

Have Your Say on the Super City

Guide to Making a Submission on the Local Government (Auckland Law Reform) Bill

What is a Bill?

Bills are drafts of proposed new laws. Parliament considers several different types of a bill in formal stages. If they pass through all those stages they become new laws, called Acts of Parliament. After the first stage a bill is referred to select committee.

What is a Select Committee?

A select committee provides an opportunity for the public to have a say on the contents of a bill. Once a bill is referred to a select committee, the committee usually has 6 months to examine the bill and prepare a report for the House, although in this case the timeframe is much shorter. The Select Committee on Auckland Governance Legislation has called for submissions on the Local Government (Auckland Law Reform) Bill which are due by **12 February 2010**.

The select committee members are: National Party: Jackie Blue, Simon Bridges, John Carter (Chairperson), Tau Henare (Deputy-Chairperson), Nikki Kaye; ACT: John Boscawen; Greens: Sue Kedgley; Maori Party: Hone Harawira; Labour Party: George Hawkins, Shane Jones, Su'a William Sio, Phil Twyford (one non-voting member).

What is purpose of this bill?

This is the third Bill implementing Rodney Hide's Super City plan, and your final opportunity to have your say.

The Bill covers a wide range of issues including:

- The powers of the new local boards.
- Ownership and sale of assets, including the Ports of Auckland.
- Maori representation.
- How exiting council staff will be treated in the transition to the Super City.
- Control over the pricing of water.
- The organisation of council business such as transport and water.
- Preparation for the 2010 election and important democratic principles.

We are encouraging everyone to express their opinion about some of the serious issues in this Bill.

What the Labour Party supports

Like many of you, we are concerned about what's happening with the plans for Auckland's Super City and the impact on democracy. We want to work with you and community groups to help you get a real say in our city's future.

Below are some of our main concerns:

Cutting Corners Again

- Rodney Hide promised that this final bill would go through a full select committee process. However, in keeping with his treatment of the previous Bills this one will face a condensed select committee process depriving the public of adequate time to properly consider and submit on the Bill.

Powers of Local Boards (clause 17)

- Rodney Hide promised that this bill would set out the powers and responsibilities of the local boards. However, this Bill passes the initial allocation of powers to the Auckland Transition Authority.
- The second bill left many questions about the local boards. The boards were left with no regulatory powers at all. Powers will be delegated downwards by the Auckland Council but if the Council decides that a certain function is better discharged regionally it can decline to delegate it to the board.
- If the boards aren't given significant powers, local communities will lose their voice, and it will effectively mean the total centralization of power in the 20-member Auckland Council.
- More detail relating to the powers of the local boards is required to ensure that local boards will have the ability to control local issues. Labour will oppose the provision that shifts responsibility to the Transition Authority and continue to call on the Government to clarify the powers and responsibilities of local boards.
- At the very least, the Bill should require that the Transition Authority consult with the existing local authorities on the initial allocation of powers and responsibilities.

Ports of Auckland (clause 49)

- This Bill opens the way for the privatisation of the Ports of Auckland by removing existing protections that require an Auckland-wide referendum before the Ports can be sold.
- Labour opposes these provisions on the grounds that Aucklanders have been very clear about their desire to see Auckland assets remain in public ownership.

Maori Representation (clause 45, new part 7)

- The Bill proposes a statutory board for mana whenua. Labour opposes this provision and continues to call for the inclusion of Maori seats on the Auckland Council.

Campaign spending limits (Schedule 3)

- The Government plans to push campaign spending limits up from \$70,000 for a population over 250,000 to \$100,000 + 50c for each registered voter in constituencies exceeding one million. The Super City mayoral race with 960,000 voters will mean candidates will be able to spend \$580,000 in the last three months. This is a very significant increase that would benefit wealthy candidates and those with big business backing.
- Labour is advocating for a formula based on either an amalgamation of the spending limits of the current councils, or one based on the parliamentary limits.

First Past Post (clause 60)

- The Bill requires that as well as the 2010 council election, the 2013 election also be held under the First Past Post system and denies Aucklanders the right to opt for a more proportional system

Staff Transition (clause 24)

- Under the provisions in the Bill the Transition Authority is not required to provide staff with their existing conditions when they are transferred to another job within the city. Rodney Hide promised this to the unions but it has been left out of the bill which gives the CEO the right to determine if conditions carried over.
- These protections need to be included in this Bill.

Council Controlled Organisations (CCOs) (clauses 24 and 45)

- The bill will structure most of the Council's functions and activities into seven Council Controlled Organisations (CCOs). The CCO is a commercially organized entity modelled on the State Owned Enterprise, with its own CEO and board, owned by and reporting to the Council. It is designed to keep the politicians at arms length from the business.
- Under this proposed structure Rodney Hide, and not the elected members of the Auckland Council, will have the power to decide what functions are carried out by Council Controlled Organisations, the power to make the initial appointment of directors for all CCOs, including Auckland Transport which will control all transport-related powers.

- Labour opposes this and would prefer to see the Transition Authority to act in a “caretaker” role in the establishment of the CCOs, leaving the elected members of the Auckland Council to fill the board positions.
- One of the provisions prohibits councillors from being directors of CCOs. This is an example of how this structure removes the control from the elected representatives of the Auckland Council.
- The CCO model has its advantages but this proposal goes too far.
- It takes the core business of Council out of the hands of democratically elected representatives, meaning that Aucklanders will lose the ability to hold councillors accountable for much of what the council does. Councillors should be able to sit on the Boards of CCOs.
- Important areas like the transport agency, waterfront development, economic development, tourism and events, are inherently political and their work and decisions should rightly be subject to the democratic process which will be denied under the CCO model
- Labour believes that the transport agency should be run as an in-house business unit by the Auckland Council. It is approximately half the operating budget of the Council, a hugely important priority for Aucklanders, and not a profit making enterprise. The elected representatives must be held accountable for transport decisions.

Ward Boundaries (clause 45, new section 83)

- This Bill does not allow Aucklanders to make any changes to the current ward boundaries, number of ward representatives, and local board boundaries until after the 2013 election.
- This is undemocratic. Residents should be able to make changes they see as appropriate.

Watercare Provisions (clauses 65 – 74)

- One of the provisions provides that Watercare will not be subject to Auckland Council policies or directions in setting prices for water after 30 June 2015.
- There are also provisions that reduce the transparency of decision-making at Watercare after June 2012.
- Labour objects to the resulting lack of transparency and democratic oversight and opposes this provision.
- There has been some confusion about whether Cabinet decided to allow the Auckland Council to privatize the new water company from 2015.
- Labour is calling on the Government to explicitly state that existing privatisation protections still apply to Watercare.

Ethnic Advisory Boards (clauses 11 and 24)

- Under the Bill the Mayor alone will control the establishment of the Pacific Peoples Advisory Panel and the Ethnic Peoples Advisory Panel.
- Labour believes that the elected council should have some input into this process. We also advocate for the consultation of the existing Pasifika boards in the establishment of the Pacific Peoples Advisory Panel.

What is a Submission?

A submission is the presentation of views or opinions on a matter currently under consideration by a select committee. By writing or presenting a submission, you are providing the committee with your own insights, observations and opinions. The reasons that you provide for any changes that you believe should be made, or actions you believe should be taken, will give validity to your submission.

Written Submissions

Please present your submission in a way that is ordered and easy to read. You should include the following information in your submission:

Heading: Head your submission with the name of the select committee to which it is addressed and the full title of the bill (Local Government (Auckland Law Reform) Bill).

Who is it from? Clearly state who the submission is from. State your name or give the name of the organisation you are representing. Include a contact address, an email address and daytime telephone number.

Oral submission? Clearly indicate whether you would like to speak to the committee in person. If you wish others to appear in support, include their names and, if representing an organisation, designations.

Content: Your submission does not have to cover everything in the Local Government (Auckland Law Reform) Bill, you can focus on one particular aspect or aspects, or make a general statement. However make sure it only addresses specifically the matters raised in the bill. Consider listing your submission's recommendations or summing up its main points.

Oral Submissions

Oral submissions provide you with the opportunity to reinforce what you have said in your written submission. They also allow the committee to clarify points raised in that submission. If the committee has decided to hear your submission, committee staff will inform you of the time and place of the meeting and the time allocated for your submission. Notification may be at short notice.

Sending your Submission

You can make an online submission here:

http://www.parliament.nz/en-NZ/PB/SC/MakeSub/6/3/a/49SCAGL_SCF_00DBHOH_BILL9729_1-Local-Government-Auckland-Law-Reform.htm

Or you can send two copies of your submission by post to:

Clerk of the Committee
Auckland Governance Legislation Select Committee
Select Committee Office
Freepost Parliament
Wellington

The deadline for submissions is **12 February 2010**.

For more info:

Download a copy of the Bill:

<http://www.legislation.govt.nz/bill/government/2009/0112/22.0/DLM2635005.html>

Read the Royal Commission's report: <http://www.royalcommission.govt.nz/>

Labour views and opinions on Super City: <http://blog.labour.org.nz/> and <http://www.labour.org.nz/news>

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