

Super City Takes Shape

Select Committee Report on the Local Government (Auckland Council) Bill

The only certain thing about today's release of the Auckland Governance Legislation Select Committee's report is that it will not please everyone. Waitakere Mayor Bob Harvey was quoted in the media earlier today as saying that the Select Committee process was a waste of time and that he intended to boycott the process from now on. Presumably this means that he no longer intends to cooperate in the transition process, but of course Waitakere City and all the other existing local government organisations in Auckland are bound to do so by the terms of the Local Government (Tamaki Makaurau Reorganisation) Act.

The Select Committee report does not necessarily represent the final form of the Bill. That will be determined by Parliament, and no doubt there will be more lobbying as the Bill passes through its committee stages. In the meantime, the Select Committee recommendations for changes to the Bill are discussed below.

Auckland Council

The Auckland Council will be made up of a mayor and 20 councillors. The mayor will be elected at large, but the councillors will not. The two rural wards based broadly on Franklin and Rodney districts will have one councillor each. But the Local Government Commission is charged with the task of determining the number, names, boundaries and representation of each ward. This means that the number of wards remains unknown and that there can be a mixture of single and multiple member wards if the Local Government Commission so determines. This replaces the original proposal for 8 of the 20 councillors to be elected at large, and meets one of the concerns of many submitters to the Bill.

The Auckland Council has responsibility for all regulatory decision-making, including responsibilities conferred on a local authority under the Resource Management Act 1991, Health Act 1956, Building Act 2004, and Civil Defence Emergency Management Act 2002.

As in the original Bill, and as recently announced by the Government, there is no provision for Maori seats although the relevant provisions of the Local Electoral Act 2001 remain applicable in this respect.

The initial elections for both the Auckland Council and local boards are to be conducted on a first past the post basis.



Mayoralty

The mayor will have added power to determine the committee structure for the Auckland Council, and acquires responsibility for ensuring there is effective engagement between the Auckland Council and the people of Auckland. The Bill now makes it clear that the Mayor's role in relation to LTCCP and annual plan proposals is to lead the development of plans, policies and budgets for consideration by the Council. Provision is also made for a minimum budget of 0.2% of the Council's total operating expenditure to be set for the office of the Mayor.

Local Boards

The two-tier structure of the Auckland Council with 20 – 30 local boards has been retained but the provisions relating to the purpose, functions and responsibilities of those bodies have been strengthened to meet the concerns of submitters. New provisions on decision-making, accountability and funding have been added to clarify the responsibilities of the Auckland Council and the local boards. Local boards now have the additional purpose of better enabling the promotion of the social, economic, environmental and cultural well being of their local communities. This reflects the provisions applying to territorial authorities in the Local Government Act 2002.

The responsibilities of local boards have been amended to include making a local plan; providing input into Auckland Council strategies, policies and bylaws; proposing local bylaws; and undertaking responsibilities delegated by the Auckland Council. As to the latter, principles have been set for the on-going allocation of responsibility for non-regulatory activities. There is a presumption in favour of delegating non-regulatory activities unless the nature of the activity is such that decision-making on an Auckland wide basis will better promote the well-being of communities across Auckland.

The Auckland Council must adopt a local boards funding policy including formulas for the allocation of the total funds allocated for the cost of funding local activities and administrative costs. Various factors are identified as contributing to this formula, which must allocate funds as between boards in a way that provides an equitable capacity for the boards to enhance the well-being of communities in each of their local areas.

There is also required to be a local board agreement between each local board and the Auckland Council.

No person will be able to be a member of both the Auckland Council and a local board. There is also a requirement that local board members are bound by the Auckland Council code of conduct.

Boundaries

The Bill originally proposed changes to the southern boundary of what is currently the Auckland Region. But the Select Committee has made recommendations that affect both the northern and southern boundaries, and which would mean that the Auckland Council covers a smaller area than its constituent authorities. The Local Government Commission will determine those boundaries, but on the basis that the northern part of Rodney District (to be split on a line between the mouths of the Puhoi and Makarau Rivers) will become part of the Kaipara District and the Northland Region. In the south the Commission

will have the flexibility to determine that part of the Franklin District in the coastal area around the Firth of Thames transfer to Hauraki District, whereas the Bill formerly proposed this area as part of the Waikato District.

Water Services

There are additional provisions requiring Watercare Services Limited to produce a plan for the interim management of stand-alone water and wastewater schemes from 1 November 2010, and further proposals for the long-term management and operation of such schemes for consideration by the Auckland Council. This is to resolve questions regarding the effect of the legislation on such schemes. The Bill also clarifies the fact that the integration of water and wastewater under Watercare Services Limited excludes stormwater drainage. Other issues relating to the regulatory framework for the operation of Watercare will be dealt with in the third Bill.

Further legislation

This Bill will leave some organisational matters, not least the fate of the staff of the existing local government organisations, to be addressed by further legislation that will be introduced in November and enacted in May of next year.

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