



I hereby give notice that an ordinary meeting of the Auckland Development Committee will be held on:

**Date:** Thursday, 13 August 2015  
**Time:** 9.30am  
**Meeting Room:** Reception Lounge  
**Venue:** Auckland Town Hall  
301-305 Queen Street  
Auckland

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## **Auckland Development Committee OPEN ADDENDUM AGENDA**

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### **MEMBERSHIP**

<b>Chairperson</b>	Deputy Mayor Penny Hulse	
<b>Deputy Chairperson</b>	Cr Chris Darby	
<b>Members</b>	Cr Anae Arthur Anae	Cr Calum Penrose
	Cr Cameron Brewer	Cr Dick Quax
	Mayor Len Brown, JP	Cr Sharon Stewart, QSM
	Cr Dr Cathy Casey	Member David Taipari
	Cr Bill Cashmore	Cr Sir John Walker, KNZM, CBE
	Cr Ross Clow	Cr Wayne Walker
	Cr Linda Cooper, JP	Cr John Watson
	Cr Alf Filipaina	Cr Penny Webster
	Cr Hon Christine Fletcher, QSO	Cr George Wood, CNZM
	Cr Denise Krum	
	Cr Mike Lee	
	Member Liane Ngamane	

(Quorum 11 members)

**Tam White**  
**Democracy Advisor**  
**1 August 2015**  
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## Local Government (Auckland Council) Act 2003 Amendment Bill (No 3) Auckland Council's Submission

File No.: CP2015/16069

### Purpose

1. To seek endorsement of the council's submission to the Local Government and Environment Committee on the Local Government (Auckland Council) Amendment Bill (No 3).

### Executive summary

2. The government has introduced to parliament the Local Government (Auckland Council) Amendment Bill (No 3) (the Bill). The purpose of the Bill is to prevent local board members from serving on more than one local board at the same time.
3. The council has commented on this topic twice previously in submissions to the government. Our position has been that elected members should be able to sit on one local board only at a time and that the LGACA should be amended to reflect this. This is in support of the current Bill. Staff are recommending that the same position be submitted in response to the current Bill.
4. A proposed amendment to the Bill has also been put forward, which is that the current membership of two or more local boards will not be affected at the commencement of this Bill. Staff recommend supporting this proposed amendment, suggesting the change takes effect at the 2016 elections.

### Recommendation

That the Auckland Development Committee:

- a) endorse Auckland Council's submission to the Local Government (Auckland Council) Amendment Bill (No 3)
- b) authorise the delegation of any editorial changes to the submission to the chair and deputy chair of the Auckland Development Committee.

### Comments

#### Local Government (Auckland Council) Amendment Bill (No 3)

5. The LGACA does not currently prevent local board candidates standing for, and being elected to, more than one local board at the same time.
6. The purpose of the Bill seeks to 'prohibit candidates from serving on multiple boards at the same time'. This is sought through a proposed amendment to the LGACA section 11 (Membership of local boards). Specifically inserting the following as a new subsection - '11(2)(c) must not serve as a member on 2 or more local boards at the same time.'
7. The reasons given for this Bill are that the current law allows for a reduced number of local board members undermining the efficacy and fairness of the local electoral system and, where a person serves as a member of multiple local boards, conflicts of interest are probable.
8. A proposed amendment to the Bill has also been put forward (through a supplementary order paper), that this change would not affect the current tenure of any local board member who is a member of two or more local boards at the commencement of the Bill.

**Auckland Council's draft submission**

9. Auckland Council has commented on this topic twice previously in submissions to the government:
  - a) December 2013 in our submission to the Justice and Electoral Select Committee as part of its inquiry into the 2013 Local Government Election
  - b) February 2014 in our submission to the Environment and Local Government Committee on the Local Government Act 2002 Amendment Bill (No 3).
10. In both our previous submissions on this topic we have presented the same position and it is recommended that we do so again in response to the current Bill.
11. The council's draft submission is at Attachment A. In support of the position that elected members should be able to sit on one local board only at a time the submission states:
  - a) membership of more than one local board at a time has the potential to create the perception of conflicts of interest as local boards are required to represent local interests in their area.
  - b) experience has shown that local board members have heavy workloads, particularly the full time chairperson role. Membership of multiple boards potentially reduces the ability of the person concerned to effectively represent the views and preferences of the different local communities.
12. The submission also proposes that candidates should still be able to stand for more than one local board, but would have to choose which local board to sit on if they were elected to more than one. Again, this point affirms the council's previous position. It is noted in our submission that in implementing this Bill, consideration will need to be given to the process and timeframe a candidate elected to two or more local boards must follow in order to choose which local board they serve on.
13. In response to the proposed amendment to the Bill, that current membership of local boards would not be affected by the commencement of this Bill, our submission strongly supports this. We support this change taking effect from the 2016 local elections.

**Local board views and implications**

14. During the 2010-13 electoral term three candidates were elected to more than one local board. This increased to five local board members after the 2013 elections. Attachment B lists a table of local board members currently serving on more than one local board.
15. Membership of local board members on more than one local board was discussed in January 2014 at a local board briefing on the Local Government Act 2002 Amendment Bill (No 3). Below are some of the points raised at that briefing, some of which are reflected in the council's existing position.
  - a) Recommending elected members sit on only one local board does not take into account the wider position of membership on multiple bodies i.e. elected members sitting on District Health Boards.
  - b) The performance of members once elected is what should be of importance, not the number of boards they sit on.
  - c) Perceived conflicts of interest by a member sitting on more than one board.
  - d) There is an issue of representation if members sit on more than one board, as there would be less local board members in total across Auckland.

16. Local boards have had the opportunity to provide formal feedback on this topic previously, in 2014 in response to the LGA 2002 Amendment Bill (No 3). At this time, the majority of local boards did not provide any feedback. Of the seven local boards that did provide feedback, six commented on this topic - one in support and four not in support of the council's position (one board noted they did not wish to comment on this topic).
17. To inform the council's current submission on the LGACA Amendment Bill (No 3), informal local board views (i.e. not by way of resolution) have been sought. Five boards chose to comment, two in support of the council's position and three to note that they did not want to provide feedback on this issue.

### Maori impact statement

18. The changes proposed in the Bill relate only to how many local boards an elected member could serve on at a time. The changes proposed would apply to all local board members, they do not affect Maori candidacy for local board membership. There are no related impacts on Maori from this report.

### Implementation

19. If the Bill passes and takes effect for the 2016 elections, it will be necessary to communicate this change in legislation to local board member candidates standing for election.
20. If a local board candidate is elected to more than one local board the council may need to consider the process and timeframe for them to follow in order to choose which local board they serve on.

### Attachments

No.	Title	Page
A	Submission to the Local Government and Environment Committee Local Government (Auckland Council) Amendment Bill (No 3)	9
B	Local Board members on more than one local board	13

### Signatories

Authors	Christine Gulik – Principal Advisor Policy and Planning – Local Board Services
Authorisers	Karen Lyons - Manager Local Board Services Jim Quinn - Chief of Strategy





**Submission to the  
Local Government and Environment Committee  
Local Government (Auckland Council) Amendment Bill (No 3)**

**13 August 2015**

## Introduction

1. This is Auckland Council's submission in response to the Local Government (Auckland Council) Amendment Bill (No 3).
2. The address for service is Auckland Council, Private Bag 92300, Victoria Street West, Auckland 1142.
3. Please direct any enquiries to Phil Wilson, Governance Director. Phone 027 451 0834 or email phil.wilson@aucklandcouncil.govt.nz.
4. Auckland Council does not wish to appear before the Local Government and Environment Select Committee to discuss this submission.
5. This submission has been approved by the governing body of Auckland Council.

## Recommendation

6. Auckland Council:
  - a. supports the prohibition on local board members serving on multiple local boards at the same time
  - b. supports the prohibition not affecting any local board member who currently serves on two or more local boards
  - c. notes that clause 5(3) is no longer required (clause 5(3) proposes to amend section 11(4) of the Local Government (Auckland Council) Act 2009 (LGACA), but section 11(4) was removed from LGACA in 2014).

## Background

7. Local boards were established as part of Auckland Council's governance structure in the LGACA. Local boards have an important role to play in Auckland, representing their local communities and making decisions on local issues, activities and facilities. Local boards have been a success of the new governance structure in Auckland.
8. The LGACA does not prevent local board candidates standing for, and being elected to, more than one local board at the same time. During the 2010-13 electoral term, three local board members served as a member of more than one local board. During the 2013-2016 electoral term this has increased to five local board members.

9. Auckland Council has commented on this topic twice previously in submissions to the government:
  - a. December 2013 to the Justice and Electoral Select Committee as part of its inquiry into the 2013 Local Government Election
  - b. February 2014 to the Environment and Local Government Committee regarding the Local Government Act 2002 Amendment Bill (No 3).
10. In both our previous submissions on this topic we have presented the same position, which we are presenting again here in response to the Local Government (Auckland Council) Amendment Bill (No 3).

## **Comment**

11. Membership of more than one local board at a time has the potential to create the perception of conflicts of interest as local boards are required to represent local interests in their area. Experience has shown that board members have heavy workloads, particularly the full time chairperson role. It is currently possible for a successful candidate to chair one local board and sit as a member of another. Membership of multiple boards potentially reduces the ability of the person concerned to effectively represent the views and preferences of their different local communities.
12. We suggest that elected members should be able to sit on one local board only at a time and support the proposed amendments to the LGACA to reflect this. This would ensure full representation in all local board areas. Candidates should still be able to stand for several boards but would have to choose which board to sit on if they were elected to more than one.
13. We note that if a candidate is elected to more than one local board consideration will need to be given to the process and timeframe in which they have to make their choice as to which local board to serve on.
14. We strongly support the proposed amendment to this Bill in the new clause 6, that current membership of local boards would not be affected by the commencement of this Bill. We support this change taking effect from the 2016 local elections.
15. We note that clause 5(3) is no longer required in the Bill. Clause 5(3) proposes to amend section 11(4) of LGACA, however section 11(4) was removed from LGACA in 2014, through the Local Government Act 2002 Amendment Act 2014.



## Local board members on more than one local board, 2015

Local board member	Local board membership
Warren Flaunty	Henderson-Massey and Rodney Local Boards
Grant Gillon	Devonport-Takapuna and Kaipatiki Local Boards
John McLean	Rodney and Upper Harbour Local Boards
Greg Sayers	Hibiscus and Bays and Rodney Local Boards
Lisa Whyte	Hibiscus and Bays and Upper Harbour Local Boards