does not affect the validity of an act or matter.	25
(3)	However, subclause (2) does not limit the right of any person to apply, in accordance with law, for judicial review.	
7	Permission to act despite being interested in matter	
(1)	The chairperson may, by making an entry in the interests register, permit 1 or more members, or members with a specified class of interest, to do anything otherwise prohibited by clause 5 if the chairperson is satisfied that it is in the public interest to do so.	30
(2)	The permission may state conditions that the member must comply with.	
(3)	If there is no chairperson, or if the chairperson is unavailable or interested, the permission may be given jointly by the Minister of Transport and the mayor.	35

- (4) The permission may be amended or revoked in the same way as it may be given.

8 ~~Entity~~ ARTC may avoid certain acts done in breach of conflict of interest rules

- (1) The ARTC may avoid a natural person act done by the ARTC in respect of which a member was in breach of **clause 5**. 5
- (2) However, the act may be avoided only within 3 months after the affected act is disclosed to the Minister of Transport and the mayor under **clause 6**.
- (3) If an affected act is disclosed to the Minister of Transport and the mayor at different times, the 3-month period is calculated by reference to the earlier disclosure. 10
- (4) An act in which a member is interested can be avoided on the ground of the member's interest only in accordance with this clause.

Schedule 4

Local boards' powers, functions, and responsibilities in relation to
local roads and collector roads in Auckland

s 47C

Provision	Description	Exclusions
<i>Government Roading Powers Act 1989:</i>		
Section 54(2)(a) to (c) and (3)	Functions and responsibilities of a controlling authority in relation to the removal of a structure	
Section 55(2)(a) to (f)	Powers of a responsible authority in relation to an owner or occupier of any land adjoining a road or public work	
Section 96(1)	Administration of a limited access road passed to a territorial authority	
<i>Local Government Act 1974:</i>		
<u>Section 319(1)(a)</u>	<u>Power to construct, upgrade, and repair a road to the extent that it is a cycle track</u>	<u>Power to construct, upgrade, or repair a road to the extent that it is not a cycle track</u>
Section 319(1)(f)	Power to determine what part of a road must be a carriageway, footpath, or cycle track	
<u>Section 319(1)(j)</u>	<u>Power to name and to alter the name of any road and to place a plate bearing the name of the road on any building or erection on, or abutting on, the road</u>	
Section 331	Power to form or upgrade footpaths	Power to impose a charge under section 331(1)
Section 332	Power to form a public cycle track	Power to take, purchase, or otherwise acquire land for the purpose of constructing the cycle track under section 332(2)
<u>Section 333(1) and (2)</u>	<u>Powers of a council in relation to constructing, erecting, growing, altering, or removing the specified devices on, or from, any road</u>	
Section 334(1)(b)	Power to lay out or plant grass plots, flower beds, or trees on a road and prohibit traffic on those plots or flower beds	
Section 334(1)(c)	Power to erect a monument, statue, or other erection	
<u>Section 334(1)(d)</u>	<u>Power to construct or provide facilities on, over, or under any road (for the purposes specified in that provision)</u>	
Section 336(1)	Powers relating to pedestrian malls	
Section 341(1)(a)	Power to grant a lease of, or any part of, the airspace above the surface of a road	
Section 346A	Power to declare a road to be a limited access road and to revoke the status of a road as a limited access road	

Provision	Description	Exclusions
Section 355(1) and (9)	Powers of a council in relation to removal, etc, of objects	
Section 591(1)(d)	Power to authorise any part of a road for use as a parking place	
Schedule 10, clauses 11(e), 11A, and 11B	Power to close a road to traffic and associated powers and responsibilities of a council	
<i>Land Transport Rule: Setting of Speed Limits 2024:</i>		
All	Powers and responsibilities of a territorial authority that is a road controlling authority in relation to speed limits (including speed limits around schools and temporary speed limits)	
<i>Land Transport Rule: Street Layouts 2023:</i>		
Clauses 2.1 to 2.3	Powers and responsibilities of a road controlling authority in relation to a roadway within its control	
Section 3	Powers and responsibilities of a road controlling authority in relation to installing pilots	
Section 4	Powers and responsibilities of a road controlling authority in relation to authorising a community street	
<i>Land Transport Rule: Traffic Control Devices 2004:</i>		
Clause 6.2(2)	Power to install additional traffic signals	
Clause 6.4(21)	Power to install temporary traffic signals	
Section 7	Power to provide traffic control devices	
Clause 8.2(1) and (2)	Power to mark a pedestrian crossing on a road	
Clause 8.3(1) and (3)	Power to authorise, and to withdraw the authorisation of, the Board of Trustees of a school to appoint persons as members of school patrols	
Clause 8.4	Power to provide a school crossing point	
Clause 10.6	Power to mark a road surface to indicate the area that a road user must not enter when the road user's intended passage through that area is blocked by traffic	
Clause 11.4(4)	Power to install facilities for the parking, standing, or storage of specified things	
Clause 12.4	Designation of an area of road as a loading zone, reserved parking, or time-restricted parking	
<i>Transport (Vehicular Traffic Road Closure) Regulations 1965:</i>		
Regulation 3	Power to close a road	

Schedule 3

Consequential amendments

s 21

Part 1

Amendments to Land Transport Management Act 2003 5

Section 5

In section 5(1), replace the definition of **Auckland Council** with:

Auckland Council means the unitary authority established by section 6 of the Local Government (Auckland Council) Act 2009

In section 5(1), insert in their appropriate alphabetical order: 10

Auckland Regional Transport Committee or **ARTC** means the Auckland Regional Transport Committee established by **section 38** of the Local Government (Auckland Council) Act 2009

transport CCO has the meaning given under section 4(1) of the Local Government (Auckland Council) Act 2009 15

In section 5(1), repeal the definition of **Auckland Transport**.

In section 5(1), definition of **public road controlling authority**, repeal paragraph (c).

In section 5(1), definition of **regional council**, replace paragraph (b) with:

- (b) when used in— 20
- (i) Parts 2 to 4, includes a unitary authority:
 - (ii) Part 5, includes—
 - (A) a unitary authority:
 - (B) any territorial authority to which the regional council has transferred the functions, powers, and duties of a regional council under that Part 25

In section 5(1), replace the definition of **regional transport committee** with:

regional transport committee means a regional transport committee established under section 105

In section 5(1), replace the definition of **road controlling authority** with:

road controlling authority, in relation to a road, means the Minister, department of State, Crown entity, State enterprise, or territorial authority that controls the road 30

Section 13

Replace section 13(2) with:

- (2) Every 6 financial years, Auckland Council, in the case of Auckland, must— 35

Section 13—*continued*

- (a) ensure that the ARTC prepares, on Auckland Council’s behalf, a regional land transport plan; and
- (b) approve the Auckland regional land transport plan by a date appointed by the Agency.

Section 14

5

In section 14, replace “or Auckland Transport (as the case may be) for approval, the regional transport committee” with “for approval, or before the ARTC submits a regional land transport plan to Auckland Council for approval, the regional transport committee or the ARTC”.

New section 15

10

After section 14, insert:

15 Additional requirements for Auckland regional land transport plan

Before the ARTC submits a regional land transport plan to Auckland Council for approval, the ARTC must—

- (a) have regard to the Auckland Council’s long-term plan under the Local Government Act 2002; and 15
- (b) ~~have regard to any consultation document prepared and adopted by Auckland Council under section 93A of the Local Government Act 2002 (if it is using the special consultative procedure in relation to the adoption or amendment of a long-term plan); and~~ 20
- (b) have regard to any consultation document prepared and adopted by Auckland Council under section 93A of the Local Government Act 2002 if—
 - (i) Auckland Council is in the process of using the special consultative procedure in relation to the adoption or amendment of a long-term plan under the Local Government Act 2002; and 25
 - (ii) the long-term plan has not yet been adopted or the amendment has not yet been made; and
- (c) have regard to any Auckland Council transport policy statement that has been approved by the governing body of Auckland Council; and 30
- (d) ensure that the regional land transport plan is consistent with the 30-year transport plan for Auckland approved under **section 42** of the Local Government (Auckland Council) Act 2009.

Section 16

In section 16(3)(a), delete “for regions other than Auckland,”.

35

Repeal section 16(3)(b).

Section 16—*continued*

In section 16(3)(c), after “committee”, insert “or, in the case of Auckland, the ARTC”.

Replace section 16(3)(c)(i) with:

- (i) activities proposed by approved organisations in the region, other than those activities specified in paragraph (a); and

5

In section 16(3)(d), after “committee”, insert “or, in the case of Auckland, the ARTC”.

In section 16(5)(a), after “committees”, insert “or, in the case of Auckland, the ARTC”.

In section 16(5)(b), after “committee,”, insert “or, in the case of Auckland, by the ARTC”.

10

In section 16(6)(g), after “committee”, insert “or, in the case of Auckland, by the ARTC”.

Section 18

In section 18(1), after “committee”, insert “or, in the case of Auckland, the ARTC”.

15

Replace section 18(2) with:

- (2) Before the ARTC consults the public under subsection (1), it must consult both the governing body of Auckland Council and each affected local board of the Council.

Section 18A

20

In section 18A(2), after “committee”, insert “or, in the case of Auckland, the ARTC”.

Repeal section 18A(3).

In section 18A(4), replace “Auckland Transport” with “The ARTC”.

Section 18B

In section 18B, after “committee”, insert “or, in the case of Auckland, the ARTC” in each place.

25

Section 18C

Repeal section 18C.

Section 18CA

In section 18CA, after “committee”, insert “or, in the case of Auckland, the ARTC” in each place.

30

Section 18D

In section 18D(1), after “committee”, insert “or, in the case of Auckland, the ARTC”.

In section 18D(2), after “committee”, insert “or, in the case of Auckland, the ARTC”.

Section 18D—*continued*

In section 18D(2)(b), after “committee’s”, insert “or, in the case of Auckland, the ARTC’s”.

Repeal section 18D(3).

In section 18D(4), replace “Auckland Transport” with “the ARTC”.

In section 18D(7), delete “or Auckland Transport”. 5

Section 18E

In section 18E(2), after “committee”, insert “or, in the case of Auckland, the ARTC”.

Repeal section 18E(7).

Section 18F

In section 18F(1), delete “or Auckland Transport (as the case may require)”. 10

Repeal section 18F(1)(a)(v).

Repeal section 18F(2).

Section 18G

In section 18G, delete “, the Auckland Council,” in each place.

Section 19B 15

After section 19B(b)(v), insert:

(vi) 30-year transport plan for Auckland.

Section 19D

In section 19D(2), replace “Auckland Transport” with “the ARTC”.

Section 23 20

In section 23(4), replace “Auckland Transport” with “the transport CCO”.

Section 26

In section 26(da), replace “Auckland Transport’s” with “the transport CCO’s”.

Section 35

In section 35, replace “Auckland Transport” with “the ARTC”. 25

Section 38AA

In section 38AA(2), replace “Auckland Transport” with “the ARTC, the transport CCO”.

In section 38AA(2), replace “the Auckland transport system” with “land transport in Auckland”. 30

Repeal section 38AA(3).

Section 67

After section 67(1)(b)(ii), insert:

- (iii) any 30-year transport plan for Auckland; and

Section 103

Replace section 103(8) with:

- (8) Before making a declaration under subsection (1) or varying or revoking a declaration under subsection (4), the Agency must consult any regional council or territorial authority that may be affected by the proposed declaration, variation, or revocation and, if the road concerned is within a project area for a specified development project, the Agency must also consult Kāinga Ora—Homes and Communities.

Section 105

In section 105(9), delete “or Auckland Transport and 1 or more adjoining regional councils”.

Repeal section 105(9A)(d). 15

Replace section 105(9C) with:

- (9C) The chair and deputy chair of a joint regional transport committee established under subsection (9) must both be persons who represent a regional council.

Repeal section 105(10A).

Section 105A 20

Repeal section 105A(1)(a).

Section 106

In section 106(1), delete “(other than the regional transport committee for Auckland)”.

In section 106(2), replace “, including the regional transport committee for Auckland,” with “or, in the case of Auckland, the ARTC”. 25

In section 106(3)(c), delete “or Auckland Transport (as the case may be)”.

In section 106(4), delete “(including the regional transport committee for Auckland)”.

Section 107

Repeal section 107(4). 30

Section 108

In section 108(3), delete “or Auckland Transport”.

In section 108(4), delete “or Auckland Transport”.

Section 109B

In section 109B(7), definition of **specified agency**, paragraph (a), replace “Auckland Transport” with “the ARTC”.

Section 114

Repeal section 114.

5

Section 121

Replace section 121(1)(c)(i)(G) with:

(G) in the case of a plan or a variation adopted by the Auckland Council, the ARTC; and

Section 125

10

In section 125(1)(a), replace “Auckland Transport” with “the Auckland Council”.

In section 125(1)(b)(i), replace “(but Auckland Transport must consult the Auckland Council and each affected local board of the Auckland Council)” with “(but the Auckland Council must consult the ARTC)”.

Section 128

15

Repeal sections 128(3) and (4).

Section 129

In section 129(1), delete “or the Auckland Council”.

Repeal section 129(1)(e).

Part 2

20

Amendments to other Acts

Freedom Camping Act 2011 (2011 No 61)

~~In section 6(2)(a)(ii), replace “Auckland Transport” with “the transport CCO”.~~

~~In section 6(3), replace “Auckland Transport” with “transport CCO”.~~

Repeal section 6(2)(a)(ii).

25

In section 6(3), replace “and Auckland Transport have the meanings” with “has the meaning”.

Repeal section 42(4).

Goods and Services Tax Act ~~Tax~~ 1985 (1985 No 141)

In section 2(1), definition of **local authority**, ~~repeal~~ replace paragraph (b)(vii) and (viii) with:

(vii) the transport CCO (as continued by **section 43** of the Local Government (Auckland Council) Act 2009):

Government Roothing Powers Act 1989 (1989 No 75)

Repeal section 62(7).

Income Tax Act 2007 (2007 No 97)

In section YA 1, definition of ~~**council-controlled organisation**~~, paragraph (b), delete “Auckland Transport (as established by section 38 of the Local Government (Auckland Council) Act 2009) or Auckland Regional Holdings (as established by section 18 of the Local Government (Auckland) Amendment Act 2004 or”. 5

In section YA 1, definition of **council-controlled organisation**, paragraph (b), replace “Auckland Transport (as established by section 38 of the Local Government (Auckland Council) Act 2009) or Auckland Regional Holdings (as established by section 18 of the Local Government (Auckland) Amendment Act 2004” with “the transport CCO (as continued by **section 43** of the Local Government (Auckland Council) Act 2009)”. 10

In section YA 1, definition of **local authority**, ~~repeal~~ replace paragraph (b)(vii) and (viii): with: 15

(vii) the transport CCO (as continued by **section 43** of the Local Government (Auckland Council) Act 2009):

Land Transport Act 1998 (1998 No 110)

After section 22AB(5), insert:

(5A) See **section 47D** of the Local Government (Auckland Council) Act 2009, which relates to the making of bylaws and resolutions by the Auckland Council under this section. 20

Local Government Act 2002 (2002 No 84)

In Schedule 10, after clause 17A(d), insert:

(e) in the case of the Auckland Council, specify the activities that the transport CCO must undertake in accordance with **section 45C** of the Local Government (Auckland Council) Act 2009. 25

New Zealand Infrastructure Commission/Te Waihanga Act 2019 (2019 No 51)

In section 23(6)(g), replace “Auckland Transport” with “the transport CCO”.

Official Information Act 1982 (1982 No 156) 30

In Schedule 1, insert in its appropriate alphabetical order:

Auckland Regional Transport Committee

Ombudsmen Act 1975 (1975 No 9)

In Schedule 1, Part 2, insert in its appropriate alphabetical order:

Auckland Regional Transport Committee and its permanent advisors 35

Remuneration Authority Act 1977 (1977 No 110)

In Schedule 4, insert in its appropriate alphabetical order:

The members of the Auckland Regional Transport Committee appointed by the mayor of Auckland under **section 38D(c)** of the Local Government (Auckland Council) Act 2009

5

Urban Development Act 2020 (2020 No 42)

In section 9, repeal the definition of **Auckland Transport**.

In section 9, replace the definition of **relevant territorial authority** with:

relevant territorial authority, in relation to a specified development project (or a project being assessed as a potential specified development project), means every territorial authority whose district includes land in the project area (or proposed project area)

10

In section 142(1), repeal the definition of **relevant territorial authority**.

Replace section 297(1) with:

(1) This section applies if, in relation to a specified development project, the board of Kāinga Ora delegates any of its functions and powers to a local authority.

15

Part 3

Revocation and amendments Amendments to secondary legislation

Airport Authorities (Auckland Transport) Order 2020 (LI 2020/5)

The Airport Authorities (Auckland Transport) Order 2020 (LI 2020/5) is revoked.

20

Land Transport Rule: Setting of Speed Limits 2024

In clause 1.4(1), revoke the definition of **Auckland Transport**.

In clause 1.4(1), definition of **territorial authority**, paragraph (b), delete “, Auckland Council or Auckland Transport”.

Land Transport Rule: Street Layouts 2023

25

In clause 1.4(1), revoke the definition of **Auckland Transport**.

In clause 1.4(1), definition of **local authority**, delete “and also includes Auckland Transport”.

Railway Operator Order 1990 (SR 1990/315)

Replace clause 2(c) with:

(c) the transport CCO (a body corporate continued by **section 43** of the Local Government (Auckland Council) Act 2009):

30

**Local Government (Auckland Council) (Transport
Governance) Amendment Bill**

Legislative history

5 September 2025
16 September 2025

Introduction (Bill 201–1)
First reading and referral to Transport and Infrastructure
Committee

Wellington, New Zealand:

Published under the authority of the House of Representatives—2026