

## Royal Commission on Auckland Governance

Elizabeth the Second, by the Grace of God Queen of New Zealand and Her Other Realms and Territories, Head of the Commonwealth, Defender of the Faith:

To The Honourable PETER SALMON QC, of Auckland, retired High Court Judge; Dame MARGARET BAZLEY, of Wellington, retired public servant; and DAVID SHAND, of Auckland, consultant:

GREETING:

### *Recitals*

WHEREAS, over the next 100 years, the Auckland region will face enormous change brought about by global economic, environmental, and political forces. Local trends, including high population growth, add to the challenges and opportunities for the region. Auckland has to compete in a global market place to sell its goods and services and to attract the talented people it requires to secure a sustainable and prosperous future:

And whereas, to face these challenges Auckland requires local and regional governance equal to the best in the world and capable of working effectively with central government to ensure Auckland is a successful, sustainable city in the Asia Pacific region and is recognised as such:

### *Appointment and order of reference*

KNOW YE that We, reposing trust and confidence in your integrity, knowledge, and ability, do, by this Our Commission, nominate, constitute, and appoint you, The Honourable PETER SALMON QC, Dame MARGARET BAZLEY, and DAVID SHAND to be a Commission to receive representations on, inquire into, investigate, and report on the local government arrangements (including institutions, mechanisms, and processes) that are required in the Auckland region over the foreseeable future in order to maximise, in a cost effective manner,—

- (a) the current and future well-being of the region and its communities; and
- (b) the region's contribution to wider national objectives and outcomes:

### *Matters to be taken into account*

And, without limiting the order of reference set out above, We declare that, in conducting the inquiry and making recommendations, you must, under this Our Commission, take into account the implications of the findings of the Independent Inquiry into Local Government Rates for local government arrangements in the Auckland region:

### *Relevant matters*

And, without limiting the order of reference set out above, We declare that, in conducting the inquiry, you may, under this Our Commission, investigate and receive representations on the following matters:

- (a) what changes to current legislation (consistent with the purposes and principles of local government as described in the Local Government Act 2002) are

- considered desirable to achieve or support the achievement of the inquiry's objectives; and
- (b) what changes to the boundary of the Auckland region, or to the collaborative arrangements or mechanisms involving other regions across New Zealand, are considered desirable to achieve or support the achievement of the inquiry's objectives; and
  - (c) what is required for effective relationships and collaborative arrangements between central and local government; and
  - (d) what ownership, governance, and institutional arrangements and funding responsibilities are required to ensure the effective, efficient, and sustainable provision of public infrastructure, services, and facilities to support and enhance—
    - (i) the current and future well-being of the Auckland region and its communities; and
    - (ii) the performance of the Auckland region as a growth engine in the New Zealand economy and in its role as a key transport hub for New Zealand and the Pacific region; and
    - (iii) the ability of the Auckland region to compete internationally as a desirable place to live, work, invest, and do business; and
    - (iv) the ability of the Auckland region to respond to economic, environmental, cultural, and social challenges (for example, climate change); and
  - (e) what governance and representation arrangements will best—
    - (i) enable effective responses to the different communities of interest and reflect and nurture the cultural diversity within the Auckland region; and
    - (ii) provide leadership for the Auckland region and its communities, while facilitating appropriate participation by citizens and other groups and stakeholders in decision-making processes; and
  - (f) what alternative transition processes for the implementation of any new or changed local government arrangements, and of any associated matters that are identified, are necessary or desirable:

#### *Definitions*

And We declare that, in this Our Commission, unless the context otherwise requires,—

**Auckland region** means the geographical area within the jurisdiction of the Auckland Regional Council

**inquiry's objectives** means the objectives set out in the order of reference

**mechanisms** means any committees, boards, organisations, or forums required to support primary local government institutions in the effective governance of a region:

#### *Exclusions from inquiry and scope of recommendations*

But We declare that you are not, under this Our Commission, to inquire into the following matters:

- (a) the purposes and principles of local government as described in the Local Government Act 2002:
- (b) local government arrangements in New Zealand generally:
- (c) the extent to which recommendations relating to the Auckland region may also be appropriately implemented in other regions across New Zealand, except as provided in paragraph (b) under the heading *Relevant matters* set out above:
- (d) central government agency and institutional arrangements and the accountability of Ministers of the Crown to Parliament for the expenditure of appropriated funds, the provision of services, and the stewardship of assets within their ministerial portfolios:

And We also declare that you are not, under this Our Commission, to make recommendations on the quantum of central or local government funding needed to support the Auckland region:

*Appointment of chairperson*

And We appoint you, The Honourable PETER SALMON QC, to be the Chairperson of the Commission:

*Power to adjourn*

And for better enabling you to carry this Our Commission into effect you are authorised and empowered, subject to the provisions of this Our Commission, to make and conduct any inquiry or investigation under this Our Commission in the manner and at any time and place that you think expedient, with power to adjourn from time to time and from place to place as you think fit, and so that this Our Commission will continue in force and that inquiry may at any time and place be resumed although not regularly adjourned from time to time or from place to place:

*Consultation and procedures*

And you are required, in carrying this Our Commission into effect,—

- (a) to consult with the public in a way that allows people to express clearly their views on issues relating to local government arrangements for the Auckland region; and
- (b) to adopt procedures that will encourage people to express their views in relation to any of the matters referred to in the immediately preceding paragraph; and
- (c) to consult and engage with Māori in a manner that specifically provides for their needs; and
- (d) to use relevant expertise, including consultancy and secretarial services, and to conduct, where appropriate, your own research:

And you are empowered, in carrying this our Commission into effect,—

- (a) to prepare and publish discussion papers from time to time on topics relevant to the inquiry; and
- (b) unless you think it proper in any case to withhold

any evidence or information obtained by you in the exercise of the powers conferred upon you,—

- (i) to include in any discussion papers prepared and published by you all or any of that evidence or information; and
- (ii) to publish or otherwise disclose in such other ways that you think fit all or any of that evidence or information:

*General provisions*

And, without limiting any of your other powers to hear proceedings in private or to exclude any person from any of your proceedings, you are empowered to exclude any person from any hearing, including a hearing at which evidence is being taken, if you think it proper to do so:

And you are strictly charged and directed that you may not at any time publish or otherwise disclose, except to His Excellency the Governor-General in pursuance of this Our Commission or by His Excellency's direction, the contents or purport of any report so made or to be made by you:

And it is declared that the powers conferred by this Our Commission are exercisable despite the absence at any time of any 1 member appointed by this Our Commission so long as the Chairperson, or a member deputed by the Chairperson to act in the place of the Chairperson, and at least 1 other member, are present and concur in the exercise of the powers:

And We do further declare that you have liberty to report your proceedings and interim findings under this Our Commission from time to time if you judge it expedient to do so:

*Reporting date*

And, using all due diligence, you are required to report to His Excellency the Governor-General in writing under your hands, not later than 1 December 2008, your findings and opinions under this Our Commission, together with any recommendations that you think fit to make in respect of them:

And, lastly, it is declared that these presents are issued under the authority of the Letters Patent of Her Majesty Queen Elizabeth the Second constituting the office of Governor-General of New Zealand, dated 28 October 1983,\* and under the authority of and subject to the provisions of the Commissions of Inquiry Act 1908, and with the advice and consent of the Executive Council of New Zealand.

In witness whereof We have caused this Our Commission to be issued and the Seal of New Zealand to be hereunto affixed at Wellington this            day of            2007.

Witness Our Trusty and Well-beloved The Honourable Anand Satyanand, Chancellor and Principal Companion of Our New Zealand Order of Merit, Principal Companion of Our Service Order, Governor-General and Commander-in-Chief in and over Our Realm of New Zealand.

Governor-General.

By His Excellency's Command—

Prime Minister.

Approved in Council—

Clerk of the Executive Council.

\* SR 1983/225

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