

Questions & Answers

1. When will Commissioners begin their role?

Commissioners will formally start their role on 1 May after the publication of the Gazette notice confirming their appointment as required under the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010.

2. What reporting requirements will the Commissioners have?

Commissioners will be required to report quarterly to the Ministers for the Environment and Local Government on progress towards meeting their terms of reference. The reports will be publicly released.

3. How much will Commissioners be paid?

Remuneration ranges from \$900 a day for Commissioners to \$1400 a day for the Chair. This compares to the agreed rates for the Commissioners on Auckland Governance of \$1250 per day for the Commissioners and \$1500 per day for the Chair.

The terms of reference specifically require that the total cost of remuneration for the Commissioners not exceed the current level of funding approved for the remuneration of the Council of Environment Canterbury.

4. How will Cantabrians continue to be able to have a say about their region?

The Commissioners will be responsible for the governance of Environment Canterbury subject to the rules and processes as set out in the Resource Management Act and Local Government Act. Section 21 of the Act specifically requires that the Commissioners establish a formal process for engaging with Canterbury's elected Mayors. The Act returns Environment Canterbury to the regular local government election cycle for 2013 (or potentially earlier if the commissioners finish their work sooner).

5. How will this year's rates be set?

This will be one of the first and most important tasks for the commissioners. Environment Canterbury's annual plan and budget process is well underway, and the commissioners will be required to hear submissions and make final decisions on the plan and budget, and set rates. They will do this in the same way and according to the same timeframes and procedures as the elected council.

6. Will there be job losses as a result of the Government's intervention?

Employment is the responsibility of the Chief Executive, not the Commissioners. But the Commissioners are tasked with reviewing Environment Canterbury's institutional arrangements to make sure that these work effectively, in particular, supporting the implementation of the Natural Resources Regional Plan.

7. What are the additional powers to be given to the Commissioners over and above those of a Regional Council?

First, the Commission is being given the power to fast-track the completion of the regional plans in Canterbury. This means that appeals on the plan will be limited to points of law to the High Court and not to the Environment Court. This is necessary to get a plan in place and operating.

Secondly, the Commission is being given the power to provide a targeted moratorium on water take consents in areas that are, or are near to being, fully allocated, subject to the approval of the Minister for the Environment. The purpose is to enable a constraint on new water takes in areas under pressure until a proper water plan is in place.

Thirdly, the Commission is being given the power to determine water conservation orders in the Canterbury region under new criteria including the Canterbury Water Management Strategy and Part II of the RMA. These would otherwise go to a Special Tribunal appointed by the Minister for the Environment and be subject to decisions of the Environment Court. Final decisions remain with the Environment Minister.

8. What other examples are there of Government intervening in elected statutory bodies?

a) Rodney District Council in May 2000

Local Government Minister Sandra Lee appointed a Commissioner, Grant Kirby, to replace the elected Council following a Ministerial review. The Government introduced and passed the Local Government (Rodney District Council) Amendment Bill which suspended elections of Councillors and clarified the role of commissions, through all stages under urgency on 2 May 2000, with the support of the National Party and all parties in Parliament.

b) Auckland District Health Board 1989

In 1989 the then Health Minister Helen Clark used her powers under Section 62 of the Area Health Boards Act 1983 to replace the elected Auckland District Health Board and installed a commissioner, Harold Titter. Miss Clark said it was her responsibility to see that the public health service was effective. She said her move was in the public interest. The move was welcomed by the National Opposition at the time.

c) Hawke's Bay District Health Board 2008

In February 2008 a Commissioner was appointed by then Health Minister David Cunliffe to replace the Hawke's Bay District Health Board under the New Zealand Public Health and Disability Act 2000. This decision was immediately subject to judicial review. The judicial review was dropped when it was agreed that the disestablished board would form an advisory committee making decisions with the commissioner.