

MOTUEKA COMMUNITY BOARD SPOKEN SUBMISSION
THURSDAY 26th AUGUST 2010

The Select Committee has been given copies of our submission to the Local Govt Act 2002 Amendment Bill. That submission relates specifically to Clause 45 of the Bill which proposes an amendment to Schedule 7 Clause 39 (1) of the 2002 Act.

The Motueka Community Board strongly opposes the proposed amendment.

The 2002 Act states that the territorial authority must provide the necessary administrative and other facilities for community boards.

It is the Motueka Community Board's contention that providing these administrative facilities is a basic and integral District governance matter: a responsibility of the District Council, and can not be applied as a special rate to any particular community.

It is also inherently difficult to identify and separate the District administrative function from the particular Community administrative function.

The cost of administration of a Community Board will therefore come from the General Revenues applied on a District Wide basis.

In its review of the 2002 Act, the Local Govt Commission in 2008 recommended that the Act should expressly preclude the levying of targeted rates for the purpose of funding Community Boards.

This LGC recommendation was essentially to clarify the 2002 Act, as some territorial authorities were mis-interpreting the relevant sections of the Act and incorrectly imposing a special (targeted) rate.

The Motueka Community Board believes (as the LGC recommended) that the 2002 LGA was clear in its intent, but some authorities (e.g. Tasman District Council) have mis-read the clause 39 (1) and the (2) and (3) to impose targeted rates to fund the Board's administration and other facilities.

There is a real danger that Councils can use the proposed Clause 45 to first hamstring and then destroy a Community Board, by setting un-realistic charges to satisfy administration and facility costs.

Our submission has described the costs levied by Tasman against the Motueka Community Board. This has resulted in the Board's reluctance to use Managers for advice, destroying the status and value that a Board offers its community in performing its statutory functions.

Motueka Community Board is aware that the Golden Bay Community Board is making a similar and more detailed submission which we support fully.

We respectfully ask that the Select Committee considers first whether the proposed Clause 45 is necessary and secondly the implications of that Clause in the proper functioning of Community Boards and local democracy across the country.

GBCB has proposed a simple amendment to Schedule 7 Clause 39 (3) by replacing the first two words "This clause" with "Subclause 2".

Alternatively, please refer to the LGC's Review of July 2008 where the Commission states categorically:-

"We believe Community Boards are a part of the governance structure for the District as a whole and therefore their administration should be funded across the District, not just by the community concerned. In order to ensure this, we believe a legislative amendment is necessary. We recommend Clause 39 of Schedule 7 be amended, to clarify, for the purpose of funding the administration of community boards that "general revenues of the district" precludes the levying of targeted rates."

The Motueka Community Board is seeking that any amendment to the 2002 LGA will satisfy this recommendation of the Local Govt. Commission acting in its role as an independent and impartial institution.

We trust this is clear. We are available to answer any questions.

David Ogilvie
(Chair, Motueka Community Board)
25 August 2010