

**Good governance and democracy—are you engaged?**

Submission by Flash Langley on the *Local Government (Auckland Law Reform) Bill (2009)* to the Auckland Governance Legislation Committee

## **Supplementary Submission 01: Representation and Boundaries**

Select committee supplementary submission by Flash Langley on the *Local Government (Auckland Law Reform) Bill (2009)* to the Auckland Governance Legislation Committee

Version 01 date: Monday 15<sup>th</sup> February 2010

This supplementary submission provides a copy of my December 2009 submission to the Local Government Commission. Some of the important points I elaborate on are:

- The constraints on the number of Auckland Councillors directly impact ward and boards boundaries and representation levels
- That fair representation has not been achieved so far
- That effective representation and fair representation can both be achieved if the number of Auckland Councillors was not fixed at twenty
- Future Representation Reviews cannot conform
- No Southern Boundary can be determined in accordance with the Local Government (Auckland Council) Act that provides good governance.

Attached:

Flash Langley's submission to the Local Government Commission dated 14Dec2009.  
(14 pages)

# Missing in action: Good local governance and democracy

submission by Flash Langley  
on the 20<sup>th</sup> November 2009 draft

*Proposals for Wards, Local Boards and Boundaries for Auckland*  
to the Local Government Commission



Please help defend democracy—for your town, region and nation

**Missing in action: Good local governance and democracy**  
Submission by Flash Langley on the 20th November 2009 draft  
*Proposals for Wards, Local Boards and Boundaries for Auckland*  
to the Local Government Commission

To: Mr Donald Riezebos  
The Chief Executive Officer  
Local Government Commission  
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WELLINGTON

By e-mail: [info@lgc.govt.nz](mailto:info@lgc.govt.nz)

From: Mr Flash Langley  
(please find my contact information in the covering e-mail)

Date: Monday 14<sup>th</sup> December 2009

## **1 Submission on the Proposals for Wards, Local Boards and Boundaries for Auckland**

- P01. This is a submission by Flash Langley.
- P02. I am a Papakura resident, who used to live in Sydney. Papakura is over 30km south of Auckland City. I am strongly concerned for the welfare and identity of local communities. I believe the proposed changes will diminish Auckland or Papakura as an attractive place to live. I believe the effectiveness of Papakura and Auckland can both be improved if the right changes are made with the support of the people.
- P03. In the interests of effective communication, I request that I be heard in support of this submission and related submissions. It is also an opportunity for the Commission to discuss issues of concern that were not covered by this submission.
- P04. Thank you for the extension to complete my submission over the weekend.
- P05. The suggestions and views are respectfully offered to the Local Government Commission, for the constructive improvement of the Supercity proposals to benefit all communities. I gratefully acknowledge the efforts of the Commission under the far from ideal constraints it has to comply with.

## **2 Executive summary: How to improve both Effective Representation and Fair Representation for Communities of Interest**

- P06. In my opinion, the Government's intent of clear regional decision making for diverse communities; and democratic local governance at the community level, are not achieved by the Supercity plans.

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- P07. In my opinion, there are significant areas for improvement in the draft proposal.
- P08. In my opinion, a greater number of Local Boards is achievable giving more flexibility for constructing Effective Representation of Communities of Interest, and will also achieve significant improvements for Fair Representation.
- P09. In my opinion, for voter participant and community engagement, representation ratios are a critical factor for success. Getting this right provides greater flexibility in achieving Fair and Effective Representation of Communities of Interest.
- P10. I suggest the Local Government Commission also gives some consideration to increasing the number of allowable Local Board members, particularly for Local Boards that cannot otherwise be split.
- P11. I prefer Communities of Interests to be Effectively Represented by Local Boards, rather than electoral sub-divisions of Local Boards. This will often be practicable.
- P12. I endorse the SavePapakura.com submission; together with their preferred position of Papakura District becoming a Unitary Authority independent of the Supercity.
- P13. I oppose the boundaries for the Papakura Local Board, which divide a recognised Community of Interest. The existing Papakura District boundaries should be maintained as a minimum for the benefit of the four wellbeings in the Papakura District.
- P14. I conclude that for the Southern Boundary, no practicable boundary exists that is in full compliance with the legislation and not splitting current and future Communities of Interest.

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## **4 Assessment principles**

### **4.1 Auckland Council Effective Representation for identified Communities of Interest**

#### **4.1.1 Good governance?**

- P15. I acknowledge the existing Supercity legislation and the Commission's terms of reference. I also believe the Commission has an obligation to independently assess and ensure good governance. I have seen no reliable evidence by the Government, nor independent assessment by the Commission, on whether or not the proposed Supercity (including current legislation) will promote good governance.
- P16. In my assessment, voter participation and governance engagement are both severely compromised by the lack support the communities have for these Supercity plans. This is due to the inadequacy of the Supercity reforms, and the processes followed including misleading justifications and denying the public a chance to accept or reject the reforms.
- P17. Submissions commenting on the detail of the Supercity reforms should not be considered as implicitly supporting the Supercity reforms; due to scoping issues.
- P18. The Commission should make itself aware of the preferred position of several territorial authority communities, in actively seeking to separate from these proposals of the Supercity; including Franklin District Council, Franklin4democracy community action group, Papakura District Council, SavePapakura.com community action group, and Northern Action Group (North Rodney). I haven't assessed Rodney District Council.

#### **4.1.2 Roles of Auckland Councillors**

- P19. As the proposed Auckland Council is a Unitary Authority, I acknowledge the legislation requirement that all elected Councillors are required to make decisions in the interest of the whole (or substantive portion) of the territorial authority. This is purported to achieve the intention of acting regionally, which reflecting the diversity of Communities of Interest throughout the region.
- P20. The role of Auckland Councillors in practice is likely to be significantly broader than just regional and strategic issues. There are many Auckland Council duties and functions that are not vested with Local Boards and probably not delegated to Local Boards. There are also exceptions to Local Board powers if it is deemed to effect more than the Local Board's area. These sub-regional matters will likewise occupy the time of Auckland Councillors. It is also not clear how the Auckland Council and effectively decide on sub-regional matters or competing demands. (A sub-regional project located near the Auckland City CBD due to population densities will attract greater levels of support from neighbouring Councillors; compared with outlying areas represented by part of a Councillor.)

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- P21. I acknowledge the Commission believes the Local Boards will also advocate to Councillors. This is necessary but not sufficient. The democratic rights of individuals to access the decision makers is also important. As mentioned below, the Auckland Councillor representation ratios are too high.
- P22. I am not sure how enduring the ward arrangements will be, especially considering the form of Maori participation is disputed so may change at somepoint in the coming years. This may impact the elector populations and lead to a need to readjust the ward boundaries.

### **4.1.3 Auckland Councillor representation ratios too high**

- P23. I oppose the extremely high Auckland Councillor representation levels, with an average of 1:70000. (1.4M / 20 Councillors).
- P24. For comparison, The average and proposed representation levels are not fitting for the demands of Local Governance; and are higher than Parliament's average of approximately 1:63000.
- P25. The extremely high representation levels are a barrier to consultation, equitable access, and competing demands on the Councillor's time.
- P26. I do not believe that the high representation levels are adequately mitigated by the presence of the Local Boards.
- P27. High representation levels decrease voter participation and electorate engagement.
- P28. The average representation ratio will only be improved by increasing the number of Auckland Councillors. I am aware the current legislation has fixed the number at twenty Councillors. I am also aware the Commission has to ensure it is satisfied that the arrangements support good governance; and has some discretionary statutory powers to amend requirements whilst keeping to the intention (and other powers to recommend).
- P29. I strongly suggest the Commission uses its statutory powers to amend the proposal to increase the number of Auckland Councillors to twenty-nine to improve governance engagement and good government (retaining the intention that local government makes decision for, and by, the people).**
- P30. In the event the Commission determines it does not have any discretionary powers to amend the proposal to increase the number of Auckland Councillors, then I suggest the Commission makes a recommendation to the Minister for the number of Auckland Councillors to be increased.**

#### **4.1.4 Method for electing Auckland Councillors**

- P31. I support Auckland Councillors all elected from wards; none at-large.
- P32. In considering options for Effective Representation of Communities of Interest, In my opinion the following is essential: Low barriers to campaigning, encouraging independent candidates and a wider diversity of local candidates.
- P33. In principle, I prefer the concept of multi-member elections, though only were a number of requirements suitably come together which is not the case for the proposed Auckland Council.
- P34. I support the concept of single member wards for Auckland Council.
- P35. I oppose the concept of multi-member wards for Auckland Council (due to campaigning costs). Lowered representation ratios would be required for me to reconsider multi-member wards. If I were to reconsider, I would still need to consider the accessibility of ward Councillors and that the ward shares Communities of Interest with adequately common interests.
- P36. I note that the Local Government Act would prefer ward boundaries

## ***4.2 Local Board Effective Representation for identified Communities of Interest***

### **4.2.1 Disempowered Local Boards a barrier to good Local Governance**

- P37. The Local Boards in my opinion are middle of the road Community Boards, with limited functions.
- P38. To achieve the goal of effective community engagement, and to attract leadership, the Local Boards must be empowered to a greater extent.
- P39. The Government's perception for increasing community engagement, is the Local Boards are smaller than existing Territorial Authorities; and have functions that are somewhere between a Community Board and a Territorial Authority. I think they failed on both accounts.
- P40. The Government's intention is that Local Boards be aligned with Community of Interest; considering there may be the need for twenty to thirty Local Boards (with discretion allowed on the number).
- P41. The Government has not considered the population size of Local Boards, other than an intention they have a village feel.
- P42. The Government in stipulating four to nine Local Board elected members has further disempowered Local Boards compared with Community Boards. Community Boards can have up to twelve members. Considering the large population sizes and upper limit of nine members, this is an unwelcome constraint (and decreases flexibility in how to achieve fair representation levels both for Local Boards and electoral sub-divisions of Local Boards).



## **4.2.2 Supersized Local Boards**

### **4.2.2.1 Capabilities of Local Boards — Population size not a leading determinant**

- P43. In the draft proposal, the Commission favours Local Boards with a minimum population of 53000 (and without a maximum population), solely on the justification of the capability to resource their communities (including being able to raise targeted rates). This is larger than many NZ Territorial Authorities, who are also able to gain high quality representatives and fund community needs.
- P44. The current Auckland Supercity legislation provides for the requirement that Auckland Council must provide equitable capabilities for all Local Boards, including funding base needs for their areas and capabilities for raising targeted rates. **I suggest the Commission revises its proposal to take account of the existing statutory provisions for equitable and well resourced Local Boards.**
- P45. I suggest the Commission reports on its investigation into the statutory mechanisms intended to provide equitable capability and well resourced Local Boards.**

### **4.2.2.2 Number of Local Boards**

- P46. In the Commission's draft proposal, it considers a lower number of Local Boards is preferable to ensure the administrative arrangements with the Auckland Council are efficient; and a limiting factor. I question the weighting attributed to this issue and its reasonableness.
- P47. The Government's primary intention for Local Boards is to reflect Communities of Interest to encourage community identity and community consultation, twenty to thirty to be appropriate though giving discretion to alter the number for effective representation of Communities of Interest. The Select Committee also considered criticisms about the number of community boards and their relationships with the Auckland Council, though upheld the range of Local Boards.
- P48. It appears the Commission has grouped Communities of Interest into a Local Board; sometimes representing a Community of Interest as an electoral sub-division of a Local Board. I believe the Government was trying to avoid this as much as possible to ensure clear decision making for Local Board areas on local needs, rather than competing needs (regardless if the communities of interest have similarities). In my opinion, Community of Interest should preferably be represented by Local Boards rather than electoral sub-divisions, to represent local needs and not just decide on the need of the Local Board area in totality.
- P49. Other important factors for increasing the number of Local Boards, is it will improve the flexibility for achieving fair representation levels; aid in improving the high representation ratios and community engagement. (These various issues are expanded on further below.)
- P50. As the Commission is empowered to have a higher number of Local Boards, I believe the Commission needs to reconsider the specific objection of**

**administrative effort; and revise the proposal with the objective of increasing the number of Local Boards to better achieve Effective Representation.**

#### **4.2.3 Communities of Interest preferably represented by Local Boards rather than electoral sub-divisions**

- P51. As mentioned above, I believe it practical to get a better representation of Communities of Interest by representation as a Local Boards, rather than in a sub-division for electoral purposes with a Local Board sharing several Communities of Interest. This is largely achievable by increasing the number of Local Boards. (I accept there will still be some cases where the small population a Community of Interest may need grouping with others into a Local Board; though that is a less preferable).
- P52. This will also better achieve outcomes and options for fair representation and representation ratios.

#### **4.2.4 Local Board Member representation ratios too high**

- P53. I oppose the Local Board Member representation ratios presented in the Commission's draft proposal, as too high. The ratios are often very high at 1:12000 to 1:23000.
- P54. **I support Local Board Member representation ratios in a range of about 1:5000 to 1:7000.** This promotes effective community engagement, accessibility of Local Board Members, and manageable workloads for what will often be part time positions of service to the local community. I note that the representation levels in some countries are lower than all these figures (such as UK and other European countries), and I would consider supporting proposals with lower representation levels. I also believe the representation levels in other NZ Territorial Authorities or Community Boards are in these lower ranges; and substantially below the Commission's draft proposal.
- P55. Lower representation ratios may increase voter participation; as well as potential candidates in deciding whether or not to stand for election (to improve the diversity of candidates and lower barriers to participation).
- P56. The improved representation levels will largely be achieved by increasing the number of Local Boards, within the current constraints on the number of members per Local Board. It could also be achieved by increasing the number of permitted Members per Local Board.

#### **4.2.5 Number of Members allowed per Local Board**

- P57. Expanding on my previous remarks that the upper limit of nine elected members is not ideal, considering both the population size of the Local Boards; it offers much less flexibility compared with Community Boards that can have up to twelve members.
- P58. There are some very large Communities of Interest, that even after some divisions into separate Local Boards or sub-divisions of Local Boards, have very high representation ratios. Given the principle to not divide communities of interest, there are some cases where increasing the number of Local Boards will not aid a better representation ratio; necessitating increased numbers of members allowed per Local Board.
- P59. I recognise the current legislation is constraint on the Commission. **I suggest the Local Government Commission uses its discretionary statutory powers to increase the maximum number of Members allowed per Local Board, by amending its proposal.**
- P60. If the Commission deems it does not have the discretionary power to amend the maximum number of Members allowed per Local Board, then use its powers to recommend to the Minister.**
- P61. This measure may also assist in achieving fair representation levels.

#### **4.3 Fair representation levels**

- P62. I acknowledge that Effective Representation of Communities of Interest is very important.
- P63. I acknowledge the efforts required to achieve 'fair and effective representation' treat fair and effective as important; whilst providing some exceptions to the level of fair representation if justified to achieve effective representation.
- P64. I acknowledge that fair representing is to representing the voting power of electors, and is a comparative measure. The so called +/- 10% rule.

##### **4.3.1 Auckland Councilor Fair Representation**

- P65. I oppose the very high representation ratios of Auckland Councillors, and suggest increasing the number of Auckland Councillors on that basis. A beneficial side-effect for fair representation may be greater flexibility in how the wards are constituted, and better achievement of Fair Representation levels.
- P66. The Commission recognises the mandated requirements for Franklin and Rodney wards for those areas within the Supercity; and whilst the populations are comparatively lower than the regional average, considers it important to strive to achieve fair representation for those wards in comparison with the other wards. In doing so, it has given greater emphasis to increasing the population of those two rural wards (as well as the underlying Local Boards). Increasing the number of

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Auckland Councillors will lower the regional average and achieve the fair representation.

- P67. Increasing the number of Auckland Councillors would also provide much greater flexibility; such as not grouping dissimilar Communities of Interest such as Papakura and Manurewa into a combined ward. It would also increase the flexibility for reconstituting a number of other wards.

### **4.3.2 Local Board Member Fair Representation**

- P68. I oppose the very high representation ratios of Local Board Members. I also recognise the adjustments made to accommodate Fair Representation. I suggest the Commission considers a greater range of option of achieving Fair Representation.
- P69. In line with Effective Representation of Communities of Interest, I support increasing the number of Local Boards (rather than relying on electoral subdivisions). A positive outcome for Fair Representation is it will provide greater flexibility in how Local Boards are constituted (and greater opportunity to adjust for the number of members). In some cases, it is warranted to increase the maximum number of Members allowed on the Local Board, which may also result in a greater control on the fair representation levels.

## **5 Papakura District determinations**

- P70. I endorse the SavePapakura.com submission.
- P71. I endorse SavePapakura.com and Papakura District Council's preferred position, in opposing the detail of the Supercity reforms. I endorse their efforts that Papakura District become a Unitary Authority, in the interests of supporting effective Local Governance that are threatened by the Supercity.

### ***5.1 Identifying the Papakura Local Board Community of Interest***

- P72. Identifying Communities of Interest is a critical first step prior to determining options for Effective Representation of the Communities of Interest.
- P73. I endorse the Commission's view that a distinct and strong Papakura Community of Interest exists.
- P74. I endorse the SavePapakura.com submission's view that the Community of Interest is best reflected by the existing Papakura District boundaries. This is important in terms of identity, history, governance and resources. Papakura has a long history as an independent governance body, with a strong identity of the 'Best of town and country'. Papakura is defined by its spirit of independence and cooperation, and satisfying the needs for both the rural areas / lifestyle blocks together with the urban areas. Papakura is also a historical gateway between the urban / rural and Auckland region / non-Auckland.
- P75. Papakura as a gateway is an important regional centre for other areas, with connections to neighbouring Clevedon and Hunua.
- P76. As the criteria seek to not divide Communities of Interest, I strongly oppose dividing the existing Papakura District Community of Interest.
- P77. The Papakura District does not share any Community of Interest with the Manurewa area.

### ***5.2 Papakura Local Board sub-divisions for electoral purposes***

- P78. The existing Papakura District Council is composed of four electoral sub-divisions.
- P79. I oppose all Local Board members elected at large.
- P80. I endorse the SavePapakura.com submission of two sub-divisions for electoral purposes, based around the train line as a starting point. I would give greater consideration to more sub-divisions if the number of Local Board Members were increased.
- P81. Sub-divisions accommodating sub-communities are important for electoral participation and community consultation.

### ***5.3 Papakura Local Board Member representation ratios too high***

- P82. The existing Papakura District wards are two Councillors per ward, with four wards. The average representation ratio is about 1:6000 (2:12000). These provide good access to Councillors, both formal and informal. That access and community engagement is unsustainable at higher levels above 1:7000.
- P83. I oppose the proposed higher representation ratio of about 1:9000 which will further get worse of the excised rural areas are reintegrated. The number of Papakura Local Board Members needs to be increased. Democracy in Papakura is threatened. Diminishing the representation ratio severely undermines the Government's intent for Local Boards of improving community consultation and engagement. (Diminished representation definitely not palatable; and a last tether in the context of a loss in democratic autonomy!)

### ***5.4 Papakura District not Effectively Represented in the Ward proposals***

- P84. The proposal acknowledges Papakura as a distinct Community of Interest, though does not advocate a single member Auckland Council ward based on the population level of the Community of Interest in comparison with the Auckland regional average for Fair Representation.
- P85. The proposal asserts that a two-member Manurewa-Papakura ward will provide adequate Effective Representation, mainly on the grounds that Local Boards can advocate concerns.
- P86. The proposal also asserts that urban Papakura can be satisfactorily group with another urban area such as Manurewa.
- P87. I oppose the proposed Manurewa-Papakura ward on several grounds. Firstly, as previously mentioned the Community of Interest for Papakura was not fully identified as more than just urban areas. Secondly, the Papakura Community of Interest (and likewise its urban areas) are vastly different to the Manurewa Community of Interest. The incorrectly joined ward violates the criteria for not grouping dissimilar Communities of Interest. Thirdly, the large combined population is a deterrent to voter participation; and candidates standing for election. Given that the Manurewa population outweighs Papakura, there is little chance for Papakura to vote a Councillor it can identify with and engage with the Auckland Council region.
- P88. I support a single-member Papakura ward. It would also give Manurewa an opportunity for independent representation.
- P89. As previously noted, the Auckland Councillor representation ratios are too high. More Councillors are required which will also result in greater flexibility in how wards are formed for both Fair and Effective Representation. Papakura would also qualify on present and expanding populations. For instance, it will avoid the need to bolster numbers in Franklin at the expense of cutting Communities of Interest.

- P90. In the absence of increasing the number of Auckland Councillors, I support the Commission further investigate Effective Representation for the Papakura District. Either through a satisfactory grouping with a better aligned Community of Interest (which is problematic given the Commissions' competing efforts in bolstering Franklin); or propose that a single member Ward be provided for Papakura as the only suitable outcome.

## **6 Southern Boundary determination**

- P91. I appreciate the requirement to determine the Southern Boundary for the Auckland Unitary Authority as closely as practical to the existing regional boundary (with some exceptions).
- P92. I appreciate that whilst the Commission has some powers in the factors it can consider and reservations about the short and medium term growth pressures, it feels highly bound in interpreting what is practicable.
- P93. The Auckland Governance reforms as a Unitary Authority exacerbate this situation. At present, the Franklin District Council as a Territorial Authority has Community of Interest boundaries outside of the current Auckland Region. There is a competing requirement that where practicable, the Unitary Authority boundaries should align with the regional boundary, and this regional boundary should be as close as practicable to the existing Auckland Regional boundary.
- P94. The proposed boundary will cut the existing identified Franklin Community of Interest, contrary to the criteria to avoid segregating Communities of Interest.
- P95. **I oppose the proposed Southern Boundary. On balance, for full compliance I suggest the Commission report back that no compliant Southern Boundary can be determined**, as this divides Communities of Interest plus the current and future effectiveness and wellbeing of affected communities. I do not believe the suggested arrangements for accessing services is adequate in justifying the split.
- P96. A better outcome will be for Franklin to be in or out of the Supercity. Given that Franklin opposes its inclusion in the Supercity, I suggest the nearest practicable boundary be North of the existing Franklin District. Franklin becoming a Unitary Authority is achievable for good local governance. Likewise interregional governance can be accommodated with between the new set of territorial authorities.

## **7 What is required for a Successful Supercity**

- P97. As further reading only, I have attached my submission made to the Auckland Council 2<sup>nd</sup> Bill; as it provides some insight to what I consider is required for good local governance and how the Supercity reforms could be best modified to achieve its stated objectives, of effective regional decision making and powerfully engaged local communities.