

3. DUAL MEMBERSHIP OF COMMUNITY BOARDS AND TERRITORIAL AUTHORITIES

RR 10455

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The purpose of this report is to consider whether the Council wishes to support a proposed Private Members Bill changing the law relating to membership of community boards.

At its meeting on 24 June 1999 the Council considered a recommendation from the Shirley/Papanui Community Board that the Council support a Private Members Bill in respect of dual membership of community boards and territorial authorities.

The Council declined to adopt this recommendation and referred the matter for consideration by the Strategy and Resources Committee.

The background to this matter is that Mr Ian Revell MP is proposing to promote a Private Members Bill which would provide that a person cannot be both a councillor and an elected community board member and that where a person who stands for both positions is elected to both, then that person is deemed to have been elected as a councillor. The next highest polling community board member who has not been elected to the Council would be declared elected to the community board.

At the present time the law states that if a person is elected to both positions, then they can take up those positions on the Council and the community board.

Apparently Mr Revell's concern arises from the fact that with some community boards in the North Island, persons who are elected as both a councillor and a community board member are in a majority on the community board.

Attached to this report is a letter dated 12 March 1999 from the Department of Internal Affairs to the Minister of Local Government which sets out the problem that it is intended to be solved by this Private Members Bill. It is understood that the Auckland City Council has given its support to the proposed Private Members Bill.

At this time Mr Revell has not sought to introduce his Bill into Parliament.

This issue of the proposed Bill was referred to the community boards (except Shirley/Papanui) in the August round of meetings to seek the views of the boards on the Bill.

The boards' position is as follows:

1. Shirley/Papanui - supports the proposed Bill
2. Fendalton/Waimairi - supports the proposed Bill
3. Burwood/Pegasus - supports the proposed Bill
4. Fendalton/Waimairi - supports the proposed Bill

5. Riccarton/Wigram - supports the proposed Bill
6. Spreydon/Heathcote - opposed to the proposed Bill

Spreydon/Heathcote Community Board gave as its reasons for opposing the Bill:

- (a) it is a person's democratic right to stand for and be elected to both the Council and a community board;
- (b) not all councillors can be assured of an appointment to a community board.

That Community Board also recommended that a working party, comprising representatives from all community boards in Christchurch and councillors, be appointed to the considerable question of the functions of community boards and the role of their members.

By way of background information for councillors, the current legal position regarding standing for local government bodies is:

- (a) a person can stand for both a territorial authority and a community board, (Mr Revell's Bill seeks to raise this);
- (b) a person can stand for the territorial authority or community board;
- (c) a person can stand for the regional council only.

A person cannot stand for both the regional council and a territorial authority (including a community board). This prohibition commenced in 1991.

A recommendation is sought from the Strategy and Resources Committee to go to the Council to enable the Council to make a submission on Mr Revell's Bill when it is introduced into Parliament.

The Chairman comments:

This is clearly a matter on which there is some division of opinion. The dual membership has not posed any problem here in Christchurch, where Community Boards have wider delegated powers and responsibilities than elsewhere in the country. The Bill is an attempt to deal with a perceived problem in some local authorities in the North Island.

It has been the practice of the Council to review terms of reference for Standing Committees and Community Boards at the end of each Council term and to make recommendations for consideration by the incoming Council. The last such review took place less than one year ago; another review at this time would be premature. However, issues of process (as to what matters are metropolitan and what are local) arise from time to time. These issues are usually resolved on the advice of the City Manager.

**Chairman's
Recommendation:**

1. That the Council not make a submission on the Bill, but that Community Board Chairpersons make a submission on behalf of their Boards if the Boards so wish.
2. That the Council not institute a review of the function and role of Community Board members at this time but that any problems in the implementation of current terms of reference be referred to the City Manager for resolution.