

Submission to the Royal Commission of Inquiry on Auckland's Governance from 1Auckland.com Incorporated

1.0 Submissioner details

- 1.1 1Auckland.com Incorporated is a local government political party which was established to contest the 2007 triennial local elections in Auckland City. We contested 34 Auckland City elections across Auckland City with three candidates gaining election on a platform of supporting one Mayor, one Council one Auckland. There are two other long established local government political parties in Auckland City: Citizens & Ratepayers and City Vision.
- 1.2 We seek to be heard in person by the Commission to speak in support of our submission.
- 1.3 The main point of contact for 1Auckland.com Inc is Chris Diack, Secretary 1Auckland.com Incorporated, P O Box 17 271 Greenlane Auckland, 09 520 0027 or 021 800 901 or chris.diack@woosh.co.nz.

2.0 Summary of the main contentions of our submission

- 2.1 A single unitary authority for the current Auckland Region within the meaning of “unitary authority” as provided for in the Local Government Act 2002.
- 2.2 The winding up of all of the existing territorial local authorities within the region and the Auckland Regional Council and transfer of all existing assets liabilities and staff to the new entity.
- 2.3 A name for the new entity that distinguishes it from existing the territorial local authorities and the existing Regional Council that it is replacing (and all previous existing bodies in the region) and from the other TLA's and Regional Councils in New Zealand because it will not be an analogist authority. For example we would support “Greater Auckland Authority” (“GAA”) as advocated by the Auckland Regional Council.
- 2.4 We support a Council for the Authority with constituency patterns largely based on the existing constituencies of the Auckland Regional Council(which equates to the existing territorial local authority boundaries – except in Franklin/Papakura) with a level of representation doubled that of existing ARC constituencies to be elected on a single Transferable Voting System (“STV”) basis. The Council would be vested with rule making powers, the adoption of budgets and an advice and consent role for senior staff appointments.
- 2.5 We support a directly elected Mayor and his or her nominated Deputy on an at large basis using a preferential voting system with structural and constitutional arrangements vesting executive authority in that Mayoralty.
- 2.6 We support the retention of the existing pattern of Community Boards to be elected on an STV basis with the pattern being reviewed following the creation of a GAA.

3.0 Preliminary Observations

- 3.1 The dysfunctional nature of local governance in the region is obvious to all – it gave rise to the Commission.
- 3.2 As a conurbation, most of the challenges faced are regional in nature. Each district covered by each territorial local authority is interdependent on every other district. While the districts have a distinctive character, this isn't derived from or greatly reflected in the local government arrangements for those districts.
- 3.3 However we believe that simply shifting to a large unitary authority (or a three city model with empowered regional governance) will not of itself improve the functioning of local government.
- 3.4 Many submissions are calling for a shifting to these sorts of models with the addition of a directly elected Mayor (or an appointee Mayor by and from the members); the creation of other elected or appointed mini-Mayors; the creation of Community Councils or Neighbourhood Councils or Area Councils and/or advocates.
- 3.5 While 1Auckland.com assumes that the role and function of local government as set out in the Local Government Act 2002 is a given, few of the submissions take a principle based approach to why the particular structural arrangements they propose are advocated. For example, if one were to create a region wide Mayoralty and a number of mini Mayors it is incumbent to outline what the powers and functions of each of these mayoralties are in relation to one another and any Council.
- 3.6 We consider in fixing the structure one must also address the model of local government that is used in New Zealand from the smallest District Council to the largest City Council. The form of local government used in New Zealand is called a "Council-manager" led form of local government.
- 3.7 The characteristics of this are as follows:
 - 3.7.1 largely ceremonial Mayors who have limited statutory powers and a few additional powers delegated to them by the Council.
 - 3.7.2 All power (subject to the general law and in particular the LGA 2002 requirement to consult) is vested in the full Council sitting as a Council. The Council does appropriations, secondary rule making, strategic direction setting, some operational matters (grants and hearings panels) it has a representational role and a role in scrutinising the Chief Executive and his or her administration of the authority.
 - 3.7.3 The power is largely delegated away with some to Council subcommittees but most to the Chief Executive and his or her employees as professional managers with employment matters reserved to the CEO.
- 3.8 If one looks at the scrutiny role of Councillors for example, one sees that this is compromised with a range of other competing demands on their attention and time.

- 3.9 The current model's assumption is that they are part time (albeit some committee structures substantially improve their remuneration to close to a full time basis). Theoretically of the approximately 286 politicians all but 8 are part-timers scrutinising 6,500 EFT employees raising and spending a total of approximately \$4.4 billion in the various local government authorities across the region.
- 3.10 If one accepts the conclusion that real power in this model is largely located with the staff, then what flows out of that conclusion is a model designed to scrutinise the exercise of that power by the professional management.
- 3.11 We therefore support a modification to the Council manager led form of local government by separating and clarifying the roles, functions and powers within the model. The principle consideration of any reform should be to up the level of scrutiny and accountability.

4.0 A single unitary authority

- 4.1 We strongly support single unitary authority for the current Auckland Region within the meaning of "unitary authority" as provided for in the Local Government Act 2002.
- 4.2 By necessity this means the winding up of all of the existing territorial local authorities within the region and the Auckland Regional Council and transfer of all existing assets liabilities and staff to the new entity.
- 4.3 The name for the new entity should be one that distinguishes it from existing the territorial local authorities and the existing Regional Council that it is replacing (and all previous existing bodies in the region) and from the other TLA's and Regional Councils in New Zealand because it will not be an analogist authority. For example we would support "Greater Auckland Authority" ("GAA") as advocated by the Auckland Regional Council.
- 4.4 We are also of the view that multiple uses of the same terms to describe different bodies within the authority should be avoided as it acts to confuse citizens. Thus there should be one mayor and one council not many "Mayors" and a number of different "Councils."
- 4.5 We acknowledge that some amendment of the Local Government Act 2002 will be required and we think that provision of the creation of an Authority in the region should be provided within the Local Government Act 2002 and not in its own legislation.
- 4.6 The authority is a legal person and consisting of its council, mayoralty and employees.

5.0 A Greater Auckland Council

- 5.1 We support a Council for the Authority with constituency patterns largely based on the existing constituencies of the Auckland Regional Council(which equates to the existing territorial local authority boundaries – except in Franklin/Papakura) with a level of representation doubled that of existing ARC constituencies.
- 5.2 This would result in a Council of 26 Councillors plus the Mayor and Deputy Mayor. There are strong advantages in adopting this constituency pattern as it makes use of existing electoral boundaries.

- 5.3 We do not support the use of parliamentary boundaries as they do not in any sense equate to a neighbourhood. What's more the drawing and redrawing of parliamentary boundaries would be out of step with the current timing of triennial local government elections. Thus for half the life of the parliamentary electorate any Councillor elected from it would be representing the electorate prior. What's more the size of electorates and therefore their boundaries are driven by tight quotas and these are driven by population shifts in the South Island. It is difficult to rationalise why South Island population movements should directly impact on local government representation matters in the Auckland Region.
- 5.4 We do however strongly support all Council elections being on a single Transferable Voting System ("STV") basis. STV is the electoral system designed to produce proportionality in a multi-member constituency. Proportionality in this context means that most voters get what they voted for. We support the concept that most voters (not just those casting their vote for a plurality candidate) should get what they voted for. This enhances the representative nature of local government and its legitimacy.
- 5.5 The Council would be vested with secondary making powers, the adoption of budgets and strategic documents and an advice and consent role for senior staff appointments which would extend below the current level of Chief Executive. It should be barred from any operational role i.e. in hearings on resource consent applications and the distribution of grants and the direction of the Chief Executive or any staff member.
- 5.6 It would not be the initiator of draft annual plans, and long term community plans but it would hold hearings on these prior to their adoption as is currently required.
- 5.7 It could propose spending but would be subject to a mayoral veto which if exercised could only be overcome by a super majority.
- 5.8 Remuneration of Councillors should be the same as that of Members of Parliament and the assumption should be that the position is full time. They should be adequately resourced to fulfil their representational and scrutiny functions.
- 5.9 Aside from ceremonial occasions where the Mayor (or deputy) would preside or other occasions where the Mayorality considered it necessary to take the chair, the Council would be chaired by a Council Chairperson elected by and from its membership.

6.0 A Mayor and Deputy Mayor elected at-large

- 6.1 We support a directly elected mayor and his or her nominated deputy on an at large basis using a preferential voting system with structural and constitutional arrangements vesting executive authority in that mayorality.
- 6.2 The deputy mayor should be elected by being nominated by a mayoral candidate and should have their name appear on the ballot paper under the name of the mayoral candidates. This ensures that all mayors have the deputy they choose. It also means that as candidates they can share campaign responsibilities and costs and if elected, the mayor can allocate responsibilities within the mayorality. Logically the deputy mayor can deputise for the

mayor and fulfil the responsibilities of the mayoralty should the mayor become incapacitated.

- 6.3 We strongly support a preferential voting system for the position of mayor to ensure that the officeholder receives more than half of the first and subsequent preference votes of Aucklanders. This assists in establishing a mandate for their programme and legitimacy for the power that they exercise. Naturally mayoral candidates will be able to make broad campaign commitments to Aucklanders during the election campaign and receive an endorsement for those commitments via the ballot box.
- 6.4 Executive authority in this context means the responsibility for nominating the Chief Executive to the Council, and with the assistance of the Chief Executive, nominating other senior appointments. It means initiating annual planning and LTCP's secondary rules and strategic plans for adoption by the Council with the assistance of the CEO and his staff. Aside from the nomination of the CEO and other senior staff appointments, employment matters would be responsibility of the professional managers.
- 6.5 Both the Mayor and his or her Deputy would each exercise 1 vote at the Council. The Deputy Mayor would serve at the pleasure of the Mayor however any replacement would require the advice and consent of the Council.
- 6.6 A criticism of this "strong Mayoralty" model is that it is in effect a concentration of power in the Mayoralty. However this assumes that real power currently rests with the Councils of politicians under current models. Our view is that this is a total mischaracterisation of the reality of current arrangements.
- 6.7 It is our view that if Mayoral candidates are to campaign across the region with a population of close to 1 million citizens, with approximately 450,000 voting then the winning candidate should have the ability to inject their political programme into the centre of the real power within whatever structural arrangements are adopted. That political programme put to voters in what will be very expensive and complex election campaigns is after all the only one to receive endorsement across the City by a majority of voters (assuming a preferential voting system is used). Thus we view the "strong Mayoralty" model as a much needed democratisation of the current arrangements.
- 6.8 We also believe that the "strong Mayoralty" model has the advantage of coinciding with what voters actually think they are getting now. Most consider that their Mayors are the leaders of the Council not only just in a ceremonial and spokesperson sense but in a real and tangible way. This is reinforced by the media treatment of both Mayors and Mayoral campaigns.
- 6.9 Whatever arrangements are adopted the public and media perception of the role of any Mayor will not change. We therefore believe that the reality of the arrangements should match the public expectation.
- 6.10 Remuneration of the Mayor should equate to that of the Deputy Prime Minister and that of the Deputy Mayor to a Minister of the Crown.
- 7.0 Retaining Community Board in their existing pattern for now.**

- 7.1 We support the retention of Community Boards across the region and their empowerment. While the actual functions and powers of these vary across the region and across New Zealand, their concept and place in local government arrangements is well understood.
- 7.2 The same cannot be said for all of the proposals to replace them with Neighbourhood committees, Area Councils, Community Councils etc. It is as there is some acknowledgement of the need for some extremely locally focused input into local government decision making and scrutiny of public spending and so a new structure is simply inserted into the various wiring diagrams with novel title and with little or no explanation as to function.
- 7.3 We believe there is merit in retain Community Boards in common with many other TLA's across New Zealand. They should remain separate from and legally distinct from the unitary authority.
- 7.4 There is no evidence that Community Boards are inherently structurally dysfunctional as opposed to other local government arrangements within the region.
- 7.5 We also believe that the existing pattern of Community Boards within the region should be retained for the first elections to the new unitary authority. The only change would be the introduction of a CBD Community Board that allows for this community of interest to be represented given that it is a unique living environment.
- 7.6 We support a clarification of the law regarding the current representation role of Community Boards – to represent their local communities without fear or favour not only to the unitary authority but to any other public or private bodies. Some TLA's within the region have adopted a position of legal hostility to the notion that Community Boards are capable of making representations to any other body except the TLA and threaten withdrawal of resources and administrative support if a Board attempts to make representations contrary to TLA policy beyond the TLA. This is unsatisfactory.
- 7.7 We support provision being made for the imposition of a Community Board Levy of up to 3% of the rates of each ratepayer within their boundaries to meet the costs of the Boards and to assist in funding small local projects in conjunction with the unitary authority. The cost of any delegation to the Boards by the unitary authority should be met by the unitary authority. A Community Board Levy should ensure local accountability for both the costs and spending decisions of Community Boards locally.

8.0 Other Matters

- 8.1 Whatever legislative changes that are needed to put in place a structure as recommended by the Royal Commission, the Commission's report should contain the legislative drafting required to put the structure in place. This provides a necessary starting point for any Government to consider the legislative options available when drafting a Bill. The Commission would therefore speed the process and the likelihood some that or all of its recommendations find their way into legislation. The recommendation of draft legislation is within the normal powers of Royal Commissions.

- 8.2 If the Commission recommends the use of STV and Preferential Voting systems then Auckland.com members believe that the Returning Officer should be required to run an education programme on how Citizens can exercise a valid vote. Legal impediments to the production and use of mock ballot papers by candidates and local government political parties should be removed. While the use of mock-ballot papers will by necessity mean the non randomisation of candidate order, on balance providing citizens with some guidance about how to vote in support of the candidates and parties they support will improve the conduct of these elections. Our members are concerned that whilst these electoral systems are fairer in outcome, they do result in confusion among some voters and a higher incidence of invalidly cast votes as a result of that confusion.