I hereby give notice that an ordinary meeting of the Governing Body will be held on:

**Date:** Thursday, 27 February 2020  
**Time:** 10.00am  
**Meeting Room:** Reception Lounge  
**Venue:** Auckland Town Hall  
301-305 Queen Street  
Auckland

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**Tira Kāwana / Governing Body**

**OPEN AGENDA**

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**MEMBERSHIP**

- **Mayor:** Hon Phil Goff, CNZM, JP
- **Deputy Mayor:** Deputy Mayor Cr Bill Cashmore
- **Councillors:**
  - Cr Josephine Bartley
  - Cr Dr Cathy Casey
  - Cr Fa’anana Efeso Collins
  - Cr Pippa Coom
  - Cr Linda Cooper, JP
  - Cr Angela Dalton
  - Cr Chris Darby
  - Cr Alf Filipaina
  - Cr Christine Fletcher, QSO
  - Cr Shane Henderson

  (Quorum 11 members)

**Sarndra O’Toole**

Kaiarataki Kapa Tohutohu Mana Whakahaere /  
Team Leader Governance Advisors

21 February 2020

Contact Telephone: (09) 890 8152  
Email: sarndra.otole@aucklandcouncil.govt.nz  
Website: www.aucklandcouncil.govt.nz

**Note:** The reports contained within this agenda are for consideration and should not be construed as Council policy unless and until adopted. Should Members require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Terms of Reference

Those powers which cannot legally be delegated:

(a) the power to make a rate
(b) the power to make a bylaw
(c) the power to borrow money, or purchase or dispose of assets, other than in accordance with the Long-Term Plan
(d) the power to adopt a long-term plan, annual plan, or annual report
(e) the power to appoint a chief executive
(f) the power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the local governance statement
(g) the power to adopt a remuneration and employment policy

Additional responsibilities retained by the Governing Body:

(h) approval of long-term plan or annual plan consultation documents, supporting information and consultation process prior to consultation
(i) approval of a draft bylaw prior to consultation
(j) resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of electoral officer
(k) adoption of, and amendment to, the Committee Terms of Reference, Standing Orders and Code of Conduct
(l) relationships with the Independent Māori Statutory Board, including the funding agreement and appointments to committees
(m) overview of and decisions relating to any CCO review including the implementation of any resulting changes to CCOs
(n) oversight of work programmes of all committees of the governing body.
Exclusion of the public – who needs to leave the meeting

Members of the public

All members of the public must leave the meeting when the public are excluded unless a resolution is passed permitting a person to remain because their knowledge will assist the meeting.

Those who are not members of the public

General principles

- Access to confidential information is managed on a “need to know” basis where access to the information is required in order for a person to perform their role.
- Those who are not members of the meeting (see list below) must leave unless it is necessary for them to remain and hear the debate in order to perform their role.
- Those who need to be present for one confidential item can remain only for that item and must leave the room for any other confidential items.
- In any case of doubt, the ruling of the chairperson is final.

Members of the meeting

- The members of the meeting remain (all Governing Body members if the meeting is a Governing Body meeting; all members of the committee if the meeting is a committee meeting).
- However, standing orders require that a councillor who has a pecuniary conflict of interest leave the room.
- All councillors have the right to attend any meeting of a committee and councillors who are not members of a committee may remain, subject to any limitations in standing orders.

Independent Māori Statutory Board

- Members of the Independent Māori Statutory Board who are appointed members of the committee remain.
- Independent Māori Statutory Board members and staff remain if this is necessary in order for them to perform their role.

Staff

- All staff supporting the meeting (administrative, senior management) remain.
- Other staff who need to because of their role may remain.

Local Board members

- Local Board members who need to hear the matter being discussed in order to perform their role may remain. This will usually be if the matter affects, or is relevant to, a particular Local Board area.

Council Controlled Organisations

- Representatives of a Council Controlled Organisation can remain only if required to for discussion of a matter relevant to the Council Controlled Organisation.
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**PUBLIC EXCLUDED**

| 17   | Procedural Motion to Exclude the Public                                          | 99   |
| C1   | CONFIDENTIAL: Recommendation to appoint an Acting Chief Executive and update on Chief Executive recruitment process | 99   |
1 Affirmation
His Worship the Mayor will read the affirmation.

2 Apologies
At the close of the agenda no apologies had been received.

3 Declaration of Interest
Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

4 Confirmation of Minutes
That the Governing Body:
   a) confirm the ordinary minutes of its meeting, held on Thursday, 12 December 2019, including the confidential section and the extraordinary minutes of its meeting, held on Wednesday, 12 February 2020, as a true and correct record.

5 Petitions
At the close of the agenda no requests to present petitions had been received.

6 Public Input
Standing Order 7.7 provides for Public Input. Applications to speak must be made to the Governance Advisor, in writing, no later than one (1) clear working day prior to the meeting and must include the subject matter. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders. A maximum of thirty (30) minutes is allocated to the period for public input with five (5) minutes speaking time for each speaker.

6.1 Public Input: Direct Action Everywhere New Zealand (DxENZ) - Catering at Council Meetings

Te take mō te pūrongo

Purpose of the report
1. Dr Michael Morris on behalf of Direct Action Everywhere New Zealand (DxENZ) will be in attendance to address the Governing Board.

Whakarāpopototanga matua

Executive summary
2. Dr Michael Morris will speak to the Governing Body regarding Auckland Council following the Bay of Plenty Regional Council in restricting catering during all council meetings (including local boards), to plant-based food.

Ngā tūtohunga

Recommendation/s
That the Governing Body:
   a) receive the presentation from Dr Michael Morris on behalf of Direct Action Everywhere New Zealand (DxENZ) regarding plant-based catering at council meetings.
7 Local Board Input

Standing Order 6.2 provides for Local Board Input. The Chairperson (or nominee of that Chairperson) is entitled to speak for up to five (5) minutes during this time. The Chairperson of the Local Board (or nominee of that Chairperson) shall wherever practical, give one (1) day’s notice of their wish to speak. The meeting Chairperson has the discretion to decline any application that does not meet the requirements of Standing Orders.

This right is in addition to the right under Standing Order 6.1 to speak to matters on the agenda.

At the close of the agenda no requests for local board input had been received.

8 Extraordinary Business

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“An item that is not on the agenda for a meeting may be dealt with at that meeting if-

(a) The local authority by resolution so decides; and

(b) The presiding member explains at the meeting, at a time when it is open to the public,

   (i) The reason why the item is not on the agenda; and

   (ii) The reason why the discussion of the item cannot be delayed until a subsequent meeting.”

Section 46A(7A) of the Local Government Official Information and Meetings Act 1987 (as amended) states:

“Where an item is not on the agenda for a meeting,-

(a) That item may be discussed at that meeting if-

   (i) That item is a minor matter relating to the general business of the local authority; and

   (ii) the presiding member explains at the beginning of the meeting, at a time when it is open to the public, that the item will be discussed at the meeting; but

(b) no resolution, decision or recommendation may be made in respect of that item except to refer that item to a subsequent meeting of the local authority for further discussion.”
Te take mō te pūrongo

Purpose of the report

1. The purpose of this report is to:
   - make decisions on three matters for the 2022 local elections
   - receive information on the achievement of outcomes sought for the 2019 elections and the activities undertaken for that election
   - receive information on the emerging results of the research undertaken by the Research Investigations and Monitoring Unit (RIMU).

Whakarāpopototanga matua

Executive summary

2. The triennial local government elections are a significant event for any local authority and its community. For local democracy to flourish it is important that the community engages with the process for deciding those who will be its representatives for the coming term.

3. A number of initiatives were undertaken for the 2019 elections which received very positive responses, and these are described in the report.

4. The outcomes of (i) a free, fair and effective election and (ii) an excellent, user-centric experience were achieved.

5. The targeted voter turnout of at least 40 per cent and candidate-to-member ratio of 3:1 were not reached and these remain important challenges for the 2022 elections. The local government sector as a whole must address the issue of declining voter turnout. Auckland Council is collaborating with Local Government New Zealand and the Society of Local Government Managers to do this.

6. Research including behavioural insights, demographics, candidate surveys and voter awareness was conducted. This research is important to informing the council’s on-going approach to encouraging the participation of candidates and voters.

7. In the lead up to an election there is the opportunity to review representation arrangements (but this is mandatory at least every six years), the opportunity to change the electoral system and the opportunity to establish a Māori ward. All of these matters were reviewed for the 2019 elections and the Governing Body is asked to provide guidance to staff on whether any of these should be reviewed for the 2022 elections.

Ngā tūtohunga

Recommendation/s

That the Governing Body:

a) note that the statutory deadline for resolving to change the electoral system for the 2022 local elections from First Past the Post to Single Transferable Vote is 12 September 2020

b) agree that as the electoral system was reviewed prior to the 2019 elections, no further action be taken for the 2022 elections.
c) note that the statutory deadline for resolving to establish a Māori ward for the 2022 local elections is 23 November 2020

d) agree that as there has not been legislative change to allow the Governing Body to review its membership, no further action on the establishment of a Māori ward be taken for the 2022 elections

e) note there is the opportunity to review representation arrangements for the 2022 elections but there is no requirement to do this until the 2025 elections

f) agree that no further action be taken to review representation arrangements for the 2022 elections.

Horopaki

Context

Governing Body decisions leading up to the 2019 elections

8. On 25 March 2015 the Governing Body appointed Mr Dale Ofsoske as Auckland Council’s Electoral Officer. Mr Ofsoske has been Electoral Officer for the 2016 elections, subsequent by-elections and the 2019 elections.

9. On 27 July 2017, following local board feedback, the Governing Body approved the council’s submission to the Justice Committee’s Inquiry into the 2016 local government elections.

10. On 24 August 2017, following local board feedback, the Governing Body resolved to continue the First Past the Post voting system (rather than Single Transferable Vote).

11. On 28 September 2017 the Governing Body considered the opportunity to establish a Māori ward for the 2019 elections and resolved to support a Māori ward in principle subject to legislative change allowing the council to increase the number of members.

12. At the same meeting the Governing Body agreed on a process for undertaking the representation review for the 2019 elections, subject to support from local boards. The development of proposals for consultation was through the Joint Governance Working Party with all local boards having input.


15. On 18 October 2018 the Governing Body received recommendations from the Joint Governance Working Party following the hearing and consideration of public submissions on the review of representation arrangements and approved Auckland Council’s final proposals.

16. On 13 December 2018 the Governing Body resolved that the order of candidate names on voting documents was to be alphabetical. At the same meeting the Governing Body confirmed that online voting would not take place due to costs being unacceptable to participating councils but supported Auckland Council continuing to work to trial online voting as soon as possible.

17. On 10 April 2019 the Local Government Commission determined the representation arrangements for Auckland Council, upholding Auckland Council’s proposals in their entirety.
Tātaritanga me ngā tohutohu
Analysis and advice

Upcoming opportunities for change to future elections
18. The following dates apply to the 2022 elections:
   i) the statutory deadline for a resolution on whether to change the electoral system from First Past the Post to Single Transferable Vote is 12 September 2020
   ii) the statutory deadline for a resolution to establish a Māori ward is 23 November 2020
   iii) if the council wishes to conduct a review of representation arrangements for the 2022 elections it must give public notice of its first proposal by 8 September 2021.

Electoral system
19. The Governing Body considered whether to change from First Past the Post to Single Transferable Voting in August 2017. The Governing Body resolved (GB/2017/94) as follows:

   That the Governing Body:
   b) confirm that the First Past the Post voting system will continue to be used for the 2019 elections due to the perceived complexity of the Single Transferable Vote system.

20. Another report on this agenda (on the council’s submission to the Justice Committee’s inquiry into the 2019 local elections) refers to a recommendation from Parliament’s Justice Committee that the Government consider encouraging or requiring the same voting system to be used at all local elections. There is the possibility of future legislative prescription as to the electoral system to be used for local elections.

21. In view of the previously resolved position of the Governing Body and the possibility of change arising from the Justice Committee’s recommendations, staff have proposed that electoral system is not reviewed for the 2022 elections.

Review of representation arrangements
22. A review of representation arrangements was conducted for the 2019 elections and the council’s proposed changes were approved by the Local Government Commission in their entirety. There is a legislative requirement to conduct reviews at least every six years. There is no requirement to conduct a review for the 2022 elections.

23. Staff consider that, in view of there being no legislative change to allow the council to review the number of members of the Governing Body, a review should not be conducted.

Māori Ward
24. The formal establishment of a Māori ward received support from the Governing Body but there are matters that need to be addressed before this happens. The resolution of the Governing Body was:

   “That the Governing Body:
   a)…..reiterate to government the position adopted by Council in 2015 supporting the need for legislative change to allow Auckland to determine the number of members on the Governing Body and subject to that, agree in principle to establish a Māori ward and request for a consistent policy regarding Māori representation in line with legislation governing the composition of Parliament.”
25. The statutory deadline for resolving to establish a Māori ward for the 2022 local elections is 23 November 2020. Since there has been no legislative change to allow the council to determine the number of members of the Governing Body, nor has there been government policy to bring Māori representation in line with legislation governing the composition of Parliament, staff propose that no further work be done for the 2022 election.

26. However, the proposed submission to the Justice Committee on today’s agenda continues to advocate for change in this area.

**Strategic approach to delivering 2019 elections**

27. The strategic approach for staff working on the 2019 local elections was to deliver the following outcomes:
   i) **a free, fair and effective election**: with high public confidence in and public understanding of electoral processes
   ii) **voter turnout of at least 40 per cent**: with increased turnout in low voting communities
   iii) **candidate-to-member ratio of 3:1**: ward and local board positions have candidates who reflect the communities of Auckland
   iv) **excellent, user-centric experience**: for candidates and voters.

28. In order to achieve those outcomes, the team focused on four key area, those being:
   i) **communications**
   ii) **community engagement**, with a focus on low voting demographic groups and communities
   iii) **reducing barriers** to participation
   iv) **increasing knowledge of the council and the importance of participation**.

**Achievement against outcomes**

29. Overall, a free, fair and effective elections process was delivered without material errors and within the statutory timeframe and programme budget.

30. However, some outcomes were not met. There was:
   - a reduction in candidate numbers
   - a reduction in voter turnout.

31. It is very important to note that council is constrained to a certain extent in its efforts to achieve the outcomes of increased candidates and voter participation by needing to maintain political neutrality and being careful not to give any particular candidate or candidate group an advantage.

32. The elections team worked hard on the different approaches that are outlined in this report and the commitment of volunteers was valuable in the achievement of the current result. There are many factors that contribute to voter participation and increased candidate numbers, not all of which council can influence. The proposed submission to government’s Justice Committee on today’s agenda outlines some changes to legislation and practice that should help to achieve better results in future elections.

**Free, fair and effective election**

33. Independent Election Services (IES) were contracted as primary supplier ensuring that a successful programme was delivered from a statutory and operational perspective.

34. The election delivery workstream achieved its objectives, delivering a process that met statutory requirements and maintained the integrity of the elections, resulting in no judicial enquiries, and only two recounts which were for licensing trusts and did not result in any change to the placing of candidates.
35. Enquiries and issues raised by candidates, voters and media were dealt with in a timely way and risks managed appropriately.

36. Some innovations and improvements (as detailed in the section ‘Areas of focus’) were delivered. The elections team that is established for the 2022 elections should continue to be innovative with developing different ways to reach out to Auckland’s diverse community.

37. There were some challenges resulting from the decline in the postal service, the high volume of special votes and the votes received from ballot boxes on the final day. These challenges led to minor delays in determining the final result and should be factored into planning for the 2022 elections.

Voter turnout of at least 40 per cent

38. Voter turnout decreased from 38.5 per cent in 2016 to 35.3 per cent, which was a disappointing result considering the effort put into the marketing campaign and community engagement programme. This is a national issue – low voter turnout is included in the terms of reference for the Justice Committee inquiry into the 2019 elections, which is reported on separately in this agenda.

Candidate-to-member ratio of 3:1

39. This year, there were 423 candidates for the 170 council positions (a ratio of 2.5:1). Ratios of candidates to position were down on 2016 levels and the programme did not meet the target ratio of three candidates for each ward and local board member position. However, for six wards and five boards the target was exceeded, some of these in low voting areas.

<table>
<thead>
<tr>
<th></th>
<th>Candidates</th>
<th>Positions</th>
<th>Ratio 2019</th>
<th>Ratio 2016</th>
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<tr>
<td>All including mayor</td>
<td>423</td>
<td>170</td>
<td>2.5:1</td>
<td>2.75:1</td>
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<tr>
<td>Ward councillors</td>
<td>54</td>
<td>19</td>
<td>2.8:1</td>
<td>3.7:1</td>
</tr>
<tr>
<td>Local board members</td>
<td>348</td>
<td>149</td>
<td>2.3:1</td>
<td>2.5:1</td>
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</tbody>
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Wards exceeding the target: Manurewa-Papakura, Maungakiekie-Tāmaki, Ōrākei, Waitākere, Waitemata and Gulf, Whau.

Local boards exceeding the target: Devonport-Takapuna, Hibiscus and Bays, Howick, Papakura, Whau.

Excellent, user-centric experience

40. As described above, the elections team employed a number of efforts to improve user experience, which included:
   i) the voteauckland.co.nz website, with information for candidates and voters, which had almost 300,000 page-views in October 2019
   ii) more than 60 organisations taking part in Vote Friday
   iii) almost 50 ‘One-Stop Shops’ which were highly popular
   iv) taking ballot boxes to where people congregate such as markets.

41. Voter and candidate survey results will be published on knowledgeauckland.org.nz as soon they have been verified.

Areas of focus

Communications

42. The campaign in 2016 had as its focus – ‘show your love for Auckland by voting’. This was also the basis for the 2019 campaign, which used real Aucklanders – including a number of Auckland Council staff – in the campaign collateral. There were twenty-five different areas targeted across Auckland, complementing the community engagement work.
43. Radio advertising mirrored this approach, using a range of different voices, including translated ads on ethnic radio stations. The marketing mix included digital, outdoor, radio, print, social and experiential.

44. A micro-site – voteauckland.co.nz – contained a lot of information for candidates and voters. The objective was to present information in a clear, easy-to-understand way. Among the features was a post box search, an address lookup for a voter to find which ward and board they are in, information about how and why to vote for candidates, tips on how to campaign and what is involved in being an elected member. The website had nearly 300,000 page-views in October 2019.

45. A video of an interview with two former elected members was live streamed and published to Youtube to assist potential candidates understand more about what is involved in being a candidate. There have been approximately 300 views of the videos of this interview.

46. Oscar Kightley hosted an Auckland Conversation on the topic “Voting – why bother?”. Although Youtube shows there have been only 75 views, the event received media attention and Oscar was interviewed on TVNZ’s Breakfast Show.

Community engagement
47. For the 2016 elections, we noted the importance of engagement work in building awareness about local government and civic participation.

48. For the 2019 elections, rather than a direct council to public approach, the team worked with a range of community partners. Working in partnership with community groups lent credibility and trust for some parts of the community who can be skeptical of council. The community partners included RockEnrol, the Chinese New Settlers Trust, Waycom, the Blind Foundation, Deaf Radio and the New Zealand Asian Leaders Network. Collectively, this gave the elections a presence at more than 200 events.

49. The former Kids Voting programme was re-designed into the Youth Voting programme / Ngā Pōti ā- taihī with all material translated into te reo so that kura could take part. Staff worked with schools to enable them to host candidate nights. Students asked the questions of candidates and in many cases, brought their families along.

50. Part of the team went door-knocking, mailed out postcards to 130,000 Aucklanders and used different messages on voting packs to test some of the behavioural insights that suggest these methods can encourage voting. Postcards used different messages, so that efficacy could be tracked. Initial results indicate that social normalising is the most effective form of messaging (for example “74 per cent of Aucklanders are planning to vote. Join them and vote this election!”).

Reducing barriers
51. Vote Friday: among the reasons people give for not voting in local elections is a lack of time and not knowing when the deadline is. “Vote Friday” responds to this. Organisations agreed to give their employees thirty minutes to vote. Auckland Council supplied a pack with everything the participating organisations needed. More than 60 organisations took part – in total that is around 55,000 employees. Participating organisations included Spark, Stuff, all three Auckland police districts, Xero and the Auckland Philharmonia Orchestra.

52. Ballot boxes: staff took mobile ballot boxes out to markets, ferry terminals, nursing homes and other places. The response was overwhelmingly positive.

53. One Stop Shops: working with the Electoral Commission, staff and volunteers delivered nearly 50 ‘One Stop Shops’ where people could enroll and vote on the spot. This was a huge undertaking, involving more than 50 trained volunteers. The team did not initially appreciate how popular this would prove to be and on a couple of occasions, ran out of special voting papers. At university events, there were queues of people wanting to vote. At the most popular events, staff and volunteers issued close to 200 special voting papers. The 50 per cent increase in special votes over previous elections caused delay in issuing final voting results.
54. Online voting: Senior staff took part in a determined effort to establish a trial of online voting in conjunction with other interested councils. The trial did not go ahead because of the cost.

**Increasing knowledge of the council and the importance of participation**

55. One of the main reasons people give for not voting is that they do not know enough about the candidates or what they stand for. Staff provided all candidates with the opportunity to tell voters more about themselves on the website. This included the 150-word statement from the candidate profile statement, and responses to three additional questions: what they love about the area they are standing in, why they are standing and their priorities if elected.

56. Legislation requires the chief executive to publish a pre-election report to set out the key issues facing the incoming council. Improvements were made to the presentation of this report over the 2016 report by having less words and more graphs and pictorial information. The pre-election report received 1,274 page-views (compared to about 300 views in 2016).

**Research**

57. Staff from council’s Research and Evaluation Unit and Citizen Engagement and Insights Department have conducted research that has informed our current approach and will continue to shape our approach going forward. Research was comprised of three strands as set out below.

**A trial of using behavioural insights to increase voter turnout**

58. A large-scale trial was instigated to investigate the impact of different election-related messages and engagement approaches on voter turnout. The trial is unique in New Zealand as it ascertained the impact of different messages on actual voter turnout.

59. 130,000 postcards were sent to a random selection of electors, and approximately 8,300 households were canvassed door-to-door.

60. Results showed that, for electors who were not of Māori descent, a range of postcard messages had a significant positive impact on voter turnout. The most impactful messages were those that highlighted positive social norms about voting (i.e. how the majority of Aucklanders were planning on voting) and explained how each Aucklander’s vote impacts on their daily life (e.g. public transport, roads, parking, water quality, parks and playgrounds).

61. For electors of Māori descent, the only postcard message that had a positive impact on actual turnout was that which highlighted how your vote could be the decider between someone who represents your views and someone who doesn’t.

62. Canvassing had potentially significant positive impacts on those talked to but hiring and managing a large group of people to conduct such canvassing in a professional manner proved challenging.

**Candidate demographics**

63. All candidates who stood in 2019 were asked on their nomination forms about their gender, age, ethnicity, country of birth and languages spoken.

64. In total 298 of the 423 provided their demographic information, representing a response rate of 70 per cent.

65. Notable results include a significantly higher proportion of Māori candidates, and younger candidates in 2019, compared with results observed in 2016. The gender split remains consistent with that observed in 2016, with about three in five candidates identifying as male, and about two in five identifying as female.

66. The report is currently going through the peer review process and is expected to be available in March 2020.

**Candidate Experience**

67. An online survey was sent to all candidates following the election to allow council to better understand the experience of candidates.
68. The survey focused on the nomination process, resources provided, candidate information sessions, council's marketing campaign and the Vote Auckland website.

69. In total 154 of 423 candidates completed the survey, representing a response rate of 36 per cent.

70. As with a previous study conducted following the 2016 election, results will be used to review these aspects of the candidate experience and inform election planning in 2022.

71. The report is currently being written and expected to be available following peer review in March/April 2020.

**Voter awareness survey**

72. The voter awareness survey conducted by the Citizen Engagement and Insights Department investigated voters’ awareness of the election campaign and their voting behavior. A random sample of 1,871 Aucklanders were surveyed online. The survey included questions relating to whether they voted or not. Of those who did not vote (643), the top four reasons given for not voting were:

- “I didn’t know anything about the candidates” 11 per cent
- “I forgot to vote” 11 per cent
- “I did not know when voting finished, missed the deadline” 10 per cent
- “I was away from home over the voting period” 8 per cent

73. Of those who did not vote, 25 per cent had filled in all or part of their voting documents but did not cast their vote. The top four reasons given were:

- “I didn’t send it off in time / ran out of time” 29 per cent
- “I forgot to send / complete it” 21 per cent
- “I had other commitments during that time” 17 per cent
- “I didn’t know anything about the candidates” 8 per cent

74. Non-voters were asked “What could Auckland Council do to encourage you to vote?”. The top four (unprompted) replies were:

- “Have online voting” 19 per cent
- “It was my own fault” 8 per cent
- “More advertising” 7 per cent
- “Send reminders and notifications by post / email / txt” 7 per cent

75. All respondents were asked whether they preferred online voting or postal voting if they had the choice. 66 per cent preferred online voting and 26 per cent preferred postal voting.

76. Of non-voters, 28 per cent said they would have been more likely to vote if it had been booth voting.

77. The full results of all the above research will be published to: knowledgeauckland.org.nz as soon as it is completed and reviewed.

**Tauākī whakaaweawe āhuarangi**

**Climate impact statement**

78. A substantial amount of paper is consumed in posting voting documents to over one million voters. Online voting could potentially reduce the amount of paper however the use of online voting needs to be weighed against security risks.
Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views

79. The pre-election period (the three months prior to an election) is a sensitive period during which time certain principles have to be observed such as the principle of not using council resources in a way that might advantage or disadvantage a candidate.

80. Council-controlled organisations were keen to understand how this might affect their operations (for example opening facilities, holding events or undergoing community consultation). Generally, business continues as usual during this period but with heightened sensitivity to the principles surrounding use of council resources for election purposes.

81. Some council-controlled organisations were targets in some candidate campaigns.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views

82. This report sets out efforts to engage more with local communities. However, in keeping with the thrust of the Local Electoral Act 2001 to keep all elected members at a distance from the operation of elections, local boards were not involved, and their views were not sought in the actual election planning and operations.

83. A number of statutory decisions were required of the Governing Body leading up to the elections (such as whether to use the Single Transferable Vote system and the order of names on voting document) and local boards were fully consulted.

84. Advice was provided to local board staff over questions relating to protocols within the pre-election period.

85. This report will be circulated to local boards for their information.

Tauākī whakaaweawe Māori
Māori impact statement

Engagement activity

86. Staff trialled and tested a multi-pronged engagement approach with both mana whenua and mataawaka partners to encourage more Māori to stand for election and to vote in the 2019 local elections. The key areas of activity are set out below.

87. During the candidate phase, staff held several information sessions at a range of marae around Tāmaki and observed that while interest was high, attendance was typically low. Our events were marae-based (Hoani Waititi, Manurewa, Papakura, Papatuanuku, Ngāti Whātua Ōrakei). This was supplemented by regular sessions on Radio Waatea; sharing key messages about the elections and promoting the various events and opportunities for the Māori community to access more information about candidates, to enrol and to vote.

88. Rangatahi groups were engaged to create videos, social, digital and print media in reo Māori, in order to tailor elections messaging directly to Māori, in ways that best resonated with them.

89. One particular aspect of Māori engagement that is noteworthy and provides a favourable starting point for engagement over the next three years, is the One Stop Shops, which were held at marae, community centres, night and weekend markets and in conjunction with existing events and activations. In terms of engagement, this yielded the highest return of votes, enrolment and engagement from the Māori community.

90. Staff will be using the learnings on Māori engagement from the 2019 election to build the future work programme.
Ngā ritenga ā-pūtea
Financial implications

91. The tables below show the actual expenditure for elections alongside the amounts that were budgeted for the two years in the lead up to the October 2019 local election.

<table>
<thead>
<tr>
<th>Item</th>
<th>Budget</th>
<th>Actual</th>
<th>Variance</th>
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<tbody>
<tr>
<td>2018/19 Full financial year</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Delivery contract</td>
<td>945,904</td>
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<tr>
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</tr>
<tr>
<td>Cost Recovery</td>
<td></td>
<td>-111,380</td>
<td>111,380</td>
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<tr>
<td>TOTAL for 2018/19</td>
<td>2,052,188</td>
<td>2,209,946</td>
<td>-157,758</td>
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<th>Budget YTD</th>
<th>Actual YTD</th>
<th>YTD Variance</th>
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</thead>
<tbody>
<tr>
<td>2019/20 As at end of January 2020</td>
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<td></td>
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<tr>
<td>Delivery contract</td>
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<td>Delivery other</td>
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<td>Communications</td>
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<td>Engagement and research</td>
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<tr>
<td>Cost Recovery</td>
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<td>TOTAL – end of January 2020</td>
<td>3,572,194</td>
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92. At the time of preparing this report, final costs were still to be calculated. Following the finalisation of costs, the district health boards, and licensing trusts will be invoiced for their share of the costs.

Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

93. In the wider context of upcoming elections, there is the risk of participation continuing to decline. This a challenge to the New Zealand local government sector as a whole and is further reported on in a separate report on this agenda which presents a submission to the Justice Committee’s inquiry into the 2019 local elections.

Ngā koringa ā-muri
Next steps

94. In order to avoid participation in elections continuing to decline, it is important to assist the work of Local Government New Zealand and the Society of Local Government Managers in a sector-wide approach through the modernising elections project.
Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Warwick McNaughton - Principal Advisor - Democracy Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Rose Leonard – General Manager Democracy Services (Acting)</td>
</tr>
<tr>
<td></td>
<td>Phil Wilson - Governance Director</td>
</tr>
<tr>
<td></td>
<td>Stephen Town - Chief Executive</td>
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</tbody>
</table>
Te take mō te pūrongo
Purpose of the report
1. To make a submission to the Justice Committee’s “Inquiry into the 2019 local elections and liquor licensing trust, and recent energy trust elections”. The proposed Auckland Council submission covers:
   • matters relating to the 2019 local elections
   • the committee’s recommendations from its report on the 2016 local elections
   • elections issues not yet considered by the committee
2. Auckland Council is not involved in energy trust elections and the draft submission does not make any recommendations in relation to energy trusts.

Whakarāpopototanga matua
Executive summary
3. In December 2019 the Justice Committee (“committee”) notified its inquiry into the 2019 local elections and liquor licensing trust, and recent energy trust elections. Submissions close on 29 February 2020. The proposed Auckland Council submission is provided as Attachment A and local board feedback as Attachment B.
4. The key points of council’s submission are as follows:
   • low voter turnout - Consider a multi-modal approach which provides voters with options
   • liquor licensing trusts - Trust boundaries no longer align with local government boundaries in the Auckland area and this creates complexity
   • disclosure of candidates or members with serious criminal convictions - Amend legislation so that a person is not eligible for election if they have been previously convicted of an offence punishable by a term of imprisonment of two years or more (unless their record has been wiped by the clean slate provisions)
   • Electoral Commission to be responsible for local elections - Further investigate the recommendation for the Electoral Commission to conduct local elections
   • same electoral system, either ‘first past the post’ (FPP) or ‘single transferable vote’ (STV) in all elections - Amend legislation so that all elections run in conjunction with the elections of a territorial authority, use the same electoral system and the same order of names on voting documents
   • foreign interference - The council supports the committee’s recommendations but also notes the council’s support for online voting provided it is considered secure
   • disclosure of interests - Review the legislation to provide a consistent framework across all local authorities for registers of interests
   • probity - Auditor-General to republish guidelines on the use of council resources during the pre-election period.
- **Māori wards** - Records the council’s current resolved position for legislative change to allow Auckland to determine the number of members on the Governing Body and subject to that, agree in principle to establish a Māori ward.

- **review of representation arrangements** - Amend legislation to remove the specification that Auckland Council’s Governing Body will comprise 20 members in addition to the mayor so that Auckland Council has the same discretion as any other council to review the number of members.

- **timing of polls for creation of a Māori ward or change of electoral system** - Amend legislation so that a council has the discretion to conduct a poll in conjunction with the next triennial elections in order to reduce costs.

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**Ngā tūtohunga**

**Recommendation/s**

That the Governing Body:

a) approve the draft submission in Attachment A of the agenda report for submitting to the Justice Committee’s Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and Recent Energy Trust Elections

b) receive the local board feedback and agree that local board recommendations are appended to the Auckland Council submission

c) advise the Justice Committee that the council wishes to present its submission

d) nominate a councillor to attend the Justice Committee hearing

e) authorise the General Manager Democracy Services, in consultation with the mayor, to make amendments to the draft submission in line with changes agreed at the meeting and to make any other changes of an editorial nature.

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**Horopaki**

**Context**

5. Following each local and parliamentary election, a select committee of Parliament, the Justice Committee, ("committee") conducts an inquiry to receive submissions and consider legislative changes. Its full terms of reference for its inquiry into the 2019 local elections are:

1) **Examine the law and administrative procedures for the conduct of the 2019 local elections, with particular reference to:**
   a) low voter turnout at local elections
   b) liquor licensing trusts
   c) the role of council staff during election periods around decisions to release or not release information or any public statements that may be construed to affect the election outcome
   d) the issue of disclosure in respect of candidates or elected members with serious criminal convictions
   e) any irregularities or problems that could have compromised the fairness of elections.

2) The inquiry will not be investigating allegations of any specific illegal behaviour by any person but is focussed on the issues of general law and administrative procedures.
3) Consult stakeholders and the wider public about the recommendations in the Justice Committee’s report on the 2016 local elections, with particular reference to:
   a) the recommendation that the Government consider giving responsibility for running all aspects of local elections to the Electoral Commission
   b) the recommendation that the Government consider encouraging or requiring the same voting system to be used in all local elections
   c) feedback on the committee’s recommendations on foreign interference.

4) Examine the law and administrative procedures for the conduct of elections for energy trusts held since 2016.

6. The committee’s inquiry into the 2016 local elections was extended to include the inquiry into the 2017 general elections, to consider petitions in relation to Māori wards and accessibility and to consider the matter of foreign interference in elections. Auckland Council submitted to this inquiry and the committee published its report on 10 December 2019. The responses to council’s previous submission are covered in this report.

Tātaritanga me ngā tohutohu
Analysis and advice

7. The following analysis is divided into three sections as follows:
   Section 1: Matters raised regarding the 2019 elections
   Section 2: Inquiry into the 2016 local elections
   Section 3: Additional matters for consideration by the committee,

Section 1: Matters raised regarding the 2019 elections

1(a) Low voter turnout

8. Auckland Council has undertaken research into voter awareness in conjunction with the 2013, 2016 and 2019 elections. Key points from that research are included in the Evaluation of the Auckland Council local elections report on today’s agenda.

9. Lifting turnout is likely to include a multi-modal approach, including:
   • postal voting
   • advance voting
   • ‘one-stop shops’
   • ‘vote Friday’
   • Marae-based voting
   • ballot boxes at convenient locations such as supermarkets
   • online voting (once considered secure)

1(b) Liquor licensing trusts

10. The committee’s terms of reference include examining the law and procedures around liquor licensing trusts in the context of the 2019 elections.

11. The aspect of licensing trusts that impinges on election administration relates to the geographical boundaries of the trusts. Because these are not aligned with local government electoral boundaries there are 26 permutations of voting packs required in the Auckland Council area. This affects overall voting by adding complexity to local elections.

12. An example of the geographic boundary problem is the Birkenhead Licensing Trust. This was constituted in 1967 with its area being the whole of the then borough of Birkenhead and the boundaries have remained unchanged.
13. The draft submission notes the boundary issue. It does not go as far as recommending that licensing trust boundaries are changed because to do so could affect holders of alcohol licences in the western trusts’ areas, since those trusts have exclusive licences in their areas. The Mt Wellington, Birkenhead and Wiri licensing trusts do not have exclusive licences.

1(c) The role of council staff

14. Auckland Council staff were involved in three types of scenarios regarding requests for information:

(i) ordinary requests for information from the public under the Local Government Official Information and Meetings Act 1987 (LGOIMA), which clearly states that decisions on requests are made by the chief executive. There was no change to normal procedures.

(ii) requests for information from candidates. Staff noted that researching information for use by a candidate could be perceived as council resources being used for benefit of an election candidate. Responses to requests for information from candidates were published to the website so the information would be available to all candidates.

(iii) proactive media statements of fact. If a candidate continues to make public statements that are factually incorrect, there may be the need to correct that through the media, particularly if there are incorrect allegations about council operations. However, such statements should be the exception - staff were not involved in political debate.

15. The draft submission does not advocate for legislative change on these matters.

1(d) Disclosure of candidates or members with serious criminal convictions

16. There were no issues on this in the Auckland Council 2019 elections. However, there was media coverage of candidates in other parts of the country who had previous convictions.

17. Under the Local Government Act 2002, an elected member will lose their position if convicted of an offence punishable by a term of imprisonment of two years or more. However, there is no requirement to disclose such offences if standing for election – there is no criminal check undertaken.

18. One argument is that all candidates are subject to the ballot box and a candidate who has committed serious crime in the past is unlikely to be elected.

19. An alternative approach is to amend legislation to apply to candidates the provisions in the Local Government Act 2002 for sitting members. So that not only is a sitting member disqualified but a person is prevented from standing if they have had a criminal conviction of the same type of offence (unless their record has been wiped by the clean slate provisions). If this alternative approach is taken, then a candidate would need to declare on their nomination form that they are not prevented from standing by this requirement.

20. The draft submission supports this alternative approach as it creates consistency between the Local Electoral Act 2001 and the Local Government Act 2002.

1(e) Irregularities that could have compromised the fairness of the elections

21. The term “irregularity” has a legal meaning - if a judge as the result of an inquiry into an election determines there was an irregularity that materially affected the result, the judge may determine the election to be void.

22. The draft submission notes there were no irregularities of this nature in the Auckland Council 2019 elections.

Section 2: Inquiry into the 2016 local elections

23. The council submitted to the inquiry into the 2016 local elections. The committee supported many of the council’s recommendations.
24. A comprehensive table of the outcome of previous submissions is attached as Attachment C. The following summarises those council submissions which have already been incorporated into enacted legislation:

(i) ability to conduct online voting pilots
(ii) legislative confirmation that local authorities are to promote participation
(iii) access to data associated with the electoral roll.

25. The following summarises the council’s submissions which have been included into the committee’s recommendations to government:

(i) when a non-mayoral vacancy occurs within 12 months after a triennial local body election, the position be filled by the next highest polling candidate (or STV equivalent) at that election
(ii) shift the local election polling day to avoid the school holidays
(iii) align local election overseas voting processes with general election overseas voting processes
(iv) allow the electronic receipt of nomination forms and candidate statements and appropriate deadlines for them (consistent with the overall theme of wanting alignment between general and local elections)
(v) give local authorities access to the supplementary roll and the deletions file held by the Electoral Commission.

26. A full list of the committee’s additional recommendation is attached as Attachment D.

27. The committee has asked for feedback on specific recommendations and the following outlines the proposed council response.

2(a) Electoral Commission to be responsible for local elections

28. The options for the Electoral Commission (“Commission”) being responsible for local elections range along a spectrum from the Commission being responsible for a few key aspects, working collaboratively with local authorities, to the Commission being totally responsible. The committee’s recommendation is that the Commission should be responsible for running all aspects of local elections.

29. The draft submission considers the following aspects of this proposal:
   • the arguments around centralisation and decentralisation
   • efficiencies that could be created
   • issues that will need to be considered
   • effect on the voter experience

30. The proposal has merit but also has issues that need to be addressed. The recommendation in the draft submission is that this proposal is considered further.

2(b) Same electoral system (FPP or STV) in all local elections

31. The council has previously submitted pointing out the complexity of our elections with electors having to also elect district health board members and licensing trust members. Our previous submission was that district health board elections should be moved to a different year. The committee does not support this and so requiring the same electoral system for all elections is the next best option. However, the committee indicated the standard voting system might be STV. From its report:

“Some submitters suggested that the mixture of voting systems affects participation by confusing voters. Some suggested that all local elections should use the same system; the more popular system suggested was STV.”
32. Reducing the complexity of the voting documents should contribute to higher voter participation and so the draft submission supports the recommendation to standardise the electoral system.

33. The submission also notes that additional complexity is provided by the council, district health boards and licensing trusts making separate decisions about order of names. This should be standardised.

2(c) Foreign interference

34. The committee was asked by the Justice Minister to look into the issue of foreign interference and the committee has asked for feedback on its recommendations. The committee’s recommendations are summarised in Attachment D.

35. The Minister of Justice invited the committee to look into the resilience of the electoral system against foreign interference risks, provide any recommendations for improvement, and reassure the public that they can vote and participate in future elections with confidence.

36. The committee received evidence from the New Zealand Security Intelligence Service and the Government Communications Security Bureau.

37. The draft submission expresses support for the committee’s recommendations and notes the position of Auckland Council in support of online voting as an alternative voting method to postal voting and because the community has requested it. However, any voting method must have the trust of the community and the council’s support is subject to online voting being considered secure.

Section 3: Additional matters for consideration by the committee

3(a) Disclosure of interests

38. The committee’s report notes inconsistencies between the requirements for Parliamentarians and for local authority members for declaring interests and makes recommendations that Government should introduce legislation setting out requirements for local authority members.

39. The existing legislation that applies to local authority members is the Local Authorities (Members Interests) Act 1965 which has been noted for some years as needing review. In particular, section 3 provides for a person to be ineligible to be an elected member if they have an interest in a contract with the local authority of over $25,000 per annum. Most contracts of that amount are let by staff under delegated authority and members do not participate in those decisions yet their eligibility for office might be affected.

40. The committee’s report also notes that maintaining a register of interests is ad hoc – some councils include this in their code of conduct and others do not.

41. The draft submission states that the council supports a review of this legislation.

3(b) Probity in the 2019 elections

42. The committee’s report states there are not appropriate provisions for dealing with complaints about the conduct of local elections and recommends that the Government introduce legislative changes to provide better mechanisms. For parliamentary elections, the Commission has a key role in making determinations, which can be challenged in court.

43. A probity aspect which the report does not mention relates to the use of council resources during the pre-election period. The Auditor-General is responsible for monitoring the use of public funds and property and had published guidelines about communications and the use of council resources during the pre-election period but withdrew these guidelines during the 2019 pre-election period. There is now a lack of guidelines for providing consistent action by councils during this period. The draft submission makes this point and advocates that these guidelines be replaced.
3(c) Māori wards

44. The committee’s current terms of reference do not include reconsideration of the petition for legislative change around Māori wards.

45. The draft submission records the council’s current position on Māori wards from the Governing Body meeting on 28 September 2017 (GB/2017/125): that being:

“That the Governing Body:

a) …..reiterate to government the position adopted by Council in 2015 supporting the need for legislative change to allow Auckland to determine the number of members on the Governing Body and subject to that, agree in principle to establish a Māori ward and request for a consistent policy regarding Māori representation in line with legislation governing the composition of Parliament.”

46. The Independent Māori Statutory Board has provided the following comments:

“The Independent Māori Statutory Board considers that Māori wards as well as Independent Māori Statutory Boards are an investment into the future partnership and leadership of regions and is a tangible demonstration of how local government shows respect and regard for the Treaty of Waitangi and how they can give effect to this.

The approach of using a poll of electors to decide on a Māori ward is ineffective and the Board supports investigating other approaches for establishing Māori wards. There are also challenges and difficulties Māori face being elected onto councils in part due to the low turnout of Māori voters for local government elections. We support local government using a multi-modal approach to elections, particularly given the experience of the digital 2018 census and the impacts of poor census data has on Māori.”

47. The limitations for the Governing Body in considering the establishment of a Māori ward for the 2022 local elections is covered in a report which evaluates the Auckland Council local 2019 elections on today’s agenda.

3(d) Issues arising from the review of representation arrangements

48. A representation review addresses the number of councillors, whether they are elected by ward and, if so, how many per ward. The review of representation arrangements is undertaken under the Local Electoral Act 2001 and is part of the overall election process.

49. Every other council is able to review the number of its councillors but the number of councillors on the Auckland Council Governing Body is set at 20 in the Local Government (Auckland Council) Act 2009.

50. Problems relating to this came to light in the recent review of representation arrangements. A workable option to address the under-representation in the Waitamata and Gulf ward would have been to increase the number of councillors, but this option was not available. Auckland Council made this point in our submission on the Local Electoral Matters Bill to the Justice Committee.

51. The council has previously made submissions for this legislative provision setting the number of councillors to be repealed but this has not happened yet. The draft submission raises this matter again, though it is noted the committee may view this as out of scope of their terms of reference.

3(e) Timing of polls on STV or Māori ward

52. The current provisions in legislation for the council to resolve to change the electoral system (for example from FPP to STV) or to establish a Māori ward, allow for a petition for a poll of the community to be conducted.

53. In the case of Auckland Council, conducting a standalone poll of over 1 million electors, costs over $1 million. If the council had the discretion to initiate its own poll and could choose to hold a poll in conjunction with an election, this would lower the cost.
54. The draft submission requests legislative change so that a council has discretion to conduct a poll that it is required to conduct as the result of a petition, in conjunction with the next triennial elections.

**Tauākī whakaaweawe āhuarangi**

**Climate impact statement**

55. If election processes are modernised such that more electors become engaged with issues facing local government and vote, this will likely facilitate addressing climate issues.

56. It is also noted that an election consumes a large amount of paper. The global print and paper industry accounts for about 1 per cent of global carbon dioxide emissions (though this is minor as compared to 69 per cent of greenhouse gases from the energy and transportation industries).

57. Online voting may reduce the impact of elections on climate change; however this is not likely to occur for some time.

**Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera**

**Council group impacts and views**

58. Staff liaised with council-controlled organisations during the pre-election period on election year protocols. Council-controlled organisations were keen to understand what protocols should be followed in terms of elected members taking part in events, facility openings or community consultation during the pre-election period. Guidance that is standardised for the country from the Auditor-General is helpful.

**Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe**

**Local impacts and local board views**

59. Due to the requirement to complete a submission by 29 February 2020 and the intervening holiday period, there has not been the opportunity to formally report the draft submission to local boards.

60. A presentation was given to the local board chairs forum and some local boards used their urgent decision-making processes to provide feedback which is provided as Attachment B.

**Tauākī whakaaweawe Māori**

**Māori impact statement**

61. Voter turnout among those of Māori descent in the Auckland Council local elections is a concern, being 11.3 per cent lower than non-Māori (24.7 per cent vs 35.9 per cent). This compares with voter turnout for those of Māori descent in the general elections being 9.3 per cent lower than for non-Māori (71.1 per cent vs 80.4 per cent).

62. The council’s own engagement with Māori is considered in the report “Evaluation of the Auckland Council local government 2019 elections.” The Independent Māori Statutory Board supports the council’s position of seeking a multi-modal approach which will give Māori more options.

**Ngā ritenga ā-pūtea**

**Financial implications**

63. The aspects of the submission that have financial implications are:

(i) consideration of the financial impact on councils if the Electoral Commission becomes responsible for the conduct of local elections

(ii) the request for legislative change to give councils discretion to hold a referendum in conjunction with the next triennial elections. This would reduce any costs associated with such a referendum.
Ngā raru tūpono me ngā whakamaurutanga
Risks and mitigations

64. In the wider context of elections, there are some risks, including the deterioration of the postal service and the declining turnout. These are risks to the democratic process itself. It is very important to address these issues.

65. The committee received submissions from the Government Communications and Security Bureau and New Zealand Security Intelligence Service on risks to the electoral system due to foreign interference and this is referred to in the report.

Ngā koringa ā-muri
Next steps

66. Following approval of the submission it will be conveyed to the Justice Committee. The Governing Body needs to decide whether it will address the committee.

Ngā tāpirihanga
Attachments

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<th>Title</th>
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<td>Draft submission to the Justice Committee inquiry into the 2019 local elections</td>
<td>31</td>
</tr>
<tr>
<td>B</td>
<td>Local board recommendations</td>
<td>43</td>
</tr>
<tr>
<td>C</td>
<td>Outcome of Auckland Council’s submissions to the Justice Committee’s Inquiry into the 2016 Local Elections</td>
<td>51</td>
</tr>
<tr>
<td>D</td>
<td>Further recommendations made to Government by the Justice Committee in its Inquiry into the 2016 Local Elections</td>
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Ngā kaihaina
Signatories

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<td>Rose Leonard – General Manager Democracy Services (Acting)</td>
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SUBMISSION OF THE AUCKLAND COUNCIL TO THE JUSTICE COMMITTEE INQUIRY INTO THE 2019 LOCAL ELECTIONS AND LIQUOR LICENSING TRUST ELECTIONS, AND RECENT ENERGY TRUST ELECTIONS.

Introduction

1.1 This is the Auckland Council submission to the Justice Committee’s Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and Recent Energy Trust Elections. Auckland Council welcomes the opportunity to provide comments for consideration by the Committee.

1.2 The address for service is Auckland Council, Private Bag 92300, Victoria Street West, Auckland 1142.

1.3 Please direct any enquiries to Warwick McNaughton, Principal Advisor and Deputy Electoral Officer, Democracy Services, phone 021 191 1009 or email: warwick.mcnaughton@aucklandcouncil.govt.nz.

1.4 Auckland Council wishes to appear before the Justice Select Committee to discuss this submission.

1.5 Auckland Council local boards have provided feedback into this submission and their comments are appended.

2 Background

2.1 Auckland Council is responsible for local government elections in its area, which comprises a total of 1,065,383 electors (August 2019). The 2019 elections for Auckland Council involved 170 elected member positions:

- one mayor
- 20 governing body members, elected on a ward basis
- 149 local board members for 21 local boards
2.2 Elections for three district health boards and five licensing trusts were held at the same time.

2.3 The Council’s submission sets out recommendations in respect of:

(i) matters raised in the Committee’s terms of reference regarding the 2019 elections:

• low voter turnout
• liquor licensing trusts
• the role of council staff
• disclosure of candidates or members with serious criminal convictions
• irregularities

(ii) matters raised in the Committee’s terms of reference regarding its recommendations arising from its report on the 2016 local elections:

• Electoral Commission to be responsible for local elections
• same electoral system in all elections
• foreign interference

(iii) additional matters for consideration by the Committee:

• disclosure of interests
• probity
• Māori wards
• review of representation arrangements
• timing of polls for the creation of one or more Māori wards or change of electoral system

3 Low voter turnout

3.1 Auckland Council has undertaken research into voter awareness in conjunction with the 2013, 2016 and 2019 elections. The following are highlights from the survey results that might be of assistance to the Committee in its investigation into low voter turnout.

3.2 After the 2019 elections a random sample of 1,871 Aucklanders were surveyed online. The survey tested respondents’ awareness of advertising and included questions relating to whether they voted or not. Of those who did not vote (643), the top four reasons given for not voting were:

• “I didn’t know anything about the candidates” 11%
• “I forgot to vote” 11%
• “I did not know when voting finished, missed the deadline” 10%
3.3 Of those who did not vote, 25% had filed in all or part of their voting documents but did not cast their vote. The top four reasons given were:

- “I was away from home over the voting period” 8%
- “I didn’t send it off in time / ran out of time” 29%
- “I forgot to send / complete it” 21%
- “I had other commitments during that time” 17%
- “I didn’t know anything about the candidates” 8%

3.4 Non-voters were asked “What could Auckland Council do to encourage you to vote?”. The top four (unprompted) replies were:

- “Have online voting” 19%
- “It was my own fault” 8%
- “More advertising” 7%
- “Send reminders and notifications by post / email / txt” 7%

3.5 All respondents were asked whether they preferred online voting or postal voting if they had the choice. 66% preferred online voting and 26% preferred postal voting.

3.6 Of non-voters, 28% said they would have been more likely to vote if it had been booth voting.

3.7 Research was also undertaken into the impact of different messaging on voter behaviour. The most effective message was a social norm message “74% of Aucklanders are planning to vote. Join them and vote this election!”. As compared with other messages such as a message of concern about low voter turnout, this had a more positive effect. This indicates election administrators should be cautious about negative messaging such as highlighting low voter turnout.

3.8 Survey results are being written up for publishing onto the council’s website knowledge.auckland.org.nz.

3.9 Auckland Council held 50 one-stop shop events which provided people the ability to enrol (the Electoral Commission attended) and to cast special votes. Our experience of these could be described as “social voting”. A lot of people made use of them, enrolled then sat down to complete their voting documents. Typically, venues where the one-stop shops were held were packed with people wanting to vote.

3.10 Another project was “Vote Friday” through which business organisations gave staff time to fill out voting documents at work. 60 organisations, representing 55,000 employees, took part.

3.11 One of the answers to lifting turnout might include a multi-modal approach which does not seek to identify just one way for voting but develops options for voters. For example:

- Postal voting
Booth voting
Advance voting
One-stop shops
Vote Friday
Marae-based
Ballot boxes at convenient locations such as supermarkets
Online voting (once considered secure)

Recommendations
3.12 Note the research conducted by Auckland Council which is available on knowledge.auckland.org.nz.
3.13 Note the successful initiatives undertaken by Auckland Council including: Vote Friday and One-stop Shops.
3.14 Consider that the response to low voter turnout may best be through a multi-modal approach which provides voters with options.

4 Liquor licensing trusts
4.1 Licensing trusts are established under the Sale and Supply of Alcohol Act 2012 (or the earlier Sale of Liquor Act 1989 and continued under the 2012 Act). The Law Commission, when it reviewed alcohol legislation prior to the 2012 Act, noted that licensing trusts were well supported by their communities and there was the ability for the community to petition for those trusts with monopoly powers to become competitive. It recommended no change to the law around licensing trusts.

4.2 Of the licensing trusts in the Auckland area, only the Portage and Waitakere Licensing Trusts have the sole right to establish and operate on-licences in hotels and taverns, and off-licences in their districts. The other licensing trusts are the Birkenhead, Mt Wellington and Wiri Licensing Trusts.

4.3 The aspect of licensing trusts that impinges on election administration the most relates to trust areas. Because these are not aligned with local government areas there are 26 more permutations of voting packs required in the Auckland Council area.

4.4 An example is the Birkenhead Licensing Trust. This was constituted in 1967 with its area being the whole of the then borough of Birkenhead. The area has not changed since then.

4.5 Any change to the western trust boundaries would have implications in terms of existing licences and Auckland Council has not investigated specific boundary changes.
4.6 Apart from the issues around trust areas, the election of trust members adds complexity to the voting documents used for council elections.

Recommendations

4.7 Note that with the passage of time trust boundaries no longer align with local government boundaries in the Auckland area and this creates complexity in terms of the number of different combinations of voting documents that are required.

5 The role of council staff

5.1 The Committee’s terms of reference include the role of council staff during election periods around decisions to release or not release information or any public statements that may be construed to affect the election outcome.

5.2 Auckland Council staff were involved in three types of scenarios regarding requests for information:

(i) Ordinary requests for information from the public which are dealt with under the procedures in the Local Government Official Information and Meetings Act 1987 (LGOIMA), which clearly states that decisions on requests are made by the chief executive. There was no change to normal procedures.

(ii) Requests for information from candidates. Staff noted that researching information for use by a candidate could be perceived as council resources being used for benefit of an election candidate. Given that LGOIMA still applied in such situations and requests for information had to be met, responses to requests for information from candidates were published to the website so the information would be available to all candidates. Staff also considered it was useful for candidates and the electorate to have factual information rather than be misinformed.

(iii) Proactive media statements of fact. If a candidate continues to make public statements that are factually incorrect, there may be the need to correct that through the media, particularly if there are incorrect allegations about council operations. However such statements should be the exception - staff should not be involved in political debate.

5.3 Auckland Council considers there is no need for legislative change.

6 Disclosure of candidates or members with serious criminal convictions

6.1 Under the Local Government Act 2002, an elected member will lose their position if convicted of an offence punishable by a term of imprisonment of two years or more. However, there is no requirement to disclose such offences if standing for election – there is no criminal check undertaken.

6.2 One argument is that all candidates are subject to the ballot box and a candidate who has committed serious crime in the past is unlikely to be elected.
6.3 An alternative approach is to amend the Local Electoral Act 2001 to apply to candidates the provisions in the Local Government Act 2002 for sitting members. So that not only is a sitting member disqualified but a person is prevented from standing if they have had a criminal conviction of the same type of offence (unless their record has been wiped by the clean slate provisions). If this alternative approach is taken then a candidate would need to declare on their nomination form that they are not prevented from standing by this requirement.

Recommendation

6.4 Amend the Local Electoral Act 2001 to align with the Local Government Act 2002, schedule 7, clause 1, with the effect that a person is not eligible for election if they have been previously convicted of an offence punishable by a term of imprisonment of 2 years or more (unless their record has been wiped by the clean slate provisions).

7 Irregularities

7.1 The Committee’s terms of reference include irregularities that could have compromised the fairness of the elections.

7.2 Auckland Council is not aware of any irregularities in the Auckland Council elections.

8 Inquiry into 2016 local elections

8.1 The Auckland Council made a number of requests of the Committee in its submission to the inquiry into the 2016 local elections and notes that the Committee’s recommendations in its report support many of the council’s recommendations.

8.2 The following comments address the feedback the Committee has requested in terms of its key recommendations arising from the 2016 inquiry.

9 Electoral Commission to be responsible for local elections

9.1 The options for the Electoral Commission (“Commission”) being responsible for local elections range along a spectrum from the Commission being responsible for a few key aspects working collaboratively with local authorities, to the Commission being totally responsible. The Committee’s recommendation is that the Commission should be responsible for running all aspects of local elections.

Centralisation vs decentralisation

9.2 Parliament devolves responsibilities to local government when it is more important for local communities to decide matters than it is to have national consistency. The notions of subsidiarity and localism are important to local government.
9.3 However, these considerations do not apply to the same extent to decision-making about elections. Local political decision-making around the running of elections should be minimised. Local politicians should not be too involved in making decisions about elections because they themselves may be candidates. It is considered best practice for local politicians to be at arms-length from the running of elections.

9.4 However, it is important that local community characteristics are reflected in the administration of local elections (for example translation into languages that are appropriate for a local community). A "one size fits all" needs careful consideration.

**Efficiencies**

9.5 There are efficiency benefits from centralising election administration:

9.6 Reduce or eliminate duplication among councils. For example, rather than each council’s web team developing web pages for candidates and voters there might be only one central web-based information portal for the whole country (as for parliamentary elections). Likewise, there might be just one branding for the whole country.

9.7 Provide a permanent team focussed on elections. Currently each council has to budget for local elections happening on a three-yearly cycle. For Auckland Council this has also meant engaging temporary additional staff for the elections who develop expertise in running elections then who leave after the election is over. Although the Commission also has to engage additional staff for each triennial election, it has a core team which is permanent.

9.8 Those who are responsible for the electoral roll would also be responsible for running local elections. Currently, local elections are run by councils who must use the electoral roll which is administered by the Commission. For the 2019 elections there was excellent collaboration between the council and the Commission. However, collaboration needs to be a conscious effort and making the Commission responsible for both the electoral roll and the local elections could create synergies. The Electoral Commission, as part of its responsibility for the electoral roll, undertakes awareness raising in the community to ensure people enrol and update their details. If the commission already has community engagement processes in place, it could use these to raise awareness for local elections as well.

9.9 Consistent development of legislation. Currently legislation for central and local elections is comprised in two separate statutes and regulations. This is not a problem in itself, but developments of the legislation in order to bring about improvements happens as the result of separate organisations making submissions regarding separate legislation. There have been occasions in the past where the Commission has achieved improvements in its legislation, but these do not flow through to local electoral legislation (one example being the ability to vote from overseas).

**Issues**
9.10 An issue related to local elections is the review of representation arrangements. For Parliamentary elections a Representation Commission undertakes a review of boundaries. It would be a significant undertaking for the Representation Commission to undertake the review for all local authorities. Even though incumbent members might be seen as having an interest in electoral boundaries, local councils are best placed to propose changes to boundaries due to their knowledge of communities of interest in their area. The representation review is a process where representation is decided by a council in conjunction with its community, and if the community appeals, the final determination is made by the Local Government Commission. The review should be retained as a community-based process led by the community’s council. The discretion around establishing Māori wards should become part of the representation review (it should be a local consideration rather than decided centrally by a Representation Commission).

9.11 Another issue is the candidate nomination process. Currently candidates bring in their nominations physically to a council office for processing. For Parliamentary elections, individual nominations are lodged with electorate returning officers who are employed on a short-term basis for each Parliamentary election and who establish an electorate office for the election. (Alternatively party secretaries send nominations to the Commission in Wellington for processing.) Following an election the electorate office is closed. Whether the Commission retains returning officers to also cover local elections or appoints a council employee or an election service provider as returning officers just for local elections may be options. Another alternative is legislative change to allow nominations to be submitted electronically. This is noted as a matter of operational detail.

9.12 One feature of local elections is the candidate profile booklet. While some voters say this does not tell them much about candidates, it is better than nothing. Surveys show clearly that lack of information about candidates is a key deterrent for voters – voters do not have meaningful information with which to make voting decisions. Any move to centralise elections and amalgamate the legislation should retain candidate profile statements.

9.13 There are two providers of election services who have developed considerable expertise and resources for conducting local elections. Those resources and expertise should be recognised. The Commission may choose to use their services for any local elections for which it is responsible. A move to centralising the administration of local elections does not necessarily mean the services of these providers will no longer be required. This is noted as a matter of operational detail.

9.14 The Commission is funded out of Vote Justice (the current estimate is $46 million). This is expressed as services purchased by the Minister of Justice. If the Commission provides additional services to the Minister for conducting local government elections there is a question of whether these additional services result in some form of levy on local government and, if so, how it is calculated. The fairest form of any levy might be one based on providing minimal core services so that those councils who do not require more value-added services are not charged for something they do not need. If the Commission provides only core services, some
councils might wish to supplement what the Commission provides with additional services (for example, council websites providing local information, additional participation campaigns).

9.15 Any centralised arrangement must recognise differences at the local level, particularly in terms of demographics. Branding, collateral, images and translations must be relevant to the local communities. The Commission should collaborate with local council staff over appropriateness.

*Effect on the voter experience*

9.16 A decision on centralising local elections should consider its effect on voters and voter turnout.

9.17 There is anecdotal evidence that some voters find the current system confusing. For example, the Commission receives calls from voters who did not know they should be contacting the council’s local electoral officer.

9.18 A voter who changes residence and forgets to update the electoral roll through the Commission, will blame the council when they do not receive their voting documents. Voters sometimes do not understand that the electoral roll is not maintained by the council.

9.19 Candidates currently lodge their nominations with the council electoral officer. However, if there is a problem with the eligibility of nominees then that must be taken up instead with the Commission if the problem relates to the electoral roll.

9.20 Participation campaigns are currently conducted by the Commission and councils separately. The Commission conducts a campaign to ensure people are enrolled to vote. Councils conduct campaigns to encourage people to vote. The commission could use its campaigning for enrolment to also encourage people to vote in local elections.

9.21 It is intuitive that a simplification of the process from the voter’s perspective might facilitate greater turnout, though there is no guarantee. There are no obvious aspects of moving to the Commission that would be likely to work the other way – that is, that might lead to lower turnout.

**Recommendation**

9.22 Further investigate the Committee’s recommendation for the Electoral Commission to conduct local elections.

**10 Same electoral system (FPP or STV) in all elections**

10.1 In its submission into the inquiry into the 2016 local elections the council noted the complexity created by holding the District Health Board elections in conjunction with the council elections.

10.2 The council advocated moving these elections to a different year, but the Committee, in its report, noted there are efficiencies in holding these elections
together. Instead, the Committee has recommended requiring all elections to use the same electoral system as a response to this complexity.

10.3 The council also notes that additional complexity is created by the council, district health boards and licensing trusts making different decisions about order of names on voting documents. This should also be standardised.

Recommendations

10.4 Amend legislation to the effect that all elections run in conjunction with the elections of a territorial authority use the same electoral system and the same order of names on voting documents.

11 Foreign interference

11.1 The council has noted the Committee’s recommendations and supports them.

11.2 The council’s position on online voting is to support it as an option to postal voting and as a voting method that has been requested by the community, notably the Blind Foundation and those overseas voters who find that they miss deadlines by having to post voting documents.

12 Disclosure of interests

12.1 The Committee’s report notes inconsistencies between the requirements for Parliamentarians and for local authority members in terms of declaring interests and makes recommendations that Government should introduce legislation setting out requirements for local authority members.

12.2 The existing legislation that applies to local authority members is the Local Authorities (Members Interests) Act 1965. This has been noted for some years as needing a complete review. In particular, section 3 provides for a person to be ineligible to be an elected member if they have an interest in a contract with the local authority of over $25,000 per annum. Most contracts of that amount are let by staff under delegated authority and members do not participate in those decisions yet their eligibility for office might be affected.

12.3 The Committee’s report also notes that maintaining a register of interests is ad hoc – some councils include this in their code of conduct and others do not.

Recommendations

12.4 Review the Local Authorities (Members Interests) Act 1965.

12.5 Provide a consistent framework across all local authorities for registers of interests.

13 Probity

13.1 The Council notes that the Auditor-General is responsible for monitoring the use of public funds and public property and had published guidelines about
communications and the use of council resources during the pre-election period but withdrew these guidelines during the 2019 pre-election period. There is now a lack of guidelines for providing consistent action by councils during this period.

Recommendation

13.2 Auditor-General to republish guidelines on the use of council resources during the pre-election period.

14 Māori wards

14.1 The Council notes the consideration of the Committee given to the petition of Andrew Judd and records its current resolved position in regard to Māori wards:

That the Governing Body:

a) … reiterated to government the position adopted by Council in 2015 supporting the need for legislative change to allow Auckland to determine the number of members on the Governing Body and subject to that, agree in principle to establish a Māori ward and request for a consistent policy regarding Māori representation in line with legislation governing the composition of Parliament.

15 Review of representation arrangements

15.1 As part of the election process, councils are required to conduct a review of representation arrangements at least every six years.

15.2 Every other council can review the number of its councillors but the number of councillors on the Auckland Council governing body is set at 20 in the Local Government (Auckland Council) Act 2009.

15.3 Problems relating to this came to light in the review of representation arrangements for the 2019 elections. A workable option to address the under-representation in the Waitemata and Gulf ward would have been to increase the number of councillors but this option was not available.

15.4 As noted above, this restriction also affects decisions around the creation of Māori wards.

Recommendation

15.5 Amend the Local Government (Auckland Council) Act 2009 to remove the specification that Auckland Council’s governing body will comprise 20 members in addition to the mayor so that Auckland Council has the same discretion as any other council to review its membership.

16 Timing of polls for creation of a Māori ward or change of electoral system
16.1 The current provisions in the Local Electoral Act 2001 for the council to resolve to change the electoral system (for example from FPP to STV) or to establish one or more Māori wards, allow for a petition for a poll of the community to be conducted. The Local Electoral Act requires the chief executive to advise the electoral officer as soon as practicable once a valid petition is received. If notice is received by 21 February in the year prior to the election, the electoral officer must conduct the poll within 89 days of receiving notice from the chief executive.

16.2 In the case of Auckland Council, conducting a standalone poll of over 1 million electors costs in excess of $1 million.

16.3 By contrast, the council has the discretion to initiate its own poll and may choose to hold a poll in conjunction with a triennial election, which would lower the cost.

Recommendation

16.4 Amend the Local Electoral Act 2001 so that if a petition for a poll in respect of a resolution relating to Māori wards or change of electoral system is received by 21 February in the year prior to an election, a council has the discretion to conduct a poll in conjunction with the next triennial elections.

17 Conclusion

17.1 The Council looks forward to appearing before the committee to speak to its recommendations.

17.2 Some of the Auckland Council local boards have asked for their comments to be forwarded in to the committee and these are attached.
Local board recommendations on the Justice Committee Inquiry into the 2019 local elections and liquor licensing trust elections, and recent energy trust elections

The following are the resolutions and submissions received from local boards at the time of printing the Governing Body agenda.

Additional submissions will be distributed before, or tabled at, the Governing Body meeting.

Resolutions passed by local boards

Albert-Eden Local Board

The Albert-Eden Local Board:

a) Notes with concern the low turnout in local body elections. Some stated reasons (from the Auckland Council draft submission) such as ‘I didn’t know anything about the candidates’ are difficult to address, but ‘I forgot’ and ‘I was away from home’ are more amenable to solutions. The Board recommends:
   - That Auckland Council continue to explore the most effective means of reminding voters throughout the election period to return their ballots, by targeted as well as broad messages.
   - That the election period be timed to avoid school and university holidays.
   - That the Local Electoral Regulations 2001 be amended to allow for electronic transmission of voting documents to and from voters overseas in similar fashion to clause 45A in the Electoral Regulations 1996.
   - That the Local Electoral Act 2001 be amended to allow enrolment until the close of voting.

b) Recommends that work be undertaken to achieve a consistent voting method for all types of local elections (health boards, local boards, council, licensing trusts).

c) Notes that, according to the Electoral Commission, all NZ residents who are not required to leave the country by a certain date are eligible to vote. This includes several categories of residence visa other than the Permanent Resident visa. Electoral Commission and other materials use the term ‘permanent resident’, which is likely to cause confusion among residents who hold visas which allow them to remain in New Zealand indefinitely (and who are thus eligible to vote), but do not hold Permanent Resident visas. The Board recommends that publicity materials be revised to eliminate this confusion and communicate to all eligible residents that they are eligible to vote.

d) Notes the success of the Auckland Council initiatives Vote Friday and One-Stop Shops. The One-Stop Shops were especially well attended, with reports of some locations running out of voting papers for some wards and local board areas. There
was also no regular One-Stop Shop in the Albert-Eden area (and only one pop-up location, at the Auckland Deaf Society in Balmoral, which was primarily promoted to the Deaf community.) The Board recommends:

- That Auckland Council continue to support the Vote Friday initiative.
- That Auckland Council expand the One-Stop Shop service to more times and locations, and formalise these sites as voting booths with enrolment.
- That Council sites (libraries, service centres and community centres) be used for One-Stop Shops/voting booths, as security can more easily be set up there.
- That One-Stop Shops/voting booths be managed similarly to voting booths at general elections, with campaigning and party colours not allowed within 50 metres.
- That Auckland Council ensure that ample voting papers are available at One-Stop Shops/voting booths, and implement procedures to enable quick delivery of more papers if they are needed.

e) Recommends that further investigation be undertaken into giving responsibility for local elections to the Electoral Commission.

f) Notes that security issues around online voting are at present insurmountable, and opposes online voting (with the exception of electronic transmission of voting documents to and from voters overseas, similarly to the practice in general elections).

g) Recommends that local electoral advertising rules be aligned with general election advertising rules, including:

- aligning the definition of electoral advertising in the Local Electoral Act with that in the Electoral Act so that it covers all advertising that attempts to persuade people to vote or not to vote in a particular way.
- regulating third party spending, registration and declarations similarly to the framework in the Electoral Act.
- aligning local election provisions on anonymous, overseas and corporate donations with general election provisions.

h) Notes that in many instances, a provision requiring vacancies arising within six months of an election to be filled by the next highest polling candidate is likely to cause substantial changes in the make-up of local boards or the Governing Body. The Albert-Eden Local Board recommends against such a provision for local elections, including for local boards, the Governing Body or the mayor.

i) Recommends that the Local Electoral Regulations be amended to allow nominations and the associated profile statements to be submitted electronically.
Devonport-Takapuna Local Board

That the Devonport-Takapuna Local Board:

a) supports council’s draft submission to the Justice Committee inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and Recent Energy Trust Elections, in particular the concept of introducing a multi-modal approach to voting that is intended to improve voter turnout.

b) recommends that council’s submission request that the Justice Committee consider ways to reduce the barriers that may prevent a more diverse candidate base from participating in local body elections.

Howick Local Board

That the Howick Local Board:

a) supports the draft submission and notes the following:

i) that more innovative ways of encouraging voter turnout be explored, including a safe, secure online voting system.

Puketāpapa Local Board

That the Puketāpapa Local Board:

a) Support the use of a multi-modal approach to voting, noting that providing voters with multiple ways of voting may be the best way of responding to low voter turnout.

b) Request further investigation into the Justice Committee’s recommendation for the Electoral Commission to conduct local elections.

c) Note that different communities need different types of support to help them engage in elections; recognising and responding to these needs should be a key task for the Electoral Commission if they are to increase their role in local elections.

d) Request additional resourcing to proactively respond to issues of false or misleading advertising within political campaigns during local elections.

e) Request that ‘meet your local candidates’ events be organised regionally (or nationally) in local board areas as a way of better informing constituents about local candidates.

f) Support opportunities to inform communities of the role of locally elected members and of upcoming elections, such as providing:

i) election reminders at council events in the lead up to elections
ii. information packs on local governance to new citizens at citizenship ceremonies

iii. information on elections and local governance in rate and water letters sent to rate payers.

g) Note that some constituents may choose not to enrol to avoid possible jury summons on the assumption that providing their address automatically registers them for this possibility, or to avoid being found by an abusive person.
Aotea / Great Barrier Local Board feedback on the Justice Committee’s inquiry into the 2019 local elections and liquor licensing trust and recent energy trust elections

Context

- Aotea Great Barrier Island lies 90km east of Auckland City in the Hauraki Gulf and is Auckland Council’s most remote and isolated area.
- Over 60 per cent of the island is Department of Conservation (DoC) estate; 43 per cent of which is the Aotea Conservation Park.
- The island has a permanent population of 936 residents (2018 Census).
- Almost half (44 per cent) of households were one-person households; this is a high proportion when compared with the regional average of 19 per cent.
- There is no public transport and transport to and from the mainland is by either plane, a 35-minute flight one way, or by ferry a four-and-a-half-hour trip one way.
- The island has no reticulated power nor water.

Aotea / Great Barrier Local Board feedback

Aotea / Great Barrier Local Board supports Auckland Council’s submission on the Justice Committee’s inquiry into the 2019 local elections and liquor licensing trust and recent energy trust elections.

The local board would like to note the following feedback:

1. We support the ‘Localism’ approach. We believe that elections are more effective when the local communications, local people and local ‘character’ are used. While we are supportive of investigations into an Electoral Commission to conduct the process of local elections, we would not want this aspect of localism to be lost.
2. Connectivity can be a challenge on the island with many black spots. We request that digital platforms for elections and communications remain as one method among a range of methods including print.
3. We support simplification of the voting documents to make voting easier including the same electoral system.
4. We support aligning the Local Electoral Act 2001 with the Local Government Act 2002 regarding the disclosure of candidates having serious criminal convictions.
Māngere-Ōtāhuhu Local Board Submission:
Inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and recent Energy Trust Elections.

LOCAL BOARD POSITION

1. The Māngere-Ōtāhuhu Local Board supports in principle Auckland Council’s submission to the Justice Committee inquiry into the 2019 Local Elections and Liquor Licensing Trust Elections, and recent Energy Trust Elections.

IN ADDITION, THE MĀNGERE-ŌTĀHUHU LOCAL BOARD:

2. Requests a review to consider more relevant ways to engage with local board areas that received low voter turnout, less than 25%. In-person special voting at marae and local markets were well-received by the community during the 2019 local elections and the Board requests additional resourcing to support similar initiatives to make voting more accessible including enabling existing facilities to act as drop-in centres for voting papers.

3. Supports further investigation into voter participation trends based on the research conducted by Auckland Council over the past three local government elections.

4. Notes the current postal voting process and complexity of different voting systems can create additional barriers to voter participation, and:
   a. Supports the exploration of a multi-modal approach to voting, providing options to make voting more accessible for the community, and continuing to investigate online voting options, considering technological advances and high personal device usage.
   b. Supports the use of a consistent electoral system and the same order of names on voting documents.

5. Supports further investigation into the Electoral Commission being responsible for running all aspects of local elections and:
a. Notes that while the concepts of subsidiarity and localism are key to effective local governance, these concepts do not apply in the same way to decision-making around the running of elections, where local governors may themselves be candidates.

b. Emphasises the importance of taking local community characteristics into consideration in the administration and design of local election processes and notes the potential for the electoral commission to carry this out, observing the existing localised presence of electoral commission staff.

c. Notes the possible benefits of centralising election administration in efficiency and for the experience of local voters including:
   i. providing a permanent team focussed on elections, rather than Auckland Council bringing on teams of short-term staff to deliver the elections work programme every three-year cycle,
   ii. allowing elections to sit with the same authority who maintains the electoral role, making room for centralised engagement and participation campaign efforts, and
   iii. streamlining systems and processes across elections for the various levels of government, making voting processes simpler for the community.

d. Acknowledges potential challenges around representation review, candidate nomination, funding and localism, and requests options be explored in collaboration with Local Boards to mitigate these issues.

e. Calls for the agency responsible for local elections to formulate a localised engagement strategy to improve voter turnout, prompting more creative ways to engage and understand our communities.

f. Requests that Local Boards are included in considering the findings and ways forward from further investigation.

6. Values the appropriate of representation of communities across the region and supports the recommendation to amend the Local Government (Auckland Council) Act 2009 to allow Auckland Council’s governing body the discretion to review its membership to reflect the growth experienced across our region.
### Outcome of Auckland Council’s submissions to the Justice Select Committee’s Inquiry into the 2016 Local Elections

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<th>Auckland Council submission to Inquiry into the 2016 Local Elections</th>
<th>Committee’s recommendation to Parliament</th>
</tr>
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<tbody>
<tr>
<td><strong>Matai names</strong>&lt;br&gt;Amend the Local Electoral Act 2001 to include in section 56, for the purposes of avoiding doubt, a statement on whether a matai title is, or is not, a prohibited title under section 56 (c)(iii).</td>
<td>(Not addressed.)</td>
</tr>
<tr>
<td><strong>Vacancies occurring within six months of an election</strong>&lt;br&gt;Amend the Local Electoral Act 2001 by including a provision in section 117 “Extraordinary vacancies” to the effect that, if a vacancy occurs in the office of an elected member of a local authority, local board or community board within six months of a triennial election, the local authority responsible for conducting a by-election may fill that vacancy either by appointing the highest-polling unsuccessful candidate, providing the votes received by that candidate were at least 20% of the lowest polling successful candidate, or by holding a by-election. This provision would not apply to the position of mayor.</td>
<td>We recommend that the Government introduce legislation to require that, when a nonmayoral vacancy occurs within 12 months after a triennial local body election, the position be filled by the next highest polling candidate (or STV equivalent) at that election.</td>
</tr>
<tr>
<td><strong>Online voting</strong>&lt;br&gt;The Auckland Council submission included recommendations for online voting. These were separately addressed by the Justice Select Committee through the Local Electoral Matters Bill which amended the Local Electoral Act 2001</td>
<td>(Included in Local Electoral Matters Bill which has now been enacted; however the committee has reported further on security concerns relating to elections.)</td>
</tr>
<tr>
<td><strong>Legal requirement for candidate to state whether residing in area</strong>&lt;br&gt;Amend the requirement in section 61 of the Local Electoral Act 2001 for a residency statement so that, for a local board candidate, it applies only to whether the candidate’s principal place of residence is in the full local board area and not the subdivision area. The existing requirement in regard to governing body candidates is retained.</td>
<td>(Not addressed)</td>
</tr>
<tr>
<td><strong>Timing of school holidays</strong>&lt;br&gt;Amend section 10 of the Local Electoral Act 2001 so that local government triennial elections are held on the first Saturday in October.</td>
<td>We recommend that the Government shift the local election polling day to avoid the school holidays.</td>
</tr>
<tr>
<td><strong>Separation of District Health Board elections</strong>&lt;br&gt;Note the confusion created for voters by the current system which combines local authority, district health board and licensing trust elections and that online voting has the potential to make the voting process more friendly to voters by being better able to guide voters through the process.</td>
<td>Committee report states: “There are advantages to holding local elections at the same time as DHB ones. It reduces overall cost and effort for both administrators and voters. We consider that the advantages of holding local and DHB elections together...”</td>
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<tr>
<td>Auckland Council submission to Inquiry into the 2016 Local Elections</td>
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| **Electronic transmission of voting documents to and from voters overseas**  
Amend the Local Electoral Regulations 2001 to allow for electronic transmission of voting documents to voters overseas in similar fashion to clause 45A in the Electoral Regulations 1996 | "outweigh the advantages of moving DHB or other elections to a different time." |
| **Legislative confirmation that local authorities may promote elections**  
Amend the Local Electoral Act 2001 to give a clear mandate to local authorities to promote local authority elections as in the Cabinet papers describing a proposed "Local Government Regulatory Systems Bill" | We recommend that the Government align local election overseas voting processes with general election overseas voting processes. |
| **Electronic nominations and candidate profile statements**  
Amend the Local Electoral Regulations so that a nomination and the associated profile statement may be submitted electronically. | (This has now been enacted – placing the responsibility on the chief executive for "facilitating and fostering representative and substantial elector participation in elections.") |
| **Consistency between Electoral Regulations and Local Electoral Regulations**  
Modernise provisions in the Local Electoral Act 2001 or Local Regulations 2001, as appropriate, by including similar provisions to those in the Electoral Regulations which make use of modern technology to assist voters. | We recommend that the Government introduce amendments to allow the electronic receipt of nomination forms and candidate statements and appropriate deadlines for them, consistent with our overall theme of wanting alignment between general and local elections. |
| **Electoral Officer to have access to the supplementary roll**  
Amend the Local Electoral Act 2001, Electoral Act 1993, or their regulations, as appropriate, to provide access to the supplementary roll to electoral officers. | We recommend that the Government introduce amendments to the necessary legislation to give local authorities access to the supplementary roll and the deletions file held by the Electoral Commission. |
| **Access to data associated with electoral roll**  
Include a provision in the Electoral Act 1993 providing for anonymous statistical information from the electoral roll to be provided by the Electoral Commission to local authorities for the purposes election planning. | (This was addressed in the Local Electoral Matters Bill.) |
<table>
<thead>
<tr>
<th>Auckland Council submission to Inquiry into the 2016 Local Elections</th>
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<tbody>
<tr>
<td><strong>Time period for printing electoral rolls</strong></td>
<td>(Not addressed)</td>
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<tr>
<td>Amend clause 10(1) the Local Electoral Regulations 2001 so that the date for entitlement of residential electors to be included on the roll is brought forward from 7 July to 1 July, thus allowing more time for the roll to be printed and distributed for public inspection.</td>
<td></td>
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<tr>
<td><strong>Electronic access to electoral rolls for election staff</strong></td>
<td>Wo recommend that the Government introduce amendments to the necessary legislation to give local authorities access to the supplementary roll and the defaulter file held by the Electoral Commission.</td>
</tr>
<tr>
<td>The Electoral Commission to provide online access to electoral officials for the purpose of verifying the electoral qualifications of nominators of candidates and legislation amended as appropriate.</td>
<td></td>
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</table>
Further recommendations made to Government by the Justice Select Committee in its Inquiry into the 2016 Local Elections

<table>
<thead>
<tr>
<th>Centralising the running of local and general elections</th>
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<tbody>
<tr>
<td>15. We recommend that the Government consider giving responsibility for running all aspects of local elections to the Electoral Commission.</td>
</tr>
<tr>
<td>16. As part of centralising the management of local elections, we recommend that the Government consider encouraging or requiring the same voting system to be used in all local elections.</td>
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<thead>
<tr>
<th>DHB elections</th>
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<tr>
<td>17. We recommend that the Government ensure that, where practicable, DHB boundaries align with local authority boundaries.</td>
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<thead>
<tr>
<th>Voting method (postal, booth, etc)</th>
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<tr>
<td>18. We recommend that the Government investigate what is the best voting method (or combination of methods), as an enduring solution for increasing turnout at local elections.</td>
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<td>19. We recommend that the Government consider the need to regulate for security protections when vote collection boxes are put in public areas.</td>
</tr>
<tr>
<td>20. We recommend that the Government support a trial of advance booth voting at the next local elections in 2022.</td>
</tr>
<tr>
<td>21. We recommend that the Government require the administrator of local elections to ensure that local election information is provided in accessible formats.</td>
</tr>
<tr>
<td>22. We recommend that the Government develop a funding support model, similar to that proposed in the Election Access Fund Bill, for local elections.</td>
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<tr>
<th>Improving information about voting and elections</th>
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<tbody>
<tr>
<td>24. We recommend that the Government, as part of expanding the Electoral Commission’s role in local elections, make the Electoral Commission responsible for leading and coordinating triennial nationwide campaigns to encourage and support people standing for and voting in local elections.</td>
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<tr>
<th>Improving information about local election issues</th>
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<tr>
<td>25. We recommend that the Government strengthen legislation so that, when a local election candidate wishes to state on their candidate nomination form that they represent a non-registered political organisation or group, the election administrator may require the candidate to produce evidence that the organisation or group exists, and must reject any claimed affiliation unless there is clear evidence to show that the organisation or group exists.</td>
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<tr>
<th>Advertising and campaigning</th>
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<tbody>
<tr>
<td>26. We recommend that the Government align local election advertising rules with general election advertising rules, including the following:</td>
</tr>
<tr>
<td>• include online electoral advertising in section 113 of the Local Electoral Act 2001</td>
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</tbody>
</table>
- align the definition of electoral advertising in the Local Electoral Act with that in the Electoral Act so that it covers all advertising that attempts to persuade people to vote or not to vote in a particular way
- ensure that spending limits in section 111 of the Local Electoral Act are indexed to change annually, in line with inflation
- introduce regulation of third party promoters in local elections for spending, registration, and declarations, based on similar principles to the framework in the Electoral Act
- align provisions requiring candidates to report political donations that they have received for an election (section 112A of the Local Electoral Act and section 209 of the Electoral Act), so as to align the timeframes and format of donations and campaign expenditure
- align local and general election provisions on anonymous, overseas, and corporate donations (see our recommendations in Chapter 3).

**Disclosure regimes should be consistent**

27. We recommend that the Government introduce requirements in legislation for elected members of local authorities to disclose financial and certain other interests that align with the requirements that apply to members of Parliament.

**Updating local election processes**

30. We recommend that the Government introduce amendments to the Local Electoral Act to require candidates to provide satisfactory evidence of New Zealand citizenship if required by the local electoral officer, and ensure that this requirement aligns with the Electoral Act.

31. We recommend that the Government make enrolment on the ratepayer electoral roll continuous, unless a ratepayer no longer wishes to remain enrolled or ceases to be eligible.

33. We recommend that the Government introduce legislation to require that, when a non-mayoral vacancy occurs within 12 months after a triennial local body election, the position be filled by the next highest polling candidate (or STV equivalent) at that election.

**Probity in the 2016 local elections**

34. Consistent with our broader recommendations for alignment with general elections and a greater role for the Electoral Commission, we recommend that the Government introduce amendments to the Local Electoral Act to provide better mechanisms for the investigation and resolution of complaints related to the conduct of local elections.

**Foreign interference**

35. We recommend that the Government ensure that the intelligence agencies proactively provide advice to all parliamentary candidates and their parties which is politically neutral, cost effective, and proportionate to a person's risk of foreign interference.

36. We recommend that the Government resource the Government Communications Security Bureau (GCSB) and the New Zealand Security Intelligence Service (NZSIS) appropriately to allow them to provide advice proactively to local election candidates, local body elected members, and local body officials in a way that is politically neutral, cost effective, and proportionate to the risk of foreign interference in the circumstances.
37. We recommend that the Government encourage local authorities engaging with foreign governments to actively seek out advice about foreign interference from the intelligence agencies.

38. We recommend that the Government encourage all candidates and parties in general and local elections to seek help to protect their online security.

39. We recommend that the Government adequately fund appropriate agencies to provide specialist advice and support against targeted cyber-attacks that cannot be avoided by best practice online.

40. We recommend that the Government retain manual or paper-based voting systems in local and general elections for the foreseeable future because of security concerns.

41. We recommend that the Government consider amendments to existing legislation to incorporate an offence, similar to that in section 482 of the Canada Elections Act 2000, that would prohibit hacking into computer systems owned by Parliament, local authorities, the Electoral Commission, election service providers, election officers, political parties, candidates, or members of Parliament with the aim of intending to affect the results of an election.

42. We recommend that the Government ensure that a contingency system is in place in case of a security breach of relevant computer systems that compromises the integrity of a local or general election.

43. We recommend that the Government consider the applicability of implementing recommendations relating to foreign interference via social media content from the UK House of Commons’ Digital, Culture, Media and Sport Committee’s report on Disinformation and ‘fake news’ and the Australian Joint Standing Committee on Electoral Matters’ Report on the conduct of the 2016 federal election and matters related thereto. We recommend that the Government also consider the applicability to local government of the UK and Australian recommendations.

44. We recommend that the Government follow the Australian Government in prohibiting foreigners from advertising in social media to influence a New Zealand election outcome and that it provide appropriate constraints and legal obligations on social media platforms so that this can be enforced.

45. We recommend that the Government introduce amendments to the Electoral Act to require political party secretaries to be New Zealand residents.

46. We recommend that the Government introduce legislation to allow only persons or entities based in New Zealand to sponsor and promote electoral advertisements.

47. We recommend that the Government introduce legislation creating an offence for overseas persons placing election advertisements as well as organisations selling advertising space to knowingly accept impermissible foreign-funded election advertising.

48. We recommend that the Government examine how to prevent transmission through loopholes, for example, shell companies or trusts. We recommend that these issues be further explored and that the Government consult with political parties about how best to approach the problem.

49. We recommend that the Government consider one overarching anti-collusion mechanism, including penalties, to replace those in the Electoral Act.

50. We recommend that the Government:
   
   • make it unlawful for third parties to use funds from a foreign entity for electoral activities
   • require registered third parties to declare where they get their donations from.

51. We recommend that the Government investigate whether the Australian Foreign Influence Transparency Scheme is applicable to New Zealand, taking into account the evidence of problems in this area relative to the costs of introducing such a regime.
52. We recommend that the Government:
   - engage with international social media platforms to encourage them to adhere to our
     laws and customs regarding free speech
   - explore regulatory tools that would assert New Zealand’s strong tradition of free
     speech.

53. We recommend that the Government consider requiring all media organisations to have
    a majority of board members who live in New Zealand.

54. We recommend that the Government prohibit foreign governments or foreign state
    entities from owning or investing in media organisations in New Zealand.

55. We recommend that, as part of its review of media content regulation, the Government
    consider requiring all media companies to belong to an industry self-regulating body.
 Appointment of representatives to Ark in the Park Governance Group

File No.: CP2020/00572

Te take mō te pūrongo
Purpose of the report
1. To appoint two representatives to the Ark in the Park Governance Group.

Whakarāpopototanga matua
Executive summary
2. Ark in the Park is a community-led conservation project in the northern part of the Waitākere Ranges Regional Park that is managed in partnership between Forest and Bird and Auckland Council.

3. Ark in the Park works to restore the ecology of the area to its natural state through controlling non-native pests and predators and reintroducing native species which have become extinct from the area.

4. Auckland Council has a partnership agreement with Forest and Bird for this project (see attachment A).

5. As specified in the partnership agreement, the management of the project is overseen by a governance group made up of:
   • two representatives from the Governing Body of the Auckland Council
   • one representative from the Waitākere Ranges Local Board
   • one representative of the Executive of Forest and Bird
   • two representatives of the Waitākere Branch of Forest and Bird.

6. In line with the partnership agreement, staff recommend the Governing Body appoint two representatives to the group. These representatives can be either councillors or Independent Māori Statutory Board members.

7. Staff recommend that appointed representatives have a connection with the Waitākere Ranges, or an interest in the protection of indigenous biodiversity.

Ngā tūtohunga
Recommendation
That the Governing Body:

a) appoint two members of the Governing Body to the Ark in the Park Governance Group for the 2019 to 2022 electoral term.

Horopaki
Context
8. The Ark in the Park Open Sanctuary Project aims to enhance biodiversity in the Waitākere Ranges, while conserving the natural, recreational, historical and cultural features of the Ranges.

9. The project covers approximately 2,270ha of the Upper Waitākere River catchment within Waitākere Ranges Regional Park.
10. The Ark in the Park project is mandated under Auckland Council’s Regional Parks Management Plan (August 2010). It also enables the council to deliver on the goals of the Waitākere Ranges Heritage Area Act 2008.

11. The Ark in the Park project contributes significantly towards achieving objectives of Auckland Council’s Indigenous Biodiversity Strategy, notably:

**Objective 1:** Conserve the greatest number and most diverse range of Auckland’s indigenous ecosystems and sequences.

**Objective 2:** Achieve long-term recovery of the greatest number of threatened species whose range includes the Auckland Region.

12. The project involves some 400 active volunteers that contributed over 9000 hours of effort last year.

**Tātaritanga me ngā tohutohu**

**Analysis and advice**

**Partnership agreement between Auckland Council and Forest and Bird**

13. The Ark in the Park project is managed in partnership between Forest and Bird and Auckland Council.

14. The partnership agreement for the project (attachment A) specifies that it should have a governance group composed of:
   - two representatives from the Governing Body of the Auckland Council
   - one representative from the Waitākere Ranges Local Board
   - one representative of the Executive of Forest and Bird
   - two representatives of the Waitākere Branch of Forest and Bird.

15. The purpose of the Ark in the Park governance group is to oversee and review the overall direction of the project, approve the annual Ark plan and long-term restoration plan.

16. Currently, the Forest and Bird representatives on the governance group are Kevin Hague (Forest and Bird CEO), John Staniland, and Robert Woolf. The latter representatives have a long association with the project. The current local board representative is Local Board Member Mark Allen and the alternate is Member Sandra Coney.

17. The Governance Group will meet twice yearly or as may be otherwise agreed between the parties. The meeting commitment over the last term was approximately once per annum.

**Preferred option – Appoint two representatives to the group**

18. In accordance with the partnership agreement, staff recommend that the Governing Body appoint two candidates to sit on the Ark in the Park Governance Group for the 2019-2022 electoral term.

19. Staff recommend that appointed representatives have an association with the Waitākere Ranges or an interest in the protection of indigenous biodiversity.

20. The other option available to the Governing Body is to not appoint representatives. This option is not recommended as it would mean that the council is not complying with the partnership agreement.

21. It would also mean that a regional perspective for the council is not represented on the Governance Group, in the case that any decisions are required.
22. The ongoing operation of the Ark in the Park project achieves protection of a substantial area of mature native forest in the Waitākere Ranges. This provides habitat for a host of native animal species and supports their resilience in the face of climate change effects.

23. Maintenance of the forest ecosystem also provides carbon sequestration and helps regulate the hydrology of the Waitākere River catchment. This contributes to resilience in extreme weather events.

24. The Ark in the Park work programme is developed in consultation with the relevant departments of the council, including Regional Parks and Environmental Services.

25. The project manager also liaises with other impacted parts of the council family, such as Watercare, when required.

26. The Waitākere Ranges Local Board have appointed Local Board Member Mark Allen as their lead representative and Sandra Coney as alternate representative to the governance group for this term (resolution number WTK/2019/162).

27. The Ark in the Park work programme is well aligned with the aspirations of the Waitākere Ranges Local Board, in particular the following outcomes identified in the Local Board Plan 2017:

   Outcome 1: People actively protect the Waitākere Ranges Heritage Area
   Outcome 2: Our unique natural habitats are protected and enhanced.

28. To give effect to these aspirations the local board invests a significant component of their annual budget to local environmental projects. These projects restore and enhance the natural environment in partnership with their communities. Ark in the Park complements these local board projects.

29. A specific objective of the project is to “acknowledge the role of Te Kawerau a Maki as mana whenua for Te Wao nui o Tiriwa.” To achieve this, the project manager and Western Principal Ranger, Parks liaise directly with Te Kawerau a Maki representatives to seek their advice and recommendations.

30. It is also achieved through wider parks initiatives. Iwi involvement in the Ark in the Park project includes attendance and ceremonial involvement with wildlife translocation events such as the release of pōpokotea (whitehead) and kōkako.

31. The current Ark in the Park five-year plan includes the following goals in relation to iwi involvement:
   - Seek opportunities to work with Te Kawerau a Maki
   - Foster the relationship with Te Kawerau a Maki
   - Provide opportunities for mentoring rangatahi
   - Acknowledge the role of Te Kawerau a Maki in media communications about the project.

32. Representatives from the Governing Body could be either councillors or Independent Māori Statutory Board members.
Ngā ritenga ā-pūtea

Financial implications

33. A full-time project manager employed by Forest and Bird manages the day to day aspects of the project. Auckland Council contributes $51,987 per year, which is paid to Forest and Bird and covers part of the salary for that role.

34. Environmental Services and Parks department budgets provide operational funding for Council staff salaries and resources to support the Ark in the Park activities.

35. In addition to the governance group, a management committee consisting of council staff, Forest and Bird employees, and project volunteers meets six times a year to guide Ark in the Park operations.

Ngā raru tūpono me ngā whakamaurutanga

Risks and mitigations

36. There are minimal risks associated with the recommended decision.

37. If the Governing Body does not appoint representatives to the group, the main risk is a lack of regional representatives on the body in case of a required urgent decision.

Ngā koringa ā-muri

Next steps

38. If two representatives are appointed to the group, staff will liaise with them to advise the date of the first governance group meeting. Meetings occur as required, typically once a year.

Ngā tāpirihanga

Attachments

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<tr>
<th>No.</th>
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<tr>
<td>A</td>
<td>Signed Ark in the Park partnership agreement</td>
<td>63</td>
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Ngā kaihaina

Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Alastair Jamieson, Team Manager Specialist Advice Environmental Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorisers</td>
<td>Gael Ogilvie, General Manager Environmental Services</td>
</tr>
<tr>
<td></td>
<td>Barry Potter - Director Infrastructure and Environmental Services</td>
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<td></td>
<td>Stephen Town - Chief Executive</td>
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ARK IN THE PARK PARTNERSHIP AGREEMENT

PARTIES

i. Royal Forest & Bird Protection Society of New Zealand Inc. including its Waitakere Branch (Forest & Bird).

ii. Auckland Council (Council).

PURPOSE OF THE AGREEMENT

This document sets out the formal agreement between Forest and Bird and Auckland Council to work together to maintain and restore the mauri and indigenous biodiversity of Te Wao nui o Tiriwa (Waitakere Ranges) as set out in the Vision and Objectives.

BACKGROUND

The Ark in the Park has a current area of approximately 2100 hectares, predominantly in the Waitakere River catchment and partially in the Nihotupu catchment of the Waitakere Ranges Regional Park (the Project Area). The Project is being undertaken as a partnership between the Council and Forest & Bird, with the support of Te Kawerau a Maki. This agreement does not cover potential activities outside of Regional Parkland.

Forest & Bird is an Incorporated Society under the Incorporated Societies Act 1908 with objectives of protecting nature and natural landscapes. The Society was formed in 1923 and the Project was initiated by the Waitakere Branch of the Society which continues to play an important role. Project volunteers now come from across Auckland.

Auckland Council is the local governing authority for the Auckland Region. It was formed in November 2010 from an amalgamation of the seven district authorities and the Auckland Regional Council. Auckland Council has a mandate under a range of statutory instruments and planning/strategic documents to ensure biodiversity is flourishing and treasured across the Auckland region.
VISION
The Ark in the Park Open Sanctuary Project’s (the Project) vision is to enhance indigenous biodiversity and ecosystem functioning within the Project Area. By doing so, the Project aims to showcase how natural values can be protected and enhanced through community involvement, interagency co-operation and public commitment.

The Ark in the Park Open Sanctuary Project (the Project) aims to enhance indigenous biodiversity in the Waitakere Ranges, while conserving the natural, recreational, historical and cultural features of the Ranges.

OBJECTIVES
The objectives of the relationship between the parties are to:

- work together to maintain and restore the indigenous biodiversity of Te Wao nui o Tirigia (Waitakere Ranges);
- advocate for the project;
- engage Auckland communities and tangata whenua in conservation activities within the project area;
- acknowledge the role of Te Kawerau a Maki as mana whenua for Te Wao nui o Tiriwia;
- develop and implement a Restoration Plan and an Annual Work Plan including agreed funding contributions.

PARTNERSHIP PRINCIPLES
The Parties acknowledge a commitment to the concept of partnering and agree to adhere to the following partnership principles. These are to:

- act towards each other honestly and in good faith;
- communicate openly and in a timely fashion;
- work in a co-operative and constructive manner with respect, good faith, trust and integrity towards the other party;
• maintain a no surprises policy that keeps each other informed of both potentially contentious issues and issues that may have a significant impact on the current and ongoing operations of the Project;
• recognise each other’s responsibilities to its stakeholders and the autonomy and independence of each party;
• encourage quality and innovation to achieve positive results for the project community as a whole;
• acknowledge that cultural diversity is a strength and promote an inclusive approach;
• endeavour to make decisions by consensus;
• take into account the Treaty of Waitangi;
• be consistent with the Waitakere Ranges Heritage Area Act and operative Regional Parks Management Plan.

GOVERNANCE AND IMPLEMENTATION

Restoration and Annual Work Plan

The project will be delivered through an Annual Work Plan derived from the long term Restoration Plan.

The Governance Group will report to the Council and the Executive of Forest & Bird on the project’s achievements during the previous year.

The Restoration Plan sets out the long term ecological restoration programme outcomes. The Annual Work Plan sets out the details of the work for the year, who is to undertake the work, and how the work will be funded. Start and completion dates for significant tasks will also be included to aid co-ordination of the Work Plan with other programmes of the parties.

Once the Governance Group has approved the Restoration Plan and the Annual Work Plan, any funding requirements will be submitted for approval and/or amendment with the Council’s draft annual plan and Long Term Council Community Plan (LTCCP) for the following year, in accordance with the Council’s Annual Plan approval process.
Annual Report

The Manager will, in conjunction with council representatives, prepare an annual report to the Governance Group on progress against the Annual Work Plan for that year.

CONTRIBUTION OF THE PARTIES

Forest & Bird will provide:

- Financial and “In kind” contribution to the project, as appropriate and defined by the Annual Work Plan budget and subject to funding;
- A Manager and other staff as required (subject to funding) who will manage and work on the Project in conjunction with the Auckland Council Western Principal Ranger in accord with the Annual Work Plan and the Restoration Plan as approved by the Ark in the Park Committee and Governance Group;
- Capacity building and development of community input, including that of tangata whenua, through the conservation and outreach activities of the Project;
- Relevant nominees to the Governance Group, Ark Management Committee and other meetings;
- Regular reporting to Auckland Council and other relevant stakeholders.

Auckland Council will provide:

- Financial and “In kind” contribution (including facilities and equipment) to the Project, as approved annually and defined by the Annual Work Plan budget;
- Staff resources (Western Principal Ranger and relevant staff from Regional Parks, Biodiversity and Biosecurity) who will contribute to the Project, in accordance with the Annual Work Plan and the Restoration Plan as approved by the Ark in the Park Committee and Governance Group. The provision of staff will be subject to operational availability;
- Capacity building and development of community input, including that of tangata whenua, through the conservation and outreach activities of the Project;
• Relevant nominees/staff to attend Governance Group, Ark Management Committee and other meetings as appropriate.

**Governance Group**

The Governance Group will oversee and review the overall direction of the Project, approve the Annual Work Plan and long term Restoration Plan, and recommend the approval of the plans (including funding implications) to Council’s Environment, Climate Change and Natural Heritage Committee and the appropriate governance bodies of Auckland Council and Forest & Bird.

The Governance Group will meet twice yearly or as may be otherwise agreed between the parties. Membership of the Governance Group will be:

• Two nominees from the Governing Body of the Auckland Council
• One nominee from the Auckland Council Waitakere Ranges Local Board
• One nominee of the Executive of Forest & Bird
• Two nominees of the Waitakere Branch of Forest & Bird

Other participants may be invited to attend meetings of the Governance Group from time to time with the prior agreement of the parties.

**Ark Management Committee**

The Ark Management Committee shall:

• oversee the development and implementation of the Annual Work Plan;
• be responsible for the ongoing review of Annual Work Plan progress;
• consider any issues or matters that arise that may require an amendment to the Annual Work Plan and/or budget.
• normally meet two monthly or as agreed among its members
• report to the Governance Group.
The membership of the Ark Management Committee shall consist of:

- One person appointed by the Chief Executive, Forest & Bird;
- Two persons appointed by the Waitakere Branch of Forest & Bird;
- Three persons appointed by Auckland Council’s Biodiversity, Biosecurity and Parks Managers;
- Two persons elected by the Ark Forum as the volunteers’ representatives.

A Chairperson will be elected by the Management Committee from its members at its first meeting. The Chairperson shall serve for a term of 2 years. No member shall be eligible for election as Chairperson for more than two successive terms.

Other participants may be invited to attend meetings of the Ark Management Committee from time to time with the prior agreement of the parties.

Ark Forum

Forest & Bird will convene an ‘Ark Forum’, open to project volunteers and supporters, which will be a conduit for ideas and development of the volunteers support base. The Ark Forum will elect two representatives of the volunteers to serve on the Ark Management Committee.

Ark In the Park Manager

The Manager will be employed by the Chief Executive of Forest & Bird and will be responsible to the Chief Executive for the management of the Project in accordance with the Annual Work Plan.

The Manager, in consultation with Council representatives, Forest and Bird management and other stakeholders, will prepare the Restoration Plan and Annual Work Plan for the Project. The Manager will be responsible for all other Forest & Bird staff and contractors employed on the Project and for the coordination and oversight of the work of the project volunteers.

The Manager will report two monthly to the Ark Management Committee on progress in the implementation of the Annual Work Plan and budget.
The Manager will meet regularly with the Council’s Western Principal Ranger or his/her nominee, to review progress and any matters arising of mutual concern.

Other Staff
Forest & Bird, with support from the Auckland Council as agreed from time to time, will employ other staff and contractors necessary to undertake the Annual Work Plan. This will significantly involve volunteer coordination. All staff working on the project will be, in accordance with Forest & Bird’s constitution, employed by the Chief Executive and will report to the Ark in the Park Manager and be bound by the policies and procedures of Forest & Bird.

Western Principal Ranger
The Western Principal Ranger will retain the ultimate responsibility for the management and administration of the Park, including the Project Area within the Park, at all times.

Council Project Coordinator
The Auckland Council will appoint a Council Project Coordinator to liaise with the Manager and Western Principal Ranger to coordinate Council participation in the project. This may include coordinating Governance Group meetings, providing biodiversity input/advice and coordinating the Technical Advisory Group.

Technical Advisory Group
A Technical Advisory Group will provide specialist advice on ecological issues, pest management, community engagement and other relevant matters, as required. The Technical Advisory Group will include a representative of each of the parties and additional experts as agreed from time to time to provide advice on relevant technical aspects of the Project.

Corporate Fund Raising
Any significant corporate funding or sponsorship arrangement for the Project may only be entered into with the prior agreement of the Council.
Publicity

Media communications about the Project will be in accordance with the joint Ark in the Park Communications Protocol.

Health and Safety

The Manager will, in conjunction with the Western Principal Ranger, prepare and review a Health and Safety plan to cover all activities undertaken by project volunteers, contractors, and employees of the parties while they are working on the project. The Manager will review the H&S Plan at least once each year and will amend it, as and when appropriate.

The Society will ensure that its members, employees, agents and volunteers are aware of the provisions of the Council HS Plan and the Society HS Plan and the Society's hazards management programme.

A hazard register and accident register will be maintained and all accidents/incidents, including near misses, will be recorded, investigated and reported by the Manager to the Western Principal Ranger.

Pest Control Methods and Safety

The Manager will follow all product licence and/or label requirements and ensure industry best practice guidelines are implemented for pest management programmes. Auckland Council will keep the Manager up-to-date on industry best practice guidelines and provide advice on suitable pest management methodologies.

Insurance

Forest and Bird will maintain public liability insurance at an appropriate level of cover in relation to the Project and the Society’s activities in the Park.
Use of Council Facilities and Equipment and Council Services

The Council may make facilities and equipment available for use for the Project with prior approval of the Western Principal Ranger, or his/her delegated representative(s), in relation to actions in the Annual Work Plan.

Term

This Agreement will commence on 25 February 2014 and terminate on 25 February 2024.

SIGNED BY

Hone McGregor

Councillor Wayne Walker

John Staniland

Councillor Ross Clow

Robert Woolf

Saffron Toms

Date:

25 February 2014
Te take mō te pūrongo

Purpose of the report
1. To seek approval for the Auckland Council submission on the Fire and Emergency New Zealand Funding Review Consultation document.

Whakarāpopototanga matua

Executive summary
2. The Department of Internal Affairs has released a consultation document seeking feedback on future funding options for Fire and Emergency New Zealand (FENZ). This feedback will be used in the development of a preferred funding option for further consultation.

3. The purpose of the funding review is to identify a permanent funding basis for FENZ that ensures stability of funding while fairly sharing its funding requirements across the beneficiaries of the service.

4. Auckland Council recognises the value to the Auckland region provided by FENZ. It protects Aucklanders’ lives, limits injuries, and protects property, land and the environment. The council supports stability of funding for the service.

5. At present the majority of funding for FENZ comes from levies on property (value insured against fire) and motor vehicle insurance. The review has identified free riding by under and uninsured owners as an issue with the current funding model.

6. A range of options are considered including a charge on property value collected on the rates bill and an adjustment to the insurance-based levy to address equity concerns. The consultation documents do not include all the information required to undertake a full assessment of the options being considered. The draft submission (Attachment A to this report) focuses on the potential shortcomings and challenges of the property levy option.

7. Officers consider a charge on property value will capture uninsured and under insured properties. However, to achieve this some property owners are likely to face large increases in their levy. In addition, the use of property value will generate its own inequities. There is no evidence that using property values will lead to better outcomes than an adjusted insurance-based levy. The draft submission does not support the use of a property value-based levy to fund FENZ.

8. Council will have further opportunity to provide feedback on the funding options at the next phase of the review when more information will be available to assess the options.

Ngā tūtohunga

Recommendation/s
That the Governing Body:

a) approve the submission on funding options for Fire and Emergency New Zealand (Attachment A of the agenda report)

b) delegate to the chair of the Finance and Performance Committee and Group Chief Financial Officer to authorise any minor amendments and corrections to the submission.
Horopaki
Context

9. Before 1 July 2017, fire services consisted of two organisations, the Urban Fire Service and the Rural Fire Service.

a. The Urban Fire Service was primarily funded by the fire service levy of 7.6 cents per $100 of the insurance of property against the risk of fire.

b. The Rural Fire Service was funded through a number of different funding sources, including:
   - council rates
   - forestry companies
   - fire service levy and Department of Conservation contributions to the Rural Firefighting Fund
   - responsible party for the fire.

10. After 1 July 2017, the two services joined to become FENZ.

Transitional levy regime

11. FENZ is currently being funded by a transitional levy regime. The current levy is 10.6 cents per $100 of the amount insured against fire. The levy is capped at $127.06 for residential property and contents insurance.

12. FENZ is expected to receive $624m in funding for the 2020/2021 year. Of this, around 86 percent is from the levy on insurance for property and eight per cent from the levy on motor vehicle insurance. Less than two per cent of funding comes from central government.

Updated insurance levy regime

13. The current transitional funding model was never intended to be long-term. The legislative changes in the Fire and Emergency New Zealand Act 2017 included changes to the insurance-based levy regime to update and modernise it. The proposed changes are:
   - the levy will apply to contracts of property insurance against physical loss or damage, whatever the cause of loss or damage (i.e. not limited to damage by fire)
   - the levy will apply to third party insurance for motor vehicles
   - the levy will be calculated based on the amount insured for the property, rather than the indemnity value of the property
   - different rates will be able to be set for residential and non-residential property.

14. The transitional funding structure will remain until 1 July 2024. At this time the updated insurance levy regime will come into effect if no other action is taken.

15. The updated insurance levy regime would likely increase the levy for holders of large property portfolios, including the council. Such owners tend to hold a much lower level of insurance for fire than for physical loss. This is because it is unlikely that many properties in the portfolio would be affected by fire in a particular year, but an earthquake or storm could cause widespread damage across the portfolio. Under the current funding regime, owners of large property holdings pay less, relative to the value of their property, than owners of small property holdings, who tend to hold fire cover for the full value of their property.

The review

16. The purpose of the Department of Internal Affairs (DIA) review is to investigate a wider range of options for funding FENZ than the status quo of the insurance levy. The review also seeks to ensure costs are shared in a way that is fair and affordable for households and businesses.
17. The consultation document and feedback requested now is Phase One of the review. Phase Two of the review (March 2020 onwards) will develop the feedback into a preferred funding option for further consultation.

18. Staff note that the DIA consultation document does not contain a proposed option. As such, the consultation document does not include detailed analysis of financial or implementation impacts of the options. Instead, it is focused on the potential risks and issues of the options, and the information that would be required for the next stage of the review.

Tātaritanga me ngā tohutohu
Analysis and advice

19. Auckland Council recognises the value to the Auckland region provided by FENZ. It protects Aucklanders’ lives, limits injuries, and protects property, land and the environment. The council supports stability of funding for the service.

20. The key change being considered by the review is to move away from the insurance-based approach (value of the insured property) to a property-based approach (based on rating information). Under the insurance-based approach, insurers collect the levy on FENZ's behalf. Under the property-based approach, the levy could be collected by FENZ directly, or by council on behalf of FENZ.

21. The property-based approach could involve a charge set on property value, potentially combined with land use. Calculation of the charge would rely on council’s rating and valuation data.

22. The draft submission (Attachment A to this report) does not support the use of a charge on property value collected on the rates bill.

23. This is the third new charge the government is proposing councils collect on their rates bills. The other charges are Kāinga Ora rates under the Urban Development Bill and infrastructure levies under the Infrastructure Funding and Financing Bill. The new charges proposed under those bills would help address the issues with funding the infrastructure required to support Auckland’s growth.

24. Officers do not consider that there is strong case for the use of a property levy to fund FENZ. While a charge on property value will capture uninsured and under insured properties it will likely produce significant change in liability. The DIA has not provided evidence to show that the property model will produce better outcomes than current insurance-based levy. A charge on property value also raises the following issues for the council:
   - a levy set on property value shifts costs to Auckland due to higher property values
   - property values are primarily driven by land values and do not align with the benefits provided by FENZ services
   - collecting the levy on the rates bill is likely to be viewed as an increase in rates
   - will increase the amount of fire levy paid by owners of multiple buildings including Auckland Council.

25. Council will have further opportunity to provide feedback on the proposed funding model at the next phase of the FENZ review.

Impacts on Māori

26. The DIA has identified potential impacts on Māori should the FENZ funding change from an insurance-based levy to a property value-based levy. These include:
   - collective ownership might make it difficult to establish who should pay the levy
   - Māori may own the land, but not the assets associated with it (e.g. a forest or farm)
   - there may be additional cost where existing buildings or assets are not insured but would be covered by a property based levy
27. Council’s submission agrees with the issues identified above and in addition notes that some Māori land:
   - is undeveloped or may be difficult to develop and accordingly is unable to generate revenue from which charges on land can be paid
   - users of the land are not always reflected in ratepayer data making collection of rates and other charges on land difficult.

28. Council recognises these issues through the use of remissions for Māori land. These issues may also apply to only part of a block of land. To accommodate these circumstances our remissions can be applied to a part of a property. Council’s submission requests that a property-based levy have similar flexibility to address issues for Māori land.

Tauākī whakaaweawe āhuarangi
Climate impact statement
29. There is no climate impact from the issues considered in this report

Ngā whakaaweawe me ngā tirohanga a te rōpū Kaunihera
Council group impacts and views
30. Changes to the FENZ funding model are likely to increase the amount of levy to be paid by Auckland Council. The actual impact cannot be assessed until a more detailed funding model is proposed. The council group will have the opportunity to provide feedback in the next phase of the review.

Ngā whakaaweawe ā-rohe me ngā tirohanga a te poari ā-rohe
Local impacts and local board views
31. There is no impact on local boards from this phase of the review.
32. Any impacts on local boards and potential mitigations will be assessed during the next phase of the FENZ review. Local boards will have the opportunity to consider these issues and submit feedback.

Tauākī whakaaweawe Māori
Māori impact statement
33. The impact on Māori has been considered in the body of this report.
34. Feedback was sought from the Independent Māori Statutory Board (IMSB). The IMSB will not be providing formal feedback for this phase of the review. Advice from IMSB officers was considered in the development of council’s submission.
35. Feedback was sought from the Kaitiaki forum. Any feedback received will be appended to council’s submission.

Ngā ritenga ā-pūtea
Financial implications
36. The fire levy currently costs council $1 million across the Auckland Council group. The levy is expected to rise significantly for council assets under a new funding model. The impact will be assessed at the next phase of the review once the proposed funding model is known.

---

1 Levy by entity: Auckland Council $376k; Regional Facilities Auckland $225k; Auckland Transport $187k; Watercare $183k; Panuku $42k; ATEED $2k
37. Depending on the model chosen, council may face significant costs to implement and/or administer the future levy. The draft submission proposes that any such costs be met by FENZ.

**Ngā raru tūpono me ngā whakamaurutanga**

**Risks and mitigations**

38. Risk associated with the review options have been identified in council’s submission. The key risks to council are financial (see Financial Implications) and reputational risks that could arise from council collecting the levy on behalf of FENZ. Mitigations will be considered at the next phase of the review.

**Ngā koringa ā-muri**

**Next steps**

39. After consideration of feedback, central government will select a preferred funding model. Further consultation will then be undertaken on the proposed model. A timeline for the next phase of the review has not been issued.

40. Officers will report back when the next consultation document is released.

**Ngā tāpirihanga**

**Attachments**

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<td>Auckland Council submission on funding options for Fire and Emergency New Zealand</td>
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</tbody>
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**Ngā kaihaina**

**Signatories**

<table>
<thead>
<tr>
<th>Authors</th>
<th></th>
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<tbody>
<tr>
<td>Beth Sullivan - Principal Advisor Policy</td>
<td></td>
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<tr>
<td>Justine Yu - Senior Advisor - Financial Policy</td>
<td></td>
</tr>
<tr>
<td>Aaron Matich - Principal Advisor – Financial Policy</td>
<td></td>
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<tr>
<td>Andrew Duncan - Manager Financial Policy</td>
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<table>
<thead>
<tr>
<th>Authorisers</th>
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<tbody>
<tr>
<td>Ross Tucker - General Manager, Financial Strategy and Planning</td>
<td></td>
</tr>
<tr>
<td>Matthew Walker - Group Chief Financial Officer</td>
<td></td>
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<tr>
<td>Stephen Town - Chief Executive</td>
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</table>
Auckland Council submission

Funding Options for Fire and Emergency New Zealand

March 2020
Auckland Council’s submission on Funding Options for Fire and Emergency New Zealand

1. Auckland Council welcomes the opportunity to make a submission on Funding Options for Fire and Emergency New Zealand (FENZ).

2. This submission has been approved by the council’s Governing Body. The address for service is Auckland Council, Private Bag 92300, Victoria Street West, Auckland 1142.

3. Please direct any enquiries to Matthew Walker, Group Chief Financial Officer, at matthew.walker@aucklandcouncil.govt.nz and/or on 021-229-4094.
Introduction

Executive summary

1. Auckland Council recognises the value to the Auckland region provided by Fire and Emergency New Zealand (FENZ). Fire and Emergency New Zealand protects Aucklanders’ lives, limits injuries, and protects property, land and the environment. The council supports the objective of ensuring a stable funding source for the service.

2. Auckland Council does not support using charges on property value collected via the rates bill as an option to fund Fire and Emergency New Zealand. This is the third new charge the government is proposing councils collect on the rates bill. The others are Kāinga Ora rates under the Urban Development Bill and infrastructure levies under the Infrastructure Funding and Financing Bill.

3. Auckland Council supports the introduction of the Kāinga Ora rates and infrastructure levies as mechanisms for addressing Auckland’s infrastructure deficit. The council does not support a property value based levy because it is not clear that it will deliver better outcomes than an adjusted insurance based levy.

4. The consultation materials do not provide sufficient information on the distribution of costs and the benefits of FENZ to enable the council to fully assess the options or the potential impacts for Auckland. The council’s submission therefore focuses on the potential shortcomings and challenges of using a property levy to fund FENZ.

5. Auckland Council’s key submission points for the options presented in the consultation document are that:
   - shifting the levy from property insurance to property values is unlikely to achieve better alignment of costs with the beneficiaries
   - risk that a national levy set on property value will shift costs to Auckland due to higher property values
   - risk that the share of the funding requirement for Auckland will change each year as parts of the country undergo revaluation
   - some of the options for utilising property data would introduce significant complexity and increased administration into the system
   - council should be reimbursed for costs associated with implementation, maintenance of data, invoicing and collection of the levy.

Submission

Principles for FENZ funding model

6. The three key principles for the funding model identified by the review are that it should be universal, equitable and stable. The council has assessed the use of property levy against these criteria.

Universal
7. The review notes that the current funding model does not meet the universal criteria as the uninsured take advantage of the system through free riding. Auckland Council considers that while a levy set on property rates and charged to ratepayers will capture some property owners not currently paying, it risks introducing other anomalies. For example:

- tenanted commercial properties. Commercial leases usually require tenants to pay the property rates, and currently landlords pay the fire levy through their building insurance. It would be inequitable if the burden of the fire levy, which protects the landlord’s investment, was shifted to the tenant.

- residential tenants currently pay the fire levy on any contents insurance they hold. A move to a property based levy would shift all the burden to landlords as the Residential Tenancies Act 1986 (section 39) makes landlords liable for such charges.

- some properties that hold insurance are not liable for rates under the Local Government (Rating) Act or other legislation. Additionally, council remits rates for other properties under its Rates remission and postponement policy. From the proposal it is not clear how rates exemptions and remissions will apply to the FENZ levy.

Equitable

8. Moving the levy basis from property insurance to property value will result in significant shifts of liability. No evidence has been provided to show this will result in better alignment with the beneficiaries. Auckland Council submits that as property values are largely driven by land value their use for the FENZ levy will reduce equity in the distribution of the charge. This is discussed further in the following sections.

9. We note that the consultation document shows that medical events are the most commonly attended incident (17 per cent of incidents). This may support a higher central government contribution in recognition of the public health benefits the service provides.

Stable

10. The council agrees that a property based levy would provide a stable source of funding for FENZ.

Levy set on Property Insurance or Property Value

11. Based on the information provided council is unable to determine whether changing the current funding model would better align costs with beneficiaries. The consultation material provides insufficient detail as to how costs are incurred currently and how charges could shift under the proposed models.

12. Council submits that setting a national levy on capital value or land value risks shifting charges to areas with higher property values, reducing the alignment of costs to beneficiaries. The Auckland Region makes up two per cent of the area of New Zealand, but around 40 per cent of the nation’s land value.

Use of Property Data

13. A property value based levy would reduce the issue of free riding that occurs with the current property insurance based levy. However, using property values raises significant issues that are likely to outweigh the benefits. Broadly these are:
- Property values held by council are primarily driven by land values not improvements, so are poorly aligned to the benefits property owners receive from FENZ.

- Council revaluations result in annual changes in the share of national property value in each council district. Nationwide equalisation of values to stop swings in the levy would be a major undertaking.

- Basing the levy on factors not currently used to set rates will require significant work to implement. How such factors are assessed or recorded may vary between councils. Use of such factors may result in increased objections for councils.

14. The following table sets out some of the issues that will need to be considered in relation to each of the property data factors identified in the consultation material.

<table>
<thead>
<tr>
<th>Option</th>
<th>Response</th>
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</thead>
<tbody>
<tr>
<td>Capital/Land Value</td>
<td>- A national levy set on this basis has the potential to shift charges to Auckland due to higher land values compared to the rest of New Zealand.</td>
</tr>
<tr>
<td></td>
<td>- Revaluation occurs every three years. Timing of revaluation differs between councils. Approximately one third of the country is revalued each year which could result in yearly shifts in the levy between council districts. To prevent this would require equalisation of values. Council’s valuers have described this as a “massive undertaking”, and one that would be required to be performed annually.</td>
</tr>
<tr>
<td></td>
<td>- Land values are not aligned to benefits received from FENZ, instead reflecting desirability of the land. Factors such as views have no bearing on fire risk but significantly impact land values.</td>
</tr>
<tr>
<td></td>
<td>- Capping the levy or setting a revenue requirement by region/district may assist these issues but would need to reflect the benefits from services provided by FENZ.</td>
</tr>
<tr>
<td>Improvement Values</td>
<td>- Legislation defines improvement values as capital value minus land value. They are not an assessment of the actual value of improvements.</td>
</tr>
<tr>
<td></td>
<td>- Properties with similar improvements can have significantly different improvement values depending on the relative the desirability of the underlying land for redevelopment.</td>
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<td></td>
<td>- The fire levy is currently charged on insurance for contract works (insurance for building works during the construction phase). Council normally undertakes revaluation on completion of works (following issue of code compliance), and the amended rating values only take effect in the following financial period.</td>
</tr>
<tr>
<td>Rateability</td>
<td>- Around 5 per cent the value of property in Auckland is non-rateable.</td>
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<td></td>
<td>- Some non-rateable properties such as schools and hospitals will currently pay insurance levies. Other properties such as parks and urupas may not.</td>
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</table>
|                         | - Generating a rates notice for properties not currently being invoiced may be problematic, particularly for sensitive land such as urupas.
- In Auckland, the majority of Watercare improvements are non-rateable under the Local Government (Auckland Council) Act 2009. There may be other discrepancies between council areas.
- Auckland Council also remits rates for some types of properties under its remission policies. These include undeveloped Māori land and uninhabitable islands. The use of remissions will vary between councils.
- A levy on property would need to consider whether exemption for some categories of property are appropriate.

**Land use**
- Auckland Council applies its own policy definitions to categorise properties as residential or business use for rating purposes. These do not necessarily match definitions used by other councils.
- A property may have multiple uses. While these uses may be identified in the valuation roll, they may not be held in the rating database if they do not result in differences in rating.

**Land area**
- Around 40% of Auckland council rating units do not have land area data. Unit title, cross-lease and leasehold properties do not have associated land areas. FENZ would need a mechanism to define land area for these properties if it wished to utilise this factor for setting a levy.

**Building area, Building composition and Year of construction**
- These factors do not form part of the rating database. They are held in the valuation roll for the purposes of valuing properties.
- Significant work would be required to form a consistent nationwide data set for the purposes of the levy – issues include:
  - properties with mixed aged and building materials.
  - building composition may not hold sufficient detail to identify fire risk eg: a “tile” roof can be concrete, steel or decompostic.
  - building area includes internal garages but not external ones.
  - data for non-rateable properties eg: schools is not maintained to the same standard as rateable properties.

**Location**
- Auckland Council applies its own policy definitions to categorise properties as rural or urban for rating purposes. This definition is not aligned with definitions for rural and urban fire districts.

15. Auckland Council notes that data that is held in the valuation roll is held at the property level. Rates invoices and rateable factors are based on rate accounts. If FENZ is to supply factors for invoicing to council, this will need to be provided for rate accounts not properties to ensure it aligns with rating practice.
Implementation and administration of levy by council

16. Where councils are required to help implement and/or administer this levy, they should be adequately compensated.

17. The current consultation material does not provide detail of how a council invoiced property value levy would be implemented or administered. Further information is required on issues including:
   - who would be responsible for enquiries?
   - collection and enforcement processes
   - what precedence would the FENZ levy have in relation to rates.

18. While it is feasible for council to levy an additional charge on its rates notice, significant effort may be required for implementation. A lead time of a year is likely to be required.

19. Any levy should be in place in time for the start of the rating year. It will also increase complexity of the rates bill by requiring more information to be provided.

Māori land

20. Council agrees with the issues identified by the DIA in regard to Māori land. In addition, the council notes that that some Māori land:
   - is undeveloped or may be difficult to develop and accordingly is unable to generate revenue from which charges on land can be paid
   - users of the land are not always reflected in ratepayer data making collection of rates and other charges on land difficult.

21. Auckland Council recognises these issues through the use of remissions for Māori land. These issues may also apply to only part of a block of land. To accommodate these circumstances our remissions can be applied to a part of a property. Council requests that a property based levy have similar flexibility to address issues for Māori land.
Te take mō te pūrongo
Purpose of the report
1. To approve the Governing Body's forward work programme.

Whakarāpopototanga matua
Executive summary
2. The forward work programme identifies areas of work where the Governing Body has to make a decision. It is in line with the forward work programmes of all other committees.
3. Projects are briefly described and identified as requiring either decision or direction. Where possible, likely timeframes for the projects coming before the Governing Body have also been identified.
4. The forward work programme will be updated and reported monthly for information as part of the summary of information report.
5. Staff recommend that the forward work programme be reviewed on a six-monthly basis in December and July each year.

Ngā tūtohunga
Recommendation/s
That the Governing Body:

a) approve the Governing Body's forward work programme
b) agree that the Governing Body’s forward work programme be reported monthly for information and reviewed on a six-monthly basis in July and December each year.

Ngā tāpirihanga
Attachments

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Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Sarndra O'Toole - Kaiarataki Kapa Tohutohu Mana Whakahaere / Team Leader Governance Advisors</th>
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<tbody>
<tr>
<td>Authoriser</td>
<td>Stephen Town - Chief Executive</td>
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</table>
# Governing Body

**27 February 2020**

## Governing Body's Forward Work Programme 2020

The Governing Body deals with strategy and policy decision-making that relates to the environmental, social, economic and cultural activities of Auckland as well as matters that are not the responsibility of another committee. The full terms of reference can be found here: [Auckland Council Governing Body Terms of Reference](#).

<table>
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<tr>
<th>Area of work and Lead Department</th>
<th>Reason for work</th>
<th>Committee role (decision and/or direction)</th>
<th>Expected timeframes Highlight the month(s) this is expected to come to committee in 2020</th>
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<td>Locations, infrastructure and funding</td>
<td>Decisions to approve locations, infrastructure and funding (as and when required)</td>
<td>Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec</td>
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<td>Chief Executive's Performance Objectives</td>
<td>The Appointments and Performance Review Committee has the delegation to recommend performance objectives. The Governing Body must then consider the recommendations and make a decision.</td>
<td>Decision to approve performance objectives</td>
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<td>Appointment of Chief Executive</td>
<td>Statutory requirement</td>
<td>Decision around process to recruit a new chief executive</td>
<td>Decision to appoint a new chief executive</td>
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<td>City Rail Link</td>
<td>Construction of the City Rail Link in the central city</td>
<td>Decisions to approve matter associated with City Rail Link</td>
<td>Decisions to note any matters raised by the Audit and Risk Committee about the project (as and when required)</td>
</tr>
<tr>
<td>Review of council-controlled organisations</td>
<td>Overview of and decisions relating to any council-controlled organisations review including the implementation of any resulting changes to council-controlled organisations</td>
<td>Decision on appointment of a council-controlled organisations review panel</td>
<td>Consider draft report on the key issues, feedback from the community and stakeholders</td>
</tr>
<tr>
<td>Annual Budget (Annual Plan)</td>
<td>Statutory requirement</td>
<td>Decision to approve consultation documents, supporting information and process prior to consultation</td>
<td>Decision to adopt Annual Budget</td>
</tr>
<tr>
<td>10-year Budget (Long-term Plan)</td>
<td>Statutory requirement</td>
<td>Decision to approve consultation documents, supporting information and process prior to consultation</td>
<td>Decision to adopt the 10-year Budget (Long-term Plan)</td>
</tr>
<tr>
<td>Annual Report</td>
<td>Statutory requirement</td>
<td>Decision to adopt the Annual Report</td>
<td></td>
</tr>
<tr>
<td>Committee Forward Work Programmes</td>
<td>Responsibility for oversight of work programmes of all committee of the Governing Body.</td>
<td>Decisions to note the forward work programmes</td>
<td></td>
</tr>
<tr>
<td>Area of work and Lead Department</td>
<td>Reason for work</td>
<td>Committee role (decision and/or direction)</td>
<td>Expected timeframes</td>
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<tr>
<td>Review of Code of Conduct</td>
<td>The experience of working with the current Code of Conduct indicates that it could be further improved. In particular, it could be clearer about complaint, investigation and resolution processes, as well as available sanctions</td>
<td>Decision to adopt new Elected Members Code of Conduct</td>
<td>Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec</td>
</tr>
<tr>
<td>Environmental Services</td>
<td>Ark in the Park</td>
<td>Decision to appoint GB representatives to Ark in the Park.</td>
<td></td>
</tr>
<tr>
<td>Terms of Reference</td>
<td>The Terms of Reference enables the governing Body to delegate to committees those power necessary for them to carry out their responsibilities to the most efficient and effective levels. Any changes to the Terms of Reference must be done by the Governing Body.</td>
<td>Decision to adopt the Terms of Reference Decision to adopt changes to Terms of Reference</td>
<td></td>
</tr>
<tr>
<td>Standing Orders</td>
<td>Statutory requirement under the Local Government Act 2002, Schedule 7, clause 27 Originally adopted 16/12/2010</td>
<td>Decision to amend standing orders (as and when required)</td>
<td></td>
</tr>
<tr>
<td>Tūpuna Maunga o Tāmaki Makaurau Operations Plan</td>
<td>Section 60 of Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 requires the Tūpuna Maunga o Tāmaki Makaurau Authority (Tūpuna Maunga Authority) and Auckland Council to annually agree an operational plan as part of the annual or long-term plan process. This requires the council to consult on a summary of the Draft Tūpuna Maunga o Tāmaki Makaurau Operational Plan (the Draft Tūpuna Maunga Plan). The Governing Body is also required to adopt the final plan.</td>
<td>Decision to adopt Operations Plan and summary</td>
<td></td>
</tr>
<tr>
<td>Health, Safety and Wellbeing</td>
<td>The Governing Body has the role of the person or organisation conducting a business or undertaking.</td>
<td>Decision to receive quarterly Health, Safety and Wellbeing report</td>
<td></td>
</tr>
<tr>
<td>Alcohol Control Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal # Decision to Make/Amend/Revoke the bylaw # public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
<td>Proposal</td>
</tr>
<tr>
<td>Area of work and Lead Department</td>
<td>Reason for work</td>
<td>Committee role (decision and/or direction)</td>
<td>Expected timeframes Highlight the month(s) this is expected to come to committee in 2020</td>
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<tr>
<td>Animal Management Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal # Decision to Make/Amend/Revoke the bylaw # public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
<td>Jan</td>
</tr>
<tr>
<td>Cemeteries and Crematoria Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal # Decision to Make/Amend/Revoke the bylaw # public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
<td>Proposal</td>
</tr>
<tr>
<td>Food Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal # Decision to Make/Amend/Revoke the bylaw # public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
<td>Proposal</td>
</tr>
<tr>
<td>Freedom Camping</td>
<td>Explore the need for and options for regulating freedom camping in Auckland</td>
<td>Decision to approve statement of proposal # Decision to Make/Amend/Revoke the bylaw # public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
<td>Proposal</td>
</tr>
<tr>
<td>Navigation Safety Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal # Decision to Make/Amend/Revoke the bylaw # public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
<td>Proposal</td>
</tr>
<tr>
<td>Outdoor Fire Safety Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal # Decision to Make/Amend/Revoke the bylaw # public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
<td>Proposal</td>
</tr>
<tr>
<td>Property Maintenance Nuisance Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal # Decision to Make/Amend/Revoke the bylaw # public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
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</tr>
<tr>
<td>Signage Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal # Decision to Make/Amend/Revoke the bylaw *Public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
<td>Highlight the month(s) this is expected to come to committee in 2020</td>
</tr>
<tr>
<td>Trading and Events Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal # Decision to Make/Amend/Revoke the bylaw *Public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
<td>Highlight the month(s) this is expected to come to committee in 2020</td>
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<tr>
<td>Traffic Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal # Decision to Make/Amend/Revoke the bylaw *Public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
<td>Highlight the month(s) this is expected to come to committee in 2020</td>
</tr>
<tr>
<td>Solid Waste Bylaw Review</td>
<td>Legislative requirement to review the bylaw and policy after five years.</td>
<td>Decision to approve statement of proposal # Decision to Make/Amend/Revoke the bylaw *Public notification is required for bylaw reviews even if no change to the bylaw is recommended.</td>
<td>Highlight the month(s) this is expected to come to committee in 2020</td>
</tr>
<tr>
<td>Mayoral Housing Taskforce Steering Group</td>
<td>Oversee the progress and implementation of the June 2017 Mayoral Housing Taskforce report.</td>
<td>Decision to setup, agree and approve membership of group Decision to receive six-monthly updates</td>
<td>Highlight the month(s) this is expected to come to committee in 2020</td>
</tr>
<tr>
<td>Auckland Council Top Risk Register</td>
<td>The Audit and Risk Committee will refer the risk register to the Governing Body every quarter.</td>
<td>Decision to note the top risk register and risk heat map Decision to receive quarterly reports</td>
<td>Highlight the month(s) this is expected to come to committee in 2020</td>
</tr>
<tr>
<td>Te Tiriti o Waitangi/Treaty of Waitangi</td>
<td>The Crown negotiates settlements with iwi on a confidential basis and from time to time invites Council to express its views. The Te Tiriti o Waitangi Settlement Working party is accountable to the Governing Body and reports its findings to the Governing Body.</td>
<td>Decision to approve submissions to the Crown as and when required Decision to approve establishment and on-going implementation of co-management and other governance arrangements</td>
<td>Highlight the month(s) this is expected to come to committee in 2020</td>
</tr>
<tr>
<td>Area of work and Lead Department</td>
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<tr>
<td>Local government elections</td>
<td>Evaluation of 2019 election and preparation for 2022 election</td>
<td>Consider evaluation report of 2019 election&lt;br&gt;Decision on submission to Justice Select Committee Inquiry into 2019 election&lt;br&gt;Decision on voting system for the 2022 election and whether to establish Māori wards</td>
<td>Jan</td>
</tr>
<tr>
<td>Elected members expense policy</td>
<td>Responsibility to adopt expense policy rules for Remuneration Authority approval</td>
<td>Decision on elected members expense policy</td>
<td></td>
</tr>
<tr>
<td>Governance Framework Review</td>
<td>The Joint Governance Working Party will make recommendations to the Governing Body on governance matters of mutual interest to the Governing Body and local boards</td>
<td>Decisions on Joint Governance Working Party recommendations&lt;br&gt;Decisions on Service Levels and Funding&lt;br&gt;Decisions on Governance Framework Review implementation as required</td>
<td></td>
</tr>
</tbody>
</table>
Te take mō te pūrongo
Purpose of the report

1. To receive a summary and provide a public record of memoranda or briefing papers that may have been held or been distributed to Governing Body members.

Whakarāpopototanga matua
Executive summary

2. This is a regular information-only report which aims to provide greater visibility of information circulated to Governing Body members via memoranda/briefings or other means, where no decisions are required.

3. The following memos were circulated to members of the Governing Body:

<table>
<thead>
<tr>
<th>Date</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>20/12/19</td>
<td>Location for the new office Hub in Albany</td>
</tr>
</tbody>
</table>

4. The following workshops/briefings have taken place:

<table>
<thead>
<tr>
<th>Date</th>
<th>Workshop/Briefing</th>
</tr>
</thead>
<tbody>
<tr>
<td>17/2/20</td>
<td>CCO Review Councillor Input CONFIDENTIAL</td>
</tr>
</tbody>
</table>

5. These documents can be found on the Auckland Council website, at the following link: [http://infocouncil.aucklandcouncil.govt.nz/](http://infocouncil.aucklandcouncil.govt.nz/)
   - at the top left of the page, select meeting/Te hui “Governing Body” from the drop-down tab and click “View”;
   - under ‘Attachments’, select either the HTML or PDF version of the document entitled ‘Extra Attachments’.

6. Note that, unlike an agenda report, **staff will not be present to answer questions about the items referred to in this summary.** Governing Body members should direct any questions to the authors.

Ngā tūtohunga
Recommendation/s

That the Governing Body:

Governing Body
27 February 2020

Summary of Governing Body information memoranda and briefings

Ngā tāpirihanga
Attachments

<table>
<thead>
<tr>
<th>No.</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Memo - Location for the new office Hub in Albany <em>(Under Separate Cover)</em></td>
<td></td>
</tr>
</tbody>
</table>

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Authoriser</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sarndra O’Toole - Kairarataki Kapa Tohutohu Mana Whakahaere / Team Leader Governance Advisors</td>
<td>Stephen Town - Chief Executive</td>
</tr>
</tbody>
</table>
Te take mō te pūrongo
Purpose of the report
1. To seek Governing Body agreement on the appointment of an Acting Chief Executive for Auckland Council, and for the Governing Body to note the updated process for the recruitment of a new Chief Executive.

Whakarāpopototanga matua
Executive summary
2. Under the Local Government Act 2002 (LGA), a local authority must, in accordance with clauses 33 and 34 of Schedule 7, appoint a Chief Executive. Section 42 of the LGA requires local authorities to appoint a Chief Executive to carry out various responsibilities as set out in that section.

3. At its meeting on 12 December 2019, the Governing Body approved the process and approach to appointing a new chief executive.

4. On 3 February 2020 Mr Stephen Town, the current Chief Executive, announced his resignation effective 25 June 2020. This date is before the term expiration date of 31 December 2020.

5. To ensure stability and continuity of leadership, it is proposed that an Acting Chief Executive be appointed for the period from when the current Chief Executive finishes employment with council until when the new Chief Executive commences.

6. The substantive discussion on this matter will take place in the confidential part of the agenda as it will involve information that relates to the setting of a recruitment process for the Chief Executive, and the committee may discuss matters relating to the person specification or potential candidates.

Ngā tūtohunga
Recommendation/s
That the Governing Body:

a) note that there is a confidential report included in the agenda and provides information regarding the process to appoint the next Chief Executive.

Ngā tāpirihanga
Attachments
There are no attachments for this report.

Ngā kaihaina
Signatories

<table>
<thead>
<tr>
<th>Author</th>
<th>Shameel Sahib - Head of Corporate Strategy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authoriser</td>
<td>Stephen Town - Chief Executive</td>
</tr>
</tbody>
</table>
Exclusion of the Public: Local Government Official Information and Meetings Act 1987

That the Governing Body

a) exclude the public from the following part(s) of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution follows.

This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987 and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public, as follows:

C1 CONFIDENTIAL: Recommendation to appoint an Acting Chief Executive and update on Chief Executive recruitment process

<table>
<thead>
<tr>
<th>Reason for passing this resolution in relation to each matter</th>
<th>Particular interest(s) protected (where applicable)</th>
<th>Ground(s) under section 48(1) for the passing of this resolution</th>
</tr>
</thead>
<tbody>
<tr>
<td>The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</td>
<td>s7(2)(a) - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person. s7(2)(i) - The withholding of the information is necessary to enable the local authority to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations). In particular, the report contains information that relates to the setting of a recruitment process for the chief executive, and the committee may discuss matters relating to the person specification or potential candidates.</td>
<td>s48(1)(a) The public conduct of the part of the meeting would be likely to result in the disclosure of information for which good reason for withholding exists under section 7.</td>
</tr>
</tbody>
</table>