



26<sup>th</sup> June 2009

Committee Secretariat  
Auckland Governance Legislation Committee  
Parliament House  
Wellington

## **Submission on Local Government (Auckland Council) Bill**

### **Background**

- 1 The New Zealand Association of Citizens Advice Bureaux (the Association) – Ngā Pokapū Whakahoki Pātai mai i te Iwi Whānui welcomes the opportunity to comment on the Local Government (Auckland Council) Bill.
- 2 We would value the opportunity to appear before the committee to speak to our submission and can be contacted through:  
  
Kerry Dalton  
Chief Executive  
New Zealand Association of Citizens Advice Bureaux  
PO Box 9777  
Wellington 6141  
Phone (04) 382 8759
- 3 The purpose of our organisation is to promote knowledge and understanding in our society. To achieve this purpose our organisation aims to:
  - 4 Ensure that individuals do not suffer through ignorance of their rights and responsibilities or of the services available; or through an inability to express their needs effectively — Me noho matāra kia kua te tangata e mate i tōna kore mōhio ki ngā āhuatanga e āhei atu ana ia, ki ngā mahi rānei e tika ana kia mahia e ia, ki ngā ratonga rānei e āhei atu ana ia; i te kore rānei ōna e āhei ki te whakaputu i ōna hiahia kia mārama mai ai te tangata.
  - 5 Exert a responsible influence on the development of social policies and services, both locally and nationally — Kia tino whawāhi atu ki te auahatanga o ngā kaupapa-ā-iwi me ngā ratonga-ā-rohe, puta noa hoki i te motu.
  - 6 To support the principle of partnership reflected in the Treaty of Waitangi. E tautoko ana Ngā Pokapū Whakahoki Pātai mai i te Iwi Whānui, i te mātāpono nohotahi (hononga), e whakaatahia ana i roto i te Tiriti o Waitangi.
- 7 We work to empower individuals to resolve their problems and to strengthen communities by identifying and raising local and national issues. The person to person service provided by over 2,700 Citizens Advice Bureau (CAB) volunteers is unique in New Zealand.

- 8 From our 91 locations around New Zealand the CAB provides a free, impartial and confidential service of information, advice, advocacy and referral to individuals, and we use our experience with clients to seek socially just policies and services in Aotearoa New Zealand. In the 2007/08 financial year, the CAB assisted with 639,775 client enquiries across the gamut of issues that affect people in their daily lives.
- 9 Our service demonstrates the importance of local services which meet local need. In the last five years the percentage of enquiries which have been face-to-face enquiries has increased from 38% of all enquiries to 48% of all enquiries, demonstrating the strong desire for locally accessible services meeting local needs.
- 10 In Auckland we have 30 CAB service locations. In the 2007/08 financial year the CAB assisted with 365,289 client enquiries from people in the greater Auckland area. Each CAB is an independent legal entity supported by national standards and systems but based in their local community and able to respond to local need.
- 11 Each CAB has a relationship with its Local Council and in most cases is funded as a key community service.

## **Introduction**

- 12 We support the general objectives of the Bill, namely to support democratic and effective local government in Auckland. However we are concerned that as the Bill is currently worded it will not achieve the aims of enhancing 'community participation and local democracy'.
- 13 Our experience of assisting clients is that often people can be confused by the systems and processes of both local and central government and if representatives and officials are inaccessible this aggravates the problem.
- 14 We have based our comments on the Bill on two key principles that are fundamental to the CAB; localised decision making and checks and balances on power.
- 15 CAB was set up to assist people of all backgrounds to access and navigate through information when they have an issue or problem and need to find out what their rights and options are. This is part of the CAB's commitment to helping to facilitate active citizens. We hold that localised decision making is an essential element of encouraging an informed and active citizenry.
- 16 Our experience in ensuring that all citizens can exercise their rights has made us profoundly aware of the importance of the principle of sufficient checks and balances on power. This is an essential element of ensuring that people's rights are maintained.

## **Auckland Council (cl 8)**

- 17 We support a unified Auckland Council which is able to tackle regional issues at a regional level.
- 18 We support the Mayor being elected by the electors of Auckland as a whole.
- 19 We support an Auckland Council of 23 members (including 3 Māori seats).
- 20 We believe that local representation is an important factor in ensuring that there is community participation and local democracy at the regional level, we therefore recommend that all general councillors (i.e. all aside from the Māori seats) should be elected from wards. This will help to ensure that all councillors have links to their local communities.

21 The Association supports the principle of partnership reflected in the Treaty of Waitangi and therefore supports the recommendation of the Royal Commission that there should be three Māori seats on the Council. We support the view of the Royal Commission that three safeguarded seats for Māori is consistent with the spirit and intent of the Local Government Act 2002.

### **Mayor of Auckland (cl 9)**

22 While we recognise the importance of having a strong vision for Auckland we believe that this can only be achieved through collaboration and the development of a shared vision. This means that the Mayor needs to act in concert with the Council, Local Boards and the wider community.

23 We are concerned that the Bill as currently drafted does not have sufficient checks and balances on the powers of the Mayor to encourage and facilitate the development of a shared vision for Auckland. We therefore recommend a number of changes to clause 9 to encourage a collaborative approach.

### ***Mayoral Powers: Recommendations***

24 That clause 9(1)(a) is amended to read: 'The role of the Mayor is to articulate and promote the Council's vision for Auckland'.

25 That clause 9(2) is amended to read: 'Without limiting **subsection (1)**, it is the Mayor's role to develop, in conjunction with Local Boards, proposals for the draft long-term council community plan and the draft annual plan for approval by the Council.'

26 That clause 9(3) is amended to remove the power of the Mayor to appoint the Deputy Mayor and to appoint the chairperson of each committee and that this power is instead given to the Council.

27 That a subclause 9(3)(d) is added to clarify that the Chief Executive will be appointed by the Council as a whole, as in accordance with the Local Government Act 2002.

### **Local Boards (cl 10-17)**

28 We support the formation of Local Boards as a way of ensuring local say over local issues and as a way of feeding into regional issues. Local Boards would serve as an important local point of contact which has local knowledge.

29 We are, however, concerned that the way the Local Boards are currently constituted will not enable them to fulfil those twin roles effectively.

30 The explanatory notes of the Bill identify that one of the driving forces of these reforms is that community matters get tangled up in local councils' focus on the Auckland-wide issues. Our concern is that unless Local Boards are given sufficient powers to address local issues than this problem will remain, and will in fact become exacerbated.

31 In addition we note that the establishment of Local Boards is justified on the basis that they will enhance community participation and local democracy, however this is unlikely to be the case if the Local Boards are seen as relatively powerless.

32 We are therefore making a range of recommendations to ensure that Local Boards are enabled to effectively and efficiently manage local issues and are able to genuinely promote local participation and democracy. We believe it is only by

adequately empowering Local Boards that one of the central problems identified by the Royal Commission, poor community engagement, will be rectified. As the Royal Commission noted: "Governance arrangements affect how much access people and communities have to the system and their ability to influence decisions about what services and initiatives they value".<sup>1</sup> It is essential that local communities have real control over important local functions.

### **Local Board Structure Recommendations**

- 33 As the Royal Commission identified (para. 28) creating too many Local Boards could create inefficiencies in local government. We therefore recommend that only twenty Local Boards be created.
- 34 In order to ensure that there is a strong formalised link between Local Boards and the Auckland Council we recommend that every Auckland Councillor should be a member of the Local Board in their ward.
- 35 In order to ensure certainty of Local Board structure Boards should be recognised in statute as legitimate local authorities in the Local Government Act 2002 and other statutes.
- 36 To facilitate local community participation and buy-in Board members should be elected through a ward system.

### **Local Board Roles and Function**

- 37 In order for Local Boards to act effectively they need not only to have greater powers than the current Bill supplies, but also to have certainty about functions and funding. Therefore Local Boards should have their functions, duties and powers clearly outlined in the legislation.
- 38 Local Boards should have the ability to deliver local services and to set their own budgets, within a funding cap agreed with the Auckland Council. This should include a sufficient funding envelope to deliver core responsibilities.
- 39 At the least the following roles and functions of Local Boards should be embedded in the Act:
  - 40 The power to disburse funding within a funding cap agreed with the Auckland Council.
  - 41 Input into strategic direction including the long-term council community plan, and the annual plan.
  - 42 Local Boards must be provided with sufficient staff.
  - 43 Local Boards should have power over property and resources.
- 44 In order to ensure that Local Boards have certainty and stability of funding and functions we support the recommendation of the Royal Commission (para.16.39) that there should be a mandatory three-yearly governance agreement between Auckland Council and Local Boards set out in statute. This agreement at minimum must include:
  - The powers, functions, and duties to be delegated by the Auckland Council to the Local Board;

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<sup>1</sup> Royal Commission on Auckland Governance (2009) p.4.

- coordination of the preparation, consultation on, and adoption of the long-term council community plan and annual plan;
- the outcomes to be achieved by the Local Board in developing and maintaining networks and processes for community engagement and consultation;
- ensuring sufficient staff to support the Local Board and adequate access to specialist staff;
- methods for identifying matters other than local matters on which the Auckland Council must consult a Local Board, and the processes and timing for doing so;
- the provision of an annual community report which explains what budget the Local Board asked for from the Auckland Council, what funding they received and how they utilised the money they received.

45 There needs to be provision within the legislation that ensures that within their mandate Local Boards are able to operate with a degree of independence and discretion in the way they deliver services. As the Royal Commission stated (para 16.23) “It is important to ensure that local matters are addressed locally and the elected Auckland Council is able to focus on regional issues”.

46 We therefore recommend adopting the Royal Commission recommendation (16.25) that the elected Auckland Council may not modify or rescind a decision taken by a Local Board where that Local Board was acting in accordance with a delegation from the Auckland Council or under statutory authority.

### **Transition Arrangements**

47 We believe that in order for there to be genuine community participation and buy-in to new structures of governance in Auckland then communities need to be consulted on the boundaries of the governance structures. This includes the boundaries of Auckland City and the ward boundaries for both the Council and the Local Boards.

#### ***Transitional Arrangements Recommendations (cl 18-20)***

48 We oppose clause 18(3)(b) as not facilitating local participation and engagement and instead recommend that this is replaced by a new subclause reading: ‘is required to consult the public of Auckland’.

49 We recommend that a new subclause 18(2)(d) be added to ensure that the Local Government Commission pays sufficient regard to a wide range of factors when deciding on the boundaries of Auckland, this should read: ‘give regard to geography, communities of interest and population when setting the boundaries’.

50 We recommend that a new subclause be added 19(3)(i) to ensure that there is public consultation on other boundaries, especially ward boundaries. This should read: ‘the public is consulted on proposed boundaries’.

### **Summary of Key Recommendations**

51 That there be a 23 member unified Auckland Council including 3 Māori seats.

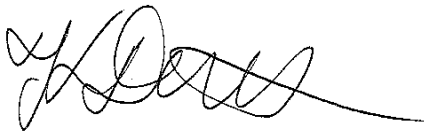
52 That the twenty general councillors be elected from wards.

- 53 That there need to be sufficient checks and balances on the powers of the Mayor to encourage and facilitate the development of a shared vision for Auckland.
- 54 That Local Boards should have their functions, duties and powers clearly outlined in the legislation.
- 55 That Local Boards should have the ability to deliver local services and to set their own budgets, within a funding cap agreed with the Auckland Council.
- 56 That there should be a requirement for a three-yearly governance agreement between Auckland Council and Local Boards set out in statute.
- 57 That there needs to be public consultation on the creation of boundaries.

## **Conclusion**

Please contact the Association if you have any questions or seek points of clarification on our submission.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kerry Dalton', with a long horizontal flourish extending to the right.

Kerry Dalton  
Chief Executive