

# Making Decisions in Public

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*Local Government New Zealand*



**Local Government New Zealand**

*te pūtahi matakoḱiri*

*A nation may establish a free government, but without municipal institutions it cannot have the spirit of liberty*  
(Alexis de Tocqueville).



## *How open is local government?*

While the (LGA 2002) emphasises principles of transparency and accountability in local authority decision-making, it is questionable whether the tools in the Act have allowed for the most effective implementation of these principles” (Hon. Rodney Hide)



Is the Minister correct?

Has the framework of local government legislation failed to provide open and transparent local government?



## *Key Principles*

S14(1) A local authority should:

- a(i) conduct its business in an open, transparent and democratically accountable manner

S39(a) ... should ensure that the governance structures and processes are effective, open and transparent

S82(c) persons ... present(ing) their views to the local authority should be given clear information about the purpose of the consultation and the scope of the decisions to be taken.



## *What does this mean in practice?*

The presumption: decision-making should occur in a public forum except for:

- Matters of personal sensitivity
- Matters of commercial sensitivity

Council agendas (including reports) must be made publicly available at least two days before a meeting.

Exceptions are:

- Urgent or trivial matters



Councils are required by law to consult:

- Plan 10 years ahead (LTCCP - the ultimate in transparency)
- Seek community views on decisions in relation to their degree of significance

Council rules and governing process must also be transparent e.g. the Governance Statement

- Lists delegations
- Key policies
- Critical legislation applying to councils
- Management structure etc



## *The Political Realm*

Few councils are “party political”, therefore:

- Most councillors stand as individuals or loose coalitions
- No secret caucus meetings
- Issues considered with an open mind
- High test for perception of bias/conflict of interest
- Most councillors part-time



## *External Checks and Balances Promote Transparency*

### Office of the Ombudsman

- Can overturn decisions made under delegated authority
- Can question advice underpinning a council decision

### Judicial review

### The Office of the Auditor General

can investigate conflicts of interest and compliance with process.



## *In Summary*

### **Local Government**

Meetings held and most decisions taken in public

Agendas available to public

An integrated 10 year plan

Public Consultation on draft plan

Levels of services decisions open to public input

### **Central Government**

Convention of Cabinet Secrecy

Agendas secret

No 10 year plan - just very broad brush fiscal strategy

Conventions of Budget Secrecy

Levels of service decisions by Ministers behind closed doors



## *Be prepared for some diversity*

Councils are not entirely homogenous and different governance approaches have developed over time and in response to local circumstances e.g.

- Standing committees
- Portfolio systems
- Digital literacy varies
- Different approaches to public forums prior to councils meetings
- Variable use of workshops.



## *What does this mean for CG officials wanting to work with councils?*

More difficult to keep issues 'in confidence'

- Information very discoverable

Different interface between administration and politics, can be uncomfortable for central government officials

- Proximity of local politicians can 'politicize' issues

Less certainty of outcome as councils unlikely to have a consistent majority group (with possible exception of Auckland)

