

Departmental Disclosure Statement

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

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Ministry of Transport.

The Ministry of Transport certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

25/08/2025

Contents

Contents.....	2
Part One: General Policy Statement.....	3
Part Two: Background Material and Policy Information	6
Part Three: Testing of Legislative Content.....	8
Part Four: Significant Legislative Features	10

Part One: General Policy Statement

The Local Government (Auckland Council) (Transport Governance) Amendment Bill (the Bill) seeks to improve the transport system in Auckland by strengthening transport governance and planning arrangements.

Background to Bill

The transport network in Auckland is struggling to efficiently and effectively move people and goods across the city. Congestion is costing the city up to \$1.4 billion annually, and Auckland is slipping in international rankings for connectivity. Public trust and confidence in transport decision making is low. The underperformance of Auckland's transport system ultimately undermines the economic premium that Auckland should be contributing to the national economy.

Compared with the rest of New Zealand, the transport system in Auckland operates within unique circumstances. Auckland has bespoke transport governance and delivery arrangements, established in 2010 by the Local Government (Auckland Council) Act 2009. Auckland is also New Zealand's largest city and is experiencing significant population growth. This makes it distinct nationally in terms of the scale of demand for transport and the types of investment and policy interventions required.

For example, some of Auckland's arterial roads carry more traffic than State highways in the rest of the country, the metropolitan rail network is significantly larger than New Zealand's only other metro rail system, and increasingly rapid transit busways are required to move large volumes of passengers in less congested corridors.

While a range of measures are required to address Auckland's transport challenges, existing transport governance and planning arrangements are not contributing sufficiently to the delivery of an efficient and effective transport system for Auckland.

The following are 2 key areas of weakness within the current system that this Bill addresses:

- a lack of democratic accountability for 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; and
- a lack of joint government and Auckland Council long-term transport planning, resulting in the absence of a longer-term cohesive shared view across government, Auckland Council, and delivery agencies.

Policy objectives

The Bill reforms transport governance and planning arrangements in Auckland by—

- ensuring democratic accountability for transport decision making in Auckland; and
- strengthening the role of the Government and Auckland Council in long-term integrated transport planning in Auckland.

The Bill achieves these policy objectives as follows:

Establishing Auckland Regional Transport Committee responsible for strategic transport planning

The Bill establishes a statutory committee: the Auckland Regional Transport Committee (the **ARTC**). Voting membership will comprise ministerial appointees and Auckland Council elected members, along with an independent chair. The ARTC will develop a 30-year transport plan for Auckland for joint approval by the Minister of

Transport and Auckland Council. This plan will align the transport priorities of the Government and Auckland Council, as well as provide direction for the development of land transport in Auckland. The ARTC will also develop the Auckland regional land transport plan (the **RLTP**) for approval by Auckland Council. The ARTC will establish clear direction for transport entities, optimise joint government and Auckland Council funding, reduce current inefficient and duplicative processes across agencies, and provide more certainty on investment priorities and other interventions.

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Making most transport decisions responsibility of Auckland Council

The Bill transfers most transport functions from Auckland Transport to Auckland Council. This includes regional transport policy and planning such as approval of the RLTP and the regional public transport plan. Auckland Council will also be responsible for delivering the transport capital programme, as well as for renewals and maintenance of transport infrastructure. Auckland Council becomes the road controlling authority for Auckland, undertaking wide-ranging functions covering policy, regulatory, and operational matters, including the power to make bylaws under the Land Transport Act 1998. These changes ensure that Auckland Council will be electorally accountable to Aucklanders for most transport decisions.

Allocating specific transport functions to Auckland local boards

The Bill allocates decision making for local transport functions on local roads to local boards. Local boards were established to make decisions on local matters, but to date all local decision making on transport in Auckland has been undertaken at a regional level by Auckland Transport. A greater role in transport decision making by local boards will support the policy objective of strengthening local democratic accountability and ensure appropriate local expertise and community engagement.

Reforming role and functions of Auckland Transport

The Bill repeals the legislation that established Auckland Transport and re-establishes a statutory transport council-controlled organisation (**CCO**). The reformed transport CCO will be responsible for the provision of public transport services in Auckland. Other transport delivery functions that are currently performed by Auckland Transport will become the responsibility of Auckland Council. A statutory CCO provides a dedicated focus on providing an effective, efficient, and safe public transport system, which is a key priority for Auckland.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	NO

Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO

Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
The Regulatory Impact Statement: Transport Governance Reform was developed by the Ministry of Transport and finalised on 19 November 2024. The RIS was proactively released by the Ministry of Transport and is accessible at: https://www.transport.govt.nz/about-us/what-we-do/proactive-releases/download/8541 .	

2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?	NO
The Ministry of Transport conducted an internal quality assurance process on the respective RIS. The panel in this instance found the RIS partially met the assessment criteria.	

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	NO

Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	NO

2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	NO
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO
(b) the nature and level of regulator effort put into encouraging or securing compliance?	NO

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?

No specific issues were identified in the policy process that may have implications for New Zealand's international obligations.

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

No specific issues were identified in the policy process that may have implications for the rights and interests of Māori protected by the Treaty of Waitangi.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?

YES

Advice provided to the Attorney-General by the Ministry of Justice, or a section 7 report of the Attorney-General, is generally expected to be available on the Ministry of Justice's website upon the introduction of a Bill. Such advice, or reports, will be accessible on the Ministry's website at <https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/the-bill-of-rights-act/compliance-reports/>.

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:

(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?

NO

(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?

NO

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?

YES

Schedule 1, New Part 3, clause 19 of the Bill provides that the Transport CCO must, on request, provide employee information to the transition director about employees that is reasonably necessary to enable Auckland Council to decide whether to make offers of employment to those employees and other information reasonable required by the Auckland Council to enable it to determine which employees it should make offers to.

3.5.1. Was the Privacy Commissioner consulted about these provisions?	NO
The Privacy Commissioner was not consulted because while the provision authorises disclosure of personal information from the transport CCO to the transition director, all other provisions of the Privacy Act 2020 apply to the collection, storage, access to, correction of, and use of personal information.	

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
<p>The Minister of Transport and Mayor of Auckland engaged regularly during the development of this policy, supported by advice from Ministry of Transport and Auckland Council officers. The Ministry of Transport has engaged with senior officials at Auckland Council during the policy development process.</p> <p>The Mayor of Auckland, supported by a limited number of senior Auckland Council officers, was also consulted on an exposure draft of the Bill.</p> <p>The Ministry for the Environment, Department of Internal Affairs, Ministry of Housing and Urban Development, Treasury, Ministry of Business, Innovation and Employment, Land Information New Zealand, Office of the Ombudsman, Ministry for Regulation, Department of Prime Minister and Cabinet (including Cabinet Office), New Zealand Transport Agency and Te Puni Kōkiri were also consulted.</p>	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	YES
The Mayor of Auckland, supported by a limited number of senior Auckland Council officers, was consulted on an exposure draft of the Bill, as described in 3.6 above.	

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO

Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO

Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO

Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO

Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO

Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	YES
<p>The Bill allocates local boards functions and responsibilities in respect of transport matters that are specified in Schedule 4 in relation to local roads and collector roads within a local board area. Clause 47C(4) of the Bill enables the Governor-General, by Order in Council, on recommendation of the Minister of Transport to make the following amendments to the functions and responsibilities of local boards set out in Schedule 4:</p> <ul style="list-style-type: none"> • insert a power, function or responsibility (clause 47C (4)(a)); and/or • amend or revoke a power function or responsibility (clause 47C(4)(b)). <p>The power to amend Schedule 4 is limited by clause 47C(5) which requires the Minister of Transport to have the agreement of the Auckland Council before making a recommendation to the Governor-General.</p>	

4.8. Does this Bill create or amend any other powers to make delegated legislation?	YES
<p>Clause 38C empowers the Governor-General, by Order in Council and in accordance with a recommendation of the Minister of Transport, to make regulations that prescribe transport functions that the Auckland Regional Transport Committee must perform (in addition to its functions in clause 38A). The Minister of Transport must consult the Mayor of Auckland before making a recommendation to the Governor-General.</p> <p>Clause 48 requires the Auckland Council to develop approve and maintain the Auckland Roding Classification Framework (the Roding Framework). The Roding Framework must classify roads other than State highways within the Auckland transport system as –</p> <ul style="list-style-type: none"> • an arterial road, being a road that – <ul style="list-style-type: none"> ○ is intended to predominantly carry through traffic; or ○ carries traffic between town centres within Auckland; or ○ is used to carry freight to and from State highways; or ○ carries a significant volume of passenger transport and includes special vehicle lanes; or • a local road, being a road that collects and distributes traffic to and from properties within a specific area; or • a collector road, being a road that distributes traffic between local roads and arterial roads; or • the Auckland city centre. <p>The Roding Framework made under clause 48 will be secondary legislation for the purposes of the Legislation Act 2019. This will be achieved by notice approved by the Minister of Transport and the Governing Body of Auckland Council, presented to the House and published in the New Zealand Gazette as well as published on the Auckland Council website. Clause 48(4) provides safeguards on the power to make secondary legislation and requires the Auckland Council, before approving or varying the Roding Framework, to –</p> <ul style="list-style-type: none"> ○ consult with the transport CCO on the Roding Framework or variation to it (as the case may be); and ○ obtain approval from the Minister of Transport to approve or vary the Roding Framework. 	

Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	YES
<p data-bbox="240 342 624 371"><u>Transport bylaw making powers</u></p> <p data-bbox="240 378 1350 562">Section 22AB of the Land Transport Act 1998 (“LTA”) enables a road controlling authority to make a bylaw to regulate transport matters for roads under its control. Clause 47D(2) of the Bill requires the governing body and all local boards of Auckland Council to agree to the making of a transport bylaw under the LTA. This differs from how a local board proposes the making of a bylaw to the governing body under Part 8 of the Local Government Act 2002 (“LGA”) and does not change how a local board proposes to make a bylaw under the LGA.</p> <p data-bbox="240 568 1350 663">If the governing body determines that a local board or boards is unreasonably withholding its consent to the making of a bylaw the governing body may make the bylaw, if it has support of the majority of local boards.</p> <p data-bbox="240 669 1350 763">These provisions reflect that decision-making for transport is allocated between the governing body and local boards and provides the appropriate safeguard to the governing body to ensure that transport bylaws can be made in a timely manner.</p> <p data-bbox="240 770 1350 864">Section 22AB(3) of the LTA enables a road controlling authority to regulate or control a bylaw by resolution. Clause 47D(6) of the Bill divides the resolution making power under section 22AB(3) between the governing body and local boards by –</p> <ul data-bbox="304 871 1350 1025" style="list-style-type: none"><li data-bbox="304 871 1350 958">• empowering local boards to make a resolution to regulate local and collector roads in its local area in accordance with the sections specified under clause 47D(6)(a)(i) – (vi) of the Bill; and<li data-bbox="304 965 1350 1025">• empowers the governing body to make resolutions on all other roads not allocated to local boards.	