

Attachment A:

Local Government (Auckland Council) Act 2009 - section 54 (highlighting added)

Source: <http://www.legislation.govt.nz/act/public/2009/0032/80.0/DLM3338625.html>

54 Delegations

- (1) Auckland Transport may delegate to a committee or an employee of Auckland Transport, or to the Auckland Council, any of its responsibilities, duties, functions, and powers except—
 - (a) the power to approve or adopt any policy or programme that it is required to consult on using the special consultative procedure; and
 - (ab) the power to approve or adopt a regional land transport plan or a regional public transport plan under the Land Transport Management Act 2003; and
 - (b) the power to make a bylaw under any enactment referred to in section 46(1); and
 - (c) the power to borrow money or purchase or dispose of any assets of Auckland Transport; and
 - (d) any duty to appoint a chief executive officer.
- (2) This section applies subject to any provision to the contrary in this or any other enactment.
- (3) Nothing in this section restricts the power of Auckland Transport to delegate to a committee or an employee of Auckland Transport, or to the Auckland Council, the power to do anything precedent to the exercise or performance by Auckland Transport (after consultation with the committee, employee, or the Council) of any power or duty specified in subsection (1).
- (4) A committee or an employee of Auckland Transport, or the Auckland Council, may delegate any of its or his or her responsibilities, duties, functions, or powers to a subcommittee or person, subject to any conditions, limitations, or prohibitions imposed by Auckland Transport when making the original delegation.
- (5) A committee, a subcommittee, or an employee of Auckland Transport or the Auckland Council to which or to whom any responsibilities, duties, functions, or powers are delegated may, without confirmation by Auckland Transport, the Council, or the committee or person that made the delegation, exercise or perform them in the same way and with the same effect as if Auckland Transport itself had exercised or performed those responsibilities, duties, functions, or powers.
- (6) Auckland Transport may delegate to the Auckland Council, or any other organisation or person, the enforcement, inspection, licensing, and administration related to bylaws and other regulatory matters for which it is responsible.
- (7) To avoid doubt, no delegation relieves Auckland Transport of the liability or legal responsibility to perform or to ensure the performance of any function or duty.
- (8) A delegation to the Auckland Council may be made generally or specifically to the governing body or 1 or more local boards.
- (9) The delegation powers in this clause are in addition to any power of delegation Auckland Transport has under any other enactment.

Section 54: added, on 1 November 2010, by section 31 of the Local Government (Auckland Council) Amendment Act 2010 (2010 No 36).

Section 54(1)(a): replaced, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).

Section 54(1)(ab): inserted, on 13 June 2013, by section 72 of the Land Transport Management Amendment Act 2013 (2013 No 35).