

Notice of Appointment of a Crown Observer to the Kaipara District Council

Pursuant to section 258B of the Local Government Act 2002, the Associate Minister of Local Government gives notice of her appointment of

Barry Spence Harris

as Crown Observer to the Kaipara District Council (“Council”).

The role of the Crown Observer is to provide guidance and advice to elected Council members, collectively and individually, on matters of governance. The Crown Observer may also provide advice and guidance to the Council Chief Executive and senior management team on how best to support elected Council members. The Crown Observer does not have a decision-making role and will not be involved in decision-making, other than offering guidance or advice.

Terms of Reference for a Crown Observer (Under Section 258B of the Local Government Act 2002)

Background

On 30 May 2016, Cabinet agreed to the appointment of a Crown Observer to support the Council when it returns to elected governance in October 2016.

A Crown Observer is being appointed to provide advice and guidance to the newly elected Council members following 8 October 2016 local elections. The elected Council will meet for the first time after the local elections to provide local governance for the Kaipara community. The newly elected Council members will need time to develop and settle into their new roles. They will need to learn to work together and with the Council Chief Executive and senior management team in order to provide effective governance for the community. They will also need to build good working relationships, establish effective systems and determine future strategies and policies to move the Kaipara District forward. The Crown Observer will help ensure newly elected Council members are well supported when the Council returns to elected governance.

The Associate Minister of Local Government considers that the support of a Crown Observer is important to the success of newly elected Council members in providing effective governance for the Kaipara community. Pursuant to section 258B(1)(a) of the Local Government Act 2002, and in accordance with the Minister of Local Government’s delegation of all matters relating to the Council, the Associate Minister of Local Government appoints a Crown Observer to support the Council.

Extent of Authority

The Crown Observer will provide guidance and advice to elected Council members, collectively and individually, on matters of governance. The Crown Observer may also provide advice and guidance to the Council Chief Executive and senior management team on how best to support elected Council members. The Crown Observer does not have a decision-making role and will not be involved in decision-making, other than offering guidance or advice.

The Crown Observer will help to ensure that:

- the elected Council is able to function as a governing body;
- the Mayor is able to provide leadership to other elected members and the Council organisation;
- elected Council members have the understanding required to carry out their local governance role;
- elected Council members have the capability and knowledge to make decisions effectively; and
- elected Council members are able to work effectively with the Council Chief Executive and senior management team.

The Crown Observer will provide support to elected Council members, the Council Chief Executive and senior management team in any way deemed necessary to fulfil his or her Terms of Reference. This may include, but is not limited to:

- attending all Council and Council Committee meetings;
- meeting individually with the Mayor and elected Council members;
- meeting with the Council Chief Executive and senior management team, as appropriate;
- attending and contributing to the Council’s induction programme for elected Council members; and
- attending and contributing, as appropriate, to workshops and meetings where elected Council members are being briefed on significant or challenging matters.

The Crown Observer may work with other parties, as appropriate, to support elected Council members and the Council Chief Executive and senior management team. The Crown Observer may request any assistance from the

Department of Internal Affairs, or other parties he or she considers necessary to fulfil these Terms of Reference. The Crown Observer will monitor the Council's ability to provide effective governance for the community. The Crown Observer may make recommendations, as appropriate, to the Minister of Local Government on whether the Minister should take further action to assist the Council, including whether the Minister should appoint another Ministerial body to provide assistance.

The Crown Observer must ensure, as far as practicable, that the existing organisational capability of the Council is not diminished.

The Council is required, under section 258B(6) of the Local Government Act 2002, to:

- co-operate with the Crown Observer so that the Crown Observer may fulfil these Terms of Reference;
- and comply with any reasonable request of the Crown Observer to provide relevant information.

The Council will make available and accessible the resources required for the Crown Observer to fulfil these Terms of Reference.

Term of Appointment

The term for the Crown Observer appointment and the observation period starts on the day the newly elected Council is declared, following the triennial general election on 8 October 2016. The appointment and observation period will, unless otherwise advised by the Minister of Local Government, end on 30 September 2017.

The Minister of Local Government may end the appointment and observation period early by way of written notice, if the Minister is satisfied that the appointment is no longer required. The Minister of Local Government may extend the appointment and observation period by way of written notice, if the Minister considers the continued appointment of the Crown Observer is still required.

Remuneration and Costs

The remuneration of the Crown Observer will be paid out of money belonging to the Council pursuant to section 258W of the Local Government Act 2002. Remuneration will be paid in accordance with the Cabinet Fees Framework at a rate of \$750.00 a day. The Crown Observer is responsible for ensuring any expenses claimed are reasonable and necessary.

Reporting

The Crown Observer must provide quarterly reports to the Minister of Local Government on the progress in fulfilling his or her Terms of Reference.

The Crown Observer must provide a final report to the Minister of Local Government as soon as practicable after the observation period ends. The final report must comply with section 258U of the Local Government Act 2002. In addition, the Crown Observer must report on any potential governance-related problems. The final report may make further recommendations to the Minister of Local Government.

Dated at Wellington this 11th day of October 2016.

HON LOUISE UPSTON, Associate Minister of Local Government.