



Submission on the Local Government (Auckland Law Reform) Bill

To the Select Committee on Auckland Governance Legislation

1 Introduction and Overview

“Community connectedness is not just about warm fuzzy tales of civic triumph. In measurable and well-documented ways, social capital makes an enormous difference in our lives ... in child welfare education; healthy and productive neighbourhoods; economic prosperity; health and happiness; and democratic citizenship and government performance. ... Social capital makes us smarter, healthier, safer, richer, and better able to govern a just and stable democracy.”

- “Bowling Alone: The Collapse and Revival of American Community” by Robert D Putnam (2000) Simon and Schuster p332

1.1. This submission is from the Community Coalition for Auckland – *Voices of Tamaki Makaurau* - representing over 70 organisations across the Auckland Region, with the core based in Waitakere City. A list of members is attached at appendix one. We note that supporting organisations may also be making their own submissions. There may be differences in detail from this submission, resulting from the fact that the ‘compressed’ time frame for submissions has not allowed for full scale comprehensive consultation.

1.2. The recommendations in our submission are based on a 25-year history of successful collaborative working and innovative city building, underpinned by the following **key principles**:

- Plan for the future, act in the present – bold and innovative thinking and doing
- Engaging with all stakeholders to identify shared outcomes
- Using the tools of co-operation, collaboration and partnership to increase effectiveness
- Integrating short and long-term social, economic, cultural and environmental considerations to achieve integrated outcomes
- Honouring Te Tiriti o Waitangi and celebrating diversity
- Working inclusively with others
- Using flexible yet rigorous project development, project management and project monitoring and evaluation to enable continuous learning and improvement.

1.3. Our submission builds on the **key issues** consistently articulated by our organisation over the past months:

- An Auckland Regional Governance model based on the best of the Royal Commission report.
- Maori representation guaranteed.
- All Councillors elected by Wards.
- Local Boards with real powers on local matters.
- Guaranteed commitment to addressing social issues.
- Sufficient timeframes allowed for meaningful community dialogue, debate and input into Select Committee Processes on Auckland governance reform.

1.4. CC4A opposes this Bill because, contrary to the above principles and issues, it is a further step in creating a corporate model of local government where the majority of rates funds will be controlled by non-elected, government appointees. This isolates Auckland as a place of fundamentally less-democratic local government in comparison with the rest of the country. However, in recognition that government intends to implement this Bill and the two completed Acts, CC4A submits recommendations for your consideration, which we believe will enhance the resulting Auckland Council and better enable community engagement.

1.5. No one group has all the knowledge – or all the answers. Our approach reflects that the **complex issues** facing Auckland and its communities are interlinked, have multiple root causes and require many stakeholders to be involved in solution-finding.

“For every complex and difficult problem there is an easy solution, and it is wrong.”

- H. L. Mencken

1.6. As the scale and nature of the changes proposed will be far reaching and take some years to fully roll out, the importance of **sufficient timeframes** for meaningful community dialogue, debate and discussion cannot be overemphasised. We are disappointed there is such a brief period for public input to this important third Bill, and are concerned this rush will result in the need for further legislation down the track to address inconsistencies and shortcomings.

1.7. We are disappointed that, despite reassurances from the Minister of Local Government, **there is no further clarity regarding the purpose of Local Boards, and their delegations and funding, and the relationship between the Local Boards and the Council and CCOs.** The lack of clarity makes it difficult to assess and submit on the effectiveness of the entire proposed structure. We would suggest this is an obstacle in the deliberation of the Select Committee on this Bill.

1.8. In establishing such a dramatic separation between the Auckland Council, Local Boards and CCOs, there is an apparent intention for separated planning and implementation across the many components of Council. We believe there needs to be requirements in legislation for **integrated planning and implementation.** For example, CCOs should be required to report regularly to Local Boards and seek approval for work programmes to ensure delivery of transport, water, local facilities etc contribute to both local and city strategic and operational objectives.

1.9. What is the relationship between this legislation and the Local Government Act (2002)? In particular, **there should be a clear alignment between the principles in S14 of the LGA and this Bill.** This will guide interpretation and implementation of this Bill regarding good governance and transparency, engagement and sustainability.

1.10. We wish to observe that **this legislation is confusing,** even for lawyers. We suggest the Select Committee seriously consider which parts of the Bill are priorities for

enactment and which components can be considered as part of an additional, more considered process. For example, Transport could be operated as a Business Unit of Council until there has been time for quality community engagement over the appropriate balance between commercially organised entities and operations accountable and transparent to the community.

We wish to speak to our submission as part of the Select Committee Process.

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Members of the Community Coalition Coordinating Group

Paula Bold-Wilson – Waitakere Community Law Centre
Helen Haslam – Eco Neighbourhood
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Warahi Paki, JP – Chair Te Taumata Runanga O Waitakere, Ngati Tamaoho, Waikato – Tainui.
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Sailuama Cheryl Talamaivao - Pasefika
Pam Unkovich – Community Waitakere Charitable Trust Inc
Pat Watson – Community Waitakere Charitable Trust Inc

2 Our Responses and Recommendations on Clauses of the Local Government (Auckland Law Reform) Bill

Relationship between Local Boards and Council's governing body including CCOs: Clause 17 and Schedule 1

This Bill delegates responsibility for initial allocation of decision-making to the Auckland Transition Authority. It does not clarify the statutory purpose of Local Boards and it does not clarify or require relationships between the Boards and CCOs. These areas need to be addressed in order that the Council can deliver integrated planning and implementation that responds to its communities' needs within an overall strategic direction for the city.

We recommend:

1. The purpose of Local Boards be expanded to include
 - ◆ Facilitating and enabling integrated decision-making to enable local place-shaping, the formation of local identity and local community development.
 - ◆ Making and implementing decisions about local issues
 - ◆ Providing an effective, integrated voice for local communities at regional level
 - ◆ Giving effect to the vision of the Auckland Council and marrying this with local aspirations and visions.
2. Specific provision be made for CCOs to develop working relationships with Local Boards to ensure the aspirations, needs and priorities of local communities influence the operation of the CCOs, and the operational issues of the CCOs are considered in the work of the Local Boards.

Council-controlled organisations: Clauses 19, 24, 45, 49-52, 91, 92, 96; Schedule 1, Schedule 2:

The provisions in the Bill enable a major and fundamental transformation in the way Auckland local government runs its business. CC4A has the following concerns about the proposed process and structure:

- No background papers have been released to make a case for such widespread transfer of Council activities to CCO structures. There is no cost/benefit or feasibility for extending this corporate model. This is a flawed model that exposes the Auckland Council to huge risks in the future.
- The establishment of CCOs for the Auckland Council is exempted from the Local Government Act (2002) special consultative procedure. Consideration should be given to whether the CCO form fits each public service function, and this should be given adequate time and resource. It would be appropriate for the new Council to lead this process, in a transparent, accountable manner.
- There are minimal review and control mechanisms the Council can apply to CCOs, apart from the Corporate Statement of Intent, which will have to be ready for approval prior to the new Council's confirmation. This raises questions about the actual accountability of the CCOs.
- In omitting reference to S14 of the Local Government Act (2002), which addresses principles relating to local government, and consultation principles, something of a safety net is removed. CC4A is extremely concerned about what principles are in fact

guiding the establishment of the new CCOs. We suggest consideration be given to prioritising which CCOs are in fact required to be established under urgency, and which would be more properly considered, in consultation with Auckland's communities under S14 LGA 2002 by the elected Council.

- Appointment of Directors to CCOs is to be done by the ATA and the Minister of Local Government. We believe these appointments should be made by the Auckland Council, as the elected representatives of Auckland's communities.
- The various references to assets are inconsistent and offer little reassurance that the investment enabled by generations of Auckland ratepayers will be protected. Privatisation and asset sales is one of our communities' biggest concerns and we believe there should be a moratorium across the board on asset sales until such time as Council and the CCOs are established and operating under LGA 2002. Some assets should be considered for retention in perpetuity. Those that are considered for sale should be subject to LGA 2002.
- The establishment of Auckland Transport is a dramatic change to 'business as usual' and corporatises functions previously carried out by councils in consultation, partnership and collaboration with their communities. In short, transport planning and implementation is fundamental to city development and there is a grave danger that isolating transport from other planning and implementation will hobble sustainable Auckland growth and development.
- For example, studies demonstrate the quality of street design and layout have a powerful potential to reduce crime and improve safety. Well planned streetscape and urban layout can unlock economic development and local investment. Creating networked street layouts that increase 'incidental meetings' also increases community networks and social connectivity. Dense, mixed use walkable neighbourhoods with interconnected street systems "support a public transport system's routing efficiency and frequency, shortens its travel times and thereby increases its appeal, usership and profitability". The achievement of these integrated outcomes takes place only when transport, landuse and community planning is fundamentally integrated at both planning and implementation levels.

"Pedestrian-based town centres = 5 times as many non-retail jobs as car-oriented shopping centres"

- Mike Cullen, Patrick Partners, Sydney

- Understanding and enabling the integration of relationships between community planning and physical infrastructure is crucial to Auckland realising the gains of this legislation.

References:

"Making Crime Go Away - City of Gosnells Safe City Urban Design Strategy" 2001

www.gosnells.wa.gov.au/upload/gosnells/F3E24ABC366C4541916F003040CA0054.pdf

"Mixed Use Developments: New Designs for New Livelihoods – An Information Paper" 1996 – Department of Tourism, Small Business and Industry, Queensland

We recommend:

3. Cost/benefits and feasibility studies be released demonstrating why each CCO structure is the best option for delivering the function for which it is designed, together with comparisons of other models considered.
4. Consideration be given to which CCOs are required to be established under urgency, if any. All other proposed CCOs should be considered through the Local Government Act (2002) special consultative procedure, led by the newly elected Auckland Council.
5. All CCOs should operate under S14 of the LGA 2002.

6. All CCOs should reflect the need for integration with Auckland Council's broader strategic objectives, take account of the view of the affected communities, and be required to give effect to the vision, strategies, policies and plans of the Auckland Council.
7. All CCOs should be fully accountable and transparent to the Auckland Council.
8. CCO Directors should be appointed by the Auckland Council.
9. The moratorium on asset sales should apply consistently across all CCOs, with consideration, in consultation with Auckland citizens, over which assets should remain in public ownership in perpetuity.
10. Any public asset sales should be conducted under the LGA 2002 special consultative procedure.

Boundary and electoral system changes: Clauses 45, 59 and 60:

These provisions prevent Auckland's communities from democratically changing their local electoral system or their ward boundaries for a significant period. No other communities in New Zealand are subject to this restriction, and it is not clear why this is being put in place. The current proposal for the Waitakere ward boundary has devalued our citizens' votes to the extent that 1 Waitakere vote is worth about 1.5 Rodney votes. Our communities would have a valid case to request a review and should not be made to wait for the 2016 election to improve this situation.

We recommend:

11. Clauses 59 and 60 be withdrawn, and other parts of the Bill be amended to remove obstacles to communities seeking to review ward boundaries or electoral system.

**Board promoting issues of significance for mana whenua and Maori of Tamaki makaurau:
Clause 45, new part 7**

- Under Articles 2 and 3 of Te Tiriti o Waitangi, we strongly support the claims of mana whenua to formal representation on the Auckland Council. The Bill's failure to provide this undermines mana whenua's obligations in relation to manaakitanga and kaitiakitanga. These obligations can only be discharged if mana whenua are involved as decision makers.
- In the absence of mandated mana whenua and wider elected Maori community representation on the Auckland Council governing body, CC4A supports the Board proposed as a positive contribution to enabling Maori input to decision-making in the Auckland Council.
- There is no structural relationship between the CCOs, Local Boards and the Board. The quality of these relationships should not be left to chance and should be supported through legislation.

We recommend:

- Mana Whenua should be guaranteed representation on the Auckland Council. The Royal Commission recommendation for three seats should be the minimum start point for negotiation with Maori.
- In the absence of guaranteed representation, CC4A supports the Board proposal as a good start.
- The Bill should establish formal relationships between CCOs, Local Boards and the Board to ensure integrated decision-making and implementation.

Clause 11, 24 and 111: Establishment of a Pacific Peoples Advisory Panel and an Ethnic Peoples Advisory Panel

These clauses provide for the establishment of advisory panels in relation to Ethnic and Pacific Peoples. CC4A supports these proposals, but is concerned about the sunset clause for their disestablishment, the role of the Mayor in appointing the panels, and the inconsistencies in consultation requirements between the two.

It is also important to determine statutory relationships between the Panels, the CCOs and the Local Boards to ensure informed, consistent and coordinated decision-making throughout Auckland.

We recommend:

- Support for the Pacific Peoples and Ethnic Peoples Advisory Panels.
- The Panels be appointed by and accountable to the Auckland Council, not the Mayor.
- Consultation requirements for both Panels be the same.
- The Bill should detail the statutory relationships between the Panels, the CCOs and the Local Boards.

Appendix One – Community Coalition for Auckland Supporting Organisations

Supportive organisations of Community Coalition for Auckland: <i>Voices of Tamaki Makaurau</i>	
Ace Space	– life-long education
Black Sands Lodge, Piha	
Barnardos Waitakere	
Beautiful Daughters Organisation	
CAB Massey	
CAB Waitakere	
Community Waitakere	– community umbrella dedicated to achieving a sustainable Waitakere with thriving, connected communities
Creative People’s Centre	
Earthsong	– Ranui sustainable living community
Ecomatters Environment Trust	– community environment umbrella
Epilepsy New Zealand	
Family Budgeting Services, Northern	
Family Support services	
Friendship Centre Trust	– Christian Social Service
Healthwest – community health PHO	
Huia-Cornwallis Residents & Ratepayers Association	
Inspiring Communities Initiative	
In-work Organisation	
Keep Waitakere Beautiful	
Lifewise	– preparation for employment
Living Streets Programme	– supporting sustainable households
Manalive	– counseling services for men, parenting programmes, domestic violence programmes
MECOSS	– Manukau Council of Social Services
Monte Cecilia Trust	– emergency housing and social work services (regional)
MPHS Community Inc	– McLaren Park Henderson South locality based programme
Neighbourhood Support Waitakere	
North Shore Council of Social Services	
NZ YMCA	
Parent Trust	– parenting support
Piha Coastcare	
Reyburn House North Shore	
Ranui Action Project	– locality based social wellbeing
SavePapakura Coalition	

Sport Waitakere	
Tane Atawhai	– men’s support group
Te Atatu Community House	
Te Kawerau a Maki iwi	
Te Ukaipo	– youth welfare
The Kauri Trust	
Titirangi Community House	
Toastmasters Waitakere	
VFW	– Violence free Waitakere (including young people in schools)
Waitakere Gardens	– retirement village (370 residents)
Waitakere Law Centre	
Waitakere Pacific Board	– Advisory board representing Pacific communities
Waitakere WEA	– community education
WAVES	– Waitakere Anti-violence umbrella
Weedfree Waitakere	
Women's Centre Waitakere City	
YMCA Massey	
Youth Horizonss	– youth service
Zeal	– Youth Centre and services operating in Waitakere and Wellington

Please note that many individuals are in consultation with and supportive of the Coalition about its work, attend events and request information to be distributed to them.