I hereby give notice that an ordinary meeting of the Governing Body will be held on:

Date: Thursday, 24 September 2020
Time: 10.00am
Meeting Room: Reception Lounge
Venue: Auckland Town Hall
301-305 Queen Street
Auckland

Tira Kāwana / Governing Body
OPEN AGENDA

MEMBERSHIP

Mayor
Hon Phil Goff, CNZM, JP

Deputy Mayor
Deputy Mayor Cr Bill Cashmore

Councillors
Cr Josephine Bartley
Cr Dr Cathy Casey
Cr Fa’anana Efeso Collins
Cr Pippa Coom
Cr Linda Cooper, JP
Cr Angela Dalton
Cr Chris Darby
Cr Alf Filipaina
Cr Christine Fletcher, QSO
Cr Shane Henderson
Cr Richard Hills
Cr Tracy Mulholland
Cr Daniel Newman, JP
Cr Greg Sayers
Cr Desley Simpson, JP
Cr Sharon Stewart, QSM
Cr Wayne Walker
Cr John Watson
Cr Paul Young

(Quorum 11 members)

Sarndra O’Toole
Kaiarataki Kapa Tohutohu Mana Whakahaere / Team Leader Governance Advisors
21 September 2020

Contact Telephone: (09) 890 8152
Email: sarndra.otoole@aucklandcouncil.govt.nz
Website: www.aucklandcouncil.govt.nz

Note: The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Terms of Reference

Those powers which cannot legally be delegated:

(a) the power to make a rate
(b) the power to make a bylaw
(c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan
(d) the power to adopt a long-term plan, annual plan, or annual report
(e) the power to appoint a chief executive
(f) the power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement
(g) the power to adopt a remuneration and employment policy

Additional responsibilities retained by the Governing Body:

(h) approval of long-term plan or annual plan consultation documents, supporting information and consultation process prior to consultation
(i) approval of a draft bylaw prior to consultation
(j) resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of electoral officer
(k) adoption of, and amendment to, the Committee Terms of Reference, Standing Orders and Code of Conduct
(l) relationships with the Independent Māori Statutory Board, including the funding agreement and appointments to committees
(m) overview of and decisions relating to any CCO review including the implementation of any resulting changes to CCOs
(n) oversight of work programmes of all committees of the governing body.
Exclusion of the public – who needs to leave the meeting

Members of the public

All members of the public must leave the meeting when the public are excluded unless a resolution is passed permitting a person to remain because their knowledge will assist the meeting.

Those who are not members of the public

General principles

- Access to confidential information is managed on a “need to know” basis where access to the information is required in order for a person to perform their role.
- Those who are not members of the meeting (see list below) must leave unless it is necessary for them to remain and hear the debate in order to perform their role.
- Those who need to be present for one confidential item can remain only for that item and must leave the room for any other confidential items.
- In any case of doubt, the ruling of the chairperson is final.

Members of the meeting

- The members of the meeting remain (all Governing Body members if the meeting is a Governing Body meeting; all members of the committee if the meeting is a committee meeting).
- However, standing orders require that a councillor who has a pecuniary conflict of interest leave the room.
- All councillors have the right to attend any meeting of a committee and councillors who are not members of a committee may remain, subject to any limitations in standing orders.

Independent Māori Statutory Board

- Members of the Independent Māori Statutory Board who are appointed members of the committee remain.
- Independent Māori Statutory Board members and staff remain if this is necessary in order for them to perform their role.

Staff

- All staff supporting the meeting (administrative, senior management) remain.
- Other staff who need to because of their role may remain.

Local Board members

- Local Board members who need to hear the matter being discussed in order to perform their role may remain. This will usually be if the matter affects, or is relevant to, a particular Local Board area.

Council Controlled Organisations

- Representatives of a Council Controlled Organisation can remain only if required to for discussion of a matter relevant to the Council Controlled Organisation.
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1 Affirmation
His Worship the Mayor will read the affirmation.

2 Apologies
At the close of the agenda no apologies had been received.

3 Declaration of Interest
Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

4 Confirmation of Minutes
That the Governing Body:

a) confirm the ordinary minutes of its meeting, held on Thursday, 27 August 2020, as a true and correct record.

5 Petitions
At the close of the agenda no requests to present petitions had been received.

6 Public Input
Standing Order 7.7 provides for Public Input. Applications to speak must be made to the Governance Advisor, in writing, no later than one (1) clear working day prior to the meeting and must include the subject matter. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders. A maximum of thirty (30) minutes is allocated to the period for public input with five (5) minutes speaking time for each speaker.

6.1 Public Input: Maritime Union of New Zealand - Health and Safety at the Port of Auckland
Te take mō te pūrongo
Purpose of the report
1. Simon Mitchell on behalf of the Maritime Union of New Zealand will address the Governing Body.

Whakarāpopototanga matua
Executive summary
2. Simon Mitchell will speak to the Governing Body regarding the concerns of the Maritime Union of New Zealand about health and safety at the Port of Auckland from a worker perspective.

Ngā tūtohunga
Recommendation/s
That the Governing Body:

a) receive the presentation from Simon Mitchell on behalf of the Maritime Union of New Zealand regarding concerns about health and safety at the Port of Auckland.
7 Local Board Input

Standing Order 6.2 provides for Local Board Input. The Chairperson (or nominee of that Chairperson) is entitled to speak for up to five (5) minutes during this time. The Chairperson of the Local Board (or nominee of that Chairperson) shall wherever practical, give one (1) day’s notice of their wish to speak. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders.

This right is in addition to the right under Standing Order 6.1 to speak to matters on the agenda.

At the close of the agenda no requests for local board input had been received.

8 Extraordinary Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

"An item that is not on the agenda for a meeting may be dealt with at that meeting if-

(a) The local authority by resolution so decides; and

(b) The presiding member explains at the meeting, at a time when it is open to the public,-

   (i) The reason why the item is not on the agenda; and

   (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting."

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

"Where an item is not on the agenda for a meeting,-

(a) That item may be discussed at that meeting if-

   (i) That item is a minor matter relating to the general business of the local authority; and

   (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but

(b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion."
Te take mō te pūrongo
Purpose of the report
1. To consider amendments to the drought restrictions applied by the Emergency Committee on the 7 May 2020.

Whakarāpopototanga matua
Executive summary
2. This is a late covering report for the above item. The comprehensive agenda report was not available when the agenda went to print and will be provided prior to the 24 September 2020 Governing Body meeting.

Ngā tūtohunga
Recommendation/s
The recommendations will be provided in the comprehensive agenda report.
Memorandum of Understanding between Auckland Council and Hamilton City Council

File No.: CP2020/11290

Te take mō te pūrongo
Purpose of the report
1. To agree a memorandum of understanding with Hamilton City Council in recognition of our common interests as local authorities and to formalise a strategic relationship.

Whakarāpopototanga matua
Executive summary
2. At a meeting in June 2020 it was agreed that staff draw up a memorandum of understanding between Auckland Council and Hamilton City Council.
3. The purpose of such a document is to reflect areas of common interest and opportunities to work together more closely in these areas.
4. There will be regular meetings with elected members and staff based on an agreed agenda.
5. Nothing in the memorandum of understanding restricts either council’s autonomy, purpose, role and functions under any legislation.

Ngā tūtohunga
Recommendation/s
That the Governing Body:

a) agree the memorandum of understanding with Hamilton City Council in Attachment A of the agenda report, dated September 2020

b) agree that the Mayor and Deputy Mayor be Auckland Council’s elected member representatives and that other councillors be invited dependent on the topic and timing of meetings

c) delegate the signing of the memorandum of understanding with Hamilton City Council to the Mayor and Chief Executive

d) delegate the making of any minor amendments to the memorandum of understanding, as agreed with Hamilton City Council, to the Mayor and Chief Executive

Horopaki
Context
6. On 12 June 2020, the Mayor, Deputy Mayor, Councillor Cooper, Chair Taipari and staff met with Hamilton City Council counterparts, including Mayor Southgate. The purpose of the meeting was to discuss and agree Hamilton City Council allowing Watercare to use some of their allocated water take to provide water to Auckland. This was subsequently agreed and the Waikato Regional Council recently granted approval for this transfer of allocation.

7. In the course of this meeting, there was discussion and agreement on the benefits of the two councils working together more closely and strategically. Staff were asked to draft up a memorandum of understanding to that effect.
Tātaritanga me ngā tohutohu
Analysis and advice

8. The final draft memorandum of understanding is appended at Attachment A. It provides some background to the document and then focusses on three particular elements:
   • Formal and informal meetings
   • Common interest topics
   • Collaborative and open approach

9. The meeting schedule referenced in paragraphs one and two will need to be finalised once the document is signed by both parties but intends regular meetings to be held between elected members and staff.

10. Paragraph three illustrates the type of common issues that could form the basis for discussion and joint work. The list is not comprehensive but, in my view, covers the key areas of interest.

11. Importantly, paragraph 11 makes it clear that nothing in the memorandum of understanding restricts each council’s autonomy, purpose, role and functions under any legislation. The document is based on relationship, good will and a desire to work more closely together on strategic matters.

Tauākī whakaaweawe āhuarangi
Climate impact statement

12. The memorandum of understanding in itself has no impact on climate. However, it does provide opportunities to work together around climate matters and topics like urban growth, ports/freight/logistics, central government engagement and strategic priorities will inevitably include climate within them.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

13. Across the organisation and group, at a staff level, we already have relationships with Hamilton City Council. This memorandum of understanding puts some formality around that work.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

14. Local Boards have not been asked for any views or input into this document. Franklin Local Board does meet with a number of Waikato-based councils in the course of their work and the Chair and Deputy Chair are supportive of this memorandum of understanding.

Tauākī whakaaweawe Māori
Māori impact statement

15. The memorandum of understanding in itself has no direct impact on Māori in either council area. Each council will need to continue to honour Te Tiriti o Waitangi obligations and relationships with iwi/hapu/mātawaka in their jurisdictions.

16. Some of the common interest topics may impact Māori directly but any actions would need to be taken in consultation and partnership with Māori and by the appropriate council.

Ngā ritenga ā-pūtea
Financial implications

17. There will be elected member and staff time associated with giving effect to this memorandum of understanding. No other funding is required.
18. If any action is agreed between the parties that requires specific financial spend, then this will need to be found within existing budgets.

**Ngā raru tūpono me ngā whakamaurutanga**

**Risks and mitigations**

19. There are no risks associated with the document as it is not a legally binding document and does not restrict either council’s autonomy, purpose, role and functions under any legislation.

**Ngā koringa ā-muri**

**Next steps**

20. Staff will finalise a meeting schedule and, in particular, the timing and agenda for the first meeting of elected members.

**Ngā tāpirihanga**

**Attachments**

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<tbody>
<tr>
<td>A</td>
<td>Final draft memorandum of understanding with Hamilton City Council</td>
<td>15</td>
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**Ngā kaihaina**

**Signatories**

<table>
<thead>
<tr>
<th>Author</th>
<th>Megan Tyler - Chief of Strategy</th>
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<tr>
<td>Authoriser</td>
<td>Jim Stabback - Chief Executive</td>
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MEMORANDUM OF UNDERSTANDING

BETWEEN Hamilton City Council (HCC)

AND Auckland Council (AC)

(Councils)

BACKGROUND

A. HCC and AC are local authorities with common interests in a range of local government, economic, strategic planning and public infrastructure initiatives (common interests).

B. These common interests have been recently illustrated in AC’s Council Controlled Organisation, Watercare, requesting assistance from HCC in respect of issues concerning Auckland’s water supply and storage deficit. The Councils and Watercare have agreed to work together collaboratively to explore solutions.

D. Through that recent collaboration the Councils have identified that it would be beneficial to both Councils for them to formalise a strategic relationship agreement whereby these wider common interests can be addressed through a more structured engagement framework.

E. The Councils agree that the framework for that engagement should be recorded in this Memorandum of Understanding (MOU) with the purpose and intent being to build a partnership between the Councils in respect of matters of common interest and thereby achieve more integrated local government decision making.

F. The Councils recognise that their common interests will evolve and change over time and that this MOU needs to be flexible in order to accommodate those changes.

AGREEMENT

Formal and informal meetings

1. The Councils will establish a schedule for direct communications at an elected member, management and operational level. As a minimum that schedule will establish;
   a. Mayor to Mayor meetings on a 6 monthly basis
   b. Chief Executive to Chief Executive meetings on a 6 monthly basis
c. Further management and operational meetings on a quarterly basis.

2. In addition to these scheduled meetings each Council will make their respective representatives available as is reasonably required to efficiently address any matters arising which affect their common interests.

Common Interest Topics

3. Without limiting the full range of existing common interests and those which may arise in the future, the following topics represent some of the areas of common interest which currently exist and which may be addressed between the Councils;
   - Strategic priorities
   - Central Government engagement
   - Economic development
   - Local Government funding and financing
   - Exchange and sharing of intellectual property and resources
   - Covid 19 recovery strategies
     - Update
     - Annual Plan/LTP intentions
     - Economic stimulus
   - Watercare’s request for assistance and ongoing strategic management
   - Urban Growth Agenda matters
     - Hamilton – Auckland Corridor Plan and key initiatives of interest
     - Commuter rail service Hamilton – Auckland
     - Other transport planning initiatives, eg mass transit options
     - Funding and financing of infrastructure
     - General growth management
   - Ports/freight/logistics
     - Upper North Island Supply Chain Study
     - Role of Waikato and Ruakura, link to Ports of Auckland, Horotiu and Port of Tauranga.

4. Through their engagement under this MOU the Councils will continue to explore and identify any further or evolving areas of common interest and will address those matters under the framework of this MOU.

Collaborative and Open Approach

5. Before each formal meeting the Councils will establish an agenda of common interest topics for discussion.

6. Each Council will operate on an open, transparent and ‘no surprises’ basis where matters of common interest are concerned. On a case by
case basis the Councils will each make all reasonable endeavours to communicate their respective positions on matters of common interests which affect the other party in a timely manner ahead of broader public pronouncements. The Councils will jointly communicate on matters of common interests where they both agree to do so.

7. The Councils will work in good faith to achieve ‘win-win’ outcomes in respect of matters of common interest where possible.

8. Each Council will apply sufficient internal resources to ensure effective collaboration on the management of matters of common interest.

General

9. Any matters of dispute or disagreement will be addressed promptly and directly. If disputes remain unresolved they will be addressed directly between the respective Mayors and Chief Executives of the Councils.

10. The Councils agree to adhere to the terms of this MOU unless and until formal written notice is given from one Council Chief Executive to the other that the MOU is terminated.

11. The Councils agree to respect each other’s confidential information (and put appropriate management processes in place where required), and confirm that nothing in this MOU restricts each Council’s autonomy, purpose, role and functions under the Local Government Act 2002 and related legislation.

Dated June 2020

----------------------------------------
Mayor/Chief Executive
Hamilton City Council

----------------------------------------
Mayor/Chief Executive
Auckland Council
Independent review into Ports of Auckland’s health and safety: terms of reference (Covering report)

File No.: CP2020/13806

Te take mō te pūrongo
Purpose of the report
1. To approve the terms of reference of an independent review into health and safety at Ports of Auckland.

Whakarāpopototanga matua
Executive summary
2. This is a late covering report for the above item. The comprehensive agenda report was not available when the agenda went to print and will be provided prior to the 24 September 2020 Governing Body meeting.

Ngā tūtohunga
Recommendation/s
The recommendations will be provided in the comprehensive agenda report.
Te take mō te pūrongo

Purpose of the report

1. To receive the Health, Safety and Wellbeing Update – emerging risks and issues referred by the Audit and Risk Committee.

Whakarāpopototanga matua

Executive summary

2. The Audit and Risk Committee considered the Health, Safety and Wellbeing Update – emerging risks and issues at its meeting on 15 September 2020.

3. The Audit and Risk Committee resolved as follows:

   "Resolution Number AR/2020/72

   That the Governing Body:

   a) note the summary and organisational responses in the report and refer this report to the Governing Body and draw the attention of elected members to their duties under the Health and Safety at Work Act 2015, along with any commentary the committee thinks appropriate

   b) forward the report to Local Boards for their information."

4. Clause a) of the recommendation refers the report to the Governing Body, in its role as the person or organisation conducting a business or undertaking and is in line with duties outlined in the Health and Safety at Work Act 2015.

5. The original Health, Safety and Wellbeing Update – emerging risks and issues to the Audit and Risk Committee is appended as Attachment A to this report.

Ngā tūtohunga

Recommendation/s

That the Governing Body:

a) note the report and the responsibility of elected members with regards to their duties under the Health and Safety at Work Act 2015

b) note that the report has been provided to all local boards for their information.
Ngā tāpirihanga
Attachments

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<th>No.</th>
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<tbody>
<tr>
<td>All</td>
<td>Original Health, Safety and Wellbeing Report - August 2020 to Audit and Risk Committee on 15 September 2020</td>
<td>23</td>
</tr>
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</table>

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Sarndra O’Toole - Kaiarataki Kapa Tohutohu Mana Whakahaere / Team Leader Governance Advisors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Jim Stabback - Chief Executive</td>
</tr>
</tbody>
</table>
Health, Safety and Wellbeing update - August 2020

File No.: CP2020/12559

Te take mō te pūrongo
Purpose of the report
1. To update the committee on Auckland Council’s health, safety and wellbeing (HSW) performance.

Whakarāpopototanga matua
Executive summary

COVID-19 specific matters
2. At 12 PM, Wednesday, 12 August 2020, Auckland moved into Alert Level 3. Supporting the organisation has been the priority for HSW in the lead up to this and during the weeks Auckland was at Alert Level 3. There have been multiple streams of work to support the organisation and maintain business continuity, led by Corporate Property with specialist input from People & Performance, HSW, ICT, Risk & Assurance, and Communications. HSW staff have been deployed to Auckland Emergency Management and are supporting the organisation in its response.

3. At midnight on Sunday 30 August, Auckland moved back to Level 2. To support this there has been considerable effort to manage return to work of council staff safely and prudently. This has involved considerable communications to all staff about how to work within the restrictions of Level 2 as appropriate. There has been a focus on masking, contact tracing, and refining a process to deal with a scenario where someone in a team has COVID-19.

4. There has also been much work done on employee wellbeing during the initial Alert Levels 4 and 3 lockdown, 25 March 2020 – 13 May 2020, and subsequently. The work undertaken is detailed in the report and the council is continuing to see what lessons can be taken from experiences to date.

Normal business
5. HSW, like many parts of the organisation have had to adjust to reflect the challenges of COVID-19 and this has involved the reprioritisation of many of our programmes. This is discussed in more detail further on in this report. In particular, we have given greater priority to our wellbeing proposition, which has been positively received by employees.

6. The operating model (way we are organised) is being reviewed by the Transition Unit to ensure that it is fit for purpose and structured in the right way to deliver the organisation’s strategy Kia Manawaroa Tātou. In particular, this will focus on maximizing the outcomes from the current model of a central specialist team working alongside embedded specialists in the business units.

7. There have been five notifiable incidents in the period May to August 2020, since the last Audit and Risk Committee report. Some of the key lessons from those incidents are highlighted below in section 19. Reflecting the significant number of employees who have worked from home over the course of the year, non-notifiable incidents have trended down. The data shows that individuals responsible for closing out incidents have not necessarily done so in line with our expectations. The reasons for this are being investigated and could range from a lack of entering outcomes into the HSW electronic safety recording system (Risk Manager) through to a lack of ownership by the people responsible.

8. A review of Risk Manager has highlighted the potential benefit of developing an in-house solution based on the existing council technology platform. There is further work to be done before a final decision is made. This is an opportunity to reinforce the importance of accurately capturing incidents and mitigation steps undertaken in response.
9. Safe385 (the assurance system the council uses for internal HSW assessments) continues to be our best lead indicator of the organisation's HSW culture. The current aggregated result of 61 per cent is above the industry sector 57 per cent benchmark. Unfortunately, COVID-19 has affected the annual verification programme, but we are working towards verifying six business areas by the end of September 2020.

Ngā tūtohunga Recommendation/s
That the Audit and Risk Committee:

a) note the summary and organisational responses in the report and refer this report to the Governing Body and draw the attention of elected members to their duties under the Health and Safety at Work Act 2015, along with any commentary the committee thinks appropriate

b) forward the report to Local Boards for their information.

Horopaki Context
10. This report provides suitable information to enable the committee to provide objective advice and recommendations to the governing body on the adequacy and functioning of the council’s HSW risk management system.

Tātaritanga me ngā tohutohu Analysis and advice

COVID-19 specific matters

COVID-19 Alert Level 3 announced on 12 August 2020
11. As with the initial COVID-19 lockdowns, Auckland Council has acted on a number of fronts to ensure staff and visitor safety is at the forefront of our actions. This includes:

a) A Crisis Management Team, under Ian Maxwell, comprised of senior leaders and charged with overseeing the organisation’s preparedness, meets several times a week. There is also a Corporate Resilience Team, which reports into the Crisis Management Team, that is responsible for preparing guidelines and giving effect to council’s response.

b) Personal Protective Equipment (PPE): Auckland Council has taken steps to ensure there are sufficient stocks of PPE, including masks, which are available for council’s essential workers.

c) Support for employees working from home has been reviewed and updated to reflect lessons learned from the first lockdown. This includes guidance and support for people leaders and team members.

d) Track and tracing: now that initial issues have been worked out, the Government's QR code posters have been distributed to council facilities. The importance of individual diaries has been emphasised to staff and tracing functionality is in place in the buildings, using ICT login data, sign on sheets should be required to provide this information to Ministry of Health.

e) Auckland moved from Alert Level 3 to Level 2 at 11:59 PM on Sunday, 30 August 2020. In preparation for this, comprehensive guidance was provided to people leaders and employees about the council’s approach to what facilities would be open and at what level of occupancy, physical distancing, mask wearing, and contact tracing.
Wellbeing

12. There has been a particular focus on employee wellbeing over the COVID-19 lockdowns. Although Employee Assistance Programme (EAP) usage during the initial lockdown period declined, there were several complex wellbeing cases reflecting the stress a number of our people experienced at this time. These included depression, anxiety, stress, and relationship discord with family.

13. EAP, Manawa Rahi (Auckland Council’s conflict resolution service), and the Wellbeing Hub provide specific support which includes:
   - Mental health toolkits - staying connected
   - Budgeting in a crisis
   - Resilience webtalk – Dr Lucy Hone story
   - Physical wellbeing
   - Working remotely and work life balance.

14. We are also working to “train-the-trainer” in the ‘5 Ways to Wellbeing workshop’, which has previously been a well patronised offering, so council presenters can deliver workshops to potentially higher numbers of participants at lower cost.

15. The capability of our people to operate in a changing environment with the inevitable concerns over job insecurity is of real concern to employees and unquestionably results in increasing levels of anxiety and lowered mental wellbeing. Resilience training webinars have been developed and are now being delivered, and EAP is available 24 hours / 7 days a week for our people who have any concerns.

16. The effectiveness of the wellbeing programme was provided during the recent COVID-19 staff pulse survey when 85 per cent of staff agreed or strongly agreed that the organisation actively looks after its employees.

Normal business

17. Attachment A to the report is the HSW dashboard for September 2020.

Changing workplace

18. Following the potential savings outlined in the Emergency Budget, a transition unit is leading the work to review the council’s operating model to find more efficient ways to organise ourselves and deliver services. As part of its program of work the Transition Unit will look at how Auckland Council’s HSW function is delivered under the new model to ensure it remains relevant and effective.

19. It is expected that Transition Unit review will be completed by November 2020 and the review of the HSW strategy and framework will be completed as soon as possible after that.

Notifiable Incidents

20. Five incidents have been notified to Worksafe in the period May to August 2020 as detailed in the table below. The key lessons from these incidents are:

<table>
<thead>
<tr>
<th>#</th>
<th>Incident Details</th>
<th>Location</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Unconscious person rescued from Main pool.</td>
<td>Glenfield Pool &amp; Leisure Centre</td>
<td>WorkSafe have not requested any further information. Investigation by Corporate HSW.</td>
</tr>
<tr>
<td>2</td>
<td>A member of the public passed away after suffering a medical event.</td>
<td>Manurewa Pool &amp; Leisure Centre</td>
<td>Investigated by police. No further action required from WorkSafe.</td>
</tr>
<tr>
<td>3</td>
<td>AIMS worker dropped a running chain saw while tree trimming.</td>
<td>Public property</td>
<td>Reported to WorkSafe. Incident investigated by AIM.</td>
</tr>
</tbody>
</table>
- Incident #1 provided lessons of shallow water black-out (SWB). SWB is a term used to describe a loss of consciousness under water caused by a lack of oxygen to the brain following breath-holding. It is triggered by breath holding repeatedly and for too long. Without immediate rescue, the swimmer quickly drowns. Active Recreation have taken swift action to raise awareness of shallow water blackout amongst their lifeguards and are identifying further opportunities to raise awareness of this issue.

- Incident #4 highlighted the requirement for suitable PPE. A chainsaw contacted a free hanging adjustment strap of the upper thigh protective ‘chaps’ of the injured person. The chainsaw bar “grabbed” the adjustment strap and the bar tip was drawn through the closure of the chaps, cutting the adjustment strap in the process and making a 40mm laceration in the left inner knee area. The design of the chainsaw chaps is being reviewed to see if there are brands/models available that do not have the same loose strap hazard.

**Incidents**

21. Trips, slips and falls have been identified as the top incident category with 214 reported incidents during the period from February 2020 to 31 August 2020. Incident reporting has increased post initial lock-down and is currently tracking at approximately 80 per cent of pre-lockdown levels. Incident and corrective action management within expected timelines is being exceeded so all incident and corrective action owners will be contacted advising them of the expectations to manage incidents and close-out corrective actions within expected timelines.

22. Throughout the first COVID-19 emergency period (21 Mar – 8 June 2020) there were 26 reported work at home incidents from poor workstation set-ups that resulted in musculo-skeletal injuries. Corporate Property are working closely with the corporate HSW team to identify how our people can best be supported in the home environment. Data on whether the August Alert Level 3 lockdown has resulted in further such injuries will be provided in the next update.

23. Timely injury management continues through our partnership with Wellnz as all programme key performance indicators were achieved over the last reporting quarter.

**Safe365 assessment**

24. HSW internal self-assessments are undertaken across council using the Safe365 assurance system.

25. The Safe365 dashboard provides excellent insights into the health and safety capability using the innovative and interactive Safe365 starburst (see Figure 1 below). The centre of the starburst is the overall health and safety status. Surrounding the index score are the results across the ten Safe365 assessment modules. The outer ring shows results for each competency within each module.

26. The Safe365 starburst within the Safe365 platform allows the user to hover over different components of the Safe365 health and safety assessment results and see the areas where there is strong capability and areas for improvement. The council has 47 starbursts across its business that are aggregated into the Auckland Council dashboard starburst at figure 1.
27. The current aggregated council Safe365 dashboard score is 61 per cent indicating that council is likely to be generally compliant with some areas of strong capability as defined by Safe365. It should be noted that the aggregated score of 61 per cent is currently above the Safe365 industry sector score of 57% as provided by Safe365 benchmark data.

Auckland Council aggregated dashboard starburst summary:

<table>
<thead>
<tr>
<th>Module</th>
<th>Description</th>
<th>Improvement Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Management knowledge</td>
<td>Management risk expertise and HSW Inductions</td>
</tr>
<tr>
<td>5</td>
<td>Verification and audit activities</td>
<td>Risk assessment and Internal auditing</td>
</tr>
<tr>
<td>6</td>
<td>Emergency preparedness</td>
<td>Crisis management expertise and strong emergency preparedness and planning to respond to an emergency</td>
</tr>
</tbody>
</table>

28. Through our self-assessments, modules 2, 5, and 6 are focus areas for improvement (indicated by various shades of orange).

- Module 2 is made up of 8 areas and making improvements in the module areas of risk expertise and induction will improve the Management Knowledge rating.
- Module 5 is made up of 7 areas and making improvements in the module areas of risk assessment and internal auditing will improve the Verification & Audit Activities rating.
- Module 6 is made up of 7 areas and making improvements in crisis management expertise and ensuring strong preparedness and planning to respond to an emergency will improve the Emergency Preparedness rating.
Risk Profiling
29. The council has previously developed and referred to a ‘critical risk’ list that identified 19 critical risk labels. An evidence-based approach to determine the critical risks has not been undertaken previously, and some descriptors had been inaccurately identified as risks. These issues have now been addressed.

30. A new evidence-based approach has commenced that will accurately identify the HSW risk profile of council, ultimately allowing resources to be targeted to mitigate, manage, and monitor the future identified top ‘critical’ risks more effectively. Several workshops have been held across council departments with HSW specialists, and a model developed on agreed risk criteria has been used in a trial. Further adaptation of this model is now required based on feedback prior to wider testing that will lead to robust data collection, analysis and evaluation of council risks.

Incident and Risk Management
31. Our HSW electronic safety recording system (Risk Manager) is under-utilised by our people so it is challenging to obtain robust data that provides meaningful insights into our HSW landscape. A review to assess the suitability and value of this system revealed the potential for ongoing cost savings from developing a HSW recording system based on the existing council technology platform. Significant consultation has occurred through numerous workshops to determine Risk Manager user issues and identify potential solutions.

32. Phase 1 of 3 (incident and risk management) of this project is on schedule and the new platform will be designed and built by an internal solutions architect. A working model to test in a pilot trial is scheduled to be available for pilot testing during October 2020, with the new tool becoming operational at end of March 2021.

External engagement
33. The corporate HSW team have frequent and meaningful contact with counterparts in the council-controlled organisations through formal and informal channels. Sharing of ideas, risks, processes and procedures, and strategic thinking take place which accesses the available knowledge and experience across the group. This sharing of information and resources was very evident and beneficial during the recent COVID-19 Alert level 4 lockdown.

Tauākī whakaaweawe āhuarangi
Climate impact statement
34. The information in this report does not impact on climate change.

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views
35. This report is based on council activities only and does not provide a group-wide view.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views
36. Local boards are aware of the changing environment and financial impact on council.

Tauākī whakaaweawe Māori
Māori impact statement
37. No additional Māori impact.

Ngā ritenga ā-pūtea
Financial implications
38. There are no additional financial implications in this report.
Ngā raru tūpono me ngā whakamauratanga
Risks and mitigations
39. The risk of non-compliance with health and safety is recorded in the council’s top risk register. This risk register entry details the controls and mitigations in place.

Ngā koringa ā-muri
Next steps
40. Ongoing focus on well-being offering, including bringing the ‘5 Ways to Well-being’ workshop in house.
41. HSW and Corporate Property will continue to work on ensuring employees can work from home safely and with appropriate support.
42. External verification of the Safe365 self-assessments are undertaken across six selected business areas each year by an external certified auditor. The COVID-19 pandemic impacted the delivery of the annual external verification programme which was scheduled to be completed by the end of June 2020. It is anticipated that the external verification of six business areas will be completed by the end of September 2020.
43. HSW and ICT will progress a pilot trial of the new HSW safety recording platform.
44. Upon completion of the Transition Unit’s review of the council’s operating model the corporate HSW team will commence the identification of key tasks to enable effective oversight of the HSW Framework to achieve progressively higher standards of work health and safety, and worker wellbeing.

Ngā tāpirihanga
Attachments

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<tbody>
<tr>
<td>A8</td>
<td>HSW Dashboard</td>
<td>121</td>
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</tbody>
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Ngā kaihaina
Signatories

Authors
Andre Lubbe - Head of Employment Relations
Jan Pratt - Senior Administrator

Authorisers
Patricia Reade – Director People and Performance
Phil Wilson - Governance Director
Health, Safety and Wellbeing update - August 2020

Attachment A

Item 12
Attachment A

Item 12
Te take mō te pūrongo
Purpose of the report
1. To receive the recommendations from the Audit and Risk Committee and note both updates.

Whakarāpopototanga matua
Executive summary
2. At its meeting on 24 August 2020, the Audit and Risk Committee considered the Enterprise Risk Update – August 2020 and resolved as follows:
   “Resolution Number AUD/2020/45
   That the Audit and Risk Committee:
   a) note the risk activities and enterprise top risk update
   b) refer the Enterprise Risk Update to the Governing Body for information.”
3. At its meeting on 15 September 2020, the Audit and Risk Committee considered the Auckland Council Top Risk Quarterly Update – September 2020 and resolved as follows:
   “Resolution Number AUD/2020/64
   That the Audit and Risk Committee:
   a) note the Auckland Council Top Risk Quarterly Update
   b) note the tree risk assessment report and City Rail Link risk updates
   c) refer the Auckland Council Top Risk Quarterly Update report to the Governing Body for information.”
4. The original report to the Audit and Risk Committee on 24 August 2020 is available as part of the Audit and Risk Committee agenda and can be accessed at the following link: https://infocouncil.aucklandcouncil.govt.nz/Open/2020/08/AUD_20200824_AGN_9642_AT.htm#PDF2_ReportName_75879
5. The original report to the Audit and Risk Committee on 15 September 2020 is available as part of the Audit and Risk Committee agenda and can be accessed at the following link: https://infocouncil.aucklandcouncil.govt.nz/Open/2020/09/AUD_20200915_AGN_10328_AT.htm#PDF2_ReportName_76417

Ngā tūtohunga
Recommendation/s
That the Governing Body:
Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Sarandra O'Toole - Kaiarataki Kapa Tohutohu Mana Whakahaere / Team Leader Governance Advisors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Jim Stabback - Chief Executive</td>
</tr>
</tbody>
</table>
Te take mō te pūrongo
Purpose of the report

1. To receive the recommendations from the Regulatory Committee and adopt the statement of proposal for the Cemeteries and Crematoria Bylaw 2014.

Whakarāpopototanga matua
Executive summary

2. At its meeting on 1 September 2020, the Regulatory Committee considered the attached report and resolved as follows:

"Resolution Number REG/2020/53
That the Regulatory Committee:

a) note that this committee determined in April 2019 that a bylaw about council cemeteries and crematoria is still the most appropriate way to manage activities that may cause public safety hazards, damage to property, and unnecessary distress to mourners or relatives.

b) recommend the Governing Body adopt the statement of proposal in Attachment A of this agenda report for public consultation, and confirm that the proposed amended Cemeteries and Crematoria Bylaw 2014:

i) is the most appropriate form of bylaw

ii) does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990.

c) recommend the Governing Body forward to the Independent Māori Statutory Board the proposal in clause b) for their advice.

d) recommend the Governing Body forward to local boards this agenda report and attachment for their information.

e) appoint Chairperson Cr Linda Cooper, Cr Efeso Collins and Independent Māori Statutory Board Member Glenn Wilcox to attend ‘Have Your Say’ events and to deliberate and make recommendations to the Governing Body on public feedback to the proposal in clause b).

f) delegate authority to the Regulatory Committee chairperson to make replacement appointments to the bylaw panel if a panel member is unavailable.

g) delegate authority through the Chief Executive to a manager responsible for bylaws:

i) to appoint staff to receive public feedback at ‘Have Your Say’ events

ii) to make any amendments to the proposal in clause b) to correct errors, omissions or to reflect decisions made by the Regulatory Committee or the Governing Body.

3. The original report with attachments can be accessed at the following link:
https://infocouncil.aucklandcouncil.govt.nz/Open/2020/09/REG_20200901_AGN_9766_AT.htm#PDF2_ReportName_76242
4. The statement of proposal considered by the Regulatory Committee at its meeting of 1 September 2020 is appended as Attachment A.

**Ngā tūtohunga**

**Recommendation/s**

That the Governing Body:

a) adopt the statement of proposal in Attachment A of this agenda report for public consultation, and confirm that the proposed amended Cemeteries and Crematoria Bylaw 2014:
   i) is the most appropriate form of bylaw
   ii) does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990.

b) forward the proposal in clause b) to the Independent Māori Statutory Board for their advice.

c) forward this agenda report and attachment to local boards for their information.

d) note the delegated authority through the Chief Executive to a manager responsible for bylaws:
   i) to make any amendments to the proposal in clause b) to correct errors, omissions or to reflect decisions made by the Regulatory Committee or the Governing Body.

**Ngā tāpirihanga**

**Attachments**

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
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<tbody>
<tr>
<td>A1</td>
<td>Statement of Proposal considered by the Regulatory Committee on 1 September 2020</td>
<td>37</td>
</tr>
</tbody>
</table>

**Ngā kaihaina**

**Signatories**

<table>
<thead>
<tr>
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<th>Sarandra O'Toole - Kaiarataki Kapa Tohotohu Mana Whakahaere / Team Leader Governance Advisors</th>
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<tr>
<td>Authoriser</td>
<td>Jim Stabback - Chief Executive</td>
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</table>
Helping to maintain and operate council cemeteries and crematoria

Minimising safety risks, distress, nuisance, damage and interference with operations

Enabling a Cemeteries and Crematoria Code of Practice to be made to manage activities at council owned or operated cemeteries and crematoria
1 Have your say

Helping to maintain and operate council cemeteries and crematoria

Aucklanders visit council owned or operated cemeteries and crematoria every day (for example Waitakere Cemetery or the Manukau Memorial Gardens), to farewell or visit loved ones or to enjoy the area as a park.

The use of council cemeteries and crematoria by the public and contractors can cause issues. For example, unsecured adornments, improperly installed monuments, and people who engage in anti-social behaviour such as drinking and driving on grass can cause public safety risks, distress, nuisance, damage to property and heritage, and interference with ground maintenance and operational activities.

How Auckland Council keeps you safe

We use a bylaw to enable us to make a code of practice that manages activities in council owned or operated cemeteries and crematoria.

The current ability to make a code of practice is included in the Te Kaunihera o Tāmaki Makaurau Te Tūranga Whāriki me nga Whāriki Whare Tahu Tupapaku 2014 / Auckland Council Cemeteries and Crematoria Bylaw 2014 (the Bylaw).

Improving how we make a Cemeteries and Crematoria Code of Practice

We recently checked how the rules are working and identified improvements.

We propose changes that would make the Bylaw easier to read and understand.

Other key aspects of the current Bylaw and its implementation will remain unchanged, for example:

- our ability to make and amend a code of practice would be retained
- the existing Cemeteries and Crematoria Code of Practice 2014 would continue to apply
- the Bylaw would continue to only regulate activities on council cemeteries and crematoria
- the ability for all local boards and the Governing Body to make decisions about cemetery development and maintenance will remain.

We want to know what you think

Starting on [date] through to [date], we want you to tell us what you think about the proposed changes to the Auckland Council Cemeteries and Crematoria Bylaw 2014.

Visit www.aucklandcouncil.govt.nz/have-your-say for more information, to give your feedback and to find out where you can drop in to a ‘have your say’ event.
2 What is the Bylaw

The Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe mo ngā Wāhi Tapu me ngā Whare Taupōpaku 2014 / Auckland Council Cemeteries and Crematoria Bylaw 2014 (the Bylaw) was made on 31 July 2014.

The purpose of the Bylaw is to manage activities at council cemeteries and crematoria. This approach helps minimise public safety risks, distress, nuisance, damage to property and heritage, and interference with ground maintenance and operational activities.

The Bylaw seeks to achieve this by enabling us to make rules for activities at council cemeteries and crematoria in a separate Cemeteries and Crematoria Code of Practice.

Cemeteries and Crematoria Bylaw 2014 framework
What council proposes to change

Improving how we make a Cemeteries and Crematoria Code of Practice

We recently checked how the rules are working and identified improvements.

We propose changes to the Cemeteries and Crematoria Bylaw 2014 to better minimise public safety risks, distress, nuisance, damage to property and heritage, and interference with ground maintenance and operational activities from the use of council cemeteries and crematoria.

The proposed changes are listed below.

<table>
<thead>
<tr>
<th>Proposed change</th>
<th>Reasons for proposed change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clarify Bylaw wording to make it easier to understand.</td>
<td>Provides rules about how we make a code of practice that are easier to read and understand.</td>
</tr>
</tbody>
</table>

Other key aspects of the current Bylaw and its implementation will remain unchanged, for example:

- our ability to make and amend a code of practice would be retained
- the existing Cemeteries and Crematoria Code of Practice 2014 would continue to apply
- the Bylaw would continue to only regulate activities on council cemeteries and crematoria (for example, the Bylaw does not regulate burial, cremation or ash scattering outside of council cemeteries and crematoria, and does not regulate the funeral services sector)
- the ability for all local boards (for closed cemeteries), and the Governing Body and Actea / Great Barrier Local Board (for open cemeteries) to make decisions about cemetery development and maintenance will remain.

If you want to know more, Appendix A shows what the proposed amended Cemeteries and Crematoria Bylaw would look like. Appendix B provides a copy of the existing Cemeteries and Crematoria Bylaw 2014. Appendix C provides a summary of the differences between the existing and amended bylaw.
4 How we implement the Bylaw

We make a Cemeteries and Crematoria Code of Practice

We made the existing Cemeteries and Crematoria Code of Practice in 2014 (GB/2014/87). The code of practice includes rules about burial, cremation, disinterment, monuments, adornments, Wahi Tapu Maori Areas, ground maintenance and record-keeping at council cemeteries and crematoria.

The code of practice will be updated following the adoption of the amended Bylaw.

When making, amending or revoking the code of practice, council must comply with decision-making requirements under the Local Government Act 2002, for example assessing options and considering people’s views.

We enforce the Cemeteries and Crematoria Code of Practice

The Bylaw requires people to comply with the Cemeteries and Crematoria Code of Practice.

We use a Voluntary, Assisted, Directed and Enforced (VADE) graduated response to bylaw complaints. This means that the response is based on the individual circumstances of the case including the seriousness of the harm and attitude to compliance.

We respond to lower risk issues in the first instance with education, advice and informal warnings. If this doesn’t work, we may issue formal warnings. For serious or ongoing bylaw breaches, we may prosecute offenders. Penalties could include a fine of up to $20,000.

Voluntary, Assisted, Directed and Enforced (VADE) approach to compliance

Attitude to compliance (behaviour) | Regulatory tools (intervention)

- Have decided not to comply: criminal intent and illegal activity (repetitive or serious non-compliance).
- Don’t want to comply: propensity to offend (deliberate and intentional non-compliance).
- Try to but don’t always succeed: unintentional non-compliance (willing to comply but not sure what is expected).
- Willing to do the right thing: know what is expected and willing to do what is right.

Directed Behaviour | Use full force of the law: prosecution

- Detox by detecting them: actions: infringements, notices, warnings, compliance orders, removals, restricting use, suspension or revocation of approvals.

Assisted Behaviour | Assist with compliance: active monitoring, verification, audits, corrective actions, guidance and education.

Voluntary Behaviour | Make rules easy to understand: provide education, advice and guidance, online forms.

Actions at the top of the pyramid support actions at the bottom by clarifying expectations and demonstrating that those who don’t comply will be held to account.
5 How we got here

Decisions leading to the proposed changes

The Local Government Act 2002 requires the council to review its bylaws periodically to determine whether they are effective, efficient and still necessary to address the problem. We also check that the Bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

We reviewed the existing Bylaw by engaging with stakeholders and undertaking research. We reported our findings and considered options in response to the findings at meetings in April and May 2019.

This statement of proposal was approved for public consultation by our Governing Body in September 2020. This begins the formal process to make changes to the Cemeteries and Crematoria Bylaw 2014.

Bylaw review and approval process

<table>
<thead>
<tr>
<th>April 2019</th>
<th>May 2019</th>
<th>June 2020</th>
<th>July 2020</th>
<th>Sept 2020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Findings report</td>
<td>Options report</td>
<td>Proposal developed</td>
<td>Local board input</td>
<td>Proposal finalised</td>
</tr>
<tr>
<td>Review of how well the current Bylaw is working (REG/2019/20)</td>
<td>Consider whether to keep the Bylaw, improve it, make a new bylaw or have no bylaw (REG/2019/27)</td>
<td>Statement of Proposal developed to amend Cemeteries and Crematoria Bylaw 2014</td>
<td>Actae / Great Barrier Local Board provides formal input on proposal ahead of public consultation</td>
<td>Regulatory Committee finalises proposal and Governing Body accepts it for consultation</td>
</tr>
</tbody>
</table>

Go to: [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say) if you would like to view more information about the above decisions, including the findings from the statutory bylaw review and options we considered to respond to those findings.
6 We want your input

You have an opportunity to tell us your views.

We would like to know what you think about the proposed changes to the Cemeteries and Crematoria Bylaw.

Anyone can give feedback on the proposal, including individuals, organisations and businesses.

Give us your feedback

Starting on [month] 2020 through to [month] 2020 we are asking for feedback on proposed changes to the Auckland Council Cemeteries and Crematoria Bylaw 2014. Anyone can give feedback.

You can give your feedback:

- online at our website [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say)
- in person at one of our ‘Have your say’ events – visit our website for details

Visit [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say) for more information.

Online services are available at our libraries.

Your name and feedback will be available to the public in our reports and online. All other personal details will remain private.
Appendix A: Amended Auckland Council Cemeteries and Crematoria Bylaw 2014
Te Ture ā-Rohe mo ngā Wāhi
Tapu me ngā Whare Tahu
Tupāpaku 2014
Cemeteries and Crematoria
Bylaw 2014

(as at dd month 2021)

made by the Governing Body of Auckland Council
in resolution GB/2014/67
on 31 July 2014

Bylaw made under sections 145 and 146 of the Local Government Act 2002 and sections
16 and 40 of the Burial and Cremation Act 1964.
Recommendations from Regulatory Committee, Proposal to amend the Cemeteries and Crematoria Bylaw 2014
### Contents

<table>
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<td>1 Title</td>
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<tr>
<td>2 Commonment</td>
<td>4</td>
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<tr>
<td>3 Application</td>
<td>4</td>
</tr>
</tbody>
</table>

#### Part 1

**Preliminary provisions**

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<td>4 Purpose</td>
<td>4</td>
</tr>
<tr>
<td>5 Interpretation</td>
<td>4</td>
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</tbody>
</table>

#### Part 2

**Activities in council cemeteries and crematoria**

<table>
<thead>
<tr>
<th>Clause Description</th>
<th>Page</th>
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</thead>
<tbody>
<tr>
<td>6 A person must comply with any cemeteries and crematoria code of practice</td>
<td>6</td>
</tr>
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#### Part 3

**Controls**

<table>
<thead>
<tr>
<th>Clause Description</th>
<th>Page</th>
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</thead>
<tbody>
<tr>
<td>7 Council may make a cemeteries and crematoria code of practice</td>
<td>6</td>
</tr>
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</table>

#### Part 4

**Enforcement powers, offences and penalties**

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<td>8 Council can use statutory powers and other methods to enforce this Bylaw</td>
<td>7</td>
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<tr>
<td>9 Removal of materials or things</td>
<td>7</td>
</tr>
<tr>
<td>10 A person can be penalised for not complying with this Bylaw</td>
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#### Part 5

**Savings and transitional provisions**

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<tbody>
<tr>
<td>11 Existing resolutions, approvals and other decisions continue to apply</td>
<td>7</td>
</tr>
<tr>
<td>12 Existing code of practice continues to apply</td>
<td>8</td>
</tr>
<tr>
<td>13 Existing inquiries to be completed under this Bylaw</td>
<td>8</td>
</tr>
</tbody>
</table>
1 Title

(1) This Bylaw is the Te Ture a-Roha mo ngā Wāhi Tapu me ngā Whare Tahu Tupūpaku 2014 / Cemeteries and Crematoria Bylaw 2014.

Clause 1 amended in accordance with Clause 3(2).

2 Commencement

(1) This Bylaw comes into force on 1 November 2014.

(2) Amendments to this Bylaw by resolution GB/####/## come into force on 01 June 2021.

Related information about amendments

Council decided on the month/year to make various amendments to the Bylaw. The majority of the amendments were to make the Bylaw easier to read. Key changes included clarifying wording, structure and related information notes.

A comparison of the Bylaw before and after the amendments can be viewed in Attachment A to Item 6 of the Auckland Council Governing Body meeting agenda dated #.

3 Application

(1) This Bylaw applies to Auckland.

Part 1

Preliminary provisions

4 Purpose

(1) The purpose of this Bylaw is to minimise public safety risks, distress, nuisance, damage to property and heritage, and interference with ground maintenance and operational activities from the use of council cemeteries and crematoria by the public and contractors.

Clause 4 amended in accordance with Clause 3(2).

5 Interpretation

(1) In this Bylaw, unless the context otherwise requires, –

Auckland has the meaning given by section 4(1) of the Local Government (Auckland Council) Act 2009.

Related information

The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland’s boundaries in a map titled LGC-Map-1. The boundaries were formally adopted by Order in Council on 15 March 2010, and came into effect on 1 November 2010.
Council means the Governing Body of the Auckland Council or any person delegated or authorised to act on its behalf.

Related information about who can make decisions

Council has delegated —
- the making, amending and revoking of a code of practice in clause 7 to the Regulatory Committee as at 1 November 2014 (GB/2014/67)
- responsibility for ensuring compliance with this Bylaw to Auckland Cemeteries, and to both Auckland Cemeteries and the Waikumete Urupu Komiti in relation to Waikumete Cemetery as at 1 November 2014 (GB/2014/67)
- authority to prescribe fees for matters relating to council-owned or operated cemeteries to Auckland Cemeteries as at 1 November 2014 (GB/2014/67)
- under the Te Tahu Taungahuruhuru Ta Mahere Taungahuruhuru 2016 – 2028, The 10-year Budget Long-term Plan 2016 – 2028, Volume 2, sections (b) and (c), decision-making on —
  - open cemeteries in Auckland (excluding Aotea Great Barrier Island) to the Governing Body
  - operational cemeteries on Aotea Great Barrier Island to the Aotea Great Barrier Local Board
  - cemeteries that are no longer in regular active use and are functioning as local parks to local boards

(2) A term or expression defined in the Burial and Cremation Act 1964 and used in this Bylaw has the same meaning as it has in that Act, unless defined differently in this Bylaw.

Related information about terms and expressions in the Burial and Cremation Act 1964

The Burial and Cremation Act 1964 (as reprinted on 24 October 2019) defines the terms Cemetery and Crematorium.

(3) Related information does not form part of this Bylaw and may be inserted, changed or removed without any formality.

(4) The Interpretation Act 1999 applies to this Bylaw.

Clause 5 amended in accordance with Clause 3(3).
Part 2

Activities in council cemeteries and crematoria

6 A person must comply with any cemeteries and crematoria code of practice

(1) A person must comply with any code of practice for council owned or operated cemeteries or crematoria made in accordance with clause 7.

(2) However, clause 6(1) does not apply to any person acting in compliance with a lawful direction of council.

Related information about council's code of practice
- Any code of practice applies to both open and closed council owned or operated cemeteries and crematoria.
- Council owns and operates 29 open cemeteries and 26 closed cemeteries, including those crematoria. A full list of these cemeteries and crematoria can be found on council's website.
- More information can be found on council’s website about council’s code of practice and fees relating to council owned or operated cemeteries and crematoria.

Clause 6 amended in accordance with Clause 2(2)

Part 3

Controls

7 Council may make a cemeteries and crematoria code of practice

(1) Council may make a code of practice and set fees to regulate activities on council owned or operated cemeteries and crematoria.

(2) Any code of practice made under clause 7(1) may prescribe rules and set fees for one or more of the following purposes –
(a) interment;
(b) disinterment;
(c) built structures;
(d) ground maintenance;
(e) records; and
(f) any other matters council considers relevant and reasonably necessary to achieve the purpose of the Bylaw.

Related information about the making of controls
- Council has delegated the making, amending and revoking of codes of practice by resolution under clause 7 to the Regulatory Committee as at 1 November 2014 (GB/2014/87).
- To make a decision, council must comply with the decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002.

Clause 7 amended in accordance with Clause 2(2)
Part 4

Enforcement powers, offences and penalties

8 Council can use statutory powers and other methods to enforce this Bylaw

(1) Council may use its powers under the Burial and Cremation Act 1964 and Local Government Act 2002 to enforce this Bylaw.

* Related information about enforcement
  - Council powers under the Burial and Cremation Act 1964 (as reprinted on 26 October 2019) and Local Government Act 2002 (as reprinted on 26 March 2020) include court injunction (section 162), removal of works (section 163), seizure and disposal of property (sections 164, 165, 169), powers of entry (sections 171, 172, 173), cost recovery for damage (sections 175, 176) and power to request name and address (section 181).
  - Council can also use other methods as a service provider to encourage compliance, for example providing advice, information or warnings, or trespassing a person.

Clause 6 replaced in accordance with Clause 2(2).

9 Removal of materials or things

(1) Council may under section 163 of the Local Government Act 2002, remove or alter any material or thing in breach of this Bylaw and may recover any costs of removal or alteration from the person who committed the breach.

Clause 9 replaced in accordance with Clause 2(2).

10 A person can be penalised for not complying with this Bylaw

(1) A person who fails to comply with Part 2 of this Bylaw commits an offence and is liable to a penalty under the Burial and Cremation Act 1964 or the Local Government Act 2002.

* Related information about penalties
  - A person who is convicted of an offence against a bylaw is liable to a fine not exceeding $20,000 under section 240 of the Local Government Act 2002 (as reprinted on 26 March 2020).
  - Council has chosen not to set fines in this Bylaw at this time under the Burial and Cremation Act 1964.

Clause 10 replaced in accordance with Clause 2(2).

Part 5

Savings and transitional provisions

11 Existing resolutions, approvals and other decisions continue to apply

(1) This clause applies to things resolved, made or approved under –

(a) Rodney District Council General Bylaw: 1999 Chapter 2 Cemeteries

Page 7
(b) North Shore City Council [Part 10] Cemeteries and Crematorium Bylaw 2000;
(c) Auckland City Council Bylaw No. 7 Cemeteries 2006;
(d) Waitakere City Council Public Places Bylaw 2010 Part 4 [12] Cemeteries and Crematoria;
(e) Waitakere City Council Urupa (Māori Burial Site) Bylaw 2010;
(f) Manukau City Council Charter 4 Cemeteries and Crematoria of the Manukau City Consolidated Bylaw 2006;
(g) Papakura District Council Cemeteries Bylaw 2008;
(h) Franklin District Council Cemeteries Bylaw 2008.

(2) Every resolution or other decision made continues to apply until replaced or revoked by council.

(3) Every approval granted that applied on 31 May 2021 continues to apply until the expiration date specified in that approval or until replaced or revoked by council.

Clause 11 replaced in accordance with Clause 2(1).

12 Existing code of practice continues to apply
(1) This clause applies to any code of practice made under this Bylaw prior to amendments in clause 2(2) coming into force.

(2) Every code of practice made continues to apply as if made after the amendments to this Bylaw until replaced or revoked by council, whichever comes first.

Clause 12 replaced in accordance with Clause 2(1).

13 Existing inquiries to be completed under this Bylaw
(1) Any compliance or enforcement action by council under this Bylaw that was not completed prior to amendments in clause 2(2) coming into force will continue to be actioned under this Bylaw.

Clause 13 replaced in accordance with Clause 2(2).
## Related information, Bylaw history

<table>
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<tr>
<th>Date</th>
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<td>01 November 2010</td>
<td>Made legacy bylaws about cemeteries and crematoria¹ (Section 63 Local Government Act 2002)</td>
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<tr>
<td>01 November 2010</td>
<td>Commencement of legacy bylaws about cemeteries and crematoria (Section 63 Local Government Act 2002)</td>
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<td>19 March 2014</td>
<td>Review of legacy bylaws about cemeteries and crematoria completed (RB/2014/15)</td>
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<td>27 March 2014</td>
<td>Proposal to make new bylaw about cemeteries and crematoria and to revoke legacy bylaws (GB/2014/29)</td>
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<td>31 July 2014</td>
<td>Made the Auckland Council Cemeteries and Crematoria Bylaw 2014 (GB/2014/67)</td>
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<tr>
<td>19 November 2014</td>
<td>Public notice of making of the Auckland Council Cemeteries and Crematoria Bylaw 2014 and revocation of legacy bylaws (GB/2014/67)</td>
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<td>01 November 2014</td>
<td>Commencement of Auckland Council Cemeteries and Crematoria Bylaw 2014 and revocation of legacy bylaws (GB/2014/67)</td>
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<td>11 April 2019</td>
<td>Review of Auckland Council Cemeteries and Crematoria Bylaw 2014 completed (REG/2019/20)</td>
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<td># # # # 2020</td>
<td>Proposal to make a new bylaw about cemeteries and crematoria (GB/2020/#)</td>
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<td># April 2021</td>
<td>Amended the Auckland Council Cemeteries and Crematoria Bylaw 2014 (GB/2021/#)</td>
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<tr>
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<td>Public notice of amending the Auckland Council Cemeteries and Crematoria Bylaw 2014</td>
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## Related information, next bylaw review

This Bylaw must be reviewed by 11 April 2029. If not reviewed by this date, the Bylaw will expire on 11 April 2031.
Cemeteries and Crematoria Bylaw 2014

Te Ture ā-Rohe mo ngā Wāhi Tapu me ngā Whare Tahu Tupāpaku 2014

(Last updated: 31 July 2014)

Governing Body of Auckland Council

Resolution in Council

On

31 July 2014

Pursuant to the Local Government Act 2002 and the Burial and Cremation Act 1964, the Governing Body of Auckland Council makes the following bylaw.
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#### Part 1

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#### Part 2

**Regulation of cemeteries and crematoria**

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#### Part 3

**Enforcement, removal of things, offences, penalties**

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**Savings, transitional provisions, and revocation**

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</table>
1 Title
(1) This bylaw is the Cemeteries and Crematoria Bylaw 2014.

2 Commencement
(1) This bylaw comes into force on 1 November 2014.

3 Application
(1) This bylaw applies to Auckland.

Part 1
Preliminary provisions

4 Purpose
(1) The purpose of this bylaw is to regulate activities to maintain, preserve, and embellish council owned or operated cemeteries and crematoria.

5 Interpretation
(1) In this bylaw, unless the context otherwise requires, -

Cemetery means any land vested in or under the control of the council from time to time, and dedicated as a cemetery.

Council means the governing body of the Auckland council or any person delegated to act on its behalf.

(2) To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable statutes, regulations, bylaws, and rules of law.

(3) Unless the context requires another meaning, a term or expression that is defined in the Burial and Cremation Act 1964 and used in this bylaw, but not defined, has the meaning given by that Act.

(4) Any explanatory notes are for information purposes, do not form part of this bylaw, and may be inserted, amended or revoked without formality.

(5) The Interpretation Act 1989 applies to this bylaw.

Part 2
Regulation of cemeteries and crematoria

6 Cemeteries and Crematoria code of practice
(1) The council may make, amend or revoke a code of practice that establishes rules for using council owned or operated cemeteries and crematoria.
(2) Without limitation, a code of practice may include rules on:
   a) Interment;
   b) Disinterment;
   c) Built structures;
   d) Ground maintenance; and
   e) Records.

(3) Every person must comply with any code of practice made under this bylaw.

7 Procedure for making a code of practice

(1) The council must, before making, amending or revoking a code of practice in clause 6. —
   a) comply with the requirements under Subpart 1 of Part 6 of the Local Government Act 2002;
   b) consult with any affected operators;
   c) be satisfied that —
      i) the standards are the minimum necessary to ensure that the purpose of the bylaw will be met; and
      2) the recommendations for best practice (if any) are appropriate; and
   d) have regard to —
      i) the feasibility and practicality of effecting a transition from current practices to new practices and any adverse effects that may result from such a transition; and
      2) any other matters considered relevant by the council.

(2) A code of practice made, amended or revoked under subclause (1) must be publicly notified.

8 Fees

(1) The council may prescribe fees for matters relating to council owned or operated cemeteries and crematoria.

9 Exemptions

(1) A person is not in breach of this bylaw if their act or omission was in compliance with the directions of an authorised officer of the council.

Part 3
Enforcement, removal of things, offences, penalties

10 Enforcement
Recommendations from Regulatory Committee, Proposal to amend the Cemeteries and Crematoria Bylaw 2014

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Item 14

Governing Body
24 September 2020

Regulatory Committee
01 September 2020

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(1) The council may use its powers under the Local Government Act 2002 and the Burial and Cremation Act 1964 to enforce this bylaw.

11 Removal of material or things

(1) The council may require any person by written notice to remedy any breach of this bylaw.

(2) In addition to the powers conferred on it by any other enactment, the council may remove or cause to be removed from any cemetery or crematorium any material or thing in breach of the bylaw.

(3) The council may recover from the person who committed the breach of this bylaw the appropriate costs in connection with the removal of the material or thing.

12 Removal of construction

(1) The council may, pursuant to section 163 of the Local Government Act 2002, remove or alter a work or thing that has been constructed in breach of this bylaw and may recover any costs of removal or alteration from the person who committed the breach.

13 Offences and penalties

(1) A person who fails to comply with this bylaw commits a breach of this bylaw and is liable to a penalty under the Local Government Act 2002 and / or the Burial and Cremation Act 1964.

Part 4
Savings, transitional provisions and revocation

14 Savings and transitional provisions

(1) This clause applies to:

a) Rodney District Council General Bylaw: 1998 Chapter 2 Cemeteries;

b) North Shore City Council [Part 10] Cemeteries and Crematorium Bylaw 2000;

c) Auckland City Council Bylaw No. 7 Cemeteries 2008;


f) Waitakere City Council Urupa (Maori Burial Site) Bylaw 2010;

f) Manukau City Council Chapter 4 Cemeteries and Crematoria of the Manukau City Consolidated Bylaw 2008;

g) Papakura District Council Cemeteries Bylaw 2008;

h) Franklin District Council Cemeteries Bylaw 2008

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Proposal to amend the Cemeteries and Crematoria Bylaw 2014
(2) Any resolution or other decision made under the bylaws referred to in subclause (1) remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the council under this bylaw.

(3) Any licence, consent, permit, dispensation, permission or other form of approval made under the bylaws referred to in subclause (1) continues in force but
   a) expires on the date specified in that approval, or
   b) if no expiry date is specified, expires 12 months from the date that this bylaw becomes effective, and
   c) can be renewed only by application made and determined under this bylaw.

(4) Any application for a consent, permit, dispensation, permission or other form of approval made under a bylaw referred to in subclause (1) that was filed the day before on which this bylaw commences must be dealt with by the council as if it had been made under this bylaw.

15 Revocations

(1) The bylaws referred to in clause 14(1) are revoked.
Additional Information to Cemeteries and Crematoria Bylaw 2014

This document contains matters for information purposes only and does not form part of any bylaw. They include matters made pursuant to a bylaw and other matters to assist in the ease of understanding, use and maintenance.

The information contained in this document may be updated at any time.

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Proposal to amend the Cemeteries and Crematoria Bylaw 2014

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## Section 1

### History of Bylaw

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</table>
| Make   | Following cemeteries and crematoria bylaws in force on 31 Oct 2010 deemed to have been made by Auckland Council  
- Rodney District Council General Bylaw: 1998; Chapter 2 Cemeteries  
- North Shore City Council (Part 10) Cemeteries and Crematorium Bylaw 2000  
- Auckland City Council Bylaw No 7 Cemeteries 2008  
- Waitakere City Council Public Places Bylaw 2010 Part 1 (12) Cemeteries and Crematoria  
- Waitakere City Council Urupa (Māori Burial Site) Bylaw 2010  
- Manukau City Council Chapter 4 Cemeteries and Crematoria of the Manukau City Consolidated Bylaw 2008  
- Papakura District Council Cemeteries Bylaw 2008  
| Revoke |  
- Rodney District Council General Bylaw: 1998; Chapter 2 Cemeteries  
- North Shore City Council (Part 10) Cemeteries and Crematorium Bylaw 2000  
- Auckland City Council Bylaw No 7 Cemeteries 2008  
- Waitakere City Council Public Places Bylaw 2010 Part 1 (12) Cemeteries and Crematoria  
- Waitakere City Council Urupa (Māori Burial Site) Bylaw 2010  
- Manukau City Council Chapter 4 Cemeteries and Crematoria of the Manukau City Consolidated Bylaw 2008  
- Papakura District Council Cemeteries Bylaw 2008  
- Franklin District Council Cemeteries Bylaw 2008 | 31 July 2014 | GB/2014/07 | 1 November 2014 |
| Make   | Cemeteries and Crematoria Bylaw 2014 | 31 July 2014 | GB/2014/07 | 1 November 2014 |
Section 2

Related Documents

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<th>Document Title</th>
<th>Description of Document</th>
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<tr>
<td>Cemeteries and Crematoria Code of Practice</td>
<td>Sets rules for using council owned or operated cemeteries and crematoria</td>
<td><a href="http://www.aucklandcouncil.govt.nz">www.aucklandcouncil.govt.nz</a></td>
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<td>Decision Minutes and Agenda</td>
<td>Decisions on submissions to proposed cemeteries and crematoria bylaw</td>
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<td>Hearings Report</td>
<td>Background and summary of submissions to proposed cemeteries and crematoria bylaw</td>
<td><a href="http://www.aucklandcouncil.govt.nz">www.aucklandcouncil.govt.nz</a></td>
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<td>Cemeteries and Crematoria Bylaw Review Statement of Proposal</td>
<td>Provides background to the cemeteries and crematoria code of practice and bylaw</td>
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<td>Long Term Plan</td>
<td>Outlines financial plans</td>
<td><a href="http://www.aucklandcouncil.govt.nz">www.aucklandcouncil.govt.nz</a></td>
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<td>Annual Plan</td>
<td>Sets cemeteries and crematoria fees</td>
<td><a href="http://www.aucklandcouncil.govt.nz">www.aucklandcouncil.govt.nz</a></td>
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<tr>
<td>The Local Government Act 2002</td>
<td>Provides certain functions, duties, powers and penalties to make and enforce this bylaw</td>
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<td>The Burial and Cremation Act 1904</td>
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<td>Bylaws Act 1910</td>
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<td>GB/2014/67</td>
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<td>184 Seizure of property not on private land</td>
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<tr>
<td>All</td>
<td>A person who fails to comply with Part 2 or Part 3 of this bylaw commits a breach of this bylaw and is liable to a penalty under the Local Government Act 2002 and / or the Burial and Cremation Act 1964.</td>
<td>Under section 242 of the Local Government Act 2002 person who is convicted of an offence against a bylaw is liable to a fine not exceeding $20,000. Under section 16 of the Burial and Cremation Act 1964, all bylaws made by a local authority under this Act shall be made in the same manner in all respects as if they were bylaws made pursuant to the Local Government Act.</td>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>
Appendix C: Comparison of existing Cemeteries and Crematoria Bylaw and proposed amended Bylaw

The table below shows the current text of the Cemeteries and Crematoria Bylaw 2014 compared with proposed amendments.

The proposed amendments in Appendix A prevail in the event of differences between the proposed bylaw in Appendix A and the table below.

<table>
<thead>
<tr>
<th>Existing Bylaw</th>
<th>Bylaw with proposed amendments</th>
<th>Reasons</th>
</tr>
</thead>
</table>

Summary:
This summary is not part of the Bylaw but explains the general effects. The use of council cemeteries and crematoria can result in issues including ground maintenance problems from unsecured driveways, public safety risks from improperly maintained monuments, and distress from antisocial behaviour. The purpose of this Bylaw is to minimise public safety risks, distress, nuisance, damage to property and heritage, and interference with ground maintenance and operational activities from the use of council cemeteries and crematoria by the public and contractors by:

- using a code of practice to regulate activities on council owned or operated cemeteries and crematoria in clause 6
- setting out that council may make a code of practice in clause 7
- enabling council to prescribe fees for matters relating to council owned or operated cemeteries in clause 7.

Other sorts of this Bylaw assist with its administration by:

- stating the name of the Bylaw, where it comes into force and where it applies in clauses 1, 2 and 3
- stating the purpose of the Bylaw and defining terms in clauses 4 and 5
- referencing council’s powers to enforce this Bylaw in clauses 8 and 9 and penalties in clause 10
- ensuring existing regulations, approvals and other decisions under legacy bylaws and existing codes of practice continue to apply where relevant in Part 5.

Compliance with this Bylaw does not remove the need to comply with all other applicable statutes, regulations, bylaws and rules of law. For example, the Burial and Cremation Act 1964.
### Existing Bylaw

<table>
<thead>
<tr>
<th></th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>This bylaw is the Cemeteries and Crematoria Bylaw 2014.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Commencement</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>This bylaw comes into force on 1 November 2014.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>This bylaw applies to Auckland.</td>
</tr>
</tbody>
</table>

### Bylaw with proposed amendments

<table>
<thead>
<tr>
<th></th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>This Bylaw is the Te Turo a-Rohe mo nga Wahi Tapu mo nga Whare Tahu Tupapaku 2014 / Cemeteries and Crematoria Bylaw 2014.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Commencement</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>This Bylaw comes into force on 1 November 2014.</td>
</tr>
</tbody>
</table>

|   | Amendments to this Bylaw by resolution GB/2021/1 come into force on 01 June 2021. |

#### Related information about amendments

- Council decided on [date] to make various amendments to the Bylaw. The majority of the amendments were to make the Bylaw easier to read. Key changes included clarifying wording, structure and related information notes.
- A comparison of the Bylaw before and after the amendments can be viewed in Attachment # to item # of the Auckland Council Governing Body meeting agenda dated [date].

<table>
<thead>
<tr>
<th></th>
<th>Application</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>This Bylaw applies to Auckland.</td>
</tr>
</tbody>
</table>

### Part 1 Preliminary provisions

<table>
<thead>
<tr>
<th></th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>The purpose of this bylaw is to regulate activities to maintain, preserve, and embellish council owned or operated cemeteries and crematoria.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Purpose</th>
</tr>
</thead>
<tbody>
<tr>
<td>4</td>
<td>The purpose of this Bylaw is to minimise public safety risks, distress, nuisance, damage to property and harm to, and interference with ground maintenance and operational activities from the use of council cemeteries and crematoria by the public and controllers.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Use of te reo Maori implements council’s Maori Language Policy.</td>
</tr>
<tr>
<td></td>
<td>Improves certainty about what amendments were made and commencement date.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Clarifies purpose.</td>
</tr>
<tr>
<td>Existing Bylaw</td>
<td>Bylaw with proposed amendments</td>
</tr>
<tr>
<td>----------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td><strong>5 Interpretation</strong>&lt;br&gt;(1) In this bylaw, unless the context otherwise requires, -</td>
<td><strong>5 Interpretation</strong>&lt;br&gt;(1) In this bylaw, unless the context otherwise requires, -</td>
</tr>
<tr>
<td><strong>Auckland</strong> has the meaning given by section 4(1) of the Local Government (Auckland Council) Act 2009</td>
<td><strong>Auckland</strong> has the meaning given by section 4(1) of the Local Government (Auckland Council) Act 2009</td>
</tr>
<tr>
<td>Related information&lt;br&gt;The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland’s boundaries in a map titled LGC Ak R1. The boundaries were formally adopted by Order in Council on 16 March 2010, and came into effect on 1 November 2010.</td>
<td>Related information&lt;br&gt;The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland’s boundaries in a map titled LGC Ak R1. The boundaries were formally adopted by Order in Council on 16 March 2010, and came into effect on 1 November 2010.</td>
</tr>
<tr>
<td><strong>Cemetery</strong> means any land vested in or under the control of the council from time to time, and dedicated as a cemetery.</td>
<td><strong>Cemetery</strong> means any land vested in or under the control of the council from time to time, and dedicated as a cemetery.</td>
</tr>
<tr>
<td><strong>Council</strong> means the governing body of the Auckland council or any person delegated by or authorized to act on its behalf.</td>
<td><strong>Council</strong> means the Governing Body of the Auckland Council or any person delegated or authorized to act on its behalf.</td>
</tr>
</tbody>
</table>

**Related Information about who can make decisions**
- Council has delegated –
  - the making, amending and revoking of a code of practice in clause 7 to the Regulatory Committee as at 1 November 2014 (21/2014/067);
  - responsibility for ensuring compliance with this Bylaw to Auckland Cemeteries, and to both Auckland Cemeteries and the Waitakere Uepa Aotearoa in relation to Waitakere Cemetery as at 1 November 2014 (03/2014/067);
  - authority to prescribe fees for matters relating to council owned or operated cemeteries to Auckland Cemeteries as at 1 November 2014 (03/2014/067); and
  - under the Te Tahu Tuawhenua Te Utu Māheke Taupunga Whenua 2016 – 2020, The 10-year Budget Long-term Plan 2018 – 2028, Volume 2, 3.5(b) and (c), decision-making on –
    - open cemeteries in Auckland (excluding Aotea Great Barrier Island) to the Governing Body
    - operational cemeteries on Aotea Great Barrier Island to the Aotea Great Barrier Local Board
    - cemeteries that are no longer in regular active use and are functioning as local parks to local boards.
### Existing Bylaw

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(2)</td>
<td>To avoid doubt, compliance with this bylaw does not remove the need to comply with all other applicable statutes, regulations, bylaws, and rules of law.</td>
</tr>
<tr>
<td>(3)</td>
<td>Unless the context requires another meaning, a term or expression that is defined in the Burial and Cremation Act 1954 and used in this bylaw, but not defined, has the meaning given by that Act.</td>
</tr>
<tr>
<td>(4)</td>
<td>Any explanatory notes are for information purposes, do not form part of this bylaw, and may be inserted, amended or revoked without formality.</td>
</tr>
<tr>
<td>(5)</td>
<td>The Interpretation Act 1999 applies to this bylaw.</td>
</tr>
</tbody>
</table>

### Bylaw with proposed amendments

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(2)</td>
<td>A term or expression defined in the Burial and Cremation Act 1954 and used in this Bylaw has the same meaning as it has in that Act, unless defined differently in this Bylaw.</td>
</tr>
<tr>
<td>(3)</td>
<td>Related information does not form part of this Bylaw and may be inserted, amended, or removed without any formality.</td>
</tr>
<tr>
<td>(4)</td>
<td>The Interpretation Act 1999 applies to this Bylaw.</td>
</tr>
</tbody>
</table>

### Reasons

- Moved to 'Summary' box as not necessary in clause.
- Removes unnecessary detail to improve certainty and provide related information for clarity.

### Part 2

#### Regulation of cemeteries and crematoria

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Cemeteries and Crematoria code of practice</td>
</tr>
<tr>
<td></td>
<td>(1) The council may make, amend or revoke a code of practice that establishes rules for using council owned or operated cemeteries and crematoria.</td>
</tr>
<tr>
<td></td>
<td>(2) Without limitation, a code of practice may include rules on:</td>
</tr>
<tr>
<td></td>
<td>a) Internment;</td>
</tr>
<tr>
<td></td>
<td>b) Disinterment;</td>
</tr>
<tr>
<td></td>
<td>c) Built structures;</td>
</tr>
<tr>
<td></td>
<td>d) Ground maintenance; and</td>
</tr>
<tr>
<td></td>
<td>e) Records.</td>
</tr>
<tr>
<td>(3)</td>
<td>Every person must comply with any code of practice made under this bylaw</td>
</tr>
</tbody>
</table>

#### Activities in council cemeteries and crematoria

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>A person must comply with any cemeteries and crematoria code of practice</td>
</tr>
<tr>
<td></td>
<td>(1) A person must comply with any code of practice for council owned or operated cemeteries or crematoria made in accordance with clause 7.</td>
</tr>
<tr>
<td></td>
<td>(2) However, clause 6(1) does not apply to any person acting in compliance with a lawful direction of council.</td>
</tr>
</tbody>
</table>

### Related information about council’s code of practice

- Any code of practice applies to both open and closed council owned or operated cemeteries and crematoria.
- Council owns and operates 29 open cemeteries and 25 closed cemeteries, including three crematoria. A full list of these cemeteries and crematoria can be found on council’s website.
- More information can be found on council’s website about council’s code of practice and fees relating to council owned or operated cemeteries and crematoria.
## Existing Bylaw

<table>
<thead>
<tr>
<th>7</th>
<th>Procedure for making a code of practice</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>The council must, before making, amending or revoking a code of practice in clause 6, –</td>
</tr>
<tr>
<td>a)</td>
<td>comply with the requirements under Subpart 1 of Part 6 of the Local Government Act 2002;</td>
</tr>
<tr>
<td>b)</td>
<td>consult with any affected operators;</td>
</tr>
<tr>
<td>c)</td>
<td>be satisfied that</td>
</tr>
<tr>
<td>i)</td>
<td>the standards are the minimum necessary to ensure that the purpose of the bylaw will be met; and</td>
</tr>
<tr>
<td>ii)</td>
<td>the recommendations for best practice (if any) are appropriate, and</td>
</tr>
<tr>
<td>d)</td>
<td>have regard to –</td>
</tr>
<tr>
<td>i)</td>
<td>the feasibility and practicability of effecting a transition from current practices to new practices and any adverse effects that may result from such a transition, and</td>
</tr>
<tr>
<td>ii)</td>
<td>any other matters considered relevant by the council.</td>
</tr>
<tr>
<td>(2)</td>
<td>A code of practice made, amended or revoked under subclause (1) must be publicly notified.</td>
</tr>
</tbody>
</table>

## Bylaw with proposed amendments

<table>
<thead>
<tr>
<th>7</th>
<th>Council may make a cemeteries and crematoria code of practice</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Council may make a code of practice and set fees to regulate activities on council owned or operated cemeteries and crematoria.</td>
</tr>
<tr>
<td>(2)</td>
<td>Any code of practice made under clause 7(1) may prescribe rules and set fees for one or more of the following purposes –</td>
</tr>
<tr>
<td>a)</td>
<td>interment;</td>
</tr>
<tr>
<td>b)</td>
<td>disinterment;</td>
</tr>
<tr>
<td>c)</td>
<td>built structures;</td>
</tr>
<tr>
<td>d)</td>
<td>ground maintenance;</td>
</tr>
<tr>
<td>e)</td>
<td>records; and</td>
</tr>
<tr>
<td>f)</td>
<td>any other matters council considers relevant and reasonably necessary to achieve the purpose of the Bylaw.</td>
</tr>
</tbody>
</table>

## Reasons

- Clarifies how council may make a code of practice.
## Existing Bylaw

9 **Exemptions**

1. A person is not in breach of this bylaw if their act or omission was in compliance with the directions of an authorised officer of the Council.

10 **Enforcement**

1. The council may use its powers under the Local Government Act 2002 and the Burial and Cremation Act 1994 to enforce the bylaw.

## Bylaw with proposed amendments

8 **Council can use statutory powers and other methods to enforce this Bylaw**

1. Council may use its powers under the Burial and Cremation Act 1994 and Local Government Act 2002 to enforce this Bylaw.

### Related information about enforcement

- Council powers under the Burial and Cremation Act 1994 (as reprinted on 24 October 2018) and Local Government Act 2002 (as reprinted on 26 March 2020) include court injunction (sections 122), removal of works (section 163), seizure and disposal of property (sections 164, 165, 166, 189), powers of entry (sections 75, 122, 176, 178), cost recovery for damage (sections 125, 175) and power to request name and address (section 176).

- Council can also use other methods as a service provider to encourage compliance, for example providing advice, information or warnings, or trespassing a person.

## Reasons

* Addressed in Clause 6 to be easier to read and understand.

* Clarifies enforcement powers.
<table>
<thead>
<tr>
<th>Existing Bylaw</th>
<th>Bylaw with proposed amendments</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The council may, pursuant to section 163 of the Local Government Act 2002, remove or alter a work or thing that has been constructed in breach of this bylaw and may recover any costs of removal or alteration from the person who committed the breach.</td>
<td>10 A person can be penalised for not complying with this Bylaw.</td>
<td>- Clarifies penalties for non-compliance.</td>
</tr>
<tr>
<td>13 Offences and penalties</td>
<td>10 A person who fails to comply with Part 2 of this Bylaw commits an offence and is liable to a penalty under the Burial and Cremation Act 1964 or the Local Government Act 2002.</td>
<td></td>
</tr>
</tbody>
</table>

**Related Information about penalties**
A person who is convicted of an offence against a bylaw is liable to a fine not exceeding $20,000 under section 240 of the Local Government Act 2002 (as amended on 26 March 2020).
Council has chosen not to set fines in this bylaw at this time under the Burial and Cremation Act 1964.

Clause 10 replaced in accordance with Clause 22.

<table>
<thead>
<tr>
<th>Part 4</th>
<th>Savings, transitional provisions and revocation</th>
<th>Part 5</th>
<th>Savings, transitional provisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>14</td>
<td>Savings and transitional provisions</td>
<td>11</td>
<td>Savings and transitional provisions</td>
</tr>
<tr>
<td>(1) This clause applies to:</td>
<td>(1) This clause applies to things resolved, made or approved under -</td>
<td></td>
<td></td>
</tr>
<tr>
<td>c) Auckland City Council Bylaw No. 7 Cemeteries 2006;</td>
<td>c) Auckland City Council Bylaw No. 7 Cemeteries 2006;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12 Cemeteries and Crematoria;</td>
<td>12 Cemeteries and Crematoria;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>e) Watatere City Council Urupa (Mori Burial Site) Bylaw 2010;</td>
<td>e) Watatere City Council Urupa (Mori Burial Site) Bylaw 2010;</td>
<td></td>
<td></td>
</tr>
<tr>
<td>f) Manukau City Council Chapter 4 Cemeteries and Crematoria of the Manukau City Consolidated Bylaw 2008;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>g) Papakura District Council Cemeteries Bylaw 2008;</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>h) Franklin District Council Cemeteries Bylaw 2008</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Clarified the new amendment:**
- Improves certainty.
### Existing Bylaw

<table>
<thead>
<tr>
<th>Clauses</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(7)</td>
<td>Any resolution or other decision made under the bylaws referred to in subclause (1) remains in force in the area to which it applied until revoked or replaced by an equivalent resolution or decision made by the council under this bylaw.</td>
</tr>
<tr>
<td>(3)</td>
<td>Any licence, consent, permit, dispensation, permission or other form of approval made under the bylaws referred to in subclauses (1) continues in force but:</td>
</tr>
<tr>
<td></td>
<td>a) expires on the date specified in that approval or</td>
</tr>
<tr>
<td></td>
<td>b) if no expiry date is specified, expires 12 months from the date that this bylaw becomes effective; and</td>
</tr>
<tr>
<td></td>
<td>c) can be renewed only by application made and determined under this bylaw.</td>
</tr>
<tr>
<td>(4)</td>
<td>Any application for a consent, permit, dispensation, permission or other form of approval made under a bylaw referred to in subclause (1) that was filed the day before on which this bylaw commences must be dealt with by the council as if it had been made under this bylaw.</td>
</tr>
</tbody>
</table>

### Bylaw with proposed amendments

<table>
<thead>
<tr>
<th>Clauses</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(f)</td>
<td>Manukau City Council Chapter 4 Cemeteries and Crematoria of the Manukau City Consolidated Bylaw 2008;</td>
</tr>
<tr>
<td>(g)</td>
<td>Papakura District Council Cemeteries Bylaw 2008;</td>
</tr>
<tr>
<td>(h)</td>
<td>Franklin District Council Cemeteries Bylaw 2008.</td>
</tr>
<tr>
<td>(2)</td>
<td>Every resolution or other decision made continues to apply until replaced or revoked by council.</td>
</tr>
<tr>
<td>(3)</td>
<td>Every approval granted that applied on 31 May 2021 continues to apply until the expiration date specified in that approval or until replaced or revoked by council.</td>
</tr>
</tbody>
</table>

Clause 11 replaced in accordance with Clause 22).

### Revocations

<table>
<thead>
<tr>
<th>Clauses</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>The bylaws referred to in clause 14(1) are revoked.</td>
</tr>
</tbody>
</table>

### Existing code of practice continues to apply

<table>
<thead>
<tr>
<th>Clauses</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>This clause applies to any code of practice made under this Bylaw prior to amendments in clause 2(2) coming into force.</td>
</tr>
<tr>
<td>(2)</td>
<td>Every code of practice made continues to apply as if made after the amendments to this Bylaw until repealed or revoked by council, whichever comes first.</td>
</tr>
</tbody>
</table>

Clause 12 replaced in accordance with Clause 22).

### Existing inquiries to be completed under this Bylaw

<table>
<thead>
<tr>
<th>Clauses</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Any compliance or enforcement action by council under this Bylaw that was not completed prior to amendments in clause 2(2) coming into force will continue to be actioned under this Bylaw.</td>
</tr>
</tbody>
</table>

Clause 13 replaced in accordance with Clause 2(2).

* Subclause unnecessary.

* Ensures existing code of practice continues to apply.

* Ensures existing compliance or enforcement action continues after amendments are made.
Te take mō te pūrongo
Purpose of the report
1. To receive the recommendations from the Regulatory Committee and adopt the statement of proposal for the Alcohol Control 2014 Bylaw.

Whakarāpopototanga matua
Executive summary
2. At its meeting on 1 September 2020, the Regulatory Committee considered the attached report and resolved as follows:

“Resolution Number REG/2020/52
That the Regulatory Committee:

a) note that this committee completed the review of the Alcohol Control Bylaw 2014 in April 2019 and determined that a bylaw about the consumption or possession of alcohol in public places is still the most appropriate way to address crime or disorder in certain public places caused or made worse by alcohol consumed there.

b) recommend the Governing Body adopt the statement of proposal in Attachment A of this agenda report for public consultation, and confirm that the proposed amended Alcohol Control Bylaw 2014:
   i) is the most appropriate form of bylaw
   ii) does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990.

c) recommend the Governing Body forward to the Independent Māori Statutory Board the statement of proposal in clause b) for their advice.

d) recommend the Governing Body forward to local boards this agenda report and attachments for their information.

e) appoint Deputy Chairperson Cr Josephine Bartley, Cr Cathy Casey and Independent Māori Statutory Board Member Glenn Wilcox to attend ‘Have Your Say’ events and to deliberate and make recommendations to the Governing Body on public feedback to the statement of proposal in clause b).

f) delegate authority to the Regulatory Committee chairperson to make replacement appointments to the bylaw panel if a panel member is unavailable.

g) delegate authority through the Chief Executive to a manager responsible for bylaws:
   i) to appoint staff to receive public feedback at ‘Have Your Say’ events
   ii) to make any amendments to the proposal in clause b) to correct errors, omissions or to reflect decisions made by the Regulatory Committee or the Governing Body.”

3. The original report with attachments as can accessed at the following link: https://infocouncil.aucklandcouncil.govt.nz/Open/2020/09/REG_20200901_AGN_9766_AT.htm#PDF2_ReportName_76241

4. The statement of proposal considered by the Regulatory Committee at its meeting of 1 September 2020 is appended as Attachment A.
Ngā tūtohunga
Recommendation/s
That the Governing Body:

a) adopt the statement of proposal in Attachment A of this agenda report for public consultation, and confirm that the proposed amended Alcohol Control Bylaw 2014:
   i) is the most appropriate form of bylaw
   ii) does not give rise to any implications under, and is not inconsistent with, the New Zealand Bill of Rights Act 1990.

b) forward the statement of proposal in clause a) to the Independent Māori Statutory Board for their advice.

c) forward the agenda report and attachments to local boards for their information.

d) note the delegated authority through the Chief Executive to a manager responsible for bylaws:
   i) to make any amendments to the proposal in clause a) to correct errors, omissions or to reflect decisions made by the Regulatory Committee or the Governing Body.

Ngā tāpirihanga
Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A1</td>
<td>Statement of Proposal considered by the Regulatory Committee on 1 September 2020</td>
<td>77</td>
</tr>
</tbody>
</table>

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Sarandra O'Toole - Kaiarataki Kapa Tohutohu Mana Whakahaere / Team Leader Governance Advisors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Jim Stabback - Chief Executive</td>
</tr>
</tbody>
</table>
Helping to protect the public

Reducing alcohol-related crime and disorder

Enabling alcohol bans to be made that prohibit alcohol in certain public places where crime or disorder is caused or made worse by alcohol consumed there.
1. Have your say

Helping to protect the public

Aucklanders drink alcohol in public places every day, for example at a family picnic, licensed venue or concert. Most people drink responsibly and without having any negative impact on others.

Sometimes drinking in public places can cause or worsen crime or disorder there. For example, drinkers may make too much noise, leave litter or graffiti, urinate in public, commit vandalism or theft, intimidate or assault others, trespass, or use vehicles recklessly. This can negatively affect nearby residents’ sleep, reduce the recreational or visual amenity of the place, make people feel unsafe, and place drinkers or those around them in danger of physical harm.

How Auckland Council keeps you safe

We use a bylaw to enable us to make alcohol bans that prohibit alcohol in certain public places (for example a park).

The current ability to make alcohol bans is included in the Te Kaunihera o Tāmaki Makaurau Te Ture ā-Rohe Whakarara Tauiho 2014 / Auckland Council Alcohol Control Bylaw 2014.

Improving how we make alcohol bans

We recently checked how the rules are working and identified improvements.

We propose changes to the Bylaw that would:

- make new event-based temporary alcohol bans for major events at Mount Smart Stadium, Western Springs Stadium, Eden Park and the Auckland Domain in the Bylaw
- use related information notes to replace clauses about alcohol ban signage and to replace clauses that duplicate legislative decision-making criteria
- clarify exceptions to alcohol bans for licensed premises and the transport of alcohol, and to clarify council’s ability to make temporary alcohol bans
- make the Bylaw wording easier to read and understand.

Other key aspects of the current Bylaw and its implementation will remain unchanged, for example:

- all local boards, the Auckland Domain Committee and the Regulatory Committee will continue to have delegated authority to make alcohol bans
- no changes to current alcohol bans (except for the event-based temporary alcohol bans above).

We want to know what you think

Starting on [date] through to [date], we want you to tell us what you think about the proposed amendments to the Auckland Council Alcohol Control Bylaw 2014.

Visit www.aucklandcouncil.govt.nz/have-your-say for more information, to give your feedback and to find out where you can drop in to a ‘have your say’ event.
2 What is the Bylaw

The Te Kaunihere o Tamaki Makaurau Te Tūranga Rohe Whakarārata Waipiro 2014, Auckland Council Alcohol Control Bylaw 2014, was made on 30 October 2014.

The purpose of the Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there. The Bylaw seeks to achieve this by enabling council to make alcohol bans that prohibit alcohol in those public places (including in a vehicle).

Alcohol Control Bylaw 2014 framework

[Diagram of Alcohol Control Bylaw 2014 framework]

Proposition to amend the Alcohol Control Bylaw 2014
### What council proposes to change

#### Improving how we make alcohol bans

We recently checked how the rules are working and identified improvements.

Council is proposing to better reduce alcohol-related crime and disorder in public places by making amendments to the Alcohol Control Bylaw 2014. The proposed amendments are listed below.

<table>
<thead>
<tr>
<th>Proposed changes</th>
<th>Reasons for proposed changes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Make new event-based temporary alcohol bans for all major events at Mount Smart Stadium, Western Springs Stadium, Eden Park and Auckland Domain in the Bylaw.</td>
<td>New event-based temporary alcohol bans made in the Bylaw:</td>
</tr>
<tr>
<td>The new event-based temporary alcohol bans will replace existing event-based temporary alcohol bans made by resolution 1 for Mount Smart Stadium, Eden Park and Auckland Domain for ‘Christmas in the Park’ and the Lantern Festival. Changes to these existing resolutions would:</td>
<td></td>
</tr>
<tr>
<td>o for Mount Smart Stadium extend the ban to apply to all major events, not just concerts</td>
<td>o more easily enables a preventative approach to alcohol-related crime or disorder at or near event venues used for major events</td>
</tr>
<tr>
<td>o for Eden Park extend the ban to include Eden Park stadium, and two fan tents if they are activated as part of the event</td>
<td>o removes time and cost to process individual requests for event-based temporary alcohol bars where:</td>
</tr>
<tr>
<td>o for Auckland Domain extend the ban to all major events (not just the Lantern Festival) and extend the times of the ban to start and finish one hour earlier (between 6am and 6pm instead of 7am and 7pm).</td>
<td>o the event venue has been and will continue to be used for major events</td>
</tr>
<tr>
<td>The ban for the Auckland Domain Christmas in the Park event would remain unchanged.</td>
<td>o a ban has been used in the past for major events</td>
</tr>
<tr>
<td>Use a related information note to replace clauses about alcohol ban signage and about legislative decision-making criteria.</td>
<td></td>
</tr>
<tr>
<td>Clarify exceptions to alcohol bans for licensed premises and the transport of alcohol, council’s ability to make temporary alcohol bans and Bylaw wording.</td>
<td></td>
</tr>
</tbody>
</table>

If you want to know more, **Appendix A** shows what the proposed amended Alcohol Control Bylaw would look like. **Appendix B** provides a copy of the existing Alcohol Control Bylaw 2014. **Appendix C** provides a summary of the differences between the existing and amended bylaw.

---

1. MT/2017/44 (Mt Smart); AE/2015/118 (Eden Park); RBC/2015/41 and WTM/2010/10 (Christmas in the Park); ADC/2017/43 (Lantern Festival).

2. These are two Eden Park Fan Trails designed for fans to walk to Eden Park. One starts at Ponsonby Road (activated on match days) and one starts at Queen Street (last used during the 2011 Rugby World Cup).
4 How we implement the Bylaw

Making decisions using evidence

Council uses evidence to decide whether to make, amend or replace an alcohol ban by resolution. Before making an alcohol ban by resolution, the Local Government Act 2002 requires council to be satisfied that there is evidence of a high level of crime or disorder in the area which has been caused by or made worse by alcohol consumption in that same area.

Evidence can include witness accounts of crime or disorder, photos of litter or damage, and calls to council noise control and the Police. The Local Government Act 2002 also requires any alcohol ban to be appropriate and proportionate in terms of the nature and scale of the crime or disorder and justifiable as a reasonable limitation on people’s rights and freedoms.

Erecting and maintaining signage

Council erects and maintains alcohol ban signage. Signage informs people of the alcohol ban area and hours. An internal policy guides the form and placement of alcohol ban signage.

Police enforcement of alcohol bans

The New Zealand Police are responsible for enforcing alcohol bans made under the Bylaw.

Anyone can report a breach of an alcohol ban to the Police. Police respond to reports of alcohol ban breaches as soon as possible depending on the nature of the issues and other priorities.

Police may use powers of search, seizure and arrest under the Local Government Act 2002 to enforce alcohol bans. For breaches of alcohol bans, the Police may issue an infringement fee of $250.
5 How we got here

Decisions leading to the proposed changes

The Local Government Act 2002 requires the council to review its bylaws periodically to determine whether they are effective, efficient and still necessary to address the problem. We also check that the bylaw is not inconsistent with the New Zealand Bill of Rights Act 1990.

Auckland Council reviewed the existing bylaw by engaging with stakeholders and undertaking research. Council reported its findings and considered options in response to the findings at meetings in April and May 2019.

This statement of proposal was approved for public consultation by the Governing Body in September 2020. This begins the formal process to make amendments to the Alcohol Control Bylaw 2014.

Bylaw review and approval process

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>Findings report</td>
<td>Options report</td>
<td>Proposal developed</td>
<td>Local board and Auckland Domain Committee (ADC) input</td>
<td>Proposal finalised</td>
</tr>
<tr>
<td>Review of how well the current bylaw is working (REG/20/19/19)</td>
<td>Considered whether to keep the bylaw, improve it, make a new bylaw or have no bylaw (REG/2019/28)</td>
<td>Statement of Proposal developed to amend Alcohol Control Bylaw 2014</td>
<td>Local boards and the ADC provide formal input on proposal ahead of public consultation</td>
<td>Regulatory Committee finalises proposal and Governing Body adopts it for consultation</td>
</tr>
</tbody>
</table>

Go to: www.aucklandcouncil.govt.nz/have-your-say if you would like to view more information about the above decisions, including the findings from the statutory bylaw review and options we considered to respond to those findings.

---

Council engaged with a range of stakeholders including the Tupuna Maunga Authority, the New Zealand Police, Alcohol Harm Watch, Health Promotion Agency, Auckland Regional Public Health Service, Te Puni Kōkiri and Māori public health advocates.

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Proposal to amend the Alcohol Control Bylaw 2014
6 We want your input

You have an opportunity to tell us your views.

We would like to know what you think about the proposed amendments to the Alcohol Control Bylaw.

Anyone can give feedback on the proposal, including individuals, organisations and businesses.

Give us your feedback

Starting on ### month 2020 through to ### month 2020 we are asking for feedback on proposed amendments to the Auckland Council Alcohol Control Bylaw 2014. Anyone can give feedback.

You can give your feedback:
- online at our website [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say)
- in person at one of our 'have your say' events – visit our website for details.

Visit [www.aucklandcouncil.govt.nz/have-your-say](http://www.aucklandcouncil.govt.nz/have-your-say) for more information.

Online services are available at our libraries.

Your name and feedback will be available to the public in our reports and online. All other personal details will remain private.
Appendix A: Proposed amended Auckland Council Alcohol Control Bylaw 2020
Te Ture ā-Rohe
Whakararata Waipiro 2014
Alcohol Control Bylaw 2014

(as at dd month 2021)

made by the Governing Body of Auckland Council
in resolution GB/2014/121
on 30 October 2014

Bylaw made under sections 145 and 147 of the Local Government Act 2002.
Summary
This summary is not part of the Bylaw but explains the general effects.
Sometimes drinking in public places can cause or worsen crime or disorder there. For example, drinkers may make too much noise, leave litter or graffiti, urinate in public, commit vandalism or theft, intimidate or assault others, trespass, or use vehicles recklessly.
This can negatively affect nearby residents’ sleep, reduce the recreational or visual amenity of the place, make people feel unsafe, and place drinkers or those around them in danger of physical harm.
The purpose of this Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there, by –

- using alcohol bans to prohibit people from consuming, bringing or possessing alcohol in certain public places at certain times (clause 6)
- setting out how council may make a new alcohol ban by resolution (clauses 7 and 8)
- specifying event based temporary alcohol bans (Schedule 1)
- referencing the full list of alcohol bans and maps (viewable on council’s website)

Other parts of this Bylaw assist with its administration by –

- stating its name, when it comes into force and where it applies (clauses 1, 2 and 3)
- stating the purpose of this Bylaw and defining key terms (clauses 4 and 5)
- referencing the powers of the New Zealand Police to enforce this Bylaw, including the issue of $250 infringement fines (Part 4)
- ensuring existing regulations continue to apply and incomplete enforcement action can continue where relevant (Part 5)

Cover page reformatted and summary inserted in accordance with Clause 9(2).
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<td>Application</td>
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<td>Schedule 1 Event-Based Temporary Alcohol Bans</td>
<td>10</td>
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---

Proposed Amendments to Alcohol Control Bylaw 2014
1 Title

(1) This Bylaw is the Te Ture a-Rohe Whakararata Waipiro 2014 / Alcohol Control Bylaw 2014.

Clause 1 amended in accordance with Clause 2(2).

2 Commencement

(1) This Bylaw comes into force on 18 December 2014.

(2) Amendments to this Bylaw by resolution GB#1#5#8#4#z# come into force on 01 June 2021.

Related information about amendments
Council decided on dd month year to make various amendments to the Bylaw. The majority of the amendments were to make the Bylaw easier to read and understand. Key changes included:
- Making new event based temporary alcohol bans in Schedule 1
- Using related information notes to replace clauses about alcohol ban signage and to replace clauses that duplicate legislative decision-making criteria
- Clarifying exceptions to alcohol bans for licensed premises and the transport of alcohol, and clarifying council’s ability to make temporary alcohol bans.

A comparison of the Bylaw before and after the amendments were made can be viewed in Item 3 of the Auckland Council Governing Body meeting agenda dated dd month year.

Clause 2 amended in accordance with Clause 2(2).

3 Application

(1) This Bylaw applies to Auckland.

Part 1

Preliminary provisions

4 Purpose

(1) The purpose of this Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there.

Clause 4 amended in accordance with Clause 2(2).

5 Interpretation

(1) In this Bylaw, unless the context otherwise requires, –

Alcohol has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.
Auckland has the meaning given by section 4(1) of the Local Government (Auckland Council) Act 2009.

**Related Information**

The Local Government (Auckland Council) Act 2009 enabled the Local Government Commission to determine Auckland's boundaries in a map titled LGC-Ac-R.1. The boundaries were formally adopted by Order in Council on 15 March 2010, and came into effect on 1 November 2010.

**Christmas / New Year holiday period** means Christmas Eve (the day before Christmas Day) to the day after New Year's Day as determined by the *Holidays Act 2003*.

**Council** means the Governing Body of the Auckland Council or any person delegated or authorised to act on its behalf.

**Public holiday** has the same meaning given in the *Holidays Act 2003*.

**Public place** has the meaning given by section 147 of the Local Government Act 2002.

**Vehicle** has the meaning given by section 2(1) of the *Land Transport Act 1998*.

(2) Related information and links do not form part of this Bylaw and may be inserted, changed or removed without any formality.

(3) The *Interpretation Act 1999* applies to this Bylaw.
Part 2
Alcohol consumption and possession in public places

6 Alcohol prohibited in public places where an alcohol ban applies

(1) A person must not consume, bring or possess alcohol in any public place or in any vehicle in any public place where—
   (a) an alcohol ban made by council in accordance with clause 7 of this Bylaw applies; or
   (b) an alcohol ban in a Schedule of this Bylaw applies.

(2) However, subclause (1) does not apply in those circumstances described in section 147(4) or section 147(1)(c) of the Local Government Act 2002.

Related information about alcohol bans
A list of all alcohol bans made using clause 7 and related maps is attached at the end of this Bylaw for information only, and can be viewed on council’s website.

Related information about exceptions – Transport of alcohol
In section 147(4) of the Local Government Act 2002 (as reprinted on 25 March 2020), an alcohol ban does not apply in the case of alcohol in an unopened container if—
   (a) the transport of the alcohol from licensed premises next to a public place, if—
       (i) it was lawfully bought on those premises for consumption off those premises; and
       (ii) it is promptly removed from the public place; or
   (b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place, or
   (c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors; or
   (d) the transport of the alcohol from premises next to a public place to a place outside the public place if—
       (i) the transport is undertaken by a resident of those premises; and
       (ii) the alcohol is promptly removed from the public place.

This may include for example, transporting alcohol from a supermarket to your home, from your home to a BYO restaurant or from your home to a friend’s house.

Related information about exceptions – Licensed premises
In section 147(1)(b) of the Local Government Act 2002 (as reprinted on 26 March 2020), exceptions apply to an alcohol ban where a licence is held under the Sale and Supply of Alcohol Act 2012 (Subpart 1 of Part 2). This may include for example, buying alcohol at an event at a park that holds a special licence or dining on the footpath at a restaurant that holds an on-licence providing for BYO alcohol.

Clause 6 amended in accordance with Clause 4(2).

---

Proposal to amend the Alcohol Control Bylaw 2014
7 Council may make an alcohol ban

(1) Council may make an alcohol ban for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:
   (a) the consumption, bringing or possession of alcohol in public places; and
   (b) in conjunction with (a), the presence or consumption of alcohol in vehicles, or vehicles of stated kinds or descriptions, in public places.

(2) Council may amend, replace or revoke an alcohol ban in accordance with clause 8 with all necessary modifications.

Clause 7 amended in accordance with Clause 2(2).

8 Procedure for making an alcohol ban

(1) Council must, before making an alcohol ban in clause 7 –
   (a) comply with decision-making requirements under the Local Government Act 2002; and
   (b) consider using one of the following standard times where appropriate in relation to the requirements in subclause 2(a) –
      (i) 24 hours, 7 days a week (at all times alcohol ban);
      (ii) 7pm to 7am daily (evening alcohol ban);
      (iii) 10pm to 7am daylight saving and 7pm to 7am outside daylight saving (night-time alcohol ban);
      (iv) 7pm on the day before to 7am on the day after any weekend, public holiday or Christmas / New Year holiday period (weekend and holiday alcohol ban).

Related information about making an alcohol ban

- An alcohol ban may be permanent or temporary:
  - a permanent alcohol ban applies to a place for long periods (for example a town centre or park 24 hours 7 days a week or 7pm to 7am daily)
  - a temporary alcohol ban applies to large scale events (for example a major concert, festival or sporting event)
- Council may make a permanent or temporary alcohol ban under clause 7 at a meeting of a local board, the Auckland Domain Committee or the Regulatory Committee or directly in a bylaw. The process to amend, replace or revoke an alcohol ban is similar to the process that made the ban. The Local Government Act 2002 (as reprinted on 26 March 2020) prescribes the criteria to make an alcohol ban in sections 24(1) (for resolutions) and 24(1A) (for bylaws). The criteria cannot be changed by council.
- For alcohol bans made by resolution or in a bylaw, the statutory criteria requires:
Part 4

Enforcement powers, offences and penalties

9 Police can use statutory powers and other methods to enforce this Bylaw

(1) A Police constable may use their powers under the Local Government Act 2002 to enforce this Bylaw.

Related information about enforcement

The New Zealand Police are responsible for enforcing alcohol bans and have powers relating to search, seizure and arrest under sections 169 and 170 of the Local Government Act 2002 (as reprinted on 26 March 2020).

Clause 9 amended in accordance with Clause 3(2).
10  A person can be penalised for not complying with this Bylaw

(1)  A person who fails to comply with Part 2 of this Bylaw commits an offence and is liable to a penalty under the Local Government Act 2002.

**Related information about penalties**

A person who breaches an alcohol ban commits an offence and is liable to an infringement fee of $250 under section 4 of the Local Government (Alcohol Ban Breaches) Regulations 2013 (as printed on 18 December 2013).

Clause 10 amended in accordance with clause 2(2).

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**Part 5**

**Savings and transitional provisions**

11  **Existing resolutions continue to apply**

(1)  This clause applies to all resolutions made under this Bylaw prior to amendments in clause 2(2) coming into force.

(2)  Every resolution made continues to apply as if made after the amendments to this Bylaw until the expiration date specified in the resolution or until amended, replaced or revoked by council, whichever comes first.

Clause 11 inserted in accordance with Clause 2(3).

12  **Existing inquiries to be completed under this Bylaw**

(1)  Any compliance or enforcement action by council under this Bylaw that was not completed prior to amendments in clause 2(2) coming into force will continue to be actioned under this Bylaw as if the amendments had not been made.

Clause 12 inserted in accordance with Clause 2(2).
### Schedule 1

**Event-Based Temporary Alcohol Bans**

<table>
<thead>
<tr>
<th>Name</th>
<th>Alcohol Ban Area</th>
<th>Operative Time</th>
<th>Map number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auckland Domain major events alcohol ban (excluding ‘Christmas in the Park’)</td>
<td>Auckland Domain, Associated carpark areas and sports fields</td>
<td>8am on the day of any major event at Auckland Domain to 8am on the day after that event</td>
<td>1</td>
</tr>
<tr>
<td>Auckland Domain ‘Christmas in the Park’ alcohol ban</td>
<td>Auckland Domain, Associated carpark areas, sports fields and surrounding streets</td>
<td>4pm on the Friday before any ‘Christmas in the Park’ event at the Auckland Domain to 8am on the following Monday after that event</td>
<td>2</td>
</tr>
<tr>
<td>Eden Park major events alcohol ban</td>
<td>Eden Park, Surrounding streets</td>
<td>12 hours before any major event at Eden Park to 12 hours after that event</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Fan Trail 1: Ponsonby Road to Eden Park or Fan Trail 2: Queen Street to Eden Park, if activated as part of the event</td>
<td></td>
<td>3A 3B</td>
</tr>
<tr>
<td>Mt Smart Stadium major events alcohol ban</td>
<td>Mt Smart Stadium, Surrounding streets</td>
<td>8am on the day of any major event at Mt Smart Stadium to 8am on the day after that event</td>
<td>4</td>
</tr>
<tr>
<td>Western Springs Stadium major events alcohol ban</td>
<td>Western Springs Stadium, Western Springs Lakeside, Western Springs Outer Fields, Surrounding streets</td>
<td>8am on the day of any major event at Western Springs Stadium to 8am on the day after that event</td>
<td>5</td>
</tr>
</tbody>
</table>

In this Schedule:
- "Major events" has the same meaning as "large scale events" in section 147A of the Local Government Act 2002.
- The alcohol bans in the table above apply if a major event is held on all or part of a venue stated.

**Related information about event-based (temporary) alcohol bans**

- More information on major events can be found in council’s [Events Policy](#). The policy describes major events as events that have a regional, national and international profile. Examples of major events where a temporary alcohol ban could apply include concerts (Sea60 at Western Springs), festivals (Lantern Festival at Auckland Domain), and sporting events (Warriors at Mount Smart).
- There are two Eden Park Fan Trails. One is a 2.3 kilometre walking route to Eden Park activated on "match days" starting at Western Park on Ponsonby Road. The second was activated last during the 2011 Rugby World Cup and is a 4 kilometre walking route to Eden Park from Queen Street.
Proposal to amend the Alcohol Control Bylaw 2014
Item 15

Attachment A

Proposal to amend the Alcohol Control Bylaw 2014
Proposal to amend the Alcohol Control Bylaw 2014
Proposal to amend the Alcohol Control Bylaw 2014
Proposal to amend the Alcohol Control Bylaw 2014

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Attachment A

Item 15

Proposal to amend the Alcohol Control Bylaw 2014
Proposal to amend the Alcohol Control Bylaw 2014
### Related information, Bylaw history

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<th>Date</th>
<th>Description</th>
</tr>
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<tbody>
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<td>01 November 2010</td>
<td>Made legacy bylaws about alcohol control [^1] (Section 63 Local Government (Auckland Transitional Provisions) Act 2010)</td>
</tr>
<tr>
<td>01 November 2010</td>
<td>Commencement of legacy bylaws about alcohol control (Section 63 Local Government (Auckland Transitional Provisions) Act 2010)</td>
</tr>
<tr>
<td>22 July 2014</td>
<td>Review of legacy bylaws about alcohol control completed (RBC/2014/27)</td>
</tr>
<tr>
<td>31 July 2014</td>
<td>Proposal to make new bylaw about alcohol control and to revoke legacy bylaws (GB/2014/70)</td>
</tr>
<tr>
<td>30 October 2014</td>
<td>Made the Auckland Council Alcohol Control Bylaw 2014 (GB/2014/121)</td>
</tr>
<tr>
<td>19 November 2014</td>
<td>Public notice of making of the Auckland Council Alcohol Control Bylaw 2014 and revocation of legacy bylaws</td>
</tr>
<tr>
<td>18 December 2014</td>
<td>Commencement of Auckland Council Alcohol Control Bylaw 2014 and revocation of legacy bylaws (GB/2014/121)</td>
</tr>
<tr>
<td>11 April 2019</td>
<td>Review of Auckland Council Alcohol Control Bylaw 2014 completed (REG/2019/18)</td>
</tr>
<tr>
<td>24 September 2020</td>
<td>Proposal to make a new bylaw about alcohol control (GB/2020##)</td>
</tr>
<tr>
<td>## April 2021</td>
<td>Amended the Auckland Council Alcohol Control Bylaw 2014 (GB/2021##)</td>
</tr>
<tr>
<td>TBC</td>
<td>Public notice of amending the Auckland Council Alcohol Control Bylaw 2014</td>
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<td>01 June 2021</td>
<td>Commencement of amendments to the Auckland Council Alcohol Control Bylaw 2014 (GB/2021##)</td>
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**Related information, next bylaw review**

This Bylaw must be reviewed by 11 April 2029. If not reviewed by this date, the Bylaw will expire on 11 April 2031.
Recommendations from Regulatory Committee, Alcohol Control 2014 - Statement of Proposal

Find out more: phone 09 301 0101
or visit aucklandcouncil.govt.nz
Attachment A

Item 15

Alcohol Control Bylaw 2014

Te Ture a Rohe Whakararata Waipiro 2014

(as at 30 October 2014)

Made by Governing Body of Auckland Council

Resolution in Council

30 October 2014

Pursuant to section 145 and 147 of the Local Government Act 2002, the Governing Body of Auckland Council makes the following bylaw about alcohol control matters.

Proposal to amend the Alcohol Control Bylaw 2014
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<td>3</td>
</tr>
<tr>
<td>2</td>
<td>Commencement</td>
<td>3</td>
</tr>
<tr>
<td>3</td>
<td>Application</td>
<td>3</td>
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<tr>
<td>4</td>
<td>Purpose</td>
<td>3</td>
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<tr>
<td>5</td>
<td>Interpretation</td>
<td>3</td>
</tr>
</tbody>
</table>

### Part 1
Preliminary provisions

| 6      | Alcohol bans                          | 4    |
| 7      | Making alcohol bans                   | 5    |
| 8      | Signage                               | 6    |

### Part 2
Control of alcohol

| 9      | Enforcement                           | 7    |
| 10     | Offences and Penalties                | 7    |

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Proposal to amend the Alcohol Control Bylaw 2014

Page 115

Recommendations from Regulatory Committee, Alcohol Control 2014 - Statement of Proposal

Page 105
Part 1
Preliminary provisions

1 Title
(1) This bylaw is the Alcohol Control Bylaw 2014.

2 Commencement
(1) This bylaw comes into force on 18 December 2014.

3 Application
(1) This bylaw applies to Auckland.

4 Purpose
(1) The purpose of this bylaw is to control the consumption or possession of alcohol in public places to reduce alcohol related harm.

5 Interpretation
(1) In this bylaw, unless the context otherwise requires,-

Auckland has the meaning given by the Local Government (Auckland Council) Act 2010.

Explanatory Note: As at 20 September 2011, the definition in section 4 of the Local Government (Auckland Council) Act 2009 “...means the area within the boundaries determined by the Local Government Commission under section 33(1) (as that determination is given effect to by Order in Council under section 35(1)).”

Alcohol has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

Explanatory Note: As at 01 April 2014, the definition in section 5(1) of the Sale and Supply of Alcohol Act 2012 “... means a substance—
(a) that—
   (i) is or contains a fermented, distilled, or spirituous liquor; and
   (ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume; or
(b) that—
   (i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances; and
   (ii) is alcohol (within the meaning of paragraph (a)) when completely thawed to 20°C; or
(c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be assimilated by people.”

Christmas/New Year holiday period means Christmas Eve (the day before Christmas Day) to the day after New Year’s Day as determined by the Holidays Act 2003.

Explanatory Note: As at 01 April 2014, section 45 of the Holidays Act 2003 specifies that where the public holiday falls on a Saturday or Sunday, the
public holiday must be treated as falling on the following Monday or Tuesday respectively.

Community-focused solutions mean alternative or complementary measures to an alcohol ban to reduce alcohol related harm. Examples include crime prevention through environmental design, local community initiatives, discussions with nearby licensees, youth and leadership development programmes, and partnering with Police, Ministry of Justice, sports clubs and town centre / business associations.

Council means the Governing Body of the Auckland Council or any person delegated to act on its behalf.

Explanatory Note: A list of delegations may be attached to this bylaw for information only purposes.

Licensed premises has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.

Explanatory Note: As at 01 April 2014, the definition in section 5(1) of the Sale and Supply of Alcohol Act 2012 "... means any premises for which a licence [under the Sale and Supply of Alcohol Act 2012] is held."

Public holiday has the same meaning given in the Holidays Act 2003.

Explanatory Note: As at 01 January 2014, the definition of public holiday in section 44 of the Holidays Act 2014 means "...
(a) Christmas Day;
(b) Boxing Day;
(c) New Year’s Day;
(d) 2 January;
(e) Waitangi Day;
(f) Good Friday;
(g) Easter Monday;
(h) ANZAC Day;
(i) the birth day of the reigning Sovereign (observed on the first Monday in June);
(j) Labour Day (being the fourth Monday in October);
(k) the day of the anniversary of a province or the day locally observed as that day."

Public place has the meaning given by section 147 of the Local Government Act 2002.

Explanatory Note: As at 01 April 2014, the definition in section 147 of the Local Government Act 2002 "...
(a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from it; but
(b) does not include licensed premises."

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Page 4 of 7

Proposal to amend the Alcohol Control Bylaw 2014
(2) The Interpretation Act 1999 applies to this bylaw.

(3) Explanatory notes and additional information attached at the end of this bylaw are for information purposes only, do not form part of this bylaw, and may be made, amended, revoked or replaced by the council at any time without a formal process.

Part 2
Control of alcohol

6 Alcohol bans

(1) Every person is prohibited from consuming, bringing into, or possessing alcohol in any public place (including in a vehicle) in contravention of an alcohol ban made by the council in accordance with clause 7(1).

Explanatory note: As at 01 April 2014 under section 147(4) of the Local Government Act 2002, the prohibition in clause 6(1) does not apply to alcohol in an unopened container in the following circumstances:*

(a) the transport of the alcohol from licensed premises next to a public place, if—
   (i) it was lawfully bought on those premises for consumption on those premises; and
   (ii) it is promptly removed from the public place; or
(b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place; or
(c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises, or his or her bona fide visitors, or
(d) the transport of the alcohol from premises next to a public place to a place outside the public place if—
   (i) the transport is undertaken by a resident of those premises; and
   (ii) the alcohol is promptly removed from the public place."

7 Making alcohol bans

(1) The council may make an alcohol ban for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following:
   (a) the consumption, bringing into or possession of alcohol in public places; and
   (b) in conjunction with (a), the presence or consumption of alcohol in vehicles or vehicles of stated kinds or descriptions, in public places.

(2) The council must, before making an alcohol ban in clause 7(1) —
   (a) be satisfied that the alcohol ban gives effect to the purpose of the bylaw; and
   (b) comply with the decision-making requirements under Subpart 1 of Part 5 of the Local Government Act 2002; and

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Proposal to amend the Alcohol Control Bylaw 2014

Page 5 of 7

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Recommendations from Regulatory Committee, Alcohol Control 2014 - Statement of Proposal
(c) comply with the criteria under section 147B of the Local Government Act 2002 as follows
   (i) be satisfied that there is documented evidence that the area to which the alcohol ban will apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and
   (ii) be satisfied that the alcohol ban is appropriate and proportionate in light of the evidence and can be justified as a reasonable limitation on people's rights and freedoms; and

(e) investigate and where appropriate, implement community-focused solutions as an alternative to or to complement an alcohol ban; and

(f) consider the views of the New Zealand Police; and

(g) consider the views of Maori; and

(h) consider the views of owners, occupiers, or persons that council has reason to believe are representative of the interests of owners or occupiers, of premises within the area to which the alcohol ban will apply; and

(i) consider the following times, where appropriate and not contrary to the requirements in subclause 7(c)
   (i) 24 hours, 7 days a week (at all times alcohol ban);
   (ii) 7pm to 7am daily (evening alcohol ban);
   (iii) 10pm to 7am daylight saving and 7pm to 7am outside daylight saving (night time alcohol ban);
   (iv) 7pm on the day before to 7am on the day after any weekend, public holiday or Christmas / New Year holiday period (weekend and holiday alcohol ban).

Explanatory note: The times in clause 7(2)(i) are a guide to improve consistency in times across Auckland, but recognises that in some instances use of the times specified may be clearly disproportionate to the evidence of the problem and therefore contrary to the statutory requirements in clause 7(c)(c) that requires alcohol bans be proportionate in light of the evidence.

(3) The council may, at any time, amend or revoke an alcohol ban in accordance with clause 7(1) and 7(2) with the necessary modifications.

8 Signage

(1) The council may make controls on any or all of the following in relation to signage for alcohol ban areas subject to compliance with any regulations under section 147C of the Local Government Act 2002:
   (a) require the council to erect and maintain signs indicating the existence or boundaries of an alcohol ban;
   (b) describe the placement of the signs
   (c) prescribe kinds of signs required to be erected and maintained (including, without limitation, content, images, maps, size, lettering, symbols, and colouring).
Part 3
Enforcement, offences, penalties

9 Enforcement
(1) A constable may use their powers under the Local Government Act 2002 to enforce this bylaw.

(2) In addition to their general powers under sections 159 and 170 of the Local Government Act 2002, the Police may exercise the power under section 170(2) of that Act (to search a container or vehicle immediately and without further notice) on specified dates or in relation to specified events notified in accordance with section 170(3) of that Act.

Explanatory note: As at 01 April 2014 under section 169 and 170 of the Local Government Act 2002, a constable has powers of arrest, search and seizure in relation to alcohol bans.

10 Offences and penalties
(1) Every person who breaches this bylaw commits an offence.

(2) Every person who commits an offence under this bylaw is liable to a penalty under the Local Government Act 2002.

Explanatory note: As at 29 October 2013 the penalty for breaching an alcohol ban is an infringement fee of $250 under the Local Government (Alcohol Ban Breaches) Regulations 2013.
Additional Information to Alcohol Control Bylaw 2014

This document contains matters for information purposes only and does not form part of any bylaw. It includes matters made pursuant to a bylaw and other matters to assist in the ease of understanding, use and maintenance of a bylaw. The information contained in this document may be updated at any time.

Contents

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Section 1

History of Bylaw

<table>
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<tr>
<th>Action</th>
<th>Description</th>
<th>Date of Decision</th>
<th>Decision Reference</th>
<th>Commencement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Make</td>
<td>Following liquor control bylaws in force on 31 Oct 2010 deemed to have been made by Auckland Council • Auckland City Council, Part 14 Liquor Control in Public Places • Franklin District Council, Liquor Control Bylaw 2008 • Manukau City Council, Chapter 11 Liquor Control • North Shore City Council, Part 24 Control of consumption of liquor • Papakura District Council, Liquor Control in Public Places Bylaw 2008 • Rodney District Council, Chapter 16 Liquor Bylaw • Waitakere City Council, Control of Liquor in Public Places Bylaw 2008</td>
<td>01 Nov 2010</td>
<td>Section 63 Local Government (Auckland Transitional Provisions) Act 2010</td>
<td>01 Nov 2010</td>
</tr>
<tr>
<td>Lapse</td>
<td>Previous liquor control bylaws (and consequently any resolutions made pursuant to those bylaws) to be allowed to lapse.</td>
<td>30 Oct 2014</td>
<td>GB/2014/121</td>
<td>31 Oct 2015</td>
</tr>
<tr>
<td>Make</td>
<td>Review of liquor control bylaws resulted in replacing the seven previous liquor control bylaws with the Alcohol Control Bylaw 2014.</td>
<td>30 Oct 2014</td>
<td>GB/2014/121</td>
<td>18 Dec 2014</td>
</tr>
</tbody>
</table>

Section 2

Related Documents

<table>
<thead>
<tr>
<th>Document Title</th>
<th>Description of Document</th>
<th>Location of Document</th>
</tr>
</thead>
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<tr>
<td>Decision Minutes and Agenda</td>
<td>Decisions on submissions to Statement of Proposal</td>
<td><a href="http://infocouncil.aucklandcouncil.gov.nz/Open/2014/10/GB_20141030_MIN_4575.FDF">Link</a></td>
</tr>
<tr>
<td>Statement of Proposal</td>
<td>Proposed Alcohol Control Bylaw publicly notified for submissions</td>
<td><a href="http://infocouncil.aucklandcouncil.gov.nz/Open/2014/07/GB_20140721_AGN_4574_AT.PDF">Link</a></td>
</tr>
</tbody>
</table>
## Section 3

### Delegations for matters contained in bylaw

<table>
<thead>
<tr>
<th>Function, Duty, Power to be Delegated</th>
<th>Delegated Authority</th>
<th>Date of Delegation Decision</th>
<th>Decision Reference</th>
<th>Commencement of Delegation</th>
</tr>
</thead>
<tbody>
<tr>
<td>n/a</td>
<td>Oversight of regulatory performance</td>
<td>The Regulatory Committee</td>
<td>7 Nov 2013</td>
<td>G8/2013/132 and G8/2016/237</td>
</tr>
<tr>
<td>CI 7</td>
<td>Make, amend, revoke permanent<em>¹ and temporary</em>² alcohol ban.</td>
<td>Regulatory Committee in relation to any public place described in *¹</td>
<td>30 Oct 2014</td>
<td>G8/2014/121</td>
</tr>
<tr>
<td></td>
<td>Make, amend or revoke permanent<em>¹ and temporary</em>² alcohol ban.</td>
<td>Local boards in relation to any public place excluding those public places described in *³</td>
<td>30 Oct 2014</td>
<td>G8/2014/121</td>
</tr>
</tbody>
</table>
Recommendations from Regulatory Committee, Alcohol Control 2014 - Statement of Proposal

Item 15

Section 4
Register of current alcohol bans

Refer to council [website](https://www.aucklandcouncil.govt.nz/licences-regulations/alcohol-bans-policies/Pages/alcohol-ban-maps.aspx).

Section 5
Enforcement powers for matters contained in bylaw

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<tr>
<th>Legislative Provision</th>
<th>Description of Legislative Provision</th>
</tr>
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<tbody>
<tr>
<td>Section 168 and 170 of the Local Government Act 2002</td>
<td>A constable has powers of arrest, search and seizure in relation to alcohol bans.</td>
</tr>
</tbody>
</table>

Section 6
Offences and penalties for matters contained in bylaw

<table>
<thead>
<tr>
<th>Provision</th>
<th>Description of Offence</th>
<th>Fine</th>
<th>Infringement Fee</th>
<th>Other Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>cl 6</td>
<td>Breach of bylaw</td>
<td>n/a</td>
<td>$250*</td>
<td>n/a</td>
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</table>

* Local Government (Alcohol Ban Breaches) Regulations 2013

Section 7
Monitoring and review for matters contained in bylaw

<table>
<thead>
<tr>
<th>Performance Indicator</th>
<th>Measured By</th>
<th>Target</th>
</tr>
</thead>
</table>

* None attached at this time.
## Appendix C: Comparison of existing Alcohol Control Bylaw and proposed amended Bylaw

The table below shows the current text of the Alcohol Control Bylaw 2014 compared with proposed amendments. The proposed amendments in Appendix A prevail in the event of differences between the proposed bylaw in Appendix A and the table below.

<table>
<thead>
<tr>
<th>Existing Bylaw</th>
<th>Bylaw with proposed amendments</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pursuant to section 145 and 147 of the Local Government Act 2002, the Governing Body of Auckland Council makes the following bylaw about alcohol control matters.</td>
<td>Bylaw made under sections 145 and 147 of the Local Government Act 2002.</td>
<td></td>
</tr>
</tbody>
</table>

**Summary**

This summary is not part of the Bylaw but explains the general effects. Sometimes drinking in public places can cause or worsen crime or disorder there. For example, drinkers may make too much noise, leave litter or graffiti, urinate in public, commit vandalism or thievery, intimate or assault others, trespass, or use vehicles recklessly. This can negatively affect nearby residents’ sleep, reduce the recreational or visual amenity of the place, make people feel unsafe, and place drinkers or those around them in danger of physical harm.

The purpose of this Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there by –

- using alcohol bans to prohibit people from consuming, bringing or possessing alcohol in certain public places at certain times (clause 6)
- setting out how council may make a new alcohol ban by resolution (clauses 7 and 8)
- specifying event-based temporary alcohol bans (Schedule 1)
- referencing the full list of alcohol bans and maps (viewable on council’s website).

Other parts of this Bylaw assist with its administration by –

- stating its name, when it comes into force and where it applies (clauses 1, 2 and 3)
- stating the purpose of this Bylaw and defining key terms (clauses 4 and 5)
- referencing the powers of the New Zealand Police to enforce this Bylaw, including the issue of $250 infringement lines (Part 4)
- ensuring existing resolutions continue to apply and incomplete enforcement action can continue where relevant (Part 5).

Cover page re-formatted and summary inserted in accordance with Clause 2(1).
<table>
<thead>
<tr>
<th>Existing Bylaw</th>
<th>Bylaw with proposed amendments</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1 Title</strong></td>
<td><strong>1 Title</strong></td>
<td></td>
</tr>
<tr>
<td>(1) This bylaw is the Alcohol Control Bylaw 2014.</td>
<td>(1) This Bylaw is the To Ture a-Rohe Whakarangatira Whaiiro 2014 / Alcohol Control Bylaw 2014.</td>
<td>- Use of te reo Maori implements council’s Maori Language Policy.</td>
</tr>
<tr>
<td><strong>2 Commencement</strong></td>
<td><strong>2 Commencement</strong></td>
<td>- Improves certainty about when amendments were made and commencement date.</td>
</tr>
<tr>
<td>(1) This bylaw comes into force on 18 December 2014.</td>
<td></td>
<td></td>
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<tr>
<td>(2) Amendments to this Bylaw by resolution G873/2020 come into force on 01 June 2020.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>3 Application</strong></td>
<td><strong>3 Application</strong></td>
<td></td>
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<tr>
<td>(1) This bylaw applies to Auckland.</td>
<td></td>
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</tbody>
</table>

**Related information about amendments**
Councill made on dd month year to make various amendments to the bylaw. The majority of
the amendments were to make the Bylaw easier to read and understand. Key changes included:

- making new event-based (temporary) alcohol bans in Schedule 1
- using related information notes to replace clauses about alcohol ban signage and to
  replace clauses that duplicate legislative decision-making criteria
- clarifying exceptions to alcohol bans for licensed premises and the transport of alcohol
  and clarifying council’s ability to make temporary alcohol bans.

A comparison of the Bylaw before and after the amendments were made can be viewed in Item
4 of the Auckland Council Governing Body meeting agenda dated dd month year.

Clause 2 amended in accordance with Clause 2(2).
### Existing Bylaw

<table>
<thead>
<tr>
<th>Part 1</th>
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<tbody>
<tr>
<td>Preliminary provisions</td>
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<td><strong>4</strong></td>
<td><strong>Purpose</strong></td>
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<td>(1)</td>
<td>The purpose of this bylaw is to control the consumption or possession of alcohol in public places to reduce alcohol related harm.</td>
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<td><strong>5</strong></td>
<td><strong>Interpretation</strong></td>
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<td>(1)</td>
<td>In this bylaw, unless the context otherwise requires, —</td>
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### Bylaw with proposed amendments

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<td><strong>Purpose</strong></td>
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<td>The purpose of this Bylaw is to reduce crime or disorder in certain public places that is caused or made worse by alcohol consumed there.</td>
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<td><strong>5</strong></td>
<td><strong>Interpretation</strong></td>
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</tr>
<tr>
<td>(1)</td>
<td>In this Bylaw, unless the context otherwise requires, —</td>
<td></td>
</tr>
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</table>

**Alcohol has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.**

**Explanatory Note:** As at 01 April 2014, the definition in section 5(1) of the Sale and Supply of Alcohol Act 2012 “...means a substance—

(a) that—

(i) is or contains a fermented, distilled, or sparsely diluted alcoholic spirituous liquor, and

(ii) at 20°C is found on analysis to contain 1.15% or more ethanol by volume, or

(b) that—

(i) is a frozen liquid, or a mixture of a frozen liquid and another substance or substances, and

(ii) is alcohol within the meaning of paragraph (a) when completely thawed to 20°C; or

(c) that, whatever its form, is found on analysis to contain 1.15% or more ethanol by weight in a form that can be consumed by people.**

**Alcohol has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.**

**Brevity as meaning is common knowledge.**

**Reasons**

- Improves certainty.
<table>
<thead>
<tr>
<th>Existing Bylaw</th>
<th>Bylaw with proposed amendments</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auckland has the meaning given by the Local Government (Auckland Council) Act 2010.</td>
<td>Auckland has the meaning given by section 4(1) of the Local Government (Auckland Council) Act 2009.</td>
<td>* Improves certainty.</td>
</tr>
<tr>
<td><strong>Explanatory Note:</strong> As at 20 September 2011, the definition in section 4 of the Local Government (Auckland Council) Act 2009 means the area within the boundaries determined by the Local Government Commission under section 33(1) (as that determination is given effect to by Order in Council under section 35(1)).</td>
<td><strong>Related Information:</strong> The Local Government (Auckland Council) Act 2008 enabled the Local Government Commission to determine Auckland’s boundaries in a map titled LOCAL-AKU. The boundaries were formally adopted by Order in Council on 15 March 2010, and came into effect on 1 November 2010.</td>
<td></td>
</tr>
<tr>
<td>Christmas / New Year holiday period means Christmas Eve (the day before Christmas Day) to the day after New Year's Day as determined by the Holidays Act 2003.</td>
<td>Christmas / New Year holiday period means Christmas Eve (the day before Christmas Day) to the day after New Year's Day as determined by the Holidays Act 2003.</td>
<td>* Briefly as meaning is common knowledge.</td>
</tr>
<tr>
<td><strong>Explanatory Note:</strong> As at 01 April 2014, section 45 of the Holidays Act 2003 specifies that where the public holiday falls on a Saturday or Sunday, the public holiday must be treated as taking on the following Monday or Tuesday respectively.</td>
<td><strong>Community-focused solutions</strong> mean alternative or complementary measures to an alcohol ban to reduce alcohol related harm. Examples include crime prevention through environmental design, local community initiatives, discussions with nearby licensees, youth and leadership development programmes, and partnering with Police, Ministry of Justice, sports clubs and town centre business associations.</td>
<td>* Term not used in amended bylaw.</td>
</tr>
</tbody>
</table>
### Existing Bylaw

**Council** means the Governing Body of the Auckland Council or any person delegated to act on its behalf.

**Explanatory Note:** A list of delegations may be attached to this bylaw for information only.

### Bylaw with proposed amendments

**Council** means the Governing Body of the Auckland Council or any person delegated or authorised to act on its behalf.

**Explanatory Note:**

Council has delegated the making of alcohol bans by resolution under clause 7 to –
- Local boards for local parks, streets and carparks as at 30 October 2014 (GB2014/121)
- The Regulatory Committee for areas of regional significance as at 30 October 2014 (GB2014/121)
- The Auckland Domain Committee for the Auckland Domain as at 1 November 2016 (GB2016/237).

The Governing Body of Auckland Council is responsible for making alcohol bans in all other public places, and for any alcohol bans in Schedule 1.

### Reasons

- **Improve certainty.**

<table>
<thead>
<tr>
<th>Item 15</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Licensed premises</strong> has the meaning given by section 5(1) of the Sale and Supply of Alcohol Act 2012.</td>
</tr>
</tbody>
</table>

**Explanatory Note:** As at 01 April 2014, the definition in section 5(1) of the Sale and Supply of Alcohol Act 2012 “… means any premises for which a licence under the Sale and Supply of Alcohol Act 2012 is held.” |

<table>
<thead>
<tr>
<th>Public holiday</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public holiday</strong> has the same meaning given in the <strong>Holidays Act 2003</strong>.</td>
</tr>
</tbody>
</table>

**Explanatory Note:** As at 01 January 2014, the definition of public holiday in section 44 of the Holidays Act 2014 means “… (a) Christmas Day; (b) Boxing Day; (c) New Year’s Day; (d) 2 January; (e) Waitangi Day; (f) Good Friday; (g) Easter Monday; (h) ANZAC Day.” |
### Attachment A

#### Item 15

**Proposal to amend the Alcohol Control Bylaw 2014**

**Attachment A**

#### Existing Bylaw

1. the birthday of the reigning Sovereign (observed on the first Monday in June);
2. Labour Day (being the fourth Monday in October);
3. the day of the anniversary of a province or the day locally observed as that day.

<table>
<thead>
<tr>
<th>Public place</th>
<th>BYLAW WITH PROPOSED AMENDMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Public place</strong> has the meaning given by section 147 of the Local Government Act 2002.</td>
<td><strong>Public place</strong> has the meaning given by section 147 of the Local Government Act 2002.</td>
</tr>
<tr>
<td>Explanatory Note: As at 01 April 2014, the definition in section 147 of the Local Government Act 2002...</td>
<td>Explanatory Note: As at 01 April 2014, the definition in section 147 of the Local Government Act 2002...</td>
</tr>
<tr>
<td>(a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupant of the place is lawfully entitled to exclude or eject any person from it, but</td>
<td>(a) means a place that is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupant of the place is lawfully entitled to exclude or eject any person from it, but</td>
</tr>
<tr>
<td>(b) does not include licensed premises.</td>
<td>(b) does not include licensed premises.</td>
</tr>
<tr>
<td>Vehicle has the meaning given by section 2(1) of the Land Transport Act 1998.</td>
<td>Vehicle has the meaning given by section 2(1) of the Land Transport Act 1998.</td>
</tr>
</tbody>
</table>

#### Reasons

- Easier to read and understand.
- Improves certainty.
- Easier to read and understand.

---

**Part 2**

**Control of alcohol**

**Alcohol consumption and possession in public places**
### Existing Bylaw

**6 Alcohol bans**

1. Every person is prohibited from consuming, bringing into, or possessing alcohol in any public place (including in a vehicle) in contravention of an alcohol ban made by the council in accordance with clause 7(1).

Explanatory note: As at 01 April 2014 under section 147(4) of the Local Government Act 2002, the prohibition in clause 6(1) does not apply to alcohol in an unopened container in the following circumstances:—

(a) the transport of the alcohol from licensed premises next to a public place, if—

(i) it was lawfully bought on those premises for consumption off those premises; and

(ii) it is promptly removed from the public place, or

(b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place, or

(c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors, or

(d) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors, or

(e) the transport of the alcohol from inside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors.

---

### Bylaw with proposed amendments

**6 Alcohol prohibited in public places where an alcohol ban applies**

1. A person must not consume, bring into, or possess alcohol in any public place or in any vehicle in any public place where—

(a) an alcohol ban made by council in accordance with clause 7 of this Bylaw applies; or

(b) an alcohol ban in a Schedule of this Bylaw applies.

2. However, subclause (1) does not apply in those circumstances described in section 147(4) or section 147(1)(b) of the Local Government Act 2002.

---

#### Related information about alcohol bans

A list of all alcohol bans made under clause 7 and related maps is attached at the end of the Bylaw. For information only, and can be viewed on council's website.

#### Related information about exceptions — Transport of alcohol

In section 147(4) of the Local Government Act 2002 (as reprinted on 26 March 2020), an alcohol ban does not apply in the case of alcohol in an unopened container if—

(a) the transport of the alcohol from licensed premises next to a public place, if—

(i) it was lawfully bought on those premises for consumption off those premises; and

(ii) it is promptly removed from the public place, or

(b) the transport of the alcohol from outside a public place for delivery to licensed premises next to the public place, or

(c) the transport of the alcohol from outside a public place to premises next to a public place by, or for delivery to, a resident of the premises or his or her bona fide visitors, or

(d) the transport of the alcohol from premises next to a public place to a place outside the public place by—

(i) the transport is undertaken by a resident of those premises; and

(ii) the alcohol is promptly removed from the public place.

This may include, for example, transporting alcohol from a supermarket to your home, from your home to a BYO restaurant or from your home to a friend’s house.

#### Related information about exceptions — Licensed premises

In section 147(1)(b) of the Local Government Act 2002 (as reprinted on 26 March 2020), exceptions apply to an alcohol ban where a licence is held under the Sale and Supply of Alcohol Act 2012 (Schedule 1 of Part 6). This may include, for example, buying alcohol at an event at a park that holds a special licence or dining on the footpath at a restaurant that holds an on-licence providing for BYO alcohol.

Clause 6 amended in accordance with Clause 2(1).
### Existing Bylaw

| Alcohol from premises next to a public place to a place outside the public place if— (i) the transport is undertaken by a resident of those premises; and (ii) the alcohol is promptly removed from the public place. |

### Bylaw with proposed amendments

<table>
<thead>
<tr>
<th>Council may make an alcohol ban</th>
</tr>
</thead>
<tbody>
<tr>
<td>Council must, before making an alcohol ban in clause 7— (a) comply with decision-making requirements under the Local Government Act 2002; and (b) consider using one of the following standard times where appropriate in relation to the requirements in subclause 2(b) — (i) 24 hours, 7 days a week (at all times alcohol ban); (ii) 7pm to 7am daily (evening alcohol ban); (iii) 10pm to 7am daylight saving and 7pm to 7am outside daylight saving (night-time alcohol ban); (iv) 7pm on the day before to 7am on the day after any weekend, public holiday or Christmas / New Year holiday period (weekend and holiday alcohol ban).</td>
</tr>
</tbody>
</table>

### Reasons

- Easier to read and understand how council may make an alcohol ban.
- Removes unnecessary detail (for example, matters that are addressed in legislation) to improve clarity.

#### Part 3 Controls

<table>
<thead>
<tr>
<th>7 Making alcohol bans</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The council may make an alcohol ban for the purpose of prohibiting or otherwise regulating or controlling, either generally or for one or more specified periods, any or all of the following: (a) the consumption, bringing into or possession of alcohol in public places; and (b) in conjunction with (a), the presence or consumption of alcohol in vehicles, or vehicles of specified kinds or descriptions, in public places.</td>
</tr>
</tbody>
</table>

| (2) The council must, before making an alcohol ban in clause 7— (a) be satisfied that the alcohol ban gives effect to the purpose of the bylaw; and (b) comply with the decision-making requirements under Subpart 1 of Part 6 of the Local Government Act 2002; and |

#### Clause 7 amended in accordance with Clause 2(b)
### Existing Bylaw

(c) comply with the criteria under section 14.73 of the Local Government Act 2002 as follows

(i) be satisfied that there is documented evidence that the area to which the alcohol ban will apply has experienced a high level of crime or disorder that can be shown to have been caused or made worse by alcohol consumption in the area; and

(a) be satisfied that the alcohol ban is appropriate and proportionate in light of the evidence and can be justified as a reasonable limitation on people’s rights and freedoms, and

(a) investigate and where appropriate implement community-focused solutions as an alternative to or to complement an alcohol ban; and

(1) consider the views of the New Zealand Police, and

(a) consider the views of Moet, and

(b) consider the views of owners, occupiers, or persons that council has reason to believe are representative of the interests of owners or occupiers, or premises within the area to which the alcohol ban will apply, and

(i) consider the following times, where appropriate and not contrary to the requirements in subclause (2)(c):

- 24 hours, 7 days a week (at all times alcohol ban),
- 6pm to 7am daily (evening alcohol ban),

### Bylaw with proposed amendments

<table>
<thead>
<tr>
<th>Related information about making an alcohol ban</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>- An alcohol ban may be permanent or temporary:</td>
<td></td>
</tr>
<tr>
<td>- a permanent alcohol ban applies to a place for long periods (for example a town centre or park 24 hours 7 days a week or 7pm to 7am daily)</td>
<td></td>
</tr>
<tr>
<td>- a temporary alcohol ban applies to large scale events (for example a major concert, festival or sporting event)</td>
<td></td>
</tr>
<tr>
<td>- Council may make a permanent or temporary alcohol ban under clause 7 at a meeting of a local board, the Auckland Urban Domain Committee of the Regulatory Committee or directly in a bylaw. The process to amend, replace or revoke an alcohol ban is similar to the process that made the ban. The Local Government Act 2002 (as reprinted on 26 March 2020) prescribes the criteria to make an alcohol ban in sections 417B (for resolutions) and 147A (for bylaws). The criteria cannot be changed by council.</td>
<td></td>
</tr>
<tr>
<td>- For alcohol bans made by resolution or in a bylaw, the statutory criteria requires:</td>
<td></td>
</tr>
<tr>
<td>- evidence of a high level of crime or disorder in the area caused by or made worse by alcohol consumption in that area</td>
<td></td>
</tr>
<tr>
<td>- the ban to be appropriate and proportionate in light of the crime or disorder</td>
<td></td>
</tr>
<tr>
<td>- the ban to be justified as a reasonable limitation on people’s rights and freedoms.</td>
<td></td>
</tr>
<tr>
<td>- For temporary alcohol bans in Schedule 1, the statutory criteria requires the alcohol ban to be justified as a reasonable limitation on people’s rights and freedoms.</td>
<td></td>
</tr>
<tr>
<td>- Before making a decision, council must also comply with the general decision-making requirements under Section 1 of Part 1 of the Local Government Act 2002 (as reprinted on 26 March 2020). This could include considering:</td>
<td></td>
</tr>
<tr>
<td>- complementary or alternative solutions to an alcohol ban, for example locking gates, public lighting, CCTV and Vehet or Pacific Wardens</td>
<td></td>
</tr>
<tr>
<td>- views of people likely to be affected by or interested in the alcohol ban, for example nearby residents or businesses, community groups, and the New Zealand Police</td>
<td></td>
</tr>
<tr>
<td>- the nature, severity and frequency of alcohol-related crime or disorder</td>
<td></td>
</tr>
<tr>
<td>- whether the crime or disorder is a result of displacement from an existing alcohol ban</td>
<td></td>
</tr>
<tr>
<td>- whether an alcohol ban would result in displacement of the crime or disorder</td>
<td></td>
</tr>
<tr>
<td>- whether a Crime Prevention through Environmental Design assessment is needed.</td>
<td></td>
</tr>
</tbody>
</table>

- Council must under clause 6 consider standard times to improve consistency in Auckland, however it may also consider other times more appropriate and proportionate in light of evidence.

### Related information about making an alcohol ban – making a request

- Members of the public (for example community groups, businesses and the New Zealand Police) may request council to make an alcohol ban at any time, with supporting evidence.

### Related information about alcohol ban signage

- Council uses alcohol ban signage to inform, educate and assist with enforcement.
- The Governor General may use section 147C of the Local Government Act 2002 (as reprinted on 26 March 2020) to make rules about alcohol ban signage. No rules have been made to date.
### Existing Bylaw

1. **8pm to 7am daylight saving** and **7am to 7am outside daylight saving (night time alcohol ban)**.
2. **7pm on the day before to 7am on the day after any weekend, public holiday or Christmas / New Year holiday period (weekend and holiday alcohol ban).**

**Explanatory note:** The times in clause 7(2)(f) are a guide to improve consultancy in times across Auckland, but recognizes that in some instances use of the times specified may be clearly disproportionate to the evidence of the problem and therefore contrary to the statutory requirements in clauses 7(2)(g) that requires alcohol bans be proportionate in light of the evidence.

3. The council may, at any time, amend or revoke an alcohol ban in accordance with clause 7(1) and 7(2) with the necessary notifications.

### Bylaw with proposed amendments

<table>
<thead>
<tr>
<th>Existing Bylaw</th>
<th>Bylaw with proposed amendments</th>
<th>Reasons</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) 8pm to 7am daylight saving and 7am to 7am outside daylight saving (night time alcohol ban).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(ii) 7pm on the day before to 7am on the day after any weekend, public holiday or Christmas / New Year holiday period (weekend and holiday alcohol ban).</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(3) The council may, at any time, amend or revoke an alcohol ban in accordance with clause 7(1) and 7(2) with the necessary notifications.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### 8 Signage

(1) The council may make controls on any or all of the following in relation to signage for alcohol ban areas subject to compliance with any regulations under section 147C of the Local Government Act 2002:

- **(a)** require the council to erect and maintain signs indicating the existence of boundaries of an alcohol ban;
- **(b)** describe the placement of the signs;
- **(c)** prescribe kinds of signs required to be erected and maintained (including, without limitation, content, images, maps, size, lettering, symbols, and colouring).

- **Signage requirements are already addressed outside of the Bylaw.**
### Existing Bylaw

### Bylaw with proposed amendments

<table>
<thead>
<tr>
<th>Part 3</th>
<th>Part 4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Enforcement, offences, penalties</strong></td>
<td><strong>Enforcement powers, offences and penalties</strong></td>
</tr>
<tr>
<td><strong>9</strong> Enforcement</td>
<td><strong>9</strong> Police can use statutory powers and other methods to enforce this Bylaw</td>
</tr>
<tr>
<td>(1) A constable may use their powers under the Local Government Act 2002 to enforce this Bylaw.</td>
<td>(1) A Police constable may use their powers under the <strong>Local Government Act 2002</strong> to enforce this Bylaw.</td>
</tr>
<tr>
<td>(2) In addition to their general powers under sections 169 and 170 of the Local Government Act 2002, the Police may exercise the power under section 170(2) of that Act (to search a container or vehicle immediately and without further notice) on specified dates or in relation to specified events notified in accordance with section 170(3) of that Act.</td>
<td><strong>Related Information about enforcement</strong></td>
</tr>
<tr>
<td><em>Explanatory note:</em> As at 01 April 2014 under section 169 and 170 of the Local Government Act 2002, a constable has powers of arrest, search and seizure in relation to alcohol bans. Clause 9 amended in accordance with Clause 2(9).</td>
<td><em>Easier to read and understand enforcement powers.</em></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Part 5</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Savings and transitional provisions</strong></td>
</tr>
<tr>
<td><strong>11</strong> Existing resolutions continue to apply</td>
</tr>
<tr>
<td>(1) This clause applies to all resolutions made under this Bylaw prior to amendments in clause 2(2) coming into force.</td>
</tr>
<tr>
<td>(2) Every resolution made continues to apply as if made after the amendments to this Bylaw until the expiration date specified in the resolution or until amended, replaced or revoked by council, whichever comes first.</td>
</tr>
<tr>
<td>Clause 11 amended in accordance with Clause 2(7).</td>
</tr>
</tbody>
</table>
## Attachment A

**Item 15**

### Schedule 1

**Event-Based (Temporary) Alcohol Bans**

<table>
<thead>
<tr>
<th>Name</th>
<th>Alcohol Ban Area</th>
<th>Operative Time</th>
<th>Map number</th>
</tr>
</thead>
</table>
| • Auckland Domain major events alcohol ban (excluding 'Christmas in the Park') | • Auckland Domain  
  • Associated carpark areas and sports fields | 8am on the day of any major event at Auckland Domain to 6am on the day after that event | 1          |
| • Auckland Domain 'Christmas in the Park' alcohol ban | • Auckland Domain  
  • Associated carpark areas, sports fields and surrounding streets | 4pm on the Friday before any 'Christmas in the Park' event at the Auckland Domain to 8am on the following Monday after that event | 2          |
| • Eden Park major events alcohol ban | • Eden Park  
  • Surrounding streets | 12 hours before any major event at Eden Park to 12 hours after that event | 3          |
| • Fan Trail 1, Ponsonby Road to Eden Park or Fan Trail 2, Queen Street to Eden Park if activated as part of the event | • Fan Trail 1, Ponsonby Road to Eden Park or Fan Trail 2, Queen Street to Eden Park if activated as part of the event | 12 hours before any major event at Eden Park to 12 hours after that event | 3A   
  | • Mt Smart Stadium major events alcohol ban | • Mt Smart Stadium  
  • Surrounding streets | 8am on the day of any major event at Mt Smart Stadium to 6am on the day after that event | 4          |
| • Western Springs Stadium major events alcohol ban | • Western Springs Stadium  
  • Western Springs Lakeside  
  • Western Springs Outer Fields  
  • Surrounding streets | 8am on the day of any major event at Western Springs Stadium to 6am on the day after that event | 5          |

*In this Schedule:*

- "Major events" has the same meaning as "large scale events" in section 1472 of the Local Government Act 2002.
- The alcohol bans in the table above apply if a major event is held on all or part of a venue stated.
Related information about event-based (temporary) alcohol bans

- More information on major events can be found in council’s Events Policy. This policy describes major events as events that have a regional, national and international profile. Examples of major events where a temporary alcohol ban could apply include concerts (SkyCity at Western Springs), festivals (Lantern Festival at Auckland Domain), and sporting events (Warriors at Mt Eden Stadium).
- There are two Eden Park Fan Trails. One is a 3.4 kilometre walking route to Eden Park activated on match days, starting at Western Park on Ponsonby Road. The second was activated last during the 2011 Rugby World Cup and is a 4.4 kilometre walking route to Eden Park from Queen Street.
Recommendations from Regulatory Committee, Alcohol Control 2014 - Statement of Proposal

Proposal to amend the Alcohol Control Bylaw 2014

Page 138
Te take mō te pūrongo

Purpose of the report

1. To note the progress on the forward work programme appended as Attachment A.
2. To receive a summary and provide a public record of memoranda or briefing papers that may have been held or been distributed to Governing Body members.

Whakarāpopototanga matua

Executive summary

3. This is a regular information-only report which aims to provide greater visibility of information circulated to Governing Body members via memoranda/briefings or other means, where no decisions are required.
4. The following memoranda have been distributed:

<table>
<thead>
<tr>
<th>Date</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>31/8/20</td>
<td>CCO review workshop question - S92(2) Local Government Auckland Council Act</td>
</tr>
<tr>
<td>15/9/20</td>
<td>Kia Ora Tāmaki Makaurau – Māori outcomes performance measurement framework</td>
</tr>
</tbody>
</table>

5. The following workshops/briefings have taken place:

<table>
<thead>
<tr>
<th>Date</th>
<th>Workshop/Briefing</th>
</tr>
</thead>
<tbody>
<tr>
<td>26/8/20</td>
<td>Auckland International Airport Limited</td>
</tr>
<tr>
<td>16/9/20</td>
<td>CONFIDENTIAL: Ports of Auckland Limited</td>
</tr>
</tbody>
</table>

6. These documents can be found on the Auckland Council website, at the following link: http://infocouncil.aucklandcouncil.govt.nz/
   o at the top left of the page, select meeting/Te hui “Governing Body” from the drop-down tab and click “View”;
   o under ‘Attachments’, select either the HTML or PDF version of the document entitled ‘Extra Attachments’.

7. Note that, unlike an agenda report, staff will not be present to answer questions about the items referred to in this summary. Governing Body members should direct any questions to the authors.
Ngā tūtohunga
Recommendation/s
That the Governing Body:

a) note the progress on the forward work programme appended as Attachment A of the agenda report


Ngā tāpirihanga
Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Forward Work Programme</td>
<td>131</td>
</tr>
<tr>
<td>B</td>
<td>Memorandum - CCO review workshop question - S92(2) Local Government Auckland Council Act <em>(Under Separate Cover)</em></td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>Memorandum - Kia Ora Tāmaki Makaurau – Māori outcomes performance measurement framework <em>(Under Separate Cover)</em></td>
<td></td>
</tr>
<tr>
<td>D</td>
<td>Workshop: 26 August 2020 - Auckland International Airport Limited <em>(Under Separate Cover)</em></td>
<td></td>
</tr>
</tbody>
</table>

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Sarandra O’Toole - Kaiarataki Kapa Tohutohu Mana Whakahaere / Team Leader Governance Advisors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Jim Stabback - Chief Executive</td>
</tr>
</tbody>
</table>
### Tira Kāwana / Governing Body
### Forward Work Programme 2020

The Governing Body deals with strategy and policy decision-making that relates to the environmental, social, economic and cultural activities of Auckland as well as matters that are not the responsibility of another committee. The full terms of reference can be found here: [Auckland Council Governing Body Terms of Reference](#).

| Area of work and Lead Department | Reason for work | Committee role (decision and/or direction) | Expected timeframes
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Americas Cup 2021</td>
<td>Locations, infrastructure and funding</td>
<td>Decisions to approve locations, infrastructure and funding</td>
<td>As and when required</td>
</tr>
<tr>
<td>Chief Executive’s Performance Objectives</td>
<td>The Appointments and Performance Review Committee has the delegation to recommend performance objectives. The Governing Body must then consider the recommendations and make a decision.</td>
<td>Decision to approve performance objectives</td>
<td></td>
</tr>
<tr>
<td>City Rail Link</td>
<td>Construction of the City Rail Link in the central city</td>
<td>Decisions to approve matter associated with City Rail Link. Decisions to note any matters raised by the Audit and Risk Committee about the project. <strong>Progress to date:</strong> Appointments to board of City Rail Link 25 June 2020 <a href="#">Link to decision open process report</a> <a href="#">Link to restatement</a> Report on shareholder approval of major transaction 27 August 2020 <a href="#">Link to decision</a></td>
<td>As and when required</td>
</tr>
<tr>
<td>Review of council-controlled organisations</td>
<td>Overview of and decisions relating to any council-controlled organisations review including the implementation of any resulting changes to council-controlled organisations</td>
<td>Decision on appointment of a council-controlled organisations review panel Consider draft report on the key issues, feedback from the community and stakeholders Decision on final report and recommendations <strong>Progress to date:</strong> 11 August 2020 – Confidential Workshop 19 August 2020 – Confidential Workshop Decision on the CCO Review 27 August 2020 <a href="#">Link to decision</a> Report and proposal to merge Auckland Tourism, Events and Economic Development (ATEED) and Regional Facilities Auckland (RFA) 27 August 2020 <a href="#">Link to decision</a></td>
<td></td>
</tr>
<tr>
<td>Area of work and Lead Department</td>
<td>Reason for work</td>
<td>Committee role (decision and/or direction)</td>
<td>Expected timeframes Highlight the month(s) this is expected to come to committee in 2020</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>----------------</td>
<td>-------------------------------------------</td>
<td>-----------------------------------------------------------</td>
</tr>
</tbody>
</table>
| 10-year Budget (Long-term Plan)  | Statutory requirement | Decision to approve consultation documents, supporting information and process prior to consultation  
Decision to adopt the 10-year Budget (Long-term Plan) | Jan  
Feb  
Mar  
Apr  
May  
Jun  
Jul  
Aug  
Sep  
Oct  
Nov  
Dec |
| Annual Report                    | Statutory requirement | Decision to adopt the Annual Report | Adoption |
| Committee Forward Work Programmes| Responsibility for oversight of work programmes of all committee of the Governing Body. | Decisions to note that all committee have adopted a forward work programme |  |
| Review of Code of Conduct        | The experience of working with the current Code of Conduct indicates that it could be further improved. In particular, it could be clearer about complaint, investigation and resolution processes, as well as available sanctions | Decision to adopt new Elected Members Code of Conduct |  |
| Terms of Reference               | The Terms of Reference enables the governing Body to delegate to committees those power necessary for them to carry out their responsibilities to the most efficient and effective levels.  
Any changes to the Terms of Reference must be done by the Governing Body. | Decision to adopt the Terms of Reference  
Decision to adopt changes to Terms of Reference | As and when required |
|                                  |                            | Progress to date:  
Terms of Reference approved November 2019  
Link to decision  
Terms of Reference amended to include working parties November 2019  
Link to decision  
Terms of Reference amended to include the Emergency Committee March 2020  
Link to decision |  |
| Standing Orders                  | Statutory requirement under the Local Government Act 2002, Schedule 7, clause 27  
Originally adopted 16/12/2010 | Decision to amend standing orders | As and when required |
|                                  |                            | Progress to date:  
Change in light of COVID-19 March 2020  
Link to decision  
Change for Attendance by Electronic Link 25 June 2020  
Link to decision |  |
<table>
<thead>
<tr>
<th>Area of work and Lead Department</th>
<th>Reason for work</th>
<th>Committee role (decision and/or direction)</th>
<th>Expected timeframes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tūpuna Maunga o Tāmaki Makaurau Operations Plan</td>
<td>Section 60 of Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 requires the Tūpuna Maunga o Tāmaki Makaurau Authority (Tūpuna Maunga Authority) and Auckland Council to annually agree an operational plan as part of the annual or long-term plan process. This requires the council to consult on a summary of the Draft Tūpuna Maunga o Tāmaki Makaurau Operational Plan (the Draft Tūpuna Maunga Plan). The Governing Body is also required to adopt the final plan.</td>
<td>Decision to adopt Operations Plan and summary&lt;br&gt;&lt;br&gt;&lt;strong&gt;Progress to date:&lt;/strong&gt; Adopt draft plan and summary for consultation February 2020&lt;br&gt;&lt;a&gt;Link to decision&lt;/a&gt;&lt;br&gt;&lt;strong&gt;Adoption of Plan and Summary 30 July 2020&lt;/strong&gt;&lt;br&gt;&lt;a&gt;Link to decision&lt;/a&gt;</td>
<td>Consultation documents&lt;br&gt;&lt;br&gt;Highlight the month(s) this is expected to come to committee in 2020</td>
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<tr>
<td>Health, Safety and Wellbeing</td>
<td>The Governing Body has the role of the person or organisation conducting a business or undertaking.</td>
<td>Decision to receive quarterly Health, Safety and Wellbeing report&lt;br&gt;&lt;br&gt;&lt;strong&gt;Progress to date:&lt;/strong&gt;&lt;br&gt;Item deferred 26 March 2020</td>
<td>Consultation documents&lt;br&gt;&lt;br&gt;Highlight the month(s) this is expected to come to committee in 2020</td>
</tr>
<tr>
<td>Alcohol Control Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal&lt;br&gt;&lt;a&gt;#&lt;/a&gt;&lt;br&gt;Decision to Make/Amend/Revoke the bylaw&lt;br&gt;&lt;br&gt;*&lt;/p&gt;&lt;br&gt;public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
<td>Proposal&lt;br&gt;&lt;br&gt;Highlight the month(s) this is expected to come to committee in 2020</td>
</tr>
<tr>
<td>Animal Management Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal&lt;br&gt;&lt;a&gt;#&lt;/a&gt;&lt;br&gt;Decision to Make/Amend/Revoke the bylaw&lt;br&gt;&lt;br&gt;*&lt;/p&gt;&lt;br&gt;public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
<td>Options&lt;br&gt;&lt;br&gt;Highlight the month(s) this is expected to come to committee in 2020</td>
</tr>
<tr>
<td>Cemeteries and Crematoria Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal&lt;br&gt;&lt;a&gt;#&lt;/a&gt;&lt;br&gt;Decision to Make/Amend/Revoke the bylaw&lt;br&gt;&lt;br&gt;*&lt;/p&gt;&lt;br&gt;public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
<td>Options&lt;br&gt;&lt;br&gt;Highlight the month(s) this is expected to come to committee in 2020</td>
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<td>Area of work and Lead Department</td>
<td>Reason for work</td>
<td>Committee role (decision and/or direction)</td>
<td>Expected timeframes Highlight the month(s) this is expected to come to committee in 2020</td>
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<tr>
<td>Freedom Camping</td>
<td>Explore the need for and options for regulating freedom camping in Auckland</td>
<td>Decision to approve statement of proposal #</td>
<td>Options</td>
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<td>Regulatory response may be required following completion of research and pilot</td>
<td>Decision to Make/Amend/Revoke the bylaw #</td>
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<td>* public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
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<tr>
<td>Navigation Safety Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal #</td>
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<tr>
<td>Property Maintenance Nuisance Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal #</td>
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<tr>
<td>Signage Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal #</td>
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<tr>
<td>Stormwater Bylaw</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal #</td>
<td>Options</td>
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<td>* public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
<td>Options</td>
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<tr>
<td>Trading and Events Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal #</td>
<td>Options</td>
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<tr>
<td>Traffic Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal # Decision to Make/Amend/Revoke the bylaw # public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
<td>Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec Options Options Options Options</td>
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<tr>
<td>Water Supply and Wastewater Network Bylaw 2015</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal # Decision to Make/Amend/Revoke the bylaw # public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
<td>Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec Options Options Options Options</td>
</tr>
<tr>
<td>Mayoral Housing Taskforce Steering Group</td>
<td>Oversee the progress and implementation of the June 2017 Mayoral Housing Taskforce report.</td>
<td>Decision to setup, agree and approve membership of group Decision to receive six-monthly updates</td>
<td>Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec Options Options Options Options</td>
</tr>
<tr>
<td>Auckland Council Top Risk Register</td>
<td>The Audit and Risk Committee will refer the risk register to the Governing Body every quarter.</td>
<td>Decision to note the top risk register and risk heat map Decision to receive quarterly reports  <strong>Progress to date:</strong> Enterprise Risk COVID-19 Update 25 June 2020  &lt;Link to decision&gt;  Deferred to April Deferred</td>
<td>Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec Options Options Options Options</td>
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<tr>
<td>Te Tiriti o Waitangi / Treaty of Waitangi</td>
<td>The Crown negotiates settlements with iwi on a confidential basis and from time to time invites Council to express its views. The Te Tiriti o Waitangi / Treaty of Waitangi Settlement Working party is accountable to the Governing Body and reports its findings to the Governing Body.</td>
<td>Decision to approve submissions to the Crown as and when required Decision to approve establishment and on-going implementation of co-management and other governance arrangements  <strong>Progress to date:</strong> Formation of Kaipara Moana Remediation Joint Committee 30 July 2020  &lt;Link to decision&gt;  As and when required</td>
<td>Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec Options Options Options Options</td>
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</table>
| Area of work and Lead Department | Reason for work | Committee role (decision and/or direction) | Expected timeframes
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<tr>
<td>Water Strategy</td>
<td>Watercare is accountable for the metropolitan water supply system - the continuity, supply and quality of drinking water as well as customer service and communication. They are also responsible for the management and treatment of wastewater.</td>
<td>Monitoring drought situation. <strong>Progress to Date:</strong> Update from Watercare 25 June 2020 <a href="#">Link to decision</a> Update on water matters from Auckland Council 25 June 2020 <a href="#">Link to decision</a></td>
<td>Highlight the month(s) this is expected to come to committee in 2020</td>
</tr>
<tr>
<td>National Three Waters Programme</td>
<td>The Minister of Local Government recently established a joint central-local government steering committee to provide oversight and guidance to support the reform, and to assist in engaging with local government, iwi/Māori, and other water sector stakeholders on options and proposals.</td>
<td>Decision to opt in to the first stage of the national three waters reform programmes <strong>Progress to Date:</strong> Report and decision on opt in 27 August 2020 <a href="#">Link to decision</a></td>
<td></td>
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<tr>
<td>Lead Department</td>
<td>Area of work</td>
<td>Committee role (decision and/or direction)</td>
<td>Decision</td>
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<tr>
<td>Environmental Services</td>
<td>Ark in the Park</td>
<td>Decision to appoint GB representatives to Ark in the Park.</td>
<td>Appointment of councillor representatives February 2020 Link to decision</td>
</tr>
<tr>
<td>Democracy Services</td>
<td>Local government elections</td>
<td>Consider evaluation report of 2019 election</td>
<td>Decision on evaluation and Māori wards February 2020 Link to decision</td>
</tr>
<tr>
<td></td>
<td>Evaluation of 2019 election and preparation for 2022 election</td>
<td>Decision on submission to Justice Select Committee Inquiry into 2019 election</td>
<td>Decision on submission in Inquiry into 2019 election February 2020 Link to decision</td>
</tr>
<tr>
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<td>Decision on voting system for the 2022 election and whether to establish Māori wards</td>
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<tr>
<td>Community and Social Policy</td>
<td>Food Safety Information Bylaw Review</td>
<td>Decision to approve statement of proposal # Decision to Make/Amend/Revoke the bylaw</td>
<td>Adoption of Food Safety Information Bylaw Review 30 April 2020 Link to decision</td>
</tr>
<tr>
<td></td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td># public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
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</tr>
<tr>
<td>Finance</td>
<td>Emergency Budget/ Annual Budget (Annual Plan)</td>
<td>Decision to approve consultation documents, supporting information and process prior to consultation</td>
<td>Decision on Emergency Budget and consultation given COVID-19 – 16 April 2020 in confidential and released on 7 May 2020 Link to decision</td>
</tr>
<tr>
<td></td>
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<td></td>
<td>Decisions on Emergency Budget feedback Link to decision 16 July 2020 Final adoption of Emergency Budget Link to decision 30 July 2020</td>
</tr>
<tr>
<td>Democracy Services</td>
<td>Elected members expense policy</td>
<td>Responsibility to adopt expense policy rules for Remuneration Authority approval</td>
<td>Adoption of policy 30 July 2020 Link to decision</td>
</tr>
<tr>
<td>People and Performance</td>
<td>Appointment of Chief Executive</td>
<td>Statutory requirement</td>
<td>Decision to appoint a new chief executive June 2020 in confidential Chief Executive appointed July 2020 Link to announcement</td>
</tr>
</tbody>
</table>
Summary of Confidential Decisions and related information released into Open

File No.: CP2020/12789

Te take mō te pūrongo

Purpose of the report
1. To note confidential decisions and related information released into the public domain.

Whakarāpopototanga matua

Executive summary
2. This is a regular information-only report which aims to provide greater visibility of confidential decisions made that can now be released into the public domain.
3. The following decisions/documents are now publicly available:

<table>
<thead>
<tr>
<th>Date of Decision</th>
<th>Subject</th>
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<tbody>
<tr>
<td>30/7/20</td>
<td>Appointment to the Demographic Panels</td>
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<tr>
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<td>On 2 September 2020, the information was released and is now</td>
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<td>available at the following link:</td>
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</tbody>
</table>

4. Note that, unlike an agenda report, **staff will not be present to answer questions about the items referred to in this summary.** Emergency Committee members should direct any questions to the authors.

Ngā tūtohunga

Recommendation/s

That the Governing Body:

a) note the confidential decision and related information that is now publicly available:
   i) Appointment to Demographic Panels

Ngā tāpirihanga

Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
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<tbody>
<tr>
<td>A1</td>
<td>Appointment to Demographic Panels</td>
<td>141</td>
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</table>

Ngā kaihaina

Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Sarandra O'Toole - Kaiarataki Kapa Tohutohu Mana Whakahaere / Team Leader Governance Advisors</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Jim Stabback - Chief Executive</td>
</tr>
</tbody>
</table>
Item 17
The confidential section of the meeting commenced at 12.51pm.

**C1 CONFIDENTIAL: Appointments to the Demographic Advisory Panels**

*Cr D Newman retired from the meeting at 12.59pm.*

Resolution number GB/2020/85

MOVED by Cr C Casey, seconded by Cr T Mulholland:

**That the Governing Body:**

a) endorse the recommended appointments to the demographic advisory panels as included as Attachment A of this agenda report.

b) note that these appointments are subject to the candidates’ criminal history check from the Ministry of Justice being satisfactory.

**Restatement**

c) agree that the decision on appointments and report be made public once criminal history checks have been completed and the proposed candidates have been advised and confirmed their acceptance of the appointment.

**CARRIED**

12.59pm The Chairperson thanked Members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AS A TRUE AND CORRECT RECORD AT A MEETING OF THE GOVERNING BODY HELD ON

**DATE:.................................................................**

**CHAIRPERSON:......................................................**
CONFIDENTIAL: Appointments to the Demographic Advisory Panels

File No.: CP2020/07833

Matataputanga Confidentiality

<table>
<thead>
<tr>
<th>Reason:</th>
<th>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</th>
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</thead>
<tbody>
<tr>
<td>Interests:</td>
<td>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person.</td>
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<tr>
<td></td>
<td>In particular, the report contains information on candidates recommended for the demographic advisory panels. This information should not be made public until the governing body endorses the candidate and the Ministry of Justice criminal history check is completed.</td>
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<tr>
<td>Grounds:</td>
<td>s48(1)(e)</td>
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<td>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</td>
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Te take mō te pūrongo

Purpose of the report

1. To endorse membership of the demographic advisory panels.

Whakarāpopotanga matua

Executive summary

2. On behalf of the mayor, staff seek endorsement for appointments to the following Auckland Council demographic advisory panels:
   - Disability Advisory Panel
   - Ethnic Peoples Advisory Panel
   - Pacific Peoples Advisory Panel
   - Rainbow Communities Advisory Panel
   - Seniors Advisory Panel
   - Youth Advisory Panel.

3. Each panel has a list of nine recommended members as well as a reserve list of people who will be approached should an opening become available during the term. The list of names and brief biographies of recommended members is provided in Attachment A.

Ngā tūtohunga

Recommendation/s

That the Governing Body:

a) endorse the recommended appointments to the demographic advisory panels as included as Attachment A of this agenda report.
b) note that these appointments are subject to the candidates’ criminal history check from the Ministry of Justice being satisfactory.

Restatement

c) agree that the appointments and report be made public once criminal history checks have been completed and the proposed candidates have been advised and confirmed their acceptance of the appointment.

Ngā tāpirihanga
Attachments

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Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Carol Hayward - Principal Advisor Panels</th>
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<tbody>
<tr>
<td>Authorisers</td>
<td>Rose Leonard – Acting General Manager Democracy Services</td>
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<td>Phil Wilson - Governance Director</td>
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<td>Patricia Reade - Acting Chief Executive</td>
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CONFIDENTIAL: Appointments to the Demographic Advisory Panels
## Confirmed members of the Disability Advisory Panel

<table>
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<tr>
<th>Name</th>
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<tr>
<td>Bonnie Robinson</td>
<td>Bonnie Robinson has more than 20 years’ experience working in the community social services sector. Roles have included policy analysis, research and advocacy, communications, and management. Much of this work has focused around services for older people, and people living with chronic conditions and disability. Currently Bonnie works as CEO at HBH Senior Living which operates residential care, housing, day and community services for older people. Bonnie has had a parallel career in governance, and she is often called on to give workshops/presentations on issues relating to non-profit social services. Bonnie has MS and understands first-hand the impact of disability on negotiating life in Auckland. Bonnie is married with young adult children. Outside of work Bonnie sings with a choir, swims and sews.</td>
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<tr>
<td>Chantelle Griffiths</td>
<td>Chantelle is a vision-impaired professional with a current role at Blind Low Vision NZ. She has leadership roles within the Braille Authority of NZ Aotearoa Trust, NZ Braille Music Retreat and the Pasifika Braille Literacy Project. Chantelle is a Be. Leadership graduate and brings strategic thinking and policy skills, good stakeholder relations and strengths in training and mentoring.</td>
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<tr>
<td>Gerard Martin</td>
<td>Gerard Martin is currently Relationship Manager, External Providers with Immigration New Zealand, for the Ministry of Business, Innovation and Employment. He manages a portfolio of external providers supporting skilled migrants and former refugees to settle in New Zealand. His areas of interest for the Disability Advisory Panel include addressing discrimination and unconscious bias affecting those with disabilities and advocating for the Universal Design approach to infrastructure and building design. Mr. Martin leads the Transport Sub-Committee for his local Residents Association where he advocates with AT and the Local Board for improvements to pedestrian and traffic safety; he is a former board member of the Institute of Public Administration of New Zealand (IPANZ) and has served on the Committee of the Auckland/ Northland Amputee Society. He uses an above-knee prosthetic leg after losing his left leg to a bone tumour in his early 20s.</td>
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<tr>
<td>Name</td>
<td>Description</td>
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<tr>
<td>Jason Boberg</td>
<td>Jason is the Co-founder &amp; Creative Director of social impact agency, Activate. A proudly disabled film director by trade, Jason applies a critical disability rights and justice lens to his work, focusing on ethical representation of disabled people in decision-making and media. He is an advocate for disability rights in the climate movement, locally and internationally. The founder of Sustained Ability, he advocates at the UN Convention on the Rights of Disabled Persons, Human Rights Council, and Framework Convention on Climate Change for a disabled persons constituency. He is passionate about supporting the next generation of disabled changemakers to understand the rich expertise and whakapapa of our disabled community.</td>
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<td>Kramer Hoefflich</td>
<td>Kramer was born and raised in the beautiful Cook Islands on the island of Rarotonga until he was 15 and a spinal cord injury changed his life and brought him to New Zealand. During this time, he was faced with many challenges and had to overcome many barriers to become the person he is today. This is where he found his passion to work with young people of all abilities, cultures and backgrounds, alongside them to make a difference within the community. He has a strong focus on equality, inclusion and diversity which is reflected on the projects, events and boards he is a part of. He is currently a Team leader at Vaka Tautua and is a strong voice for both the Pasifika and disability sector. His ultimate goal is to lead from the front as Minister of disabilities one day.</td>
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<tr>
<td>Martine Abel Williamon</td>
<td>Disability advocate, accessibility consultant and policy advisor Martine Abel-Williamson QSM has held numerous governance and other leadership roles in the disability area including for the World Blind Union, as its Treasurer and Strategic Lead, access to the environment and transport, as well as its Asia-Pacific UN Advocacy Network Regional Co-ordinator, and at Auckland and Manukau local Council levels within New Zealand. Martine is usually accompanied by her guide dog, Westin.</td>
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<tr>
<td>Rachel Peterson</td>
<td>Rachel Peterson is the Community Relationship Manager at YES Disability which includes being the project lead of parenting with a disability NZ. She has lived and worked in the health and disability sector for over 30 Years and as a returning panel member brings both lived experience and strong work networks. She is the mum to two amazing daughters, dogs and rabbits. In her younger days she played wheelchair basketball for NZ. She has a love for and training in design with a particular interest in eco-design and accessibility.</td>
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Last year she was fortunate to be chosen to attend the four-day IIDL conference in Washington DC and speak about her passion for youth with disability leadership and succession planning. She passionately believes in using creative solutions and cultivating relationships to enhance communities.

Renata Kotua

Renata is an intelligent, tenacious and thoughtful person who is willing to share her experience as a Maori/Samoan woman with Cerebral Palsy living a full life. She has good disability sector background including a recent role with CCS Disability Action as a Support Co-ordinator in the Youth Development Team and has called Auckland home for 13 years.

Renata is Mama to a beautiful 3-year old, a student halfway through an educational psychology degree and is working part time too. The best part of her weekends and weekday afternoons are spent playing with her daughter at various playgrounds, pools and beaches around town and she feels fortunate that Auckland has a variety of great parks and public spaces.

Through this experience, she has developed a keen interest in environmental accessibility and universal design, particularly in our playgrounds and at our beaches. She wants other parents with disabilities and for more kids with different disabilities to be able to participate and join in on all the fun as much as possible.

Clever design of our community spaces so they are accessible to all regardless of age, size, ability or disability; so they are convenient and a pleasure to use, benefits everyone. She believes only good can come from improving access to our community and is looking forward to contributing to this over the next three years.

Ursula Thynne

Ursula is profoundly Deaf but comfortable using both spoken language and NZSL. She has a history of working with the Deaf community in social services, Youth Development and Education as a qualified Youth Worker and Teacher of the Deaf.

Currently she works full time as a Teacher for Ko Taku Reo Deaf Education New Zealand. She is a mother to Cosmo McGrath who is currently doing NCEA Level 1. You often see her in person with a working dog called Casper. He is a hearing dog and is 10 years old. She is a proud Aucklander who has lived in Central Auckland for the past three years and out in West Auckland, Piha for 12 years prior to moving into town for her son's high school education.
Confirmed members of the Ethnic Peoples Advisory Panel

<table>
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<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Carol Guler</td>
<td>Carol was born in Santiago, Chile. She is a Graphic Designer by profession and came to NZ in 2009 with a Working Holiday visa. Later, in 2011, she studied at The University of Waikato where she graduated from a Master in Business and Management degree. In 2015 she started her own business, an international student recruitment agency called Step into NZ in which she has the privilege to work with students from Latin American and European countries. She loves being involved with her community and to help other immigrants in their process to adapt themselves in New Zealand as she understands that it is a big wonderful change which can also become very challenging. She loves travelling and meeting new cultures and has visited different countries in Asia, Europe and America.</td>
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<tr>
<td>Farrukh Gul Qaisrani</td>
<td>Farrukh Gul Qaisrani migrated to New Zealand from Pakistan with his family in 2002 and has made NZ his home since then. He has three beautiful children and he prides himself to be a caring father. Farrukh has extensive experience in the community and received the community service award of the year in 2019 from Pakistan Association of NZ. He was extensively involved in the Christchurch shootings relief operations on behalf of NZ Police in March 2019. Farrukh has a diverse educational background and has BSc in Mathematics and economics, Masters in Business Administration and Law degrees from both Pakistan and New Zealand. He is admitted to practice Law in three countries namely New Zealand, Australia and Pakistan and is currently employed as a Senior Prosecutor with New Zealand Police. Prior to joining NZ Police, Farrukh has worked for the Ministry of Justice and the Ministry of Primary Industries and has extensive knowledge of the Public Sector operations and policies. He brings a wealth of policy, legal and community experience to his new role.</td>
</tr>
<tr>
<td>Fatumata Bah</td>
<td>Fatumata Bah is a former refugee from Sierra Leone, West Africa. She recently graduated from Auckland University of Technology where she studied a conjoint degree; a Bachelor of Health Science with a major in Psychology and a Bachelor of Business with a major in Management.</td>
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<td>Item 17</td>
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<td><strong>Fatmata</strong></td>
<td>Fatmata is now a Strategy and Business Design Consulting Analyst at Deloitte. Prior to joining Deloitte, Fatmata was completing an internship at the Executive Office of the Secretary-General at the United Nations in New York, where she was reporting to the senior gender advisor. Fatmata is passionate about advocating for women's rights, cultural Intelligence (CQ) and diversity and inclusion.</td>
</tr>
<tr>
<td><strong>Eva Chen</strong></td>
<td>Eva Chen is a community connector, the co-founder of Wellbeing Charitable Trust working alongside the Asian community since 2014, the co-founder of the Hawaiki Project that builds a platform for youth Maori to engage with indigenous people around the world since 2017. She is also a SKIP Champion with Oranga Tamariki SKIP programme working with immigrant communities. She is a former international student, a mother of four and a community change maker.</td>
</tr>
<tr>
<td><strong>Ireen Manuel</strong></td>
<td>Ireen has years of experience of working within the ethnic community in education, social development, justice, health and community development which provide a good background in planning, policy and development work. As an international development consultant, she aims to influence change and improvement by working alongside communities, government, development agencies and stakeholders at regional, national and international levels. Ireen works in multidisciplinary fields and helps create strategies that recognises gains in the fields of addressing social, political and economic aspects. Ireen is from Fiji and is an immigrant to New Zealand. Having lived in many parts of New Zealand, she has diverse understanding and working knowledge with many ethnic communities. She has worked with underserved communities in isolated regions and has worked on policies and programmes of work that enhances and promotes inclusion and equality for all.</td>
</tr>
<tr>
<td><strong>Mohamud Mohamed</strong></td>
<td>Mohamud Mohamed is passionate about and committed to issues of social justice, human rights and gender equality. He has been actively involved in various community activities and has combined his passion for human rights and social justice for vulnerable and marginalised communities with his academic studies. Born in Somalia he came as a young child with no understanding of English. Today he works as a Policy Advisor in the public sector and holds a Master of Arts (Hons) in Policy Studies and a Bachelor of Arts with a double major in Social Sciences and Conflict Resolution.</td>
</tr>
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</table>
Mohamud was a finalist in the Kiwibank Local Hero category of the 2018 New Zealander of the Year Awards. He worked with the United Nations High Commissioner for Refugees in Kuala Lumpur, Malaysia and also taught New Zealand Politics and Co-operative Education at Auckland University of Technology.

He served on the Puketapapa Local Board Youth Caucus and is an alumnus of the Office of Ethnic Communities Youth Leadership Programme. Mohamud also served on the board of Migrant Action Trust and was the chair of Onkod Somali Youth Development Inc.

**Najira Khanam**

Najira is Bangladeshi British who moved to Auckland over four years ago and is currently working at Belong Aotearoa as a Systems Change Activator. This provides her with a good overview of systems and issues facing ethnic communities and she is passionate about creating an inclusive Tāmaki Makaurau.

Najira leads with strategic thinking; she balances creativity with strong technical expertise to deliver solutions. Her previous experience includes policy and relationship management at the British Council, the UK’s international organisation for cultural relations, and various cross-sector communications roles in New Zealand and internationally. With a people-centred approach, Najira has led teams to achieve measurable success, most notably an award-winning marketing campaign for a leading education institute in London.

A child to migrant parents to the UK, Najira grew up surrounded by a large and loving Bangladeshi family. Strong female role models in her life – her mother and sisters - helped shaped her values of courage, compassion and togetherness. Her community and the wonderful people in her life, inspire her every day.

**Sunil Kaushal**

Sunil was the chair of the previous term’s Ethnic Peoples Advisory Panel and is the current president of one of the largest Indian Associations in NZ.

He is well connected in the multi-ethnic community with a range of governance roles at local, business and cultural levels including being a Member of his local community patrol and head of Strategic Relations for India New Zealand Business Council amongst other community roles.

**Kathy Yan**

Kathy is a policy practitioner, writer, and aspiring conservationist. Currently, she works at the Department of Conservation, where she is part of an all-of-government programme to create nature-based employment in the post COVID-19 economy.
Having spent the majority of her career in public policy, Kathy is passionate about making an impact, particularly on the topics of social integration and environmental protection. She has also worked in management consulting, civil defence and crisis management, with experience in problem-solving a wide range of matters from systematic social inequality to the aftermath of a super-storm.

Born and raised in Beijing, China, Kathy spent the next two decades living in Canada, New Zealand, Singapore and the US. She now proudly resides in Tamaki Makaurau with her Kiwi husband.

### Confirmed members of the Pacific Peoples Advisory Panel

<table>
<thead>
<tr>
<th>Name</th>
<th>Information</th>
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<tbody>
<tr>
<td>Analosa Veukiso-Ulunia</td>
<td>Dr Analosa Veukiso-Ulunia is of Samoan descent, her parents hail from Siufaga Faletalai and Malie in Western Samoa. Analosa’s husband, Peter, is a Detective Constable in the Counties Manukau Police District. The Veukiso family hail from Matahau and Houma in Tonga. Analosa and Peter are proud parents to Paula (aged 10), Michael (aged 8) and Catherine (aged 1). They are active members of St Joseph’s and St Joachim’s Catholic parish in Otahuhu. Analosa is a registered social worker, teaching in the Bachelor of Social Work programme at the University of Auckland. She works closely with Pacific health, social and youth services, including Moana Research and Counties Manukau-West BlueLight.</td>
</tr>
<tr>
<td>Caroline Ligi Harris</td>
<td>Ligi (Caroline) Harris is of mixed heritage born and raised in South Auckland. Her mother is Saupisapisa Fata of Samoan Chinese lineage from Afega Samoa. Her father Taimaiono Pita Leaupepe was raised in Safotu/Fasito’uta Samoa with blood ties to the Solomon Islands, Tonga, Fiji, and America. Ligi is the founder of In-Awe Women Social Enterprise that supports the economic growth of aspiring Pacific women entrepreneurs. Ligi has held multiple positions in education and community development in leadership and in the design of culturally appropriate programmes for Pacific peoples.</td>
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<tr>
<td><strong>Governing Body</strong></td>
<td><strong>24 September 2020</strong></td>
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**Summary of Confidential Decisions and related information released into Open**

**Attachment A**

**Item 17**

| **She is currently a Senior Career Development Consultant for Pacific Work Connect at the Tertiary Education Commission. Pacific Work Connect is a new programme that aims to help recent Pacific migrants to prepare for the New Zealand Labour Market.** |
| **Ligi values teachings from her mother who advised her to: “Fa'amalosi, Taufa'ai, aua le fiu gofo’i”; translated as: “Stay strong, give it a go, don’t give up”.”** |

**Damian Piilua**

Damian joins the Pacific demographic panel bringing extensive knowledge and experience in working with diverse groups of young people in Tamaki Makaurau.

He spent the last 6 years in various youth and community development spaces and is all about strengthening the presence of youth in decision-making spaces, with a strong focus on Pasifika youth.

He is of proud Samoan descent, from the villages of Lano and Fagamalo on the north and east coasts of Savai’i.

**Edmond Fehoko**

Edmond is a proud Tongan from the Islands of Kotu and Mo’unga’one. Edmond holds a Bachelor’s Degree in Criminology and Social Sciences, Masters in Arts with Honours and has recently submitted his PhD Thesis in Public Health at Auckland University of Technology.

He currently works as a Pasifika Partnerships Consultant at Manukau Institute of Technology. In 2013, Edmond was the Recipient of the Prime Ministers Pacific Youth Award and most recently recognised at the 2019 Sunpix Pacific Peoples Awards for Services to Pacific Education and Research. Edmond is a Member of the Institute of Directors and the Royal Society of New Zealand. He is also an Elected Member of the Board of Trustees for One Tree Hill College, NCEA Pacific Peoples Review panel and the Consumer Council for Counties Manukau Health. He is also an active member of the Ponsonby Tongan Methodist Church.

**Hainoame Fulivai**

Hainoame Fulivai is a NZ born Tongan Kiwi with a varied professional background in the not for profit, public and private business sector both in NZ and abroad. She is a qualified and experienced leader in education and community development with a passion for innovation and impact for change. Her work history and current role with Foundation North positions her well to support Pacific aspirations whilst working across diverse communities and Council. A small family business owner alongside her husband Dibor Fulivai they have two young daughters. A forward thinker who will add value to the panel, council and community.
<table>
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<tr>
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<tbody>
<tr>
<td>Litana Wilson</td>
<td>Born and raised in Māngere, Litana is of Fijian descent. Litana’s main drivers are her love for people and the desire to see better outcomes for Pasifika communities in Aotearoa. She is a Policy Advisor at the Ministry of Housing and Urban Development where she works on system settings and urban growth. She is passionate about improving housing and urban outcomes for Pasifika peoples. She brings the perspective of a younger generation and is confident articulating a different perspective through telling stories. She will be a great team player, cultivating and proactively maintaining relationships with energy.</td>
</tr>
<tr>
<td>Manu Sione</td>
<td>Manu is a New Zealander of Māori (Ngāti Whātua), Samoan (Fagamalo and Luatuanu’u) and Cook Island (Pukapuka) descent and was born and raised in South Auckland. He is passionate about working with whānau/aiga/families, organisations and communities to better meet the needs of Māori and Pasifika within a multi-cultural community. Manu has over 25 years experience in senior leadership and management roles. Currently he is Director of Geotren Ltd a Management Consultancy focusing on Māori and Pasifika work on projects, engagement, management and support. Previously he was National Manager - Culture for Emerge Aotearoa from 2015 - 2020. Prior to Emerge Aotearoa he was Director Operations Northern Region for Relationships Aotearoa covering from Gisborne to Kaitaia. For 5.5 years Manu was General Manager Pacific Health Counties Manukau District Health Board. Manu was General Manager for Pacific Trust Canterbury (PTC) in Christchurch from 1999 – 2007. During this time he worked with other Pasifika providers to support ongoing quality services, contracts and community engagements across the South Island.</td>
</tr>
<tr>
<td>Mary Brown</td>
<td>Mary is of Fijian and Samoan descent and is a qualified secondary teacher with over 14 years’ experience in schools, including middle and senior leadership roles. Born and raised in Mangere, South Auckland, she attended the local schools and continues to work and live in the South Auckland community. She also has experience of working in a governance committee setting. Mary and her husband have chosen to raise their two children in Tamaki Makaurau (Auckland) and she is privileged to serve and be part of the Pasifika Advisory Panel. When she is not working, she enjoys reading, spending time with her family and friends and participating in a daily exercise regime.</td>
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</table>
She received her Masters of Educational Leadership (MEdL) from AUT and Postgraduate diploma in Arts, Graduate diploma of Teaching and Bachelor of Arts from the University of Auckland.

**Patrick Lino**

Patrick Alofaifo Lino is part Niuean-Samoan. He was born and raised on Niue, before attending secondary and tertiary education in New Zealand. He holds a Bachelor’s Degree in Communications Studies from AUT, majoring in Multimedia.

He has over 25 years’ experience and knowledge of broadcast radio and television, as well as new developments in digital and online media. He served as the Chief Executive Officer for the Pacific Media Network between 2017-2019. He has ongoing association with the Pacific and more particularly the Niuean community in New Zealand.

## Confirmed Members of the Rainbow Communities Advisory Panel

<table>
<thead>
<tr>
<th>Name</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td><strong>Ayach McArdle</strong></td>
<td>Ayach McArdle is a community advocate and human rights defender based in Tāmaki Makaurau working in the intersections between health, education and social services.</td>
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<td></td>
<td>Some of the hats Ayach wears in the rainbow community are Co-chairperson of OUTLine, Human Rights Researcher at the Intersex Trust of Aotearoa New Zealand and Project Collaborator at ReFrame.</td>
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<tr>
<td><strong>Fale Andrew Lesā</strong></td>
<td>Fale is a strong advocate for the Pacific rainbow community and is keen to ensure that Auckland celebrates its unique diversity and serves as a safe space for all minorities.</td>
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<td>He has represented his community for many years – starting in 2009 when he was elected to the Manukau City Council Pacific Island Advisory Committee and subsequently to the board at Manurewa High School where he was vice chairman for the last decade. Fale is a policy consultant at the Asian Development Bank and has a number of other governance roles in health, education and conservation. He is a funding assessor at Creative New Zealand and sits on the youth advisory board at Philanthropy New Zealand. Both roles allow him to support the aspirations of Auckland’s rainbow community.</td>
</tr>
</tbody>
</table>
### Jack Byrne

Jack Byrne is a Pākehā trans man and human rights researcher, born in Māwhera/ Greymouth, who now lives in Tāmaki Makaurau. From 2005-2014 he worked at the New Zealand Human Rights Commission where he project managed its Transgender Inquiry.

Jack has worked on other national, regional and international research projects and advocacy campaigns including co-authoring Counting Ourselves: the Aotearoa New Zealand Trans and Non-binary Health Survey.

Jack is a founder for the online group NZ Trans Guys, the Chair of the Policy and Advocacy Committee for the Professional Association for Transgender Health Aotearoa (PATHA), on the Advisory Board for the Asia Pacific Transgender Network, and supports a network for Rainbow asylum seekers and refugees in Aotearoa.

### John Kingi

John Kingi, 30, is of Maniapoto, Raukawa, Waikato-Tainui and Ngāapuhi descent and is a born and raised Aucklander. John works at the University of Auckland and has a conjoint Bachelor of Laws and Bachelor of Arts, majoring in political science and history.

John has a passion for Māori affairs, rainbow issues, equity and family law and this has led to his engagement in a number of roles including serving a term as Chair of Rainbow Youth and being elected a Student Union President.

John served as Co-Chair of the Rainbow Communities Advisory Panel from 2017-2019 and is pleased to be returning to the panel to continue to provide a perspective as a Rainbow Aucklander to the important work of Auckland Council.

### Julie Watson

After a teaching career Julie worked for two decades at the Human Rights Commission, one of the highlights of that time was working on the Transgender Inquiry, To be Who I am, and being part of the Intersex roundtable.

Currently she is a Programme Manager for Silver Rainbow and Rainbow Tick and is the production manager for sameSame but different, Aotearoa’s only LGBTIQ+ writers festival, (Auckland).

Julie is also Director of TAP IN which facilitates respectful workplaces, creates safe places to explore issues and promotes the telling and hearing of stories.

Julie was a member of the panel in the previous term.
<table>
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<tr>
<th>Name</th>
<th>Details</th>
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<tbody>
<tr>
<td>Lee Grabarek</td>
<td>Lee is passionate about working with rainbow communities which has taken them from working in health promotion at the Auckland District Health Board to working as a support worker for transgender tamariki, rangatahi and their whanau at RainbowYOUTH. Lee has a strong interest in promoting the wellbeing of rainbow communities, a commitment to helping rainbow young people express their agency and voice and the ability to work across organisations.</td>
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<tr>
<td>Max Tweedie</td>
<td>Max Tweedie is the Director of the Auckland Pride Festival, Auckland’s arts, cultural, and community festival for rainbow communities. His background is in community mahi and activism, including working for the New Zealand AIDS Foundation, and presenting the petition to ban conversion therapy at Parliament.</td>
</tr>
<tr>
<td>Tara Pond</td>
<td>Tara Pond is in her final year of her PhD at AUT University. Within social psychology, her thesis examines the experiences and identities of bisexual and other plurisexual women using a mixed method approach. Her professional interests lie in examining the intersections of gender and sexuality and working to make hidden and marginalised populations visible in academic and community spaces. Tara lives on the North Shore of Tāmaki Makaurau and is a vocal advocate for bisexual+ people.</td>
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<tr>
<td>Tux Hika</td>
<td>Tux is Takatāpui with strong interpersonal skills and experience of navigating diverse needs and in working collaboratively to achieve outcomes. He credits this to his role in capturing and celebrating Auckland’s rainbow community through photography and writing contributions to LGBTQ publication Express Magazine for the past decade. Tux feels that the council has helped to create a positive shift in attitudes towards rainbow communities – particularly in south Auckland - but feels there is more that can be done to reduce violence towards rainbow people, increase rainbow visibility throughout the region, support trans inclusion in sport and recreation and consider the needs of rainbow seniors.</td>
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</table>
### Confirmed members of the Seniors Advisory Panel

<table>
<thead>
<tr>
<th>Name</th>
<th>Biography</th>
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<tbody>
<tr>
<td><strong>Claire Dale</strong></td>
<td>Claire lives in the central city and works part-time at the University of Auckland in the Retirement Policy and Research Centre. Claire researches and writes for academic and media publications about key policy areas such as intergenerational equity, pensions, health and housing. Claire’s work also sees her organising public events to provide and promote discussion and dissemination of age-related information and issues. She is passionate about age-friendly cities and spaces. Claire is also founder and Chair of Nga Tangata Microfinance. This organisation works nationwide with Kiwibank and Financial Mentors to provide no interest loans to people on low incomes, and promote social justice, financial capability and inclusion, and protection from predatory lenders.</td>
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<tr>
<td><strong>David Wong</strong></td>
<td>David was the deputy chair of the previous Seniors Advisory Panel and wishes to continue the work of the previous panel with a particular focus on Auckland becoming an Age-Friendly city which he feels should involve all ages, ethnicities, those with disabilities and transgender communities. He is also keen to encourage more people to participate in local council activities and to be involved in the council’s drive for efficiency and climate change. He has extensive connections in Auckland with Chinese, Asian and Ethnic communities and would encourage more sharing of their knowledge of art, culture, language and religion as well as physical activities and exercise. David is an historical researcher and a Foundation member of the Chinese New Zealand Oral History Foundation and hopes more will share wonderful moments of their life.</td>
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<tr>
<td><strong>Gayle Marshall</strong></td>
<td>Born Auckland, Gayle’s home is Glen Eden and her second home is on Waiheke. Gayle has Tangata Whenua Heritage on her Paternal side: Ngati Paoa of Tanui. She has been married 56 years and has one adult son. She has had two businesses (shops) and is very involved in Community: Funeral and Marriage Celebrant are two of the services she facilitates plus she is involved with a number of charitable organisations. She has seen many changes within our city and has a keen interest in people who call it home. Her questions have always been: do the people understand how to take on board how our cities work or is life all too consuming with very little time for anything else.</td>
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<td>Name</td>
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<tr>
<td>Jane Messer</td>
<td>She was born and raised in Auckland. She enjoys travelling and has lived and</td>
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<td>worked in a number of different countries as a health professional and language</td>
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<td>teacher. She is a mother and grandmother and enjoys and appreciates the</td>
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<td></td>
<td>cultural and environmental diversity of Auckland.</td>
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<td>Jay Reid</td>
<td>Jay was born in Wellington, moving to Auckland when he was eighteen. He is</td>
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<td></td>
<td>married, with one adult daughter and two grandchildren. Jay and his wife live</td>
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<td>in St Heliers. His professional background is as a teacher, working in primary</td>
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<td></td>
<td>schools, as a tertiary teacher, researcher, and leader. Jay led the Manukau</td>
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<td>Family Literacy Programme for many years, and was Chair of the NZ Council of</td>
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<td>Deans of Education. He was elected to the first Manurewa Community Board and is</td>
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<td>an active member of the New Zealand Society of Genealogists, Mac SeniorNet and</td>
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<td>U3A. He and his wife own a Motorhome, and travel in NZ and overseas. He is a</td>
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<td>keen genealogist, loves classical piano, and is an avid reader.</td>
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<td>Jeet Suchdev</td>
<td>Jeet’s background includes owning and running a successful hospitality business</td>
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<td>which, he gave up to pursue his community interests. Jeet has 25 years of</td>
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<td>experience and service in working with Seniors. As the founder of Bhartiya</td>
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<td>Samaj Charitable Trust Jeet established the Senior Citizens Group. A partnership</td>
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<td>with the BUPA saw Jeet establish the first culturally appropriate Rest Home for</td>
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<td>the seniors where there all cultural needs are met. In 1995 he founded an</td>
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<td>organization focused on helping the South Asian Community towards their</td>
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<td>settlement in NZ. This has grown into a highly successful community organization.</td>
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<td>Jeet has extensive governance experience and has been involved with many boards</td>
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<td>Judy Smyth</td>
<td>Dr Judith Smyth is an experienced clinical Psychotherapist and Counsellor. She</td>
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<td>grew up on the East Coast but has lived in Auckland for many years.</td>
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| **Her work services mainly adults and their relationships including employee issues. Past work has also included working with refugees. She has experience of governance roles within the health sector and as an elected member on Newmarket Borough Council.**
| **Her passions include metaphysics and photography. She also enjoys year-round outdoor swimming, walking and pilates.**

| **Lindsay Waugh**  
Lindsay has a long history of involvement with local government in a variety of fields including the Safer Communities Crime Prevention initiative and subsequently coordinating Settlement Support in North Shore City as well as a three-year stint as the first General Manager of the Takapuna Beach Business Improvement District.  
Lindsay was an elected representative serving on the Birkenhead Northcole Community Board and then as the inaugural chair for the Kaipatiki Local Board and as a member for the last two terms.  
Lindsay did not seek re-election at the last election and would now like to apply her experience and knowledge to promote the value and contribution that senior citizens can make to Auckland’s future. |

| **Zahra Fazelnia**  
Zahra moved to New Zealand with her family in 2006. To immerse herself into Kiwi culture she began to volunteer for ESOL Home Tutors (teaching English to refugees), Mercy Hospice, and Community Care Auckland. To understand Maori Culture she attended Maori Cultural Awareness workshop and studied the Treaty of Waitangi.  
Her background was mostly in banking and investment but having some experience in teaching English and being a qualified ESOL teacher, she began to teach English as a second language at Rutherford College – Community Education. Meanwhile she worked as a volunteer for Massey CAB and Hospice west Auckland.  
Zahra retired in 2017, continuing her community involvement and updating her knowledge by attending different courses and extra volunteering. She was a volunteer board member for Waitakere Ethnic Board till June 2020 and currently is a volunteer board member (treasurer) at Waitakere Health Link. |
# Confirmed Youth Advisory Panel members

<table>
<thead>
<tr>
<th>Name</th>
<th>Background and Achievements</th>
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<tbody>
<tr>
<td>Alexa Forrest – Pain</td>
<td>Alexa is of Ngāi Porou descent and feels honoured to have been appointed to the Youth Advisory Panel for Auckland Council. Her background involves attending the University of Auckland, where she completed a Bachelor of Health Sciences, before gaining employment for Te Rūnanga o Ngāti Whātau, where she now works in Māori Public Health. She is immensely passionate about bridging the gap between community voice and policy and therefore looks forward to the opportunities to do this on the advisory panel.</td>
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<tr>
<td>Amy Irvine</td>
<td>Amy Irvine is a third-year Bachelor of Law and Global Studies student at the University of Auckland, coming onto the panel as a returning member. She is involved with a number of community and student organisations that advocate for social justice and the wellbeing of young people. Amy grew up on the North Shore, but is an active participant in community groups across the city.</td>
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<tr>
<td>Arizona Ariki Nofoali’l Leger</td>
<td>Of Samoan, Māori, Tongan and Fijian descent, Arizona is an advocate for mobilising the voices and representation of youth from diverse backgrounds and cultures. Arizona is a current Master of Human Rights candidate, with a specific focus on Indigenous Rights. Born and raised in Tāmaki Makaurau, her expertise involves working with Indigenous rangatahi, mostly from South Auckland, to achieve equitable outcomes in Education. In 2019, Arizona was nominated as the Indigenous Delegate to attend the G(irls)20 Summit in Japan. She was also appointed to the Government’s Ministerial Advisory Group on the NCEA Review and most recently was named in the Kau Tuli, the Youth Steering group for the Ministry for Pacific Peoples. Additionally, Arizona presents at various events ranging from a TEDxYouth Talk on the concept of Leadership in 2013 to the Festival for the Future 2020 Gender Equality panel.</td>
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<tr>
<td>Chris Balzat</td>
<td>Chris is 19 years old and lives in the Kaipātiki community on the North Shore. Born to two German parents, he is a first-generation kiwi with his roots in Beach Haven. Throughout his time in the Kaipātiki Community he has been a part of a variety of community groups and events through which he became passionate about amplifying Aotearoa’s rangatahi.</td>
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<td>Item 17</td>
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<td><strong>Governing Body</strong></td>
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<td><strong>24 September 2020</strong></td>
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<td><strong>Summary of Confidential Decisions and related information released into Open</strong></td>
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<tr>
<td><strong>Attachment A</strong></td>
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</tbody>
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<thead>
<tr>
<th>Faenza - Lee Hiroti</th>
<th>Faenza is a year 11 student at St Cuthbert’s College. She was raised in Te Ao Māori and educated in Te Kura Kaupapa Māori and she is keen to represent and advocate for Māori youth as she feels their voices are rarely heard on issues of importance to them. For the past 2 years, Faenza has attended the Create1World National Creative Activism and Global Citizenship Conference at Massey University which has provided her with an opportunity to get involved with global issues such as climate change, sustainability and inequality.</th>
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<tr>
<td>Hannah Njo</td>
<td>At the time of appointment, Hannah is studying towards the Bachelor of Health Sciences (Honours) at the University of Auckland. She has a keen interest in how the conditions in which we live and grow shapes our wellbeing. These conditions are determined by systems of governance. Ensuring these decisions are influenced by the people it will impact on is crucial. Her passion for strengthening youth voice and representation are demonstrated by her roles as a class representative, student representative on School of Population Health boards/committees, and founder of the BHSc Student Advisory Group during her time at university.</td>
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<td>Murali Krishna Magesan</td>
<td>Murali grew up in the town of Rotorua where in his final year of schooling became Head Prefect and Dux. While at school, he became a Rotorua District Youth Councillor to serve the wider Rotorua community. In 2014, He moved to Auckland to pursue his tertiary education under scholarship and later graduated from the University of Auckland with a B.E. (Hons) specialising in Electrical and Electronic Engineering. Since 2018, Murali has been working as a Product Development Engineer at Fisher &amp; Paykel Appliances, Auckland. In his other capacity, he is the President of Hindu Youth New Zealand and coordinated the successful 4th New Zealand Hindu Youth Conference earlier this year. Since 2014, he has represented New Zealand at various international platforms and has spoken at two World Hindu Youth Conferences.</td>
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| Veisinia Maka | Veisinia Maka is of Tongan descent. Her family hails from the villages of Folaha and Longotome. She was raised in Mangere and Panmure and now currently resides in Pakuranga.  
She is an Undergraduate University of Auckland student studying a Bachelor Arts and Law and aspires to one day become a New Zealand appointed Judge.  
She has been in the youth space since she was 15 and has a huge passion for empowering young people through storytelling. She is also a huge advocate for increased youth inclusiveness when it comes to the development of local communities, processes, and plans.  
Being a part of the panel last term allowed her to grow in the youth advocacy space as well as gain lifelong skills. She feels incredibly privileged to be back in this space and is excited to having a continuing role of ensuring that a youth voice is present in decision-making. |
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| Xavier Breed | Xavier is a Pacific dance artist, hailing from the villages of Lotofaga (Aleipata), Matatufu, Falelautai and Falefai in Sāmoa. Xavier will be graduating with a Master of Dance Studies in the second half of 2020 with a focus on cultural understanding through dance in the context of international diplomacy.  
He is an advisory board member for the NZ Dance Company and the Asia NZ Foundation. In 2019, he was selected to perform at a number of internationally prestigious dance festivals and was awarded the ‘Asia NZ Foundation 25 to watch - for Media, arts, culture and sports’.  
There is a commonly used alagā'upu or whakatauki in Sāmoan that encompasses what the youth advisory panel role represents for him: 'O le ala i le pule o le tautua' - the pathway to leadership is through service. Our leadership within this capacity is to be of service to the diverse communities we represent among our young people and bring their issues, concerns and perspectives to the table. He looks forward to serving alongside like-minded young leaders who are ready to serve the voices of our next generation of movers and shakers in Tāmaki Makaurau |