Hamilton City Council Submission

Local Government (Management of Local Authorities) Amendment Bill

Parliament's Governance and Administration Select Committee

21 September 2026

Hamilton City Council
Te kaunihera o Kirikiriroa

Strategic Context for this Submission

Council has endorsed **The Mayor's Plan 2025 - 2028** to inform the projects and services it will deliver to ensure Hamilton has what it needs now and for the future – efficiently, responsibly, and sustainably. The seven guiding themes of The Mayor's Plan are:

- **Sensible, cost-effective infrastructure**
- **Grow with balance**
- **A central city to be proud of**
- **City places and services that work for people**
- **Open for business**
- **A transparent and efficient organisation**
- **Financial responsibility**

Council Approval and Status

This submission was circulated to all Elected Members and Maangai Maaori for review and comment prior to lodgement. While it has not been formally considered or adopted by the full Council, it has been endorsed by **Senior Councillor Angela O'Leary** (Governor's Operational Lead), who has authorised its lodgement on behalf of Hamilton City Council.

Submission # 849

Position Statement and Recommendations

1. **Position Statement**
2. Hamilton City Council considers that the Bill identifies issues worthy of Parliamentary consideration and agrees that elected members' access to information, accountability, and governance oversight should continue to be examined.
3. Council also recognises concerns regarding the potential impact of aspects of the Bill on governance-management boundaries, organisational clarity, regulatory independence, and the effective administration of local authorities.
4. **Hamilton City Council supports the objectives underlying the Bill but does not consider that the Bill, as currently drafted, appropriately balances those objectives against the need for clear governance-management boundaries, regulatory independence, and organisational clarity.**
5. **Council therefore encourages the Committee to pursue reforms that strengthen democratic accountability, elected member oversight, and access to information while preserving those core features of effective local government administration. If these matters cannot be satisfactorily addressed, Council does not support the Bill proceeding further.**
6. **Hamilton City Council recommends that the Select Committee:**
7. Recognise the importance of elected member access to information and advice in supporting democratic accountability and effective governance oversight.
8. Consider whether the recent information access reforms enacted through the **Local Government (System Improvements) Amendment Bill** are operating effectively in practice before pursuing further legislative intervention, and assess whether any additional measures are required to support elected members in fulfilling their governance responsibilities.
9. Maintain clear governance-management boundaries while ensuring governance arrangements support legitimate elected member scrutiny, accountability, and oversight.
10. Recognise the distinctive nature of local government governance arrangements and ensure any reforms are appropriately tailored to the democratic, statutory, and public accountability context within which local authorities operate.
11. Preserve the independence of regulatory and statutory decision-making functions, including consenting, compliance, enforcement, and prosecution activities.
12. Retain Chief Executive responsibility for employment matters, organisational structure, staffing decisions, and day-to-day operational management.
13. Ensure any independent advice provisions are accompanied by appropriate governance, funding, transparency, accountability, and oversight safeguards.
14. **Substantially amend the Bill to address the governance, regulatory, legal, and implementation concerns identified through consultation and, if those concerns cannot be satisfactorily addressed, not recommend the Bill proceed.**

Introduction

15. Hamilton City Council thanks the Governance and Administration Select Committee for the opportunity to submit on the **Local Government (Management of Local Authorities) Amendment Bill**.

16. Council acknowledges that the Bill seeks to address important issues relating to democratic accountability, elected member access to information, governance oversight, and the relationship between governing bodies and chief executives.

17. Council also notes that both LGNZ and Taituarā have raised concerns regarding the potential implications of aspects of the Bill's current drafting, particularly in relation to governance-management boundaries, regulatory independence, organisational management, and legal certainty.

Discussion

18. ### Democratic Accountability and Governance Oversight

19. Hamilton City Council's consideration of the Bill identified two broad themes. First, whether elected members have sufficient practical access to information, advice, and oversight mechanisms to discharge their democratic responsibilities effectively. Second, whether aspects of the Bill's current drafting risk creating uncertainty regarding governance-management boundaries, regulatory independence, and organisational management.

20. Some views emphasised that elected representatives should have meaningful access to information, advice, and oversight mechanisms because they remain accountable to their communities for council decisions.

21. Some views also emphasised that practical access to information can be as important as legal entitlement to information and that elected members should be able to effectively scrutinise and test advice where necessary.

22. Council agrees that elected members should have meaningful access to the information and advice necessary to perform their governance role and supports continued consideration of whether improvements to information access and accountability arrangements are warranted.

23. ### Governance and Management

24. Council supports maintaining a clear distinction between governance and management.

25. Views were expressed both that elected members should be able to exercise stronger oversight of matters for which they remain publicly accountable, and that the Bill's current drafting may create uncertainty regarding the respective responsibilities of governing bodies and chief executives.

26. Council considers that any reforms should strengthen the governing body's ability to oversee and scrutinise matters for which it remains publicly accountable, while preserving clear governance-management boundaries. Council does not support arrangements that could be interpreted as enabling individual elected members to direct operational matters or become involved in day-to-day management. Any reforms should maintain organisational clarity and avoid uncertainty regarding the respective roles of governing bodies, elected members and chief executives.

27. ### Information Access and Accountability

28. Council considers that elected member access to information remains an important governance issue.

29. Views differed regarding whether current legislative arrangements adequately address information access concerns. Some views supported additional mechanisms to improve practical access to

information, while others questioned whether further legislative intervention is necessary given recent and proposed reforms in this area.

30. Council notes that Parliament has recently enacted significant reforms to elected member access to council-held information through the **Local Government (System Improvements) Amendment Bill**. Those reforms were progressively strengthened during the Bill's parliamentary passage, including amendments made during its final House stages that broadened elected member access rights and further clarified information access requirements. Given these reforms have only recently been enacted and have not yet been implemented or evaluated, Council considers it prudent to assess their effectiveness before pursuing further legislative intervention in substantially the same area.

31. Council supports further examination of whether existing arrangements are functioning as intended.

32. **Local Government Governance Arrangements**

33. Council notes that local authorities operate within a democratic governance framework that differs from corporate and not-for-profit governance models.

34. Local government decision-making requires the balancing of community, environmental, social, cultural, and economic considerations within a highly regulated statutory framework. Council therefore considers that any reforms should recognise the distinctive characteristics of local government governance and be tailored accordingly.

35. **Regulatory Independence**

36. Council agrees that any reforms should preserve the independence and impartiality of regulatory and statutory decision-making functions, including consenting, compliance, enforcement, permitting, and prosecution activities.

37. Council notes concerns raised by both LGNZ and Taituarā regarding the potential impact of aspects of the Bill on regulatory certainty and independence and considers that these functions should remain free from actual or perceived political influence.

38. **Employment and Organisational Management**

39. Council supports retaining Chief Executive responsibility for staffing, employment matters, organisational structure, and day-to-day management functions.

40. Council considers that maintaining this distinction supports organisational clarity, professional management practices, and the ability of staff to provide free and frank advice.

41. **Independent Advice**

42. Council supports elected members having access to independent advice where necessary to fulfil their governance responsibilities.

43. Views differed regarding the proposed independent advice provisions. Some views supported greater access to independent advice to strengthen governance oversight, while others raised concerns regarding funding, accountability, duplication, and governance oversight.

44. Council supports elected members having access to independent advice where justified but considers that any council-funded independent advice should be accompanied by appropriate governance, funding, transparency, and accountability arrangements.

Further Information and Hearings

45. Should Parliament's Governance and Administration Select Committee require clarification of the submission from Hamilton City Council, or additional information, please contact **James Clarke** (Corporate Planning and Advocacy Manager) on **027 808 9580**, or email James.Clarke@hcc.govt.nz in the first instance.

46. Hamilton City Council representatives wish to appear before the Governance and Administration Select Committee to speak in support of this submission, once hearings are scheduled following the November 2026 General Election.

Yours faithfully

Hon Tim Macindoe
MAYOR OF HAMILTON

FURTHER INFORMATION
Hamilton City Council
Garden Place, Private Bag 3010, Hamilton

/hamiltoncitycouncil
@hamiltoncitycouncil
07 838 6699