

Priority Routine

THE DEPARTMENT OF INTERNAL AFFAIRS



Te Tari Taiwhenua

Local Government Briefing

Hon Rodney Hide
Minister of Local Government

Title: Aide Memoire for the Auckland Tripartite Forum

Date: 5 June 2009

COMPLETED

Key issues

You are speaking at the Auckland Tripartite Forum on 9 June 2009. This aide memoire provides you with brief background notes and draft opening remarks for the meeting.

Action sought

Note the contents of the attached aide memoire and draft speech notes

Timeframe

8 June 2009

Contact for telephone discussion (if required)

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		direct line	after hours	
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Anne Carter
Deputy Secretary
Local Government & Community Policy Group

Aide memoire for meeting with Auckland Tripartite Forum on 9 June 2009

- You are scheduled to speak at the second Auckland Tripartite Forum at the Auckland Regional Council offices on Tuesday 9 June 2009 at 9.30am. This will incorporate a brief question and answer session.
- This aide memoire provides you with brief background and draft speaking notes. In addition, questions and answers on Auckland Governance have been appended including questions raised by members of the Forum.
- The agenda for the Auckland Tripartite Forum meeting is attached to this aide memoire.

Auckland Tripartite Forum

- The Auckland Tripartite Forum, chaired by you, comprises the seven Auckland Mayors, their Deputies, Chief Executives, and Chair, Deputy Chair and Chief Executive of the Auckland Regional Council. The group was formed as an informal short-term measure to assist local governance transition matters until the establishment of the Auckland Transition Agency (ATA).
- Apologies have been received from Mayor Bob Harvey of Waitakere City, Papakura District Council Mayor Calum Penrose and Chief Executive, Theresa Stratton. The Department's Deputy Secretary, Anne Carter, and Auckland Governance Relationship Manager, Linda Taylor, will be present.

Issues of interest to the Auckland Tripartite Forum

- The Forum is interested in an update on Auckland Governance and the Auckland Transition Agency. Time has been set aside for questions. A further item on the agenda asks Mark Ford to provide an update on the Auckland Transition Agency.
- Legislation to establish the Auckland Transition Agency and its governing body has been enacted. This will enable the current form of local government to transition to the proposed Auckland Council by 1 November 2010, in time for local body elections in October 2010.
- Parliament has referred the Local Government (Auckland Council) Bill to the Auckland Governance Legislation Committee, which will be considering submissions between June and August this year. Submissions will close on 26 June 2009 with hearings planned throughout July 2009 in Auckland. The Committee is expected to report back to Parliament by 4 September 2009. The Bill is expected to be enacted by 24 September 2009.
- Auckland councils are encouraged to make submissions to the Auckland Governance Legislation Committee.

Future role of the Auckland Tripartite Forum

- Given ATA's governing body is now appointed you may want to raise with Forum members the future role. In addition, you could propose that Mark Ford replace you as the Chair of the Forum. A note to this effect is included as the last item of your attached speaking notes.

Draft Speaking Notes and Question and Answers

- Draft speaking notes are appended as Annex One.
- Questions raised by Forum members on Auckland Governance are attached as Annex Two.
- Additional questions and answers are attached as Annex Three.

**Anne Carter
Deputy Secretary**

seen by the Hon Rodney Hide

**Hon Rodney Hide
Minister of Local Government**

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Annex One

Draft speech notes for the meeting with Auckland Tripartite Forum on 9 June 2009

Auckland Governance Reform

Legislation

- The Local Government (Tāmaki Makaurau Reorganisation) Act 2009 received the Royal Assent on 23 May, and came into force on 25 May. The Act establishes the Auckland Transition Agency and its governing body. This will enable the current form of local government to transition to the proposed Auckland Council by 1 November 2010, in time for local body elections in October 2010.
- The Board has been appointed (the Chairperson is Mark Ford, with members Miriam Dean Q.C., John Law, Wayne Walden and John Waller).
- Parliament has referred the Local Government (Auckland Council) Bill to the Auckland Governance Legislation Committee. This Committee was established by the House to consider legislation concerning the governance of Auckland that may be referred to it, and to report to the House on that legislation.
- The Bill proposes a unitary Auckland Council, one mayor with powers, 20-30 local boards, and water integration. It also provides for the Local Government Commission to determine regional boundaries and the boundaries, membership and numbers of local boards – decisions are given effect through Orders in Council. Boundaries have to be determined by 10 April 2010 for elections in October 2010.
- Submissions will close on the Local Government (Auckland Council) Bill on 26 June 2009 with hearings planned throughout July 2009 in Auckland. The Committee is expected to report back to Parliament by 4 September 2009. The Bill is expected to be enacted by 24 September 2009.
- A third Bill is to be introduced late 2009, enacted May/June 2010. It will be a final opportunity to establish the legislative framework and any remaining transition provisions or arrangements

Public consultation

- Approximately 10 public meetings have been held by the Associate Minister of Local Government and National Party MPs in the Auckland region. Numbers have ranged from a handful of constituents to 200 in Waitakere and around 400 in Pukekohe.
- key themes:
 - support for single unitary authority, but concerns about powers and culture of the "bureaucracy" and the CE's power in such a large organisation.
 - the powers of local boards need to be more than "graffiti and gambling". Want to retain ownership and management of local assets like pools and parks. Boards must be resourced properly.
 - concern that too much resource will go into CBD at expense of suburban communities.

Māori Seats and Advisory Boards

- Cabinet agreed that further work would be undertaken on Māori representation and participation on the Auckland Council. It was also agreed that I, the Prime Minister, and Minister of Māori Affairs will meet *mana whenua* to discuss this issue.
- In the meantime officials are continuing to explore options for promoting Māori local governance representation and participation.

Expectations of the Auckland Council mayor

- Auckland needs strong regional leadership to help it realise its potential and provide a united voice.
- Creating a single Auckland Council with one mayor will enable more integrated management of council services throughout the region. It will also simplify the relationship with central Government.
- The mayor of Auckland will be elected by the people of Auckland at the local elections in 2010.
- The elected mayor of Auckland will preside over the council and have additional powers to other New Zealand mayors, including the power to:
 - appoint the deputy mayor;
 - appoint committee chairs;
 - propose the budget and strategic direction; and
 - establish and maintain a mayoral office.

- The mayor will have a vision for Auckland and be expected to chart and lead an agenda for the region. However, all policy will need the approval of the Auckland Council.

Other Work

- Officials are expected to report back to Cabinet over the coming months on issues regarding the potential relationship between local boards and the Auckland Council, transport functions, waterfront development and water issues, urban development, a spatial and regional infrastructure investment plan, and a number of other matters.

Future Tripartite Forums

- The Forum was formed as an informal short-term measure to assist local governance transition matters until the establishment of the Auckland Transition Agency (ATA).
- Given ATA's governing body has now convened it is timely to consider the future role of the Forum. Would be useful to hear members' views.
- If the Forum continues, I propose that Mark Ford be the Chair of the Forum. Minister Carter and I would be happy to continue to attend as we are able to.

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Annex Two**Questions raised by Forum members and answers****Auckland Transition Agency relationship with the political arm**

- The Local Government (Tāmaki Makaurau Reorganisation) Act 2009 (the Act) established the Auckland Transition Agency (the Agency) and the new Auckland Council.
- Under the Act the Agency functions include advising the Minister of Local Government on aspects of the reorganisation, including existing or proposed legislation.
- The Agency must report to the Ministers of Local Government, Finance and Transport:
 - at regular intervals, on progress in relation to the reorganisation and on matters referred to in Clause 15 of the Schedule which relate to potential conflicts; and
 - at the end of the transition period, by submitting a final report on its affairs for presentation to the House of Representatives (together with the financial statements required by section 45J of the Public Finance Act 1989).
- The appointments to the Agency have recently been made (22 May 2009): the Chair is Mark Ford, with members Miriam Dean Q.C., John Law, Wayne Walden and John Waller.
- The Agency will manage the transition from the existing seven territorial authorities and one regional council, to a single unitary authority for Auckland and 20 to 30 local boards. The Agency has six main areas to manage. They are:
 - the design and establishment of, and transition to, the core structures – Auckland Council and 2nd tier arrangements;
 - oversight of the integration of water, wastewater (and possibly stormwater) services;
 - effective communications and stakeholder management; and
 - maintaining oversight of existing council decisions.

The decision-making abilities of existing councils

- Section 31 of the Act is a mechanism for the Agency to exercise oversight of decision-making by the existing local authorities and other local government organisations.
- Existing councils retain their existing decision-making responsibilities during the transition period, but councils are required to get confirmation by the Agency of certain types of decisions before they are implemented.
- The purpose of this mechanism is allow the Agency to ensure that decisions by councils and other local government organisations that may impact significantly on:
 - the reorganisation itself; or
 - the powers or capacity of the Auckland Council; or
 - the assets and liabilities the Auckland Council will inherit;

are justified in terms of the benefits of making those decisions now rather than deferring them until after the Auckland Council is established. It is expected that this will usually be the case.

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Annex Three

Additional questions Forum members may raise and answers

Question about Māori representation

- No provision for Māori representation is included in the Local Government (Auckland Council) Bill although it is expected the issue will be raised in submissions.
- The Government is currently exploring options for Māori participation in Auckland Council decision-making processes.

Question about at large representation

- The Local Government (Auckland Council) Bill reflects the Government's decisions that there be eight at large councillors alongside 12 ward members.
- Having members elected 'at large' provides:
 - electors with a much wider choice of candidates;
 - more diverse representation (including representation for minority interests which might be spread across a district) and rural representation;
 - it accentuates that an elected councillor's role is to represent the interests of the entire Auckland region – not just to represent ward constituents; and
 - it means that half of the Auckland Councillors would be elected from the same people that elected the Mayor.
- The councillors elected 'at large' will be balanced by 12 councillors elected from wards. This will ensure that local community interests and needs are represented on the Council.
- All elected members of the Auckland Council would need to act in the interests of the region.
- The Government will be interested in submissions to the Select Committee on this issue.
- The issue of campaign spending, by Mayoral candidates and candidates for at large council positions, across a constituency of 1.4 million people will clearly need to be addressed. It is expected the issue will be raised in submissions.
- Local board members and ward councillors will advocate for local residents and communities.

How will the boundaries for the 1st and 2nd tiers be determined?

- Decisions on the precise boundaries of the Auckland region will be made by the Local Government Commission in time for the local elections in 2010, in accordance with the provisions in the Local Government (Auckland Council) Bill.
- This would include the Auckland Council's boundaries, the wards within that and the boundaries, membership and number of local boards.
- Twenty to 30 local boards would provide for a ratio of between one local board for every 70,000 people (20 local boards), and one local board for every 47,000 people (for 30 local boards).

How would the relationship between the Auckland Council and the local boards work?

- The relationship between local boards and Auckland Council will need careful consideration.
- The primary role of the local boards will be to advocate for their local communities.
- More work is being done on this important issue.

Why is the Government rushing the implementation of its decisions?

- Significant decisions for Auckland have to be made before next year's local authority elections. Doing nothing is not an option for the Government.
- The legislative process I have outlined today will get Auckland there. It will provide a strong platform for greater Auckland and New Zealand to thrive.

How can we be involved in the transition process?

- You may wish to be involved in the Select Committee process. In doing so, I recommend you collaborate and share ideas as much as possible. It will also be important that you work closely with the Auckland Transition Agency.
- While I am sure you will have local interests, it will be important to maintain a regional perspective.