



Summary of Underpinning Analysis: Local Government (Continuity and Transfer of Auckland Transport Assets and Relevant Matters) Order 2026

Agency responsible	Ministry for Cities, Environment, Regions and Transport
Portfolio	Transport
Date finalised	18 August
Identification Number	

Good law-making: 9(i)

The importance of consulting, to the extent that is reasonably practicable, the persons or representatives of the persons that the responsible agency considers will be directly and materially affected by the legislation

Inconsistency identified? NO

Summary of agency analysis

Auckland Council and the transport council-controlled organisation (the transport CCO) (Auckland Transport) will be directly and materially affected by the Local Government (Continuity and Transfer of Auckland Transport Assets and Relevant Matters) Order 2026.

Clause 25 of Part 3 of Schedule 1AA of the Local Government (Auckland Council) Act 2009 (the Act) requires that the transition director be consulted before the Minister of Transport recommends the making of the Order in Council.

The transition director (appointed under clause 14 of Schedule 1AA of the Act and who is also the chief executive of Auckland Council), Auckland Council and the transport CCO (Auckland Transport) have been consulted during the development of the Order.



Good law-making: 9(j)

The importance of carefully evaluating—

- the issue concerned; and
- the effectiveness of any relevant existing legislation and common law; and
- whether the public interest requires that the issue be addressed; and
- any options (including non-legislative options) that are reasonably available for addressing the issue; and
- who is likely to benefit, and who is likely to suffer a detriment, from the legislation

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis

The Local Government (Auckland Council) (Transport Governance) Amendment Act 2026 received Royal assent on 6 May 2026 and primarily amends the Local Government (Auckland Council) Act 2009 (LGACA). The amendments reform transport governance and planning arrangements in the Auckland region, including reforming Auckland Transport into a transport CCO focused on providing public transport services and shifts most local transport functions to Auckland Council.

The Local Government (Continuity and Transfer of Auckland Transport Assets and Relevant Matters) Order 2026 is a transitional requirement that is empowered by clause 25 of Part 3 of Schedule 1AA of the LGACA and provides for specified assets and relevant matters to remain with the transport CCO.

There are no non-legislative options available. Auckland Council and the transport CCO (Auckland Transport) are the affected parties to this Order and also benefit from it. The Order does not detrimentally impact other parties or the public.

Good law-making: 9(k)

The importance of the responsible agency identifying and developing effective arrangements for implementing the legislation

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis



Good law-making: 9(l)

Legislation should be expected to produce benefits that exceed the costs of the legislation to the public or persons

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Good law-making: 9(m)

Legislation should be the most effective, efficient, and proportionate response to the issue concerned that is available

Inconsistency identified? NO

Summary of agency analysis

The Local Government (Continuity and Transfer of Auckland Transport Assets and Relevant Matters) Order 2026 is required to give effect to the transition required by the legislative reforms that are described in section 9(j) (above).

The Act's transitional requirements are the most effective, efficient, and proportionate way to manage the transfer of assets and other relevant matters between the transport CCO (Auckland Transport) and Auckland Council.

Rule of Law: 9(a)(i)

The law should be clear and accessible

Inconsistency identified? NO

Summary of agency analysis

The Local Government (Continuity and Transfer of Auckland Transport Assets and Relevant Matters) Order 2026 will be notified in the New Zealand Gazette 28 days before commencement and will be accessible to affected parties and the wider public on the legislation website.

The Local Government (Continuity and Transfer of Auckland Transport Assets and Relevant Matters) Order 2026 has been drafted by the Parliamentary Counsel Office following their plain language standards.

Rule of Law: 9(a)(ii)

The law should not adversely affect rights and liberties, or impose obligations, retrospectively



Inconsistency identified? NO

Summary of agency analysis

The Local Government (Continuity and Transfer of Auckland Transport Assets and Relevant Matters) Order 2026 does not adversely affect rights and liberties, or impose obligations, retrospectively.

Rule of Law: 9(a)(iii)

Every person is equal before the law

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Rule of Law: 9(a)(iv)

There should be an independent impartial judiciary

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Rule of Law: 9(a)(v)

Issues of legal right and liability should be resolved by the application of law, rather than the exercise of administrative discretion

Inconsistency identified? NOT APPLICABLE

Summary of agency analysis

Liberties: 9(b)

Legislation should not unduly diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use, and dispose of property, except as is necessary to provide for, or protect, any such liberty, freedom, or right of another person

Inconsistency identified? NO

Summary of agency analysis



The Local Government (Continuity and Transfer of Auckland Transport Assets and Relevant Matters) Order 2026 is required to support the transition required by the legislative reforms that are described in section 9(j) (above).

The affected parties were consulted in accordance with statutory requirements when making this Order and the Order reflects the intended division of assets and other relevant matters between Auckland Council and the transport CCO (Auckland Transport).

Taking of property: 9(c)

Legislation should not take or severely impair, or authorise the taking or severe impairment of, property without the consent of the owner unless-

- **there is a good justification for the taking or severe impairment; and**
- **fair compensation for the taking or severe impairment is provided to the owner; and**
- **the compensation is provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or severe impairment**

Inconsistency identified?

NO

Summary of agency analysis

The Local Government (Continuity and Transfer of Auckland Transport Assets and Relevant Matters) Order 2026 was developed to support the transition required by the legislative reforms that are described in section 9(j) (above).

The affected parties were consulted in accordance with statutory requirements when making this Order and the Local Government (Continuity and Transfer of Auckland Transport Assets and Relevant Matters) Order 2026 reflects the intended division of assets and other relevant matters between Auckland Council and the transport CCO (Auckland Transport).

Taxes, fees and levies: 9(d)

The importance of maintaining consistency with section 22(a) of the Constitution Act 1996 (Parliamentary control of taxation)

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis

Taxes, fees and levies: 9(e)

Legislation should impose, or authorise the imposition of, a fee for goods or services only if the amount of the fee bears a proper relation to the cost of providing the good or service to which it relates

Inconsistency identified?

NOT APPLICABLE



Summary of agency analysis

Taxes, fees and levies: 9(f)

Legislation should impose, or authorise the imposition of, a levy to fund an objective or a function only if the amount of the levy is reasonable in relation to both—

- the benefits that the class of payers is likely to derive, or the risks attributable to the class, in connection with the objective or function; and
- the costs of efficiently achieving the objective or providing the function

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis

Role of courts: 9(g)

Legislation should preserve the courts' constitutional role of ascertaining the meaning of legislation

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis

Role of courts: 9(h)

Legislation should make rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined and subject to appropriate review

Inconsistency identified?

NOT APPLICABLE

Summary of agency analysis