

# **Fact Sheet: Local Government (Auckland Council) Bill**

*The Local Government (Auckland Council) Bill, as reported back from Select Committee on 4 September 2009*

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## **Key objectives of Bill**

This Bill continues the process of transitioning the 8 existing councils in the Auckland region into one Auckland Council, including –

- establishing the Council as a unitary authority, with the powers of both a territorial authority and a regional council;
- providing a two-tier governance structure for the new Council - a governing body and 20 -30 local boards;
- giving direction and powers for the Local Government Commission to determine the boundaries of Auckland, the boundaries of the wards of Auckland and the number and boundaries of each local board area.

The recommendations of the Select Committee would, if adopted by Parliament, add to the high-level objectives of the Bill by:

- ensuring that the decision-making roles of the two tiers of the Council are allocated according to clear principles;

## **Governing body of Auckland Council**

The governing body of the Auckland Council will be made up of a mayor and 20 members elected in accordance with the Local Electoral Act 2001.

If the recommendations of the Select Committee are adopted:

- The mayor will be elected by the electors of Auckland as a whole using the first past the post (FPP) voting system for the first election in October 2010.
- All 20 members of Council will be elected from single-member or multi-member wards, using the FPP voting system for the first election in 2010. No councillors will be elected at large.

The Bill does not provide for reserved Māori seats on the Council.

The Select Committee recommends that the governing body should be responsible for -

- the regulatory functions of the Council (including RMA, Health and Building Acts, Civil Defence);
- financial and asset management;
- staff and resources of the Council;
- the establishment and maintenance of capacity to provide, or ensure the provision of, services and facilities by the Council;
- implementing the agreement reached with each local board in respect of local activities;

- making decisions on non-regulatory activities, where an Auckland-wide approach will better promote the well-being of the communities across Auckland.

## **Mayor of Auckland**

The role of the mayor is to -

- articulate and promote a vision for Auckland;
  - provide leadership for the purpose of achieving objectives that will contribute to that vision;
  - lead the development of plans, policies, and budgets for consideration by the Council; and
- on the recommendation of the Select Committee:
- ensure there is effective engagement between the Auckland Council and the people of Auckland.

The mayor has the following powers –

- to appoint the deputy mayor;
  - to appoint the chairperson of each committee of the governing body;
  - to establish and maintain an appropriately staffed office of the mayor, within the budget set in the annual plan for that purpose (on the recommendation of the Select Committee, not less than 0.2% of the Council's total budgeted operating expenditure); and
- on the recommendation of the Select Committee:
- to establish committees of the governing body of the Council;
  - to establish mechanisms for effective engagement between the Council and the people of Auckland.

## **Local boards**

The Select Committee has made substantial recommendations in relation to the roles, functions and decision-making responsibilities of local boards to ensure that the boards are sufficiently empowered to adequately represent, advocate for, and make decisions on behalf of their communities. The Bill, as reported back, would provide that the governing body of the Council and the local boards will sit alongside each other and have distinct roles, rather than operate in a hierarchical relationship. By substantially enhancing the current provisions of the Bill, the Select Committee recommendations would provide -

*Purpose of local boards -*

- enabling democratic decision making by, and on behalf of, communities within the local board area; and
- better enabling the promotion of the social, economic, environmental, and cultural well-being of communities within the local board area, in the present and for the future.

*Decision making responsibilities -*

- the non-regulatory functions of the Auckland Council, except where decision-making on an Auckland-wide basis will better promote the well-being of the communities across Auckland;  
(*The non-regulatory functions of the Council for which local boards are responsible will be identified in the Council's long-term and annual plans*)
- identifying and communicating the interests and preferences of the people in its local board area in relation to the content of the strategies, policies, plans, and bylaws of the Council;
- adopting a local board plan to reflect the priorities and preferences of its communities for local services and facilities;
- identifying and developing bylaws specifically for its local board area, and proposing them to the governing body;
- the agreement reached with the governing body for local services and facilities.

*Functions, duties and powers -*

- exercising the decision-making responsibilities listed above;
- monitoring and reporting on the implementation of the local board agreement for its area;
- communicating with community organisations and special interest groups in its area;
- any responsibilities, duties or powers delegated to it by the governing body;
- considering and reporting on any matter of interest or concern to the local board;

*Funding of local boards*

The Select Committee recommends that the Auckland Council must adopt a local boards funding policy setting out –

- how funds for meeting the costs of funding local activities and administrative support will be allocated to each local board;
- what other funding may be available for local boards and the criteria by which it may be allocated.

**Boundaries of Auckland**

The Bill requires the Local Government Commission to determine the boundaries of Auckland by 1 March 2010. In respect of the southern boundary, the Bill requires that the Commission must ensure that –

- the southern boundary follows, as closely as practicable, the southern boundary of the Auckland region except that:  
(i) the Mangatawhiri River and Mangatangi Stream catchments must be

Waikato excluded (and consequently included in Waikato district and region); and

(ii) that part of Franklin district situated between the Mangatangi Stream catchment and the Firth of Thames must be excluded (and consequently included in Waikato region and either Hauraki district or Waikato district).

The Select Committee recommends in respect of the Northern boundary that the Local Government Commission must ensure that -

- the northern boundary generally follows a line between the mouth of the Puhoi River and the mouth of the Makarau River;
- the area of Rodney district removed from Auckland be included in Kaipara district and Northland region.

### **Integration of water services**

Under the Bill, the Auckland Transition Agency is required to approve a process for, and oversee, the planning and management of the integration of Auckland's water supply and wastewater services by Watercare Services Limited.

The Select Committee recommends that Watercare also be required to formulate a plan for the interim management of stand-alone water and wastewater schemes as from 1 November 2010, and detailed proposals for the long-term management and operation of these schemes for consideration by the Auckland Council.

The Select Committee recommends an amendment to clarify that stormwater drainage services are not included in the integration arrangements.

### **Further legislation**

A third Auckland governance Bill will be introduced later in 2009. The Bill will:

- complete the legislative framework for on-going governance arrangements in Auckland (by amending what will then be the Local Government (Auckland Council) Act 2009, and other legislation);
- amend the Local Government (Tamaki Makaurau Reorganisation) Act 2009, and possibly other legislation, to make further and full provision for the establishment of the Auckland Council and dissolution of existing Auckland local authorities on 1 November 2010; and
- make such provision as is necessary for the interim operation of the Auckland Council from 1 November 2010, pending it developing its own LTCCP, rating and financial policies, RMA plans and policies.

The Select Committee will make arrangements for a public submission process once the Bill is referred to it from the House. Details of the Select Committee arrangements will appear on the Parliamentary website later this year.