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# Royal Commission on Auckland Governance

Te Kōmihana a te Karauna mō te Mana Whakahaere  
o Tāmaki-makau-rau

## Hei Whakapuaki i te Kōrero Background paper: Consultation with Māori

March 2008

[www.royalcommission.govt.nz](http://www.royalcommission.govt.nz)

Hon Peter Salmon (Chair) | Dame Margaret Bazley | David Shand

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Te Kōmihana a te Karauna mō te Mana Whakahaere o Tāmaki-makau-rau

## *Commission:*

Hon Peter Salmon QC, *Chair*

Dame Margaret Bazley DNZM

David Shand

## **Hei Whakapuaki i te Kōrero**

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## Royal Commission on Auckland Governance

Te Kōmihana a te Karauna mō te Mana Whakahaere o Tāmaki-makau-rau

# He mihi he pānui atu tēnei nā Te Kōmihana Roera

Kua whakatūria e te Kāwanatanga tētahi Kōmihana Roera kia urupounamutia ngā kāwanatanga-ā-rohe o Tāmaki-makau-rau e pēhea rawa ana aua whakahāere ā rohe. Kua tonoa mātou kia

- āta tirohia te pūnaha whakahāere o te wā nei, ā, pēheatia ai te whakarite o ngā whakataunga
- kia whakatakoto tūtohutanga mō tētahi pūnaha kāwanatanga-ā-rohe tino tōtika mō ngā tau 50–100 e tū mai nei
- kia āta whiriwhiri i tētahi pūnaha e whai whakaaro rawa ana ki te whanake o Tāmaki-makau-rau me ōna kanorau anō.

I tēnei wā, e whitu ngā mana-ā-rohe e whakahāere ana i ngā marea o Tāmaki-makau-rau, kotahi te kaunihera-ā-rohe.

Ko te aronga whānui, e taea te kī, he tāone matua tōna hāpori, ko tētahi o ngā tāone matua motuhake hoki o te ao. Otirā, ki Tāmaki-makau-rau nei, he tāone hāpori kanorau tēnei.

Ko te āta titiro ki te kaupapa kāwanatanga-ā-rohe me ōna momo whakahāere ki Tāmaki-makau-rau, tētahi take nui rawa atu, hei whakapūmau kaha i te whanaketanga o Aotearoa tae noa mai anō hoki ki Tāmaki-makau-rau. Inā pakari a Tāmaki-makau-rau, ka pakari hoki a Aotearoa katoa. Ko te manako, hei ētahi o ngā take, kia kotahi te reo o Tāmaki-makau-rau, engari ia e kitea ana anō, mē rapu he pūnaha e rite ana, e whai wāhi ai ngā tāngata ki te whakapuaki whakaaro ā, kia uru atu ai anō hoki ki ngā take e pā ana ki a rātou i o rātou nā rohe tāone.

Hei whakarāpopoto, ko te mahi a te Kōmihana kei roto i ēnei pātai e whai ake nei:

- E pai ana rānei koe ki te āhua o te kāwanatanga-ā-rohe ki Tāmaki-makau-rau?
- Ki te kore, he aha ngā āhuatanga e hiahia ai koe kia whakarerekētia?

Mā ā koutou whakautu mātou e āwhina. Ka pā ki a koutou katoa o Tāmaki-makau-rau o Aotearoa hoki te tōnuitanga o tēnei rohe ātaahua o tātou.

E mōhio ana mātou ki te ara ake he whakahāeretanga rerekē mo te kāwanatanga-ā-rohe o Tāmaki-makau-rau, e kore e hapa, ka maranga ake ētahi take nui ka hāngai pū ki te Māori. Kāore e kore he maha koutou e whai whakaaro whānui ai ki te pātai, ko ēhea ngā āhuatanga kāwanatanga-ā-rohe, e pai rawa ana, e tika rawa ana rānei mo Tāmaki-makau-rau?

Kia rongō ai kia mōhio ai ki aua whakaaro o koutou, e tonono ana te Kōmihana kia tukua mai e koutou he tāpaetanga ā tuhi; e whakatūria ana anō e mātou ētahi hui tūmatanui kia whai wāhi ai ngā kaituku tāpaetanga ki te whakawhānui atu i o rātou whakaaro. **E whakahau ana mātou i nga tāngata i ngā rōpū Māori ki te tuku tāpaetanga mai, otirā he mea hanga tēnei pānui hei āwhina i te Māori.**

I roto anō i tēnei pānui e kitea ai e koutou ētahi atu kōrero o te mahi a tēnei Kōmihana, waihoki, e tohu ana i ētahi o ngā take e manako ana mātou ka matapakia ka rūnangatia e ngā tāngata Māori, iwi kē atu rānei o Tāmaki-makau-rau. Kei roto nei anō ētahi whakamārama me pēhea te tuku tāpaetanga. **Ko te rā kati mō te tae mai o ngā tāpaetanga ko 22 o Paengawhāwhā 2008.** Tēnei ka tāria e mātou tāu, ā koutou rānei e tuku mai ai.

Nā

Te Hōnore Peter Salmon QC

Te Kahurangi Margaret Bazley DNZM

David Shand



## Royal Commission on Auckland Governance

Te Kōmihana a te Karauna mō te Mana Whakahaere o Tāmaki-makau-rau

### Greeting from the Royal Commission

The Government has set up this Royal Commission to enquire into the question of Auckland's local government and how it is working. We have been asked

- to examine the present system and how decisions are being made
- to make recommendations about a system of local government that will best suit Auckland for the next 50–100 years
- to ensure we have a system that will take into account Auckland's growth and its ethnic diversity.

Currently, the people of the Auckland region are governed by seven local authorities, and a regional council. Nationally and internationally, we may be seen as one metropolitan community, a single city on a world stage. Locally, we comprise a number of diverse communities.

To ensure a strong future for New Zealand as well as for Auckland, the issue of Auckland's local government arrangements is of vital importance. When Auckland thrives, New Zealand thrives. It is desirable that on some matters Auckland should speak with one voice, but we also need a system that enables people to be heard and to be involved in matters of local interest.

At its simplest, the Commission's task could be summed up in the following two questions:

- Are you happy with the form of local government in Auckland?
- If not, what changes would you like to see?

We need your help to answer these questions. The future of this beautiful region of ours concerns every Aucklander and every New Zealander.

We know that any possible changes to the structure of Auckland's governance are likely to raise important issues for Māori. Many of you will have strong views on the question of the best local government arrangements for Auckland.

So that we can hear those views we are calling for public submissions and will be holding public hearings at which people may speak in support of those submissions. We wish to encourage Māori to make submissions, and have prepared this document to assist Māori.

Inside this document you will see more detail of the Commission's task and, in particular, an indication of the issues that we hope the people of Auckland and Māori will address. You will also find information about making a submission. **Written submissions need to be received by 22 April 2008.** We look forward to your contribution.

Yours sincerely

Hon Peter Salmon QC

Dame Margaret Bazley DNZM

David Shand

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## Introduction

1. The Royal Commission on Auckland Governance (the “Commission”) has been appointed to look into, and report on, local government arrangements for Auckland. “Governance” in this context means how the regional and local councils work with the Government and each other, and with community boards, iwi, and private and public organisations, to make and implement decisions for Auckland.
2. The Commission has prepared and circulated a general discussion document commenting on some of the issues it expects to address. The document is named *Call for Submissions* and is available on our website ([www.royalcommission.govt.nz](http://www.royalcommission.govt.nz)) and in libraries and council offices throughout the Auckland region. It is intended to help the public generally to make submissions.
3. This present document has been prepared specifically to assist consultation with Māori. The Commission is required under its terms of reference to “consult and engage with Māori in a manner that specifically provides for their needs”, and it intends fully to discharge this obligation.
4. In this document we have summarised the material in *Call for Submissions* (and you can look at that document if you are interested in a more detailed discussion of the issues generally). Probably more importantly, we have tried to identify here some of the specific matters that might be important to Māori. Our choice of topics is based on consultation about local government that others have undertaken recently with Māori. We seek your feedback.

## Background

5. At the heart of the Commission’s work is identifying the best local government structure to develop the well-being of the region, and help build a highly functioning world-class city.
6. It is important to be clear about the Commission’s role. The Commission will NOT be looking at Auckland’s spending decisions, or issues such as a possible second harbour crossing, transport decisions, waterfront development, or preparations for the Rugby World Cup in 2011. The Commission’s focus is to investigate which local decision-making structures are likely to lead to good and timely decisions for the residents and businesses of Auckland.
7. Councils in Auckland agree that current local government arrangements are impeding the development of Auckland as a world-class city, in particular because of fragmented responsibility for the decision making and funding. However, they differ in their suggested remedies.
8. One idea is that Auckland could have one “super council” controlling all regional and local issues. Another idea is that we could go back to the system where there were a larger number of smaller local councils. Another idea is that Auckland be divided into two cities: one north of the bridge, and the other south of the bridge; each with its own large council. There are many other possibilities as well, including strengthening the Auckland Regional Council, or leaving things as they are.

9. At present, Auckland's local body structure consists of the Auckland Regional Council ("ARC") and seven local councils (Rodney District, North Shore City, Waitakere City, Auckland City, Manukau City, Papakura District, and Franklin District councils). Five of these local councils also have community boards.
10. Each of these bodies has different responsibilities, but some overlap. Broadly speaking, central government has primary responsibility for social services such as health, education, and income support. The ARC's main responsibilities include regional land use and environmental regulation; ownership and management of regional parks; transport planning, and funding for passenger transport. The seven local councils look after land use and environmental management, water, waste water and stormwater, solid waste, and local community facilities. Central, regional, and local government have different but overlapping responsibilities for transport, parks and reserves, community development, economic development, civil defence, recreation, and events.
11. There seems to be substantial agreement that major parks and reserves and public transport should be managed on a regional basis. There are, however, greater differences of opinion about planning and management of the "three waters" (water supply, waste water and stormwater); roading infrastructure; and major cultural, sporting, and recreational facilities.
12. Examples of some issues on which the Commission is seeking submissions are listed below:
  - Which decisions are best made and which services are best provided at a regional level?
  - Which decisions are best made and which services are best provided at a local level?
  - What is the best size and function of local and community organisations such as councils and community boards? These need to be large enough to deliver services and achieve efficiency, but small enough to be accessible and accountable.
  - Should the region have a more urban focus? Would the rural parts of Rodney, Franklin, and Manukau be better served by being part of different regional councils? (Franklin District, for example, is currently split between two regional councils, Auckland and Waikato.)
  - If decision making is focused on one body (such as a super-council), will that help delivery of services, and provide a more efficient infrastructure?

## Consultation process

13. We are aware that various councils have already consulted with Māori in relation to Auckland local governance issues. That previous consultation is a useful starting point for us to build on, as it identifies key themes that are likely to be important to Māori. However, it is important to remember that **the Commission is completely independent from both central and local government**, and we have a separate responsibility to engage and consult with Māori.
14. **We encourage Māori to make written submissions to the Commission. The process for doing so is set out below.**
15. Anybody who makes a written submission may also ask to be heard in support of that submission, if they wish. The Commission's intention is to hold public hearings during the first three weeks of May and in June, throughout the Auckland region. Details of times and

places of the hearings will be available on the Commission's website. Everyone who makes a written submission will be personally advised of these details at least five working days in advance of the hearing that they are invited to attend.

16. In addition to the hearings, the Commission is meeting with mana whenua and a wide range of interest groups.

## Important issues for Māori

17. We know that any possible changes to the structure of Auckland's governance are likely to raise important issues for Māori, and we have set out below a possible list of some of these issues. Please bear in mind that this list is just a starting point – there may be many other issues that we have not included here.

### Consistency

18. At the moment, each of the eight councils in the Auckland region deal with Māori issues in different ways. This lack of consistency may cause problems for Māori – particularly for iwi whose rohe cross a number of different council territories.
19. It may be that if councils were required to deal with certain issues consistently, or if the number of councils were reduced, this could help. For example, if resource management issues were dealt with by one centralised body, Māori might not need to be consulted as frequently over the same or similar issues.

### Representation

20. If new bodies or forums were created as part of any restructuring of Auckland's governance, Māori may wish to have specific representation on these bodies. If so, this is likely to lead to further issues. For example
  - How should Māori representatives be appointed/elected?
  - Should a set number of Māori representatives be drawn from each of the iwi whose rohe fall within the Auckland region? If so, how many people should represent each iwi?
  - What role should urban Māori have in any representation?
  - Should a pan-tribal organisation (such as the Mana Whenua Forum) have a part to play?

### Access

21. Currently, many councils in the Auckland region employ staff to work on Māori issues. However, we have been told that in many cases, simply having internal liaison staff within councils is not meeting the needs of Māori. The Commission would like to know
  - What sort of arrangements or relationships with local government work best for Māori?
  - How can we ensure that Māori know whom to contact within local government about a particular issue, and vice versa?

- How important is it to Māori to be able to speak with council staff in person, such as at council service centres?

### Previous agreements

22. Some Māori groups have already entered into agreements with Auckland councils, or are in the process of negotiating such agreements. Some examples are listed:
  - Auckland Regional Council has entered into a memorandum of understanding with Te Uri o Hau.
  - Rodney District Council has entered into a memorandum of understanding with Ngati Whatua Nga Rima o Kaipara, a memorandum of understanding with Te Uri o Hau Settlement Trust, and a memorandum of understanding with Manuhiri Omaha Kaitiakitanga Ora (Moko) Charitable Trust.
  - Waitakere City Council has entered into contractual arrangements with Te Kawerau a Maki Trust, and Ngati Whatua o Orakei Corporate. It also has a memorandum of partnership with Te Kawerau a Maki.
  - Franklin District Council has a memorandum of understanding with Nga Hapu o Waikato (represented by Huakina Development Trust).
23. If some councils ceased to exist or were merged into a new body, the status of agreements such as these would need to be clarified.

### Ownership of assets such as roads, shares, and land

24. Changes to the structure of local governance in Auckland may involve changes to the ownership of assets. This is likely to involve issues of particular importance for Māori. For example, if the ownership and responsibility for parks were to be changed, this would raise the issue of how to give effect to kaitiakitanga in respect of those parks.
25. The Treaty of Waitangi may also need to be considered.

### Environmental concerns

26. We know that the protection of the mauri of natural and physical resources is of particular importance to Māori. Therefore, the governance structures that are put in place to deal with access to, and exploitation of, natural resources are also likely to be particularly important.
27. At our preliminary meeting with mana whenua, concern was expressed about the demands placed on iwi by resource management consent processes.

## Making a submission

28. Written submissions will be accepted until **4 p.m. on Tuesday 22 April 2008**. A detachable submission form can be found at the end of this document and submission forms are also available on the Commission's website: [www.royalcommission.govt.nz](http://www.royalcommission.govt.nz).
29. **The submission form is not specifically tailored to Māori or the issues discussed in this document.** (To help us organise and analyse submissions it is easiest if everybody uses the same form.) Remember you are not required to answer the questions in the form. Nor are

you limited to the issues raised, but can make submissions on any matter relevant to the Commission's terms of reference including in particular the issues raised in this paper.

30. There are two ways you can make submissions via the website:
  - Complete the submission form online and click "submit".
  - Attach your submission in a separate electronic file (in Microsoft Word or PDF format) to the online submission form.
31. Submissions can also be mailed to  
FreePost No. 215482  
Submissions Administrator  
Royal Commission on Auckland Governance  
Private Bag 92049  
Auckland Mail Centre  
Auckland 1142  

No stamp is needed for posting this.
32. Submitters are asked to include a summary of their key points. If you are mailing a submission that is longer than 10 pages, please make six printed copies of the submission, and send all of them.
33. All submitters must provide the name of the individual or organisation lodging the submission, and their contact details. The names of submitters will be published on the website, but addresses and other contact details will not.
34. All submissions will be made available on the Commission's website as soon as practicable after submissions close, unless there are good grounds for withholding it.
35. Submissions need to be relevant to the terms of reference. **Please remember that the Commission's interest is in decision-making structures.** We encourage submissions to be constructive, offering solutions, not just identifying problems. Wherever possible, please use facts to back up your opinions and statements.



## SUBMISSION FORM

For Office Use Only
Submission No:
Date Received:

PLEASE COMPLETE YOUR DETAILS BELOW:

### Name/organisation details

FIRST NAME(S): \_\_\_\_\_

SURNAME: \_\_\_\_\_

ORGANISATION: \_\_\_\_\_  
 (If applicable)

### Contact details

EMAIL: \_\_\_\_\_

PHYSICAL ADDRESS: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

TELEPHONE: \_\_\_\_\_ (Business) \_\_\_\_\_ (Home)

***Please note that all submissions will be published on the Royal Commission's website together with your name and organisation (if any). However, no contact details will be published.***

### Hearings

All submissions will be read and considered carefully. If, however, you also wish to be heard in support of your submission, please indicate this below.

	<b>YES</b>	<b>NO</b>
I/we wish to be heard in support of our submission:	<input type="checkbox"/>	<input type="checkbox"/>
How long do you wish to speak for? _____		

If you have indicated that wish to be heard in support of your submission, please indicate where you would prefer to attend a hearing (please mark only **one** box):

Auckland City	<input type="checkbox"/>	Franklin District	<input type="checkbox"/>	Manukau City	<input type="checkbox"/>
North Shore City	<input type="checkbox"/>	Papakura District	<input type="checkbox"/>	Rodney District	<input type="checkbox"/>
Waitakere City	<input type="checkbox"/>				







## **Part II – Long Form Response**

The issues discussed in Part Two of the Commission’s *Call for Submissions* document are set out below. The *Call for Submissions* document contains supplementary questions on each issue which you might like to answer. You are not restricted to our issues/questions. You may address any issues relevant to the terms of reference.

Continue on a separate sheet(s) if necessary.

### **Overview**

**Issue 1:** What kind of local government arrangements will help Auckland become a successful world-class city?

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### **Regional decision making**

**Issue 2:** What decisions should be made and implemented at a regional level? By what body or bodies or processes should these decisions be made?

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***Local decision making***

**Issue 3:** What decisions should be made and implemented at a local level? By what body or bodies or processes should these decisions be made?

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***Coordination***

**Issue 4:** To what extent should individual local councils follow consistent practices? How do we ensure that decisions made at national, regional, and local government levels are consistent with each other, and that they lead in the same direction?

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***Accountability***

**Issue 5:** How do we ensure that whatever form of local government is adopted remains properly accountable to the people of Auckland?

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**Royal Commission on Auckland Governance**  
Te Kōmihana a te Karauna mō te Mana Whakahaere o Tāmaki-makau-rau

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*Do you have any other comments on Auckland's decision-making structures?*

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*Please write a brief summary of the key points in your submission:*

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**Completed submissions:**

Please return your completed submission form to the Commission, to be received **no later than 4 p.m. on Tuesday 22 April 2008**. Submissions may be returned by clicking “submit” when using the online version, or by posting to

FreePost No. 215482  
Submissions Administrator  
Royal Commission on Auckland Governance  
Private Bag 92049  
Auckland Mail Centre  
Auckland 1142

**Note:** Six hard copies should be provided for all mailed submissions over 10 pages in length.

