

Submission on the Local Government (Auckland Council) Bill

This submission is from Edward Exton Fletcher
23 Halberg Street
Papakura 2110

I wish to appear before the Committee to speak to my Submission.

I can be contacted at 021 1068050 or 09 2985778
23 Halberg Street
Papakura 2110

P2&3 of Explanatory note states: This Bill completes the legislative framework etc and goes on including further detail of the relationship between the Council's governing body and its local boards.

This detail is either lacking or not understandable. Where is it? Rodney Hide lead us to believe when we were making submissions to the previous bill that this would be spelled out in this bill. How can the constituency understand the roll of the players in the next election if it is not spelled out!

If it is intended that this detail is to be worked out by the ATA in conjunction with Rodney Hide then this should not happen.

On the basis that this is what is intended then I oppose the passing of this bill as it does not give effect to the intentions stated.

P4 Second to last Paragraph is to be commended as at last there is acknowledgement that all the preceding actions have been too hasty and that there is need to slow the process down. Unfortunately when we get to the bill the dates have not been changed so it is now up to you members of the Committee to ensure that this is given effect too but changing the dates throughout this bill to give effect to that. The haste is now over and there is time to undertake any changes to the structure of the Auckland region in orderly and democratic fashion ensuring that Local Government is retained.

P6 Explains the intention to set up CCO's and this indicates that the CCO is not controlled by the citizens of Auckland through their Council. This is not local Government but the dictates of appointed cadre who have been selected by ACT inspired leadership. It will be very easy for the CCO Board to say, "that we are giving effect to your strategy however these outcomes were not foreseen". The Council will not have the power to dispense with the board or to change their decisions. This is very shrewd way of taking over and is foreseen in the Naomi Klein book "Shock Doctrine".

On that basis I oppose the establishment of CCO's by the minister and or the ATA and if that should be the wish of the citizens of Auckland by poll, then and only then should they be established by the new Auckland Council.

Now we move to the Bill proper:

P6 Part 3 Amendments, repeals, savings, transitional provisions, and related matters:

No details are made of savings in any part of the bill so far and it's unclear as to what is meant by this part of the heading. While it is applauded that the writers anticipate savings we feel that these savings need to be spelled out so that failure to fulfil these promises can be sheeted home to those responsible. . According to Rodney the savings are considerable and so we should ensure that if the savings are not in excess of 15% the whole exercise is unwound after 2 terms. This needs to be added as a proviso in the appropriate place.

P13 Section 9 Part 2 is repealed:

what does this mean as Part 2 is still there : This is a very important part of the document as it is to establish the sharing of decision making between the Auckland Council and the Local boards. The explanatory notes states that the relationship between the council's governing body and its local boards will be detailed but it has not. I expect that is the reason for the delay to 2012.

I insist that part 2 is not repealed and that before this bill is passed the duties of the Local Boards is spelled out and that we are able to at least consult on those duties.

P13 Section 11 Functions and duties of Transition Agency at line 30:

There are major changes required in this section to curtail the ATA from carrying out the functions of Auckland Council. The new outline would need to be designed by those who have a legal mindset but the purpose should be to maintain a democratic system. The current proposal is setting up a management system which will not be able to be significantly altered for at least 5 years. Meanwhile the Auckland Council is impotent to influence the arms of it's organisation.

=

P 15 Section 13 at line 10

There is nothing governing the source of staff or the terms of their contracts. Not only will the ATA decide what CCO's to establish but the staff and boards to run them. The ATA will set the initial salary of the initial CEO's and the remuneration of the CCO boards directors as well as the CE of Auckland City. This is properly the responsibility of the Auckland Council. This proposal is wrong and I oppose this section

P16 Section "1C" at line 5:

is presumptive in that central government is deciding on the rating system for the Local Authority. In the past it has been up to the Local authority to decide this on their own initiative with input from the citizens. This change has not been consulted on and the majority of the areas are currently using the unimproved value as the rating base. These valuations have not been established. I oppose the inclusion of this section.

P 16 – Section 17 1A at line 35:

the ATA must make provision for Public Submissions on any of it's proposals (2) This has the effect of removing these decisions from the public arena and there will be no opportunity to change this by the citizens of Auckland. Will this be in conjunction with the newly appointed CE etc. If so this will pre-empt the elected council/boards therefore I oppose the inclusion of this section as this is totally undemocratic.

P17 Section 18 New Section 19B

This is to facilitate "Party Central" which I do we do not want to fund and which is of no interest to our constituency. This is not a core council function. It is not an item that needs to be dealt with in haste. As with all CCO's if it is established it must have a Councillor Majority on it's board. I oppose the creation of this CCO.

See notes re P 15 this is on P 17 Section 21A Line 32:

is not specific enough: The CEO should not be appointed by the ATA and certainly not for 3 years. I oppose this role for the ATA. This is a decision to be made by the Auckland Council.

P 19 section 21C at line 15

this is not local government: This is to be deleted:

P19 Section 26A line 25

the ATA is acting as a Local Authority and must abide by the legislation set out for them and must prepare an Audited report , there should be an interim report as we need to know how close this organisation is running to it's expected costs and goals? I oppose the inclusion of this section.

P 21 to 30 I oppose the insertion of this whole section relating to the dissolution of the existing Councils and the establishment of CCO's by the method outlined. This is a lot of influence to be controlled by one person (minister Rodney Hide).

It sets the tenor of the future for Auckland and the likes of us in Papakura: This process is not transparent nor is it democratic. Enquiries of the ATA have led to evasive and non-committal answers so that there is no transparency or openness relating to the decisions or activity of the ATA.

This spells out that CCO CEO's may be appointed for 5 years and will not be able to be replaced before 2015 at the earliest. This coupled with the Directors being appointed by the same group/individual means that the agenda that Rodney Hide has set with his appointments is going to dictate or at least have a very influential role in the actions of the first Auckland Council.

At the very least Insert: The Minister may not appoint any board member for a period of more than 1 year. This is properly the role of the Auckland Council.

P 21 to 30 Sections 35 A to L:

should not be approved and should be the basis for the whole process to be stopped now. This process is now taking on the scenario described in “Shock Doctrine” by Naomi Klein. This process is removing from the influence of the elected representatives of the Auckland region control over their infrastructure. I oppose the inclusion of this section.

P 22 Section 35B at line 5:

the dissolution of certain existing CCO’s and their amalgamation into new CCO’s. This is premature and should not be done by ATA or Minister or order in council. This is a decision that the new Council needs to make. I am opposed to this section being enacted.

P25 section 35 H:

the Minister appointing the Boards and the CEO’s of the CCO’s is very wrong and is no way for this to be done. What other options are there? It all comes from too much haste and for this reason the implementation of this bill must be delayed for at least 3 years. This is the second reason for postponement.

If there is no postponement then insert and add

2a The minister or the ATA may not appoint any board member or CEO for a period exceeding two years.

Add:

- 4 A CCO board member or CEO may not sit on more than one board.
 - 5 The members of these CCO boards may not sit on other CCO boards. Or words to effect that board members may only sit on one CCO board
-

P 26 35 G line 22:

This is not the roll of the minister and should not proceed. This is not democracy. I oppose the inclusion of this section.

P 33 Section 35 (5) line 1

I read this to mean that a landlord living in one area may vote in all areas which he has property in as well as the one he resides in. If that is so then I oppose this section.

P 33 Section 37 new section 13a inserted:

I read this to mean that the “Local Board” areas as set by the Local Govt Commission will be able to be changed by the whim of Auckland Council?

If so this section needs to be deleted.

P 34 Section 39 Lines 10 to 17:

This needs to be a known quantity. Apart from co-operating/consulting with other Local Boards, they also need to be appraised of the actions and decisions of the CCO’s in their area. This means that the level of co-operation with the CCO’s and Local Boards needs to be a fully informed 2 way relationship. These responsibilities

need to be spelled out now not at some later date by the ATA. At least the basic responsibilities, until they are this whole mess of legislation must be put on hold.

P 35 Section 42 New section 32A at line 10:

I read this to mean the minister can overrule the board in relation to its responsibility to the Council. I oppose this section so delete it.

P 36 Part 4 Transport Management for Auckland:

means that RTA controls parking in Papakura the street maintenance and footpath renewal. Also the standard of road maintenance etc. It also needs the right to impose load and axle restrictions on vehicles on the road:

(Reason is that with the proposal to increase the vehicle mass to 50 tonnes we need the ability to preclude the use of urban roads to vehicles that do damage to roads not designed to carry them. This means that the Local Board needs to be able to influence the load bearing capacity of roads within their area for the benefit of the locals.) Insert a clause in this section to give effect to that sentiment.

Further there is no measure available for Local Boards to have input to the decisions of the RTA, There needs to be. This also applies to all other CCO's such as water and the as yet unnamed CCO's. This means that there needs to be provision within the CCO structure for Local Boards to be informed of decisions by CCO's relating to their area and for input from the Local Boards to CCO decision making (not just by-laws).

P 40 Section 43 at the top of the page

If this is included then Auckland Council must be able to control this organisation. It must be able to instruct the ATA to do things yet the power to do that is emasculated as the CCO Boards can do what they like as long as they say it is giving effect to the plan as agreed. I oppose the inclusion of this section.

P36 Section 45 new parts 4 to 8 substituted:

I oppose the CCO Board structure as set out here. The Councillor representatives must be a majority on the board to ensure Auckland Council controls the CCO.

P 41 section 47 Lines 21 to 33:

This mean that they will not be holding public meetings for anything other than by-laws. We need to ensure that what they do is on the public record and the information used to reach decisions is also available to the Local Boards:

This section needs to be amended to provide two way conversations between the affected local boards and the CCO relating to matters which affect the Local Board area so that they may advise the CCO of items of concern. This also means we need to amend theis so that there is a pulic record not only of the decisions but of the background information to those decisions.

P 42 Part 5 section 49 at lines 5 to 18:

I understand this to mean that it may not distribute unintended profits to the Auckland Council but it should make it clear that it should return those profits to the consumer via rebates. This section should make clear by inserting words to that effect.!

P 46 Section 60 lines 13 to 24:

this means that there will be a new entity monitoring water/air Quality for the region under the auspices of the Health Dept. Where is that established.

P 50 Section “(7) at lines 30 to 38:

This needs to be specific to each local board area so that central display cannot be decided to be adequate. Amend 7) (a) (ii) to be at the site of each “Local Board”

P 51 Part 7 at line 10:

establishes the Mana Whenua board, it has no means of representing that role so they must sit as voting members of Council. Further they should be elected by the Maori members of those on the Maori roll in the area of the Auckland District as established. This would give them the same representation as the Pakeha or general roll. This would be a good place to set out the proportional representation for each councillor to ensure that as the population of the area grows the representation does not get further diluted.

P 55 section 75 part “(3) at lines 9 and 10 :

Auckland Transport should not be exempt. Delete section (3_ at lines 9 and 10: I oppose the inclusion of this section as it stands.

P55 Part 76 lines 14 to 19

I oppose this section as I believe that Councillors should comprise the majority of the CCO board to ensure Council control. It should be amended to give that effect. I oppose the inclusion of this section.

P 58 Part 83 Review of representative arrangements:

Representation should be proportional so that numbers in the Local Board area are constant and representation at 1 member per 5000 to 7000 electors. These members should have a specific role which is to be spelled out in the act and which the public has a say on (not decided by the minister of the ATA without public input and the chance to reject the proposal). This would ensure Maori representation on the Local Boards.

P 59 Part 84 lines 11 to 22

Auditor General has the responsibility to ensure that the new Council structure must produce savings of over 15% within 6 years or the whole system is to be undone and local government re-established. 15% is a minimum saving required. Further if the electors of the new Structure so desire the whole must be unwound to the existing structure after a poll on the subject and the Auditor General is to see that this is not pre-empted by actions of the new Auckland City.

The Auditor General's report is to be made public when presented to Council.

The Auditor General is to establish that no rate increase exceeds the CPI for each discreet rating unit.

P 60 Top of page Part 3 line 2:

mentions "Savings" but then there is no further mention or detail in the text. See initial comment on savings.

P 61 Section 52 Line 8 Disestablishment of Auckland Regional Transport:

November 2010 is too soon as organisation should exist until the new council is formed and it should then decide how to form the CCO and what form the CCO should take. The Board of that CCO should have a majority of Council members. I oppose the inclusion of this section.

P 70 Part 59 Prohibition on reorganisation of Auckland until after the October 2013 elections:

I oppose this section. It is undemocratic to preclude the citizens of Auckland from a right that the rest of NZ will have. We must have the right to this as the changes being undertaken are so immense that they could need to be unwound very quickly (at least as quickly as they are being made).

While this proposal prohibits any changes prior to 2013 there must be a proviso that there should be "no sale of assets" until the people of Auckland have confirmed by poll that they wish to sell the asset proposed. This is so that after this period if the people of Auckland area decide they do not like the new system then the whole arrangement can be unwound to the status as at 1 January 2010 with the separate cities and the Auckland Regional Council.

P 71 Part 60 October elections to be First Past the Post:

this ties in first Past the post for 2 elections. This is not democracy. Most submissions to the 2nd bill nominated STV and the minister was adamantly opposed to that for the initial election now it is proposing to lock it in for 2 elections when the democratic process will have time to use the STV and insist upon it for the 2013 election. I oppose the inclusion of this section.

P 71 Part 60 lines 1 to 5:

Moratorium of sale of assets until July 2012 is to be amended to read. Moratorium on the sale of all Council property/assets until after poll by the electors of Auckland on the continuation of the new structure which is to take place after the Auditor Generals report on the savings resulting from the 6 years of operation. The purpose of which is to enable the proposed structure to be unwound and the situation as at 1 January 2010 reinstated.

Amend this section by deleting 2010 and substituting after poll on the continuation of the new structure of Auckland city. (alternatively no sale without poll of Auckland citizens with 75% approval of sale)

P 72 section (3) lines 15 to 20

to be amended so that terms of rent or lease is for a period to facilitate the amended 62 when the existing system re-established and reversion to the 1 January 2010 state.

P77 Section 70 line 22 to 28:

These reports and accounts (as for all CCO's) must be available to the electors in each board area.

P 79 Section 73 lines 1 to 15:

Water Care Services as CCO must be amended to ensure that at no stage can these services be sold. This must also ensure that any proposals for franchising or leasing of any part of this business, is to be subject to Citizen referendum with 75% majority required for change. I oppose this section in its present form.

P81 Section 79 lines 23 to 37:

The rate of change to the rates levied on individual properties shall not change by more than the CPI for the most recent financial year. The rate invoice must be accompanied by a statement setting out the actual rates assessment prior to the application of the minimum CPI based increase and to outline the changes anticipated over the subsequent years to achieve the offsetting of the annual CPI increase.

P 83 Section 83 (3)lines 30 to 35:

to be amended to insert the "CPI" as the basis of the "uniform percentage variation".

P88 Section 93 Bylaws about waste line 23:

These by-laws shall not impose wheelie bins in areas that do not want them and shall be decided by local referenda. This is to be decided by poll of the Local Board Area.

P 94 Section 102 Building:

The implications/expenses of the leaking buildings in the proposed Auckland City are to be confined to the area of the existing local Authority which previously dealt with the approval of the structure. This section needs to be amended so the expenses are not be spread over the whole rating base. If this section to remain, then a new section is to be added giving effect to that sentiment.

P122 Section 3 Line 5 Disqualification as a director:

Insert: A person who is a board member of another CCO .

P 127 Section16 Line 18:

Disclosure of interest needs to be a public document available for perusal.

P 129 Procedure of Board line 10 to 13:

Insert "The meetings proceedings/minutes are to be available to the public." All background material to decision making should also be available on request to all Local Board members.

P 132 Schedule 2 Section 28 lines 5 to 9:

Appointments to committee. These seem to be outside the democratic process entirely and feel that there can be undue influence from some groups through this process. I oppose the inclusion of this section.

The details of all declared interests are to be publicly available.

P 132 Section 30 (4) lines 32 to top page 133

this man has been appointed by Rodney for a term of up to 5 years and the CCO boards appointed by Rodney Hide also. It appears certain that there would have been insufficient time for the ACT influence to have waned at this juncture. This role is really important for the future of the region. I think that the Board must advertise and that the approval of the Council sought prior to the appointment. If the board and the CEO are obstructive to council wishes then this is a means of getting some turn around on that problem. Being insulated from the council by the board is the situation Rodney derided in the power of existing council CEOs'. This is a means of circumventing the control of the CCO by Auckland Council. I oppose the inclusion of this section. I oppose the inclusion of this section.

P 137 What is the role of the Mana Whenua board?

This does not seem to be specified in any way and could be quite ineffective:

Re word so that at least 2 of this board become voting councillors elected by their peers.

P 163 Line 25:

Delete reference to the repeal of section 77. This is unnecessary and the only need is to change from Auckland Regional Council to Auckland Council which can be achieved through the removal of the word "Regional". This ensures that the park remains as it is.

Conclusion : As was stated in the explanatory note page 2

"The scope of the change to be achieved is significant and complex with many organisations being disestablished and their staff and assets moved to new or different organisations. The timeframe for achieving this is also extremely ambitious, with new arrangements to be in place by 1 November 2010. These unique factors, in combination, have resulted in the need for the extensive supporting legislation to ensure that the Governments objectives can be achieved in the required timeframe."

This whole program was extremely ambitious and it is now evident that the aims were too ambitious and should be abandoned as the whole mixed up heap of amendments makes clear this has not been a well considered proposal and the resulting mess has removed far too much democracy from the process. The unique factors were not imposed by the citizens of Auckland, but by those who were intent on bamboozling the citizenry into accepting undemocratic change of regime which will forever change the face of democracy in our region.

We do not live in "one size fits all" communities. What we have diverse communities and the way that this proposal is going then we the citizens will be the losers of that diversity. The Rodney Hides of Auckland will impose their vision of what our community should be on us. Rodney Hide is in effect saying "trust me, I know what I'm doing!"

- 1 I don't trust him.
- 2 The number of amendments that have been introduced to date indicate he doesn't know what he's doing.
- 3 The number of items that have been left to the ATA or order in council also indicate that he doesn't know what he's doing or he's using that method to gain his own way without the scrutiny of the citizens.

This is not democracy. This is government by the rich for the rich and the wishes of the citizens are being ignored. Now is the time to pull back from this change and I urge the Committee to recommend that these changes be halted now and the status quo remain until the legislation tidied up and one sensible and easily understood bill is introduced and then the citizens of Auckland have been polled on the proposal. I oppose the legislation as outlined in this document.

END