



The Local Government (Auckland Law Reform) Bill (the Bill) provides for the establishment of a Māori Statutory Board that is independent of the Auckland Council, and which is intended to ensure that the Auckland Council takes the views of Māori into account when making decisions.

- The purpose of the Board as it is currently set out in the Bill is to:

“promote cultural, economic, environmental, and social issues of significance for mana whenua and taura here of Tāmaki Makaurau to assist the Auckland Council in making decisions, performing functions, and exercising powers.”

- The Bill has been referred to the Auckland Governance Legislation Select Committee.
- Submissions are being sought and the deadline is 12 February 2010.
- Government intends for this Bill to become law in May 2010.
- Information on how to make a submission is set out on the back page.

The Bill is the third and final Bill required to implement government’s decisions on governance arrangements for the Auckland region. Amongst the provisions in this Bill are provisions to establish an independent Māori Statutory Board.

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What is the purpose of the Board?

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What will the Board do?

The Board will:

- be independent of the Auckland Council, and will have an important role in ensuring that the Auckland Council fulfils its legislative Treaty of Waitangi obligations (as set out under Acts such as the RMA, Local Government Act etc.).
- identify the issues that are important to Māori, prioritise the most important of these issues, and work with the Council to address them. The list of issues will be regularly reviewed to monitor progress.
- work with the Auckland Council to ensure that Council consultation with both mana whenua and taura here is done well, and that any consultation is effective and appropriate in capturing and representing the views of Māori.
- advise the Auckland Council on matters affecting mana whenua and taura here. The Council will be required by law to take the advice of the Board into account when making decisions.
- appoint up to 2 people to sit on each Auckland Council Committee that deals with the management and stewardship of natural and physical resources.
- where delegated by the Auckland Council, make decisions, or otherwise undertake particular functions or duties.
- negotiate an annual agreement with the Auckland Council for the work the Board will do and the level of funding and support to be provided by the Auckland Council to the Statutory Board.



What is the Auckland Council required to do?

The Auckland Council will:

- keep the Board informed of what business it intends to conduct (provide agendas of Council meetings etc.). This means that the Board will be well positioned to advise the Council on upcoming issues that will impact on Māori.
- consult with the Statutory Board on matters affecting Māori.
- work jointly with the Statutory Board on the design and execution of policies and processes for seeking the input of both mana whenua and taura here into the decisions taken by the Council.
- take into account the advice of the Statutory Board in relation to ensuring that the input of mana whenua and taura here are reflected in strategy, policies, or plans.
- provide the Statutory Board with information on the future plans and business of the Council, and the agenda of forthcoming meetings and upcoming business, for use by the Statutory Board in identifying business of relevance to the Statutory Board.
- take into account the advice the Statutory Board gives on other matters.
- negotiate an annual agreement with the Statutory Board for the work the Board will do and the level of service to be provided by the Auckland Council to the Statutory Board.

Why are the Board provisions set up this way?

The provisions relating to the Board in this Bill have been carefully designed to ensure balance in the relationship between the Board and the Auckland Council, and to require both parties to be reasonable in their dealings with each other.

The government considers that a balanced and reasonable relationship will be critical to achieving the aims of the legislation, and to ensure that the views of Māori are accurately reflected in the policies and operations of the Auckland Council.

Who is the Board?

Government has decided that the Board will be made up of representatives of both mana whenua (7 members) and taura here (2 members).

How is the Board selected?

Prior to each local body election process, the Minister of Māori Affairs will write to all recognised mana whenua groups in Auckland, and will ask them to select one person to be their representative for the Board establishment process. These representatives will come together as a formal body to:

- develop and agree processes for appointing the mana whenua Board members, including identification of the skills and experience that will be required of Board members.
- identify and select who the mana whenua members of the Board should be.
- to select the taura here members of the Board, consistent with the requirements set out in the legislation aimed at ensuring taura here have a say in who their representatives on the Board will be.

How will the Board be supported?

Staffing

Because of the significant scope of responsibility and work that will be required of Board members, the Board will be supported by a secretariat. The secretariat will assist the Board to carry out its functions.

The secretariat will need to be of a sufficient size to enable the Board to carry out its legislative functions. The secretariat will do their jobs under the direction of the Board, but for the sake of simplicity and efficiency, the staff of the secretariat will be employed by the Council.

The Board's Work Programme and Funding Agreement

The Board will negotiate an annual work programme and an associated funding agreement with the Council. The Council will not be able to refuse to fund the reasonable costs of the Board's operation.

In a similar fashion, the Board will be able to seek the funding the Board requires to reasonably carry out its intended purpose. The Board will not be able to seek an unreasonable amount of funding.

In effect this means that the Council will fund the Board to carry out its functions under the Act, but will not be required to fund things that are not reasonable.

To ensure that the Board and the Council are both able to operate as intended, the funding agreement will be required to be agreed every year so that the Board can function uninterrupted.

Requirements for Board Members

The requirements for Board members are similar to the requirements for many similar functions, including trusts and incorporations. The requirements are similar to those in the Crown Entities, and Companies Acts.





How can I have my say on the Bill?

You can view a copy of the Bill by going to www.parliament.nz, clicking on the Parliamentary Business, then on Select Committees and selecting the Auckland Governance Legislation Committee. A copy of the Bill, and closing dates for submissions, can be found on that page. The Select Committee is calling for submissions, with a closing date of 12 February 2010.

What is a submission?

A submission is your chance to present your opinions, observations, and recommendations on a matter before a select committee. Submissions are written, but you may also ask to talk to the committee in person. This way, committee members can ask you more detailed questions about your recommendations.

When to make a submission

It is normal for committees to ask for submissions, but it is not compulsory. Select committees often ask for public input by advertising in newspapers. The advertisement states the name of the bill or other item under consideration; the name and contact details for the select committee; and the timeframe for sending your submission.

How to make a submission

If you wish to make a submission on this Bill, this page: <http://www.parliament.nz/en-NZ/AboutParl/GetInvolved/Submission/a/9/8/00CLOOCHvYrSaySubmission1-How-to-make-a-submission.htm> outlines what is involved in making a submission. You may write in English or Māori.



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