SUBMISSION on the Local Government (Auckland Law Reform) Bill

To the Auckland Governance Legislation Committee
Introduction

1. The ASB Community Trust is pleased to present this submission on the Local Government (Auckland Law Reform) Bill

2. This submission is made with the full support of the ASB Community Trust Trustees; Waitai Petera, Brian Lythe, Ann Green, Soana Pamaka, Phil Greenbank, Candis Craven, Kristen Kohere-Soutar, Lorraine Wilson, Peter Rowe, Ken Whitney, Paula Kearns, Bob Leveloff, Jenny Kirk, Ann Hartley.

3. I would like to appear in person to provide more information or further clarifications on this submission. I can be contacted at:

   ASB Community Trust
   50 Ponsonby Road
   Auckland
   Phone: 09 360 0291

4. I wish that the following also appear in support of our submission:

   Candis Craven, ASB Community Trust Trustee
   Lorraine Wilson, ASB Community Trust Trustee
   Chloe Harwood, Research and Policy Advisor, ASB Community Trust.

ASB Community Trust

5. ASB Community Trust is an independent grant-making organisation supporting the work of not-for-profit groups in Auckland and Northland.
Founded on the sale of its shares in ASB bank, the Trust has made grants worth around $600m since being formed in 1988. Our vision is to enhance equity and enrich society in Auckland and Northland.

6. The ASB Community Trust is the largest philanthropic trust in Australasia. In 2008-09 the ASB Community Trust distributed funding totaling $33,643,010 million to the Auckland and Northland region.

7. Grants made by ASB Community Trust in 2008-09:

- Arts & Culture $3.3 million
- Capital Projects $6.5 million
- Community Facilities $1.6 million
- Community led Enterprise $140,100
- Learning $3.3 million
- Environment & Heritage $2.2 million
- Health & Social Services $12 million
- Marae $1.4 million
- Recreation & Sport $3.3 million

8. ASB Community Trust aims to contribute to the enhancement of equity and the enrichment of society in Auckland and Northland by supporting groups and proposals that:

- Work with or for the diverse peoples of our region to address social issues, meet educational and community needs, improve equity between groups and reduce poverty through innovative educational, social and economic programmes
- Will enable citizens to become actively involved in society by participating in community activities, the arts and culture, and sport and recreation

- Will improve the quality of the physical environment

- Will preserve landscapes, sites and buildings and other artefacts that are of cultural or historical significance
Summary

9. As a large community funder in the Auckland region, ASB Community Trust has been an active participant in the discussion on local governance for Auckland. This submission echoes the sentiments of previous submissions made by the Trust on the Regional Amenities Funding Act, the Royal Commission and on earlier local governance legislation.

10. ASB Community Trust supports the intent of this Bill as it will result in improved regional governance for Auckland. As an organisation that values equity and believes in participation we also see those values required in the democratic system. Any structure must give a democratic voice to the diverse communities that make up the region.

11. In this submission we seek to address and comment on the following issues:

- Local board functions and resourcing

- The establishment of Pacific and Ethnic Advisory Panels for Auckland

- Proposed amendments to the Auckland Regional Amenities Funding Act (2008)

- Regional Spatial Plan

- Council-controlled organisations
12. Local Boards (Clause 17)

13. In the new structure for Auckland Council, it is the Local Boards that will play a pivotal role in ensuring that local communities will have a voice and a pathway through which to address issues in their neighborhoods. To play this role it is essential that the Local Boards have both resources and decision-making powers to meet the needs of the local community. The demarcation between local and regional issues is not an easy one, however consultation with current local authorities would go some way towards developing an enhanced understanding.

14. The proposed legislation does not appear to go far enough in detailing the powers of local boards.

15. Recommendation

16. ASB Community Trust recommends that the minimum functions of Local Boards be set out in legislation, with maximum functions enabled to evolve over time via a process of two-way dialogue and decision making between the Auckland Council and each individual Local Board.

17. The establishment of Pacific and Ethnic Advisory Panels for Auckland (Clauses 11 and 24)

18. The proposed legislation details the establishment of Pacific Peoples and Ethnic Peoples Advisory Panels for the Auckland Council. ASB Community Trust supports this proposal as it will enable greater representation and engagement from these communities.
19. Recommendation

20. While the Trust is supportive of this proposal, it is suggested that under the new Bill that the full elected council also have input into the establishment of these Panels, rather than the Mayor alone.

21. The Trust also recommends that the Panels be established on a permanent basis and that clause 111 be amended to reflect this.

22. It is further recommended that the Panels are adequately resourced and funded by the Council.


   Part 2 of Schedule 3
   Local Government (Auckland Law Reform) Bill

24. The proposed legislation includes several amendments to the Auckland Regional Amenities Funding Act (ARAF Act) in recognition of the establishment of Auckland Council as the single contributing authority from 1 November 2010. The Bill also proposes repealing Section 34, which establishes the maximum total levy payable by the contributing authority.

25. ASB Community Trust supports the retention of the ARAF Act (2008) as proposed in this Bill. ASB Community Trust made a submission in support of the Regional Amenities Bill, in recognition of the enormous value that all the amenities detailed in the Bill provide to the Auckland region. The Bill provides certainty of funding for the amenities, enabling them to plan ahead for the continued delivery of services that greatly benefit the people of Auckland.
26. ASB Community Trust believes that the ARAF Act (2008) is delivering well and is succeeding in providing the amenities with security of funding enabling the organisations to plan ahead with certainty. The ASB Community Trust believes that the repeal of the maximum levy guidelines which were included in the original S34 of the ARAF Act 2008, seriously erodes the fundamental principles upon which the original Act was predicated.

27. Recommendation

28. ASB Community Trust does not support repealing section 34 of the ARAF Act (2008) and substituting it with the wording proposed in the Bill (Line 19 of Part 2 of Schedule 3). In particular the Trust does not support removing the specified maximum total levy and the stepped approach to implementing the maximum levy.

29. Spatial Plan for Auckland

Part 2 Amendments to Local Government (Auckland Council) Act 2009
Clause 45: New Part 6, clause 66 Spatial plan for Auckland

30. ASB Community Trust is supportive of the requirement to develop a spatial plan for Auckland as broadly defined in the Bill. The purpose of which is described as providing a long-term strategy for growth and development in Auckland. This echoes the sentiments for regional planning and prioritisation made by the Trust in the submission to the Royal Commission.

31. As an organisation that strives for positive outcomes for the people of Auckland, the Trust would welcome more emphasis on social and environmental outcomes in the spatial plan.
32. Recommendation

33. ASB Community Trust believes that for the spatial plan to achieve its purpose, it should include both a regional recreation and sports strategy and a regional arts strategy.

34. ASB Community Trust would be supportive of the broadening of the spatial plan focus from economic growth and development to include both social and environmental outcomes.

35. Council-controlled organisations

   Part 1 Amendments to Local Government (Tamaki Makaurau Reorganisation) Act 2009, Clause 24: New section 35G.

36. ASB Community Trust notes that the Bill provides a framework for the establishment of Council-controlled Organisations (CCO). While it is not directly a matter for legislation, the structure of the Major Regional Facilities CCO may raise issues for the Trust and its ability to continue to support major capital development projects in the Auckland region.

37. ASB Community Trust will continue to engage in dialogue with the Auckland Transition Authority (ATA) on the proposed structure of CCO’s with particular attention to the Major Regional Facilities CCO to ensure that any future funding from the Trust is not jeopardised.

Jennifer Gill

Chief Executive Officer
ASB Community Trust