

13. SUBMISSION TO THE LOCAL GOVERNMENT COMMISSION ON THE REVIEW OF THE LOCAL GOVERNMENT ACT 2002 AND THE LOCAL ELECTORAL ACT 2001

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
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PURPOSE OF REPORT

1. The purpose of this report is to advise the Council of the statutory review being conducted by the Local Government Commission on the Local Government Act 2002 (LGA02) and the Local Electoral Act 2001 (LEA), and to present a draft submission for the Council's consideration and approval, which the Commission have asked the Council to provide by 31 March 2008.

EXECUTIVE SUMMARY

2. The Local Government Commission (LGC) is required by section 32 of the Local Government Act 2002 to review the operation of the Act and the Local Electoral Act 2001. The LGC must report on its review to the Minister of Local Government as soon as practicable after the 2007 local elections.
3. Without limiting the scope of the review, the LGC is required to determine and assess:
 - The impact of conferring on local authorities full capacity, rights, powers and privileges; and
 - The cost-effectiveness of consultation and planning procedures; and
 - The impact of increasing participation in local government and improving representation on local authorities.
4. The review will not be an opportunity to revisit or relitigate the general policy intent of either Act. Rather, the focus of the review is whether the Acts are operating as intended. That is, to ask whether they are furthering, enabling, or assisting the agreed general policy intent. The review will also not be considering:
 - The current structure of local government (as distinct from any technical or procedural reorganisation provisions).
 - Local authority funding levels and funding tools (this is covered by a different Act, the Local Government (Rating) Act 2002, and is the subject of the Local Government Rates Inquiry).
 - The performance of individual local authorities or comparisons between local authorities.
 - The extent to which identified community outcomes are being achieved.
5. Section 32 also enabled the Commission to report to the Minister of Local Government, by 1 July 2005, on any amendments it considered should be made to the Local Government Act or the Local Electoral Act before the 2007 local elections. The Commission submitted an initial report to the Minister of Local Government on 1 July 2005, and this led to some amendments to various local government legislation being made in June 2006.
6. However, there is a wide range of matters which have still not been addressed. In preparation for the LGC review Local Government New Zealand sought submissions and carried out a "road show" in October and November 2006, at which the Council submitted its view in a paper to LGNZ, and also by making an oral submission to the Road Show panel. LGNZ then presented its findings to the LGC as part of the review.
7. The attached draft submission is based on the paper that was prepared for LGNZ, with the addition of other matters that have come to the attention of the Council on issues under the LGA02. It adds a section discussing the Local Electoral Act 2001, but deletes the section on additional funding tools as these are not being reviewed by the LGC. The draft submission has three parts to it; the first includes four key submissions for the Council in relation to the LGA02:
 - Relating to the need to streamline the LTCCP process.
 - That clarification of the consultation processes by Council is required.
 - On the urgent need for an infringement offence regime; and
 - Suggestions on what more Central Government could do to assist the local government.

8. The second part includes submissions that are more of a technical nature relating to interpretation and drafting issues in the legislation, and the third part relates to the LEA.

FINANCIAL IMPLICATIONS

9. There are no financial implications involved in making this submission.

Do the recommendations of this report align with 2006-16 LTCCP budgets?

10. N/A.

LEGAL CONSIDERATIONS

11. There are no specific legal considerations for the Council in relation to the draft submission.

Have you considered the legal implications of the issue under consideration?

12. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

13. N/A.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

14. N/A.

CONSULTATION FULFILMENT

15. Internal consultation has taken place, with various units being asked to provide input on issues they have had with the implementation of the LGA02. The Council's electoral officer has provided the input on the LEA.

STAFF RECOMMENDATION

It is recommended that the Council approve the draft submission (attached), incorporating any additions/amendments adopted by the Council.