

LOCAL GOVERNMENT

# MAKING LOCAL GOVERNMENT WORK

Improving Democratic Oversight

Nick Clark

Foreword by Victor Luca



# THE NEW ZEALAND INITIATIVE

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## About The New Zealand Initiative

The New Zealand Initiative is an independent public policy think tank supported by chief executives of New Zealand businesses. We believe in evidence-based policy and are committed to developing policies that work for all New Zealanders.

Our mission is to help build a better, stronger New Zealand. We are taking the initiative to promote a prosperous, free and fair society with a competitive, open and dynamic economy. We are developing and contributing bold ideas that will have a profound, positive and long-term impact.

## ABOUT THE AUTHOR



Nick Clark is a Senior Fellow at The New Zealand Initiative, focusing on local government, resource management, and economic policy.

Nick brings 30 years experience in policy and advocacy inside and outside of government. He comes to us from 19 years at Federated Farmers, where he was its National Policy Manager. As well as managing a team of policy advisors, Nick led Federated Farmers' work on economic policy, including on fiscal policy, tax policy, monetary policy, banking policy, competition policy, and overseas investment policy.

He also worked extensively on local government policy issues and has been the administrator of the Local Government Business Forum, a grouping of national business organisations with an interest in local government policy issues.

## ACKNOWLEDGEMENTS

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My sincere thanks to Oliver Wittke for taking the time to be interviewed from Germany on North Rhine Westphalia's reforms as well as to the many New Zealand mayors who provided me with their views, both for and against having more powers. Thank you to Whakatāne Mayor Victor Luca for providing the foreword for this report. Many others provided their suggestions and opinions, too many to name, but you will know who you are – my thanks to you all.

Lastly, I would like to thank my wife Rebecca for her unwavering love and support.

All opinions, omissions, and errors in this report remain my own.

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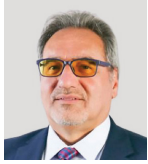
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# Foreword



I returned to Whakatāne, the town in which I was born, at the beginning of 2019. I had spent 30 years overseas as a public service science researcher and research leader.

As a leader of scientific teams, I was responsible for directing and conducting research, developing staff, and raising money from funding bodies. Science and science leadership requires critical and creative thinking, collaboration, and the free flow of information. It demands the publication of research results in high-impact peer-reviewed scientific journals, of which I have authored over 100.

Managing research teams in the public service requires special qualities not dissimilar to leadership in local government. These include getting buy-in from colleagues, senior managers, and external reviewers, as well as the ability to work in teams and get the best out of highly educated people. I have worked in teams involving collaborators from almost all European countries.

Scientific leadership differs from the role of Mayor in one key aspect: it tends to be more autocratic. This is because the Professor usually secures funding for projects they have developed, either independently or as part of an institutional, national, or international team.

After spending one term as a Whakatāne District Councillor, I was elected Mayor in the 2022 elections. It was a packed field of seven candidates, and I received 3,192 votes. There was an 824 vote difference (26%) between myself and the second-place getter, who had lived in the district for decades and had served several terms in NZ parliament and two as a councillor.

The victory was comfortable, and I believed my community had handed me a strong mandate to lead. I had sold my community a vision and was eager to deliver. The community has a right to expect a return.

Since October 2022, I have led a council of 11, with three of my former competitors sitting around the table. I went to that election having thoroughly researched the role of a civic leader. This included reading Drage & Cheyne's book *Local Government in New Zealand – Challenges & Choices*. I had a clear strategy and was elected having articulated a clear set of commitments and policies in what was the longest job interview of my career.

This *Making Local Government Work* report is an excellent read. The report addresses fundamental questions about how local government in NZ currently works and how it could be improved. It also raises important issues of democracy, particularly the role of the Mayor in that democracy. While I may not subscribe to all of the remedies, these are critical conversations to have if local government is to deliver for the people.

As someone who has lived the Mayoral experience over the past several years, I have come to appreciate the challenges. I have seen the good, the bad, and the ugly. I whole-heartedly embrace the conclusions of this report that the system would benefit from change if local government is to truly deliver on the wishes of communities in an efficient manner. People elect a mayor believing they are choosing a leader who represents their views and can actually make things happen.

This report also raises the issue of direct democracy, a concept I have been advocating for since being elected. Technology has now made it

possible to obtain a vote from the people on almost any issue with the press of a few keys, and have the information automatically collated and analysed.

While opinions may differ on specific solutions, this report makes an invaluable contribution by opening up crucial conversations about the future of local government in New Zealand.

These discussions are essential if we are to create governance structures that truly serve our communities in the years ahead. I commend this report for initiating this vital debate and encourage all those interested in effective local democracy to engage with the questions it raises.

**Dr Victor Luca**

# Executive summary

Local government in New Zealand suffers from a democratic void. While citizens elect mayors and councillors, believing they are choosing leaders who will guide their communities' futures, these representatives lack genuine power to govern. Actual authority lies more with unelected officials, often out of public sight.

The consequences are clear across the country. Wellington City Council requires a Crown Observer to address mounting dysfunction. Carterton District Council attempted to exclude an elected representative from key decisions for expressing views consistent with her election platform. At Waitomo, a mayor who campaigned for a rates freeze, was subject to a complaint for publishing personal views ahead of a council vote on its rates increase. Gore District Council saw relationships deteriorate to the point where both mayor and chief executive officer (CEO) faced calls for resignation. These are not isolated incidents, but symptoms of a systemic problem.

It is little wonder that public perceptions of local government are weak and voter turnout at local elections has fallen since 1989 to barely half that of national elections.

Meanwhile, council spending continues to spiral. Local authority rates increased by 12.2% for the year to September 2024—the largest annual increase since 1991. The current 2024/25 year is shaping to be even worse, with average rates increases of 15% forecast.

The government's response includes reforms to get councils 'back to basics' and improve fiscal responsibility. However, these objectives will be harder to achieve without addressing the fundamental flaw in local governance: those we elect to lead our communities lack the authority to do so effectively.

This research examines five approaches to strengthening democratic oversight:

- 1. Let voters have a direct say on big decisions.**  
When councils want to start major projects, they should hold a public vote (referendum) to get approval. This would give local communities more control over important decisions that affect them. While referendums traditionally involved paper ballots and were expensive to run, modern online voting systems would make this more practical and affordable. Councils should provide clear, understandable information about what they are proposing and what it would cost.
- 2. Make it easier for mayors and councillors to get information and speak up.**  
Currently, councillors often struggle to get basic information about council operations and face restrictions on what they can say. Reforms should set up a system similar to Parliament, where elected members can ask questions and get timely answers. There should be standard ways for all councils to report their performance, making it easier to compare them.
- 3. Give mayors their own support team.**  
Currently, most mayors rely entirely on council staff who report to the CEO, not to the mayor. Auckland's mayor is unique in having its own office with independent staff. This model has worked well and should be extended to other councils, with the size of the support team scaled to match the council's size. This would help mayors implement the policies they were elected to deliver.
- 4. Give elected representatives powers similar to those of company board members.**



In business, boards of directors have clear authority to oversee management and make key decisions. Giving similar powers to mayors and councillors would strengthen their ability to oversee council operations and hold management accountable. This would create clearer lines of responsibility while maintaining appropriate separation between governance (setting direction and policy) and operations (day-to-day management).

5. **Consider the ‘strong mayor’ system that works in Germany.** The German state of North Rhine-Westphalia (NRW) completely changed its system by combining the roles of mayor and council CEO. This gave mayors clear authority to implement what they were elected to do while maintaining appropriate checks and balances. NRW’s experience shows that such a substantial shift is achievable and can result in improved performance if properly implemented. This could be an option for New Zealand councils, although it would require careful planning and strong political support.

These approaches would improve democratic oversight through clearer governance structures and enhanced authority for elected representatives. However, they would not automatically guarantee better outcomes. Much would depend on the qualities and policy agendas of those exercising oversight. The government’s water reforms, commitment to easing the regulatory burden on councils, and proposed improvements to the local government system remain necessary.

Implementation would require careful attention to managing risks and mitigating unintended consequences. However, international experience shows that such reforms, when properly implemented, can transform dysfunctional systems into effective local democracy.

The democratic void in local government cannot be filled solely by technical fixes or new performance metrics imposed by the centre. By giving elected representatives genuine power to govern we can create a local government system that is both effective and accountable to the communities it serves.

## CHAPTER 1

# Introduction: The crisis in local government

Wellington City Council is in crisis. Basic infrastructure is failing, with burst water pipes regularly flooding streets. Nevertheless, it has advanced an ambitious and expensive agenda of cycling and walking projects, a new convention centre, and replacements of its town hall and central library. The council faces mounting debt and soaring rates.<sup>1</sup>

Controversy over a ‘secret deal’, involving the land under the Reading Cinema, generated accusations of information leaks and political infighting. Council meetings routinely descended into acrimony, with code of conduct complaints weaponised for political purposes. In October 2024, matters reached a new low when the council was forced to revise its just-adopted long-term plan (LTP) after reversing its earlier decision to sell its shares in Wellington Airport.<sup>2</sup>

The situation became so dire that the Minister of Local Government announced the appointment of a Crown Observer – a rare intervention reserved for councils in serious dysfunction.<sup>3</sup> This has raised fundamental questions about the council’s ability to manage basic governance functions.

Wellington’s dysfunction is not unique. Similar stories plague councils across New Zealand. For example, in Carterton District Council, a councillor elected on a platform of fiscal responsibility was barred from participating in LTP deliberations for expressing views consistent with their election promises – a striking example of bureaucracy constraining democratic representation.<sup>4</sup>

Similarly, the mayor of the Waitomo District Council was subject of a code of conduct

complaint from fellow councillors after publishing personal views advocating a rates freeze, a core issue of the mayor’s election campaign.<sup>5</sup>

In Gore District Council, relationships between elected representatives and management deteriorated so severely that both the mayor and CEO faced calls for resignation. The situation required intermediaries to conduct basic communication between the mayor and CEO, eventually leading to the CEO’s departure.<sup>6</sup>

Furthermore, Tauranga City Council had “significant governance issues” in 2020-21, including the resignations of the mayor and three councillors, which resulted in the replacement of all elected representatives with government-appointed commissioners.<sup>7</sup>

Such failures in local governance raise salient concerns about leadership and competence. However, before blaming the elected representatives, a more fundamental question must be considered: Do our mayors and councillors have the power to fix these problems?

Most New Zealanders would be surprised to learn that they do not. When citizens vote for a mayor, it is reasonable to assume they are choosing someone who will lead their city or district and implement the changes they promised during their campaign. It is also reasonable to expect a mayor to have the authority to implement their mandate, and that elected councillors will effectively oversee council operations. The reality is quite different.

New Zealand’s local government system creates a democratic void: citizens elect representatives

without genuine power to govern. It is likely that few voters understand that mayors, in general, have very limited authority, or that most operational control rests with unelected CEOs. Even fewer will realise that councillors often struggle to obtain basic information from their council bureaucracies – information they need to make informed decisions on behalf of their communities.

The contrast between public perception and reality is stark. Under the *Local Government Act 2002*, mayoral powers are remarkably constrained. While mayors can appoint deputy mayors and establish committees, the full council can remove a deputy mayor and discharge or reconstitute committees established by the mayor.<sup>8</sup> Meanwhile, the same legislation gives CEOs control over implementing council decisions, provision of advice to elected members, and management of all council staff.<sup>9</sup>

This arrangement systematically favours administrative control over democratic accountability. Unlike corporate boards, which can seek independent advice, elected representatives largely depend on information filtered through the very bureaucracy they are meant to oversee.

As political commentator Dr Bryce Edwards recently observed, there are widespread complaints about the “bureaucracy ... becoming real decision-makers” in councils and that council CEOs and staff “have usurped the power to make decisions or at least come to dominate elected councillors in their decision-making.”<sup>10</sup>

The system actively works to constrain democratic oversight in multiple ways. A recent survey by the Free Speech Union found over 50% of councillors report that codes of conduct are weaponised against them, impeding their ability to speak freely, engage with media, or effectively represent their constituents.<sup>11</sup>

Even accessing basic information is a challenge. As one councillor observed:

We get papers on a Thursday. By Monday morning, we have to submit any questions. If we are lucky, the answers come back on Tuesday evening. Which means we get one day to consult with other councillors about their views and to come up with any amendments to management’s recommendations. All of that with a lot of other council activities going on.<sup>12</sup>

The Carterton case illustrates how council bureaucracies can create artificial conflicts of interest to block elected representatives from participating in decision-making processes. Having been initially excluded from LTP deliberations for submitting views consistent with their election platform, and being only partially reinstated after intervention from Local Government New Zealand (LGNZ), meant the councillor had missed crucial votes on core issues. These included the revelation that the average rates increase would be 17.5% rather than the 15.09% originally proposed.<sup>13</sup>

The consequences of this democratic void are severe. Council spending, rates, and debt have soared. Local authority rates and payments increased by 12.2% in 2023/24 – its largest annual increase since 1991.<sup>14</sup>

Looking ahead, the average rates increase for 2024/25 will be around 15%, which the government considers “unacceptable”. While increased debt servicing and infrastructure costs contribute to these increases, the government believes inefficiencies and wasteful spending must be addressed.<sup>15</sup>

In August 2024, Prime Minister Christopher Luxon responded by calling on councils to “do the basics brilliantly” and “rein in the fantasies,” pointing to a “laundry-list of distractions and experiments that are plaguing council balance sheets.”<sup>16</sup>

The Minister of Local Government, Simeon Brown, then announced 12 system improvements

across four categories: decision-making, systems and processes, funding and financing, and transparency and accountability.<sup>17</sup>

While these are important steps, it will be harder to achieve the government's objectives if the democratic void is not addressed. Technical fixes and new performance metrics imposed from the centre will not solve the fundamental problem: that those we elect to lead our communities lack the authority to do so effectively.

Notably, the Minister also floated the idea that mayors might have independent staff advice, separate from their CEOs and officers, and acknowledged that “officers and Chief Executives may resist democratic oversight”.<sup>18</sup>

This democratic deficit is not unique to New Zealand. The German state of North Rhine-Westphalia (NRW) once faced similar challenges. Like New Zealand, NRW inherited its local government system from British administrators, who imposed it after World War II as part of their occupation reforms. The British system deliberately separated political leadership from administrative management, creating the same disconnect between democratic accountability and administrative control that New Zealand experiences today.<sup>19</sup>

In the 1990s, NRW transformed its system by merging the roles of mayor and CEO. Despite initial resistance, the reforms passed with cross-party support and were implemented in 1999. Twenty-five years later, they enjoy broad support across the political spectrum, having delivered the clarity and accountability that the previous structure lacked.

The NRW reforms demonstrate that structural reform of local government is possible and can deliver significant benefits. Their success in transforming a system that is similar to New Zealand's current model offers valuable lessons for reform.

This research examines five approaches to strengthening democratic oversight in New Zealand local government:

First, providing for voter authorisation of major projects. This would give communities direct democratic control over significant council decisions, building on New Zealand's historical experience with special purpose local body loans. The Local Bodies' Loans Act 1913 required ratepayer authorisation for special loans backed by levies on properties benefiting from funded works, with specific requirements for public disclosure and supermajority approval.<sup>20</sup>

Second, reforming access to information policies, codes of conduct, and conflict of interest rules. Current arrangements systematically disadvantage elected representatives in their oversight role. The Minister of Local Government believes councillors should have direct access to council information and without having to use the *Local Government Official Information and Meetings Act* (LGOIMA)<sup>21</sup> to access such information.<sup>22</sup> In the past, the Controller and Auditor-General has called for a comprehensive review of conflict of interest provisions, which have not changed since 1968.<sup>23</sup>

Third, Auckland's mayoral office model should be extended to other councils. Auckland Council uniquely has legislation enabling the establishment of a mayoral office with staff accountable to the mayor rather than the CEO. This provides independent advice and support for implementing the mayor's democratic mandate, with a minimum budget of 0.2% of operating expenditure.<sup>24</sup>

Fourth, council elected representatives should be given powers akin to company directors. Provisions for governance and management in the *Local Government Act* do not align well with corporate governance legislation, which provides stronger powers for directors. Reform could strengthen elected representatives' oversight role by adopting corporate governance principles

while maintaining an appropriate separation between governance and operations.

Fifth, adopting an international ‘strong mayor’ approach based on NRW’s successful reforms. This would fundamentally restructure local government to align authority with democratic accountability while maintaining appropriate checks and balances through provisions like recall elections and enhanced citizen participation.

These approaches, which will be explored in more detail later, would improve democratic oversight through enhanced authority for elected representatives. However, they would not automatically guarantee better outcomes. Much would depend on the qualities and policy agendas of those exercising oversight. The government’s water reforms, commitment to easing the regulatory burden on councils, and proposed improvements to the local government system remain necessary.

The objective should be a local government system where elected representatives have genuine power to govern, citizens understand who is accountable for decisions, and communities receive the leadership they deserve. NRW’s experience shows such transformation is possible. The question is whether New Zealand has the political will to undertake similar reform.

As we examine these reform options, it is important to note that strengthening democratic oversight will not automatically guarantee better outcomes. However, if the democratic void at the heart of local government is not addressed, it will be harder for technical reform or central government intervention to deliver the accountability and effectiveness our communities need.

## CHAPTER 2

# Context: Reining in spending and rates

The government is determined to tackle New Zealand's high and increasing cost of living. While annual inflation has eased from its peak of 7.3% in March 2022 to 2.2% in September 2024, non-tradable (domestically driven) inflation remains stubbornly high at 4.9%.<sup>25</sup>

Local authority rates and payments increased by 12.2% for the year to September 2024. This class within the Consumer Price Index (CPI), which holds a weighting of 2.68%, contributed 0.35 percentage points to the quarter's annual CPI increase of 2.2%.

The trend of rates increasing faster than inflation is not new. Over the past two decades, local authority rates and payments have consistently increased more rapidly than the overall CPI

(see Figure 1) and all its sub-groups (see Figure 2). Between 2000 and 2024, the overall CPI increased by 86%, but local authority rates and payments CPI class increased by 312%.<sup>26</sup>

Looking ahead, the situation appears set to worsen. For 2024/25, the average rates increase across all councils is expected to be around 15%. However, Auckland Council, often cited as showing more fiscal restraint under its current mayor, imposed a relatively modest increase of 6.8%. While Aucklanders initially faced a 25.8% increase in water charges levied by its council-controlled organisation, Watercare, this increase was reduced to 7.2% following an agreement with central government regarding water reforms.<sup>27</sup> Other councils have yet to come to similar agreements.

Figure 1: Increases in the CPI and local authority rates and payments (2000-24)<sup>28</sup>

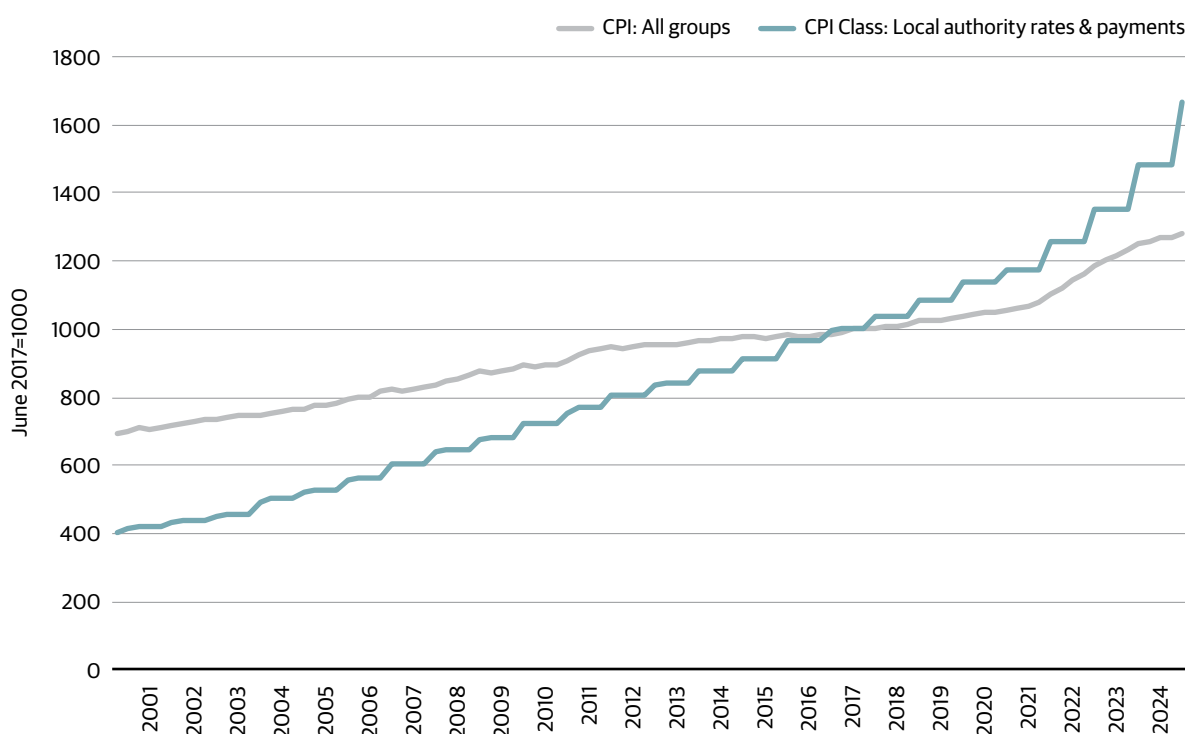
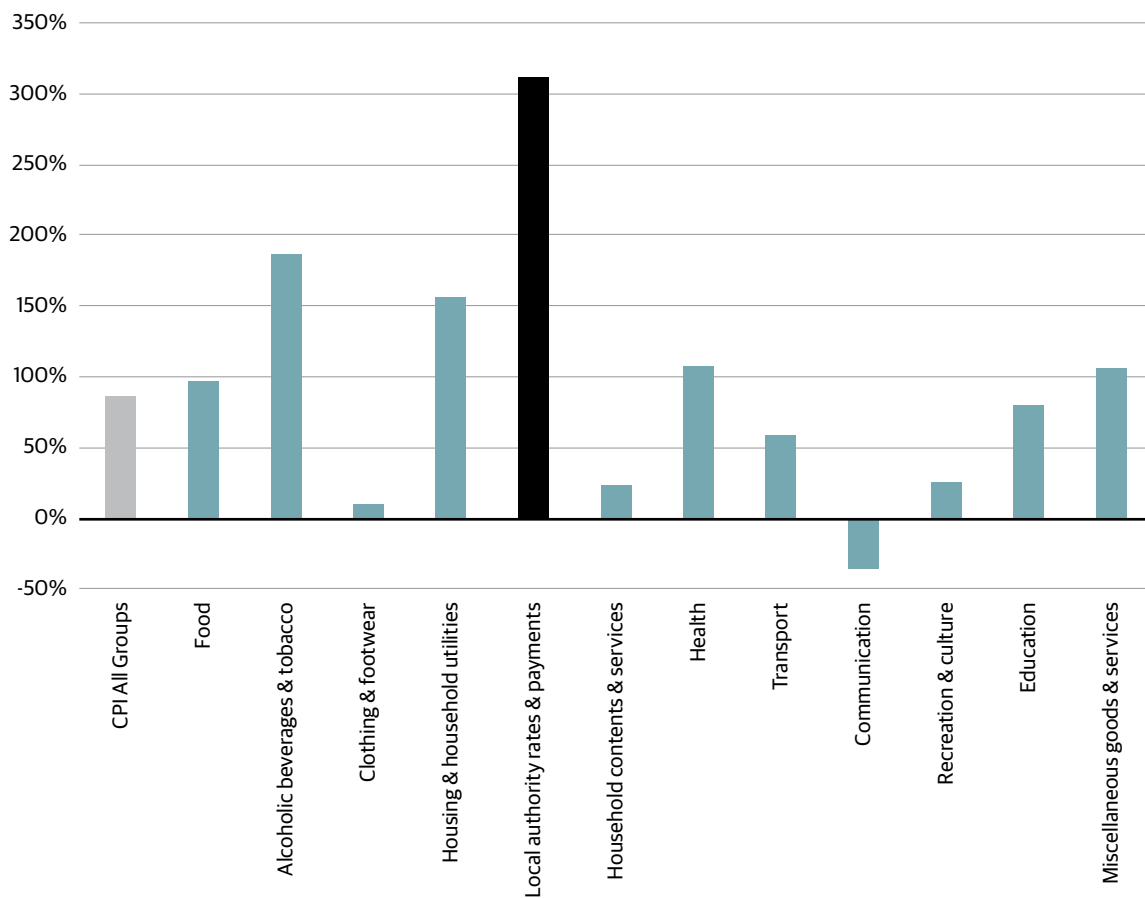


Figure 2: Increases in CPI, CPI sub-groups, and local authority rates & payments (2000-24)<sup>29</sup>



Large rates increases reflect multiple factors, some of which are beyond the control of councils. Rising costs of debt servicing, as interest rates have increased, immediately pressure council budgets. Population growth necessitates new infrastructure investment, while surging construction prices impact maintenance and renewal budgets. Requirements to meet new regulatory standards imposed by central government result in substantial increases in compliance costs. In addition, the scope of council activities has also been expanding to include expensive convention centres and other civic buildings, and increasing operational costs, particularly staffing. The Infrastructure Commission has observed that New Zealand spends about the same on infrastructure as other developed countries, but it ranks near the bottom 10% for infrastructure investment efficiency.<sup>30</sup>

These facts suggest deeper structural issues.

As the Prime Minister explained, “to sustainably finance the necessary investment”, the government has initiated a comprehensive response. Beyond helping councils through “alleviating pressure on council debt caps” and “presenting a suite of options for achieving local water reform that will satisfy ratings agencies’ concerns while maintaining local control of water,” it is also “taking a hard look at a range of rules and regulations that incur costs that central government directly loads onto councils”.<sup>31</sup>

The government has also announced 12 ‘system improvements’ aimed at transforming local government operations and accountability. These span four critical areas and are shown in Table 1.

**Table 1: Overview of system improvements<sup>32</sup>**

Category	System Improvement	Description
<b>Decision-Making</b>	Refocusing the purpose of local government	To guide council decision-making, distinguish between the roles of central and local government and the private sector, and help manage community expectations.
	Consultation and decision-making	To help councils adapt quickly to changing circumstances and to save councils time and money.
	Implementing discrete interventions	To provide regulatory relief to councils and update the law. This could include modernising public notice requirements.
<b>Systems &amp; Processes</b>	Benchmarking	To establish effective performance reporting and drive council accountability for communities they serve.
	Bylaws and infringements	To ensure councils have appropriate, modern tools for making and enforcing local regulations effectively. This could also include considering greater delegation for councils to set infringement fee levels.
	Considering greater use of shared services between councils	To improve local government financial sustainability, balancing efficiency gains with local authority over service levels and costs.
<b>Funding &amp; Financing</b>	Limiting rate increases for non-core expenditure	To protect ratepayers from excessive rate increases and to limit council spending on non-core activities.
	Amending legal constraints on cost recovery, where fees have been set in statute	To support councils in minimising pressure on rates by setting requirements on councils to demonstrate how they are recovering costs for certain activities.
	Improving risk management practices, including the approach to insurance, to reduce costs to local government	To support a collective approach to further insulate increasing costs being passed onto the ratepayer.
	Increasing borrowing limits for high growth councils and improving the range of council funding tools beyond rates	To improve local government activity funding and help high growth councils invest appropriately.
<b>Transparency &amp; Accountability</b>	Making the role of elected member more accessible	Official council business should be conducted within specific parameters that align with a typical governance role (e.g., meeting frequency, time and length).
	Reviewing codes of conduct and conflicts of interest rules	To balance freedom of expression with orderly business conduct and to allow councillors to effectively represent electors.  This could also include addressing the effectiveness of and compliance with notice requirements for rates assessments and ensuring access to information for elected members (e.g., written questions system).



These reforms aim to get councils ‘back to basics’ and focused on core activities. However, fiscal responsibility and a focus on the basics require more than technical fixes or new performance metrics. While the government’s proposed reforms address important issues, their effectiveness will depend on resolving the fundamental disconnect between democratic accountability and administrative control.

As we have seen from the examples of dysfunction within councils, the challenge is to create a system where elected representatives have genuine power to govern, citizens understand who is accountable for decisions, and communities receive the leadership they deserve. International experience shows this is possible, but it requires political will and careful attention to implementation.

This report will examine five approaches to strengthening democratic oversight. These vary from minor enhancements to comprehensive overhauls. Each aims to better align authority with accountability while maintaining appropriate checks and balances.

Prior to this exploration, the problems with the current arrangements will be examined in more depth.

## CHAPTER 3

# The problem with current arrangements

The governance structure of local government in New Zealand is fundamentally flawed. While the public elects mayors and councillors to lead their communities, the system systematically constrains these representatives' ability to fulfil their democratic mandate. Understanding how this structure impedes democratic oversight is crucial to developing effective reforms.

### The limited powers of the mayor

Despite the public perception of mayors as powerful local leaders, their formal powers are remarkably limited. Under the *Local Government Act 2002*, mayoral powers include providing leadership to other members of the territorial authority; leading the development of plans, policies, and budgets; appointing the deputy mayor; establishing committees and appointing committee chairpersons; and presiding at council meetings.<sup>33</sup>

However, these powers are largely ceremonial or can be overridden. A full council can remove a deputy mayor and discharge or reconstitute committees established by the mayor. Even the mayor's role in developing plans and policies must be exercised through the council bureaucracy, led by the CEO.

As one mayor observed to the author of this report:

The public thinks I can just make decisions and get things done. But everything has to go through the chief executive, and even then, I need a majority of councillors to agree. It's not at all what people expect when they vote for a mayor.<sup>34</sup>

### The dominance of the chief executive

In contrast to the mayor's limited authority, council CEOs wield substantial power. Under Section 42(2) of the *Local Government Act 2002*, the CEO is responsible for implementing council decisions, providing advice to members of the council and community boards, appointing and managing all other staff, ensuring all functions delegated to staff are properly performed, and managing the activities of the local authority.<sup>35</sup>

This arrangement creates several problems for democratic oversight. First, elected representatives must rely on the CEO to implement their decisions and provide advice about those decisions. This can create tension and, in some cases, dysfunction when the bureaucracy's preferred approach differs from elected members' positions.

Second, CEOs control all council staff, including any support staff for the mayor and councillors. Auckland Council, however, is the exception. It has a mayoral office, where its staff are accountable to the mayor. Unlike in the corporate world, where boards can seek independent advice, elected representatives largely depend on information that has been filtered through the bureaucracy they are expected to oversee.

Third, the CEO's role in managing the activities of the local authority is often interpreted broadly, leading to situations where bureaucratic processes constrain elected representatives' ability to represent their communities.

## Information access and control

A persistent complaint from elected representatives is difficulty in accessing information needed for decision-making. The Minister of Local Government has noted that councillors should not have to resort to LGOIMA requests to obtain information from their own councils.<sup>36</sup> CEOs often own and control meeting agendas and the flow of information for the meetings.

The experience of one councillor illustrates the problem:

We get massive reports just days before meetings. If we ask questions, answers often come back late or incomplete. Comparing our performance with other councils is nearly impossible. We're making decisions almost blind sometimes.<sup>37</sup>

This control of information creates power imbalances that undermine democratic oversight. Delayed or incomplete information hampers informed decision-making. Complex technical reports without clear summaries obscure key issues. The lack of comparative data makes performance assessment difficult. Limited access to staff expertise constrains policy development.

The problem extends beyond mere inefficiency. The structure of information flow reflects a deeper institutional bias against democratic control. When elected representatives cannot access timely, clear information about council operations, they cannot effectively represent their communities' interests or hold the bureaucracy accountable.

## Codes of conduct as control mechanisms

While necessary for orderly governance, too often codes of conduct have become tools for constraining elected representatives. As previously mentioned, the recent Free Speech Union survey found over 50% of councillors report these codes being weaponised to limit their ability

to challenge council staff publicly, engage with media, represent constituents effectively, and question council spending priorities.

Wellington City Council's experience demonstrates this problem. In 2021, the mayor faced a code of conduct complaint for comments made in a private conversation. In 2023, five councillors faced complaints over alleged information leaks about the \$32 million Reading Cinema property deal.<sup>38</sup> It later emerged that "[t]his complaint from a Green Party councillor to a Green Party mayor included a claim from a staff member who is a Green Party member".<sup>39</sup>

The politicisation of conduct complaints creates a chilling effect on democratic debate. Councillors become hesitant to challenge staff recommendations or speak publicly about council issues, fearing conduct complaints. This shifts power away from elected representatives towards unelected officials.

## Conflicts of Interest and democratic representation

Current conflict of interest rules can, paradoxically, prevent elected representatives from representing their communities effectively. The *Local Authority (Members' Interests) Act 1968*<sup>40</sup> focuses primarily on financial conflicts but has been interpreted broadly to include non-financial interests that might indicate predetermination. The previously mentioned Carterton and Waitomo cases illustrate this problem.

Similar issues arise with regional councils, where some councillors have been prevented from participating in decisions affecting their communities. In 2020, the Controller and Auditor-General had to consider applications from four Otago Regional Council councillors to allow them to participate in discussions relating to the council's land and water regional plan. Ultimately, two councillors were excluded from

certain decisions, which potentially left their constituents without effective representation.<sup>41</sup>

The Controller and Auditor-General suggested examining whether both financial and non-financial conflicts should be covered by legislation, whether criminal sanctions remain appropriate, and whether independent decision-makers should determine participation rights. These questions go to the heart of balancing integrity in local government with effective democratic representation.

### Bureaucratic resistance to change

Combining CEO power and limited mayoral authority can lead to bureaucratic resistance to democratically mandated change. This was evident in the Gore District Council case, where a relationship breakdown between a newly elected mayor and long-serving CEO led to accusations of bullying, calls for the resignation of both parties, the need for intermediaries in communications, an aborted vote of no confidence, and the CEO's eventual departure.<sup>42</sup>

While Gore's case was extreme, many cases of relationship breakdown are resolved behind closed doors, often resulting in CEOs 'moving on'. The frequency of such departures is difficult

to determine, as settlement agreements typically include confidentiality clauses.

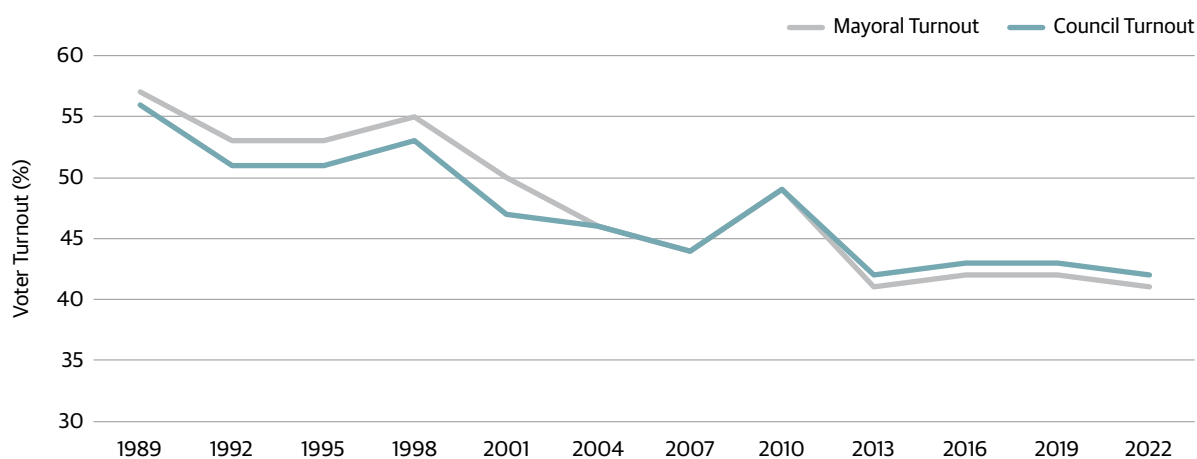
### Low public confidence and falling voter turnout

A significant consequence of these problems is low public confidence in local government, exemplified by falling voter turnout in local elections.

The public reputation of local government is patchy. Survey results, published by LGNZ in 2015 and 2017, revealed that the overall reputation of local government was low, a score of only 28 out of 100 was recorded in 2017, down from 29 in the 2014 survey.<sup>43</sup> In 2024, LGNZ published the results of another survey that found 31% of respondents said their council's effectiveness was above average, 39% said their council was average, and 24% said their council was below average.<sup>44</sup>

Voter turnout for mayoral and council elections has declined significantly since 1989, as shown in Figure 3, below. In 2022, turnout was 41–42% – barely half that of the 77.5% turnout in the 2023 General Election.<sup>45</sup> Central government is also suffering from falling public confidence in its performance, but the situation with local government is particularly dire.

Figure 3: Trend in local authority voter turnout: 1989 to 2022<sup>46</sup>



## The international context

New Zealand's weak mayor model contrasts sharply with international practice. In many countries, mayors have significant executive authority and act as their city's CEO. As noted previously, the German state of NRW demonstrates how reform is possible.

Like New Zealand, NRW inherited its local government system from British administrators. In the 1990s, facing similar problems with democratic accountability, NRW reformed its system to merge the roles of mayor and CEO. Twenty-five years later, the reforms enjoy broad support for delivering clearer accountability and more effective governance.

### BOX: From Theory to Practice – The North Rhine-Westphalia (NRW) Experience<sup>47</sup>

When Oliver Wittke became Lord Mayor of Gelsenkirchen in 1999 at age 33, he embodied both the promise and challenges of North Rhine-Westphalia's local government reforms. His narrow victory – by just 123 votes – as a Christian Democrat in a traditionally Social Democratic Party stronghold demonstrated how the new system could disrupt established political patterns.

Gelsenkirchen, an industrial city of 260,000 people (a similar size to Wellington), exemplified the governance challenges the reforms sought to address. Like many cities in the Ruhr Valley, it faced significant economic and social challenges following the decline of its coal and steel industries. With an annual budget of €1.4 billion and over 6,000 employees, the city needed clear leadership and efficient administration.

Wittke recalls,

Everyone in Gelsenkirchen thought the most important person was the mayor ... but he wasn't. The chief executive was much more powerful. It was very difficult to explain to people that the chief executive was the one who had to decide in the end.

The reforms merged these roles, making mayors both political leaders and CEOs. For Wittke, this meant navigating complex political and administrative challenges simultaneously. As a conservative leading a

traditionally social democratic administration, he had to build trust while implementing change. He explains,

You had to be both, you had to be the head of the town, representing it to the public. And second, you had to lead all the employees. You needed to be both popular in the town and absolutely accepted by the employees. That's sometimes difficult.

Without a council majority, Wittke developed flexible approaches to governance, building issue-specific coalitions and using various voting mechanisms to advance city initiatives. "It was much more interesting to make policy colourful," he notes. "Sometimes there was a majority there, sometimes here, but be sure – every time, I was the one who organised this majority."

The success of his tenure contributed to his subsequent political career. Wittke later served as NRW's Minister of Transport and Construction and as Parliamentary State Secretary in the Federal Ministry for Economic Affairs and Energy under Chancellor Angela Merkel. This progression from local to state to federal politics demonstrates how the reformed mayoral role could develop high-calibre political leadership.

Twenty-five years after the reforms, no one wants to return to the old system: "Everybody is happy with this new system, and everybody accepts it – even those who didn't want it initially."

## BOX (continued)

### The key benefit?

The opinion of the people is now the same as the real situation. It's a really big difficulty if people think the mayor is the boss in the town, but he isn't. That was the situation before.

### His advice for New Zealand?

It's necessary to give the decision of different questions and the responsibility for these items into one hand ... give the responsibility, the budget and all the other questions into

one hand. That's important for the people to understand who is responsible for the one or the other question.

The context is particularly relevant for New Zealand. NRW, Germany's most populous state with 18 million inhabitants, received its local government system from British administrators after World War II; similarly, New Zealand inherited its system from Britain. Both systems created similar disconnects between public expectations and administrative reality. NRW's successful reform shows how this fundamental flaw can be fixed.

## The Way Forward

Addressing these structural problems requires reforms that align authority with democratic accountability, ensure elected representatives can access information and expertise, protect legitimate debate and representation, maintain appropriate checks and balances, and learn from successful international models.

The following sections examine five approaches to achieving these objectives, ranging from incremental improvements to fundamental restructuring of local government governance.

## CHAPTER 4

# Approaches to improve democratic oversight

Local government's democratic deficit requires comprehensive reform. This section examines five approaches, ranging from direct voter involvement to fundamental restructuring of governance arrangements. Each approach addresses different aspects of the democratic void, and while they could be implemented individually, they might be most effective as a coordinated package of reforms.

### 1. Voter authorisation of rates increases and major projects

The fundamental problem of democratic accountability in local government extends beyond the relationship between elected representatives and council bureaucracies to the limited direct influence of voters themselves. Between elections, citizens have little meaningful say over major council decisions, beyond making submissions on draft long-term or annual plans.

The government's proposed response to excessive rates increases is to impose centrally determined caps, similar to the New South Wales Independent Pricing and Regulatory Tribunal (IPART).<sup>48</sup> However, replacing local control of rates with central control would not fill the democratic void.

An alternative approach would require mandatory voter authorisation of major capital projects above a certain value, new areas of council activity beyond core services, and special levies for specific infrastructure projects. This would return democratic control directly to communities while maintaining appropriate thresholds to ensure efficient governance.

New Zealand has historical experience with such mechanisms. The Local Bodies' Loans Act 1913 required ratepayer authorisation for special loans backed by levies on properties benefiting from funded works. This system included specific requirements for public disclosure of loan purpose and amount, details of security and repayment provisions, clear identification of funding sources, supermajority approval requirements, and higher thresholds for targeted works affecting specific areas.<sup>49</sup>

Modern implementation could leverage technology while maintaining democratic safeguards. Online voting systems could reduce costs while maintaining security. Clear information requirements would ensure voters can make informed decisions. An independent assessment of costs and benefits would provide an objective analysis. Graduated thresholds based on project scale would prevent trivial referendums while ensuring scrutiny of major decisions. Protection for essential infrastructure would maintain critical services.

While cost is often cited as an argument against referendums, this could be managed by combining votes with local elections where timing permits, using electronic voting systems, setting appropriate thresholds to avoid trivial referendums, and allowing multiple propositions to be voted on in a single ballot. The democratic benefits could far outweigh these manageable costs.

Voter authorisation of major projects would provide a more democratic alternative to centrally imposed spending and rates caps while potentially improving the quality of council

decision-making through enhanced scrutiny and public engagement. It would reconnect communities with crucial decisions about their future while maintaining efficient governance.

## **2. Reforms to access to information, codes of conduct, and conflicts of interest policies**

Current arrangements systematically disadvantage elected representatives in their oversight role. Information access is restricted, codes of conduct are weaponised, and conflict of interest rules are used to silence legitimate democratic representation. Reform must address each of these interconnected challenges.

### **Access to information**

Councillors should not need to use the LGOIMA to obtain council information. Reform should establish clear rights and processes for elected representatives to access timely, user-friendly information needed for decision-making.

A parliamentary-style written questions system could provide a structured information flow between elected representatives and the administration. Standardised reporting across councils would enable meaningful performance comparisons. Mandatory response timeframes would ensure timely access to information. Independent information offices within councils could facilitate information flow while maintaining appropriate confidentiality. Proactive release policies would increase transparency while reducing administrative burden.

LGNZ's CouncilMARK™ performance benchmarking initiative was established in 2017. It is a useful initiative, but being voluntary, council coverage is patchy. The most recent council assessment was published in June 2022.<sup>50</sup> It should be revived and strengthened, with greater participation encouraged.

The Office of the Auditor-General should also be resourced to develop standardised reporting templates, audit report quality and timeliness, monitor compliance with information access rules, and provide comparative performance data. This would create consistent standards while maintaining local autonomy.

### **Codes of conduct**

While necessary for orderly governance, codes of conduct have become tools for suppressing democratic oversight, as shown by the results of the Free Speech Union survey of councillors, referred to earlier in this report.<sup>51</sup>

Reform must protect councillors' right to represent constituents and question council operations while maintaining appropriate standards of behaviour. Independent complaint assessments and clear appeal mechanisms would prevent political abuse of conduct processes. Consistent standards across councils would ensure fairness while maintaining local flexibility.

The Local Government Commission has identified issues requiring attention: wide variation in approaches to complex areas, inconsistent complaints processes, unclear penalties, variable staff interaction rules, and differing social media policies.<sup>52</sup> Reform should address these systemic issues while protecting democratic debate.

### **Conflicts of interest**

The *Local Authority (Members' Interests) Act 1968* needs comprehensive review. The Controller and Auditor-General has suggested examining whether both financial and non-financial conflicts should be covered, whether criminal sanctions remain appropriate, and whether independent decision-makers should determine participation rights.<sup>53</sup>

The Carterton and Waitomo cases demonstrate how current rules can prevent elected representatives from fulfilling their democratic mandate. Reforms should protect their ability to advocate for their policy platforms, represent



constituencies, establish clear criteria for participation decisions, and provide independent appeals processes.

### **3. Extending Auckland's mayoral office model**

Auckland Council's legislation uniquely enables it to establish and maintain a mayoral office with staff accountable to the mayor rather than the CEO.<sup>54</sup> This provides independent advice and support for implementing the mayor's democratic mandate.<sup>55</sup>

Some other councils also have mayoral offices (e.g., Wellington City Council) or dedicated support staff, but they are formally accountable to the CEO rather than the mayor.

Auckland's legislation requires the mayor to exercise stronger power in consultation with, and acting through, the CEO.<sup>56</sup> This creates a carefully balanced structure that maintains professional standards while ensuring the office serves democratic leadership.

The legislation requires the Auckland Office of the Mayor to have a minimum budget of 0.2% of council operating expenditure.<sup>57</sup> This ensures adequate resourcing is proportional to council operations. From Auckland Council's \$3 billion operating budget (excluding its council-controlled organisations), the mayor's office would cost approximately \$6 million.

In Auckland, the Office of the Mayor operates under specific protocols that balance independence with linkages into council operations.<sup>58</sup> While the CEO formally employs staff on behalf of the council, this occurs at the mayor's direction through a chief of staff. Staff contracts typically align with the mayor's term, ensuring continuity of support while maintaining democratic accountability. Staff remain subject to council policies on elections and politics

throughout their employment, with clear separation maintained from campaign activities.

Operationally, the chief of staff maintains a working relationship with the CEO, managing the office independently without day-to-day CEO involvement. While the office cannot directly instruct council staff, it can facilitate cooperation and ensure effective implementation of the mayor's mandate. The office remains subject to LGOIMA requirements, with appropriate protections for political advice.

The Auckland Office of the Mayor provides comprehensive support for the mayor's administration, communications, and policy development. It facilitates agreed-upon relationships with councillors and provides a framework for accessing specialist expertise. This enables strategic support for the mayor's mandate while maintaining professional standards and operational integrity.

The 2012, the Auditor-General's report found the Auckland model "useful and effective," particularly when accompanied by "commitment to inclusiveness" and "positive and constructive" staff approaches.<sup>59</sup> The Office of the Mayor has demonstrated the ability to support both collaborative and more directive mayoral styles, as seen in the contrasting approaches of different Auckland mayors.

Implementation challenges for wider adoption are significant, but manageable. Cost implications for smaller councils present a primary concern, alongside the need to maintain appropriate separation from politics and effectively manage relationships with council staff. Ensuring professional operation, defining appropriate scope and limitations, and building necessary capability require careful consideration.

These challenges can be addressed. The model could be restricted to cities and larger districts, or made voluntary on an opt-in basis, with

scaling according to council size. Implementation could also occur gradually, with regular review and adjustment ensuring effectiveness. Clear operational guidelines, staff development frameworks, and performance monitoring would maintain professional standards.

Mayors have expressed interest in extending the Auckland mayoral model, and not just those of big cities.<sup>60</sup> Not all mayors see the need for change, but many who provided their personal feedback to the author supported the idea. One mayor declared, for example,

I'm very supportive of replicating the Auckland mayor's office setup. By having much more dedicated resource which could be spread to councillors, I think would make for more robust decision making. I have found councillors to be very under resourced for such an important role. This also has the tendency to create a negative culture within Council.<sup>61</sup>

The Auckland experience offers valuable lessons for implementation. Success factors include a clear legislative framework, professional leadership, structured relationships, and regular evaluation. Risk management requires careful attention to role boundaries, conflict protocols, and information management. Operational excellence demands a focus on strategic support, policy capability, and administrative efficiency.

While Auckland's results show promise, they also highlight important considerations. The effectiveness of the Office of the Mayor appears more linked to the mayor's leadership approach than specific powers. Under different mayors, Auckland has seen varying approaches to fiscal management and strategic priorities, suggesting the model enables rather than determines outcomes.

The model's scalability requires careful consideration. What works for Auckland's \$3 billion operation and 11,000 full-time equivalent

employees would need significant adaptation for smaller councils. A scaled approach based on council size and complexity could help manage implementation costs while maintaining benefits.

#### **4. Giving council elected representatives the powers and duties of company directors**

Provisions for governance and management in the *Local Government Act* do not align well with corporate governance legislation, which provides stronger powers for directors. Reform could strengthen elected representatives' oversight role by adopting corporate governance principles.

The *Companies Act 1993* provides that "the business and affairs of a company must be managed by, or under the supervision of the board of the company" and that "the board of the company has all the necessary powers for managing, directing and supervising the management of the business and affairs of the company".<sup>62</sup> Making similar provisions for councils would give elected representatives clear management oversight, enable independent advice-seeking, strengthen strategic direction-setting, clarify accountability relationships, and enhance fiscal responsibility. This would require amendments to section 41 of the *Local Government Act*.<sup>63</sup>

Implementation would require significant training for elected representatives, clear separation of governance and operations, enhanced support systems, appropriate liability protection, and regular capability assessment. These changes would strengthen democratic oversight while maintaining professional administration.

#### **5. The North Rhine-Westphalia (NRW) strong mayor model**

The options discussed so far would reform New Zealand's current local government system.

While they are improvements, it is valuable to consider international models. There is a wide variation of models of mayoral powers between and even within countries, often described as being on a continuum from ‘strong’ mayors to ‘weak’ mayors.

In a strong mayor system, the mayor has significant executive authority and acts as the city’s CEO. The mayor typically has the power to appoint and dismiss department heads, prepare and propose the city budget (subject to council approval), and may have veto power over city council legislation. Strong mayors are usually elected directly by voters, with a clear separation of executive (mayor) and legislative (council) powers.

In contrast, in a weak mayor system, like New Zealand’s, the mayor has limited executive authority, with the council and/or the administration holding more power. The mayor often serves primarily as the ceremonial head of government and chairs the city council, with little or no authority to appoint or remove officials. Executive and administrative powers are typically distributed among the council and other officials.

This section examines the experience of the German state of NRW, which transformed from a weak mayor model to a strong mayor model.<sup>64</sup> Its transformation from a local government system like New Zealand’s current model provides valuable lessons for reform. Its successful reform demonstrates how fundamental restructuring can enhance democratic accountability while maintaining professional standards.

After World War II, British occupation forces introduced a local government system in NRW that deliberately separated political leadership from administrative management. This ‘British model’ or ‘dual leadership model’ (*Doppelspitze*) consisted of an elected city council (*Stadtrat*), a ceremonial mayor (*Bürgermeister*) elected

by council, and a professional city manager (*Stadtdirektor*) appointed by council. The structure aimed to prevent a concentration of power, ensure professional non-partisan administration, promote democratic control through elected council, and to separate political decision-making from implementation.

However, the system faced growing criticism. Concerns included lack of clear accountability, potential for conflict between political and administrative leadership, difficulty implementing coherent long-term policies, and perception of unelected bureaucrats wielding too much power. These issues mirror many challenges New Zealand’s local government faces today.

In 1994, NRW passed legislation to transform its local government system, with strong mayors first directly elected in 1999. The reforms merged the mayor and city manager roles, introduced direct election of mayors, extended mayoral terms (initially five years, later six), enhanced mayoral powers, and strengthened citizen participation, including referendums, citizens petitions, and processes for recalling mayors. The reform passed with cross-party support despite initial reservations from some quarters, including the bureaucracy.

Implementation involved a phased transition period. The reforms established mayors as both political leaders and administrative heads with authority to lead city administration, implement council decisions, participate and vote in council meetings, object to potentially harmful decisions, manage professional staff, and direct strategic planning.

Twenty-five years after implementation, the reforms have demonstrated significant benefits. Democratic improvements include clearer accountability, increased voter engagement, better representation, enhanced legitimacy, and stronger leadership. Administrative benefits

include faster decision-making, improved project implementation, better regional cooperation, maintained professional standards, and more efficient operations.

The reforms enabled more coherent policy implementation, better long-term planning, improved resource alignment, enhanced coordination, and generally better outcomes. An unexpected benefit has been improved regional cooperation, with clearer leadership structures facilitating inter-municipal collaboration on shared challenges.

Despite differences in context, NRW's experience offers valuable insights for New Zealand. Its success demonstrates that structural change is achievable with cross-party support while maintaining professional standards. Their implementation approach highlights the importance of clear frameworks, adequate resources, effective change management, regular evaluation, and ongoing support.

The NRW model demonstrates that fundamental reform of local government is possible and can deliver significant benefits when properly implemented. Its success in transforming a system very similar to New Zealand's current model offers a valuable template for reform here. With appropriate adaptation to the local context and careful attention to implementation, similar transformation could address many of the democratic deficits currently plaguing New Zealand's local government system.

## **Comparative assessment**

Each of the five approaches addresses different aspects of the democratic deficit. Voter authorisation strengthens direct democracy and controls excessive spending but may slow decision-making. Perhaps counterintuitively, it could also enable spending on necessary projects by reducing concerns that authorised funds would be diverted toward lower-valued projects. Reforms of access to information, codes of conduct and conflicts of interest policies should improve democratic function but may not address root causes. The Auckland model enhances mayoral capacity but maintains CEO authority. Corporate governance reforms would strengthen oversight powers but require significant upskilling. The NRW model offers comprehensive reform but requires significant disruption to the status quo.

The approaches could be implemented individually or as a coordinated package. A combination might be best to address the range of issues while managing implementation risks. Success factors would include a clear legislative framework, adequate implementation resources, strong change management, ongoing evaluation, and flexibility to adjust.

The following section addresses common questions and concerns about these approaches, particularly regarding concentration of power and maintaining professional administration.

## CHAPTER 5

# Addressing questions and concerns

Reform proposals to strengthen democratic oversight inevitably raise questions about risks, unintended consequences, and implementation challenges. This section addresses the most common concerns, demonstrating how careful design can mitigate risks while achieving the benefits of enhanced democratic accountability.

**We do not need more powerful mayors. We need councils to focus on basic services and stop wasting money on 'nice-to-haves'.**

This objection misunderstands the relationship between democratic accountability and fiscal responsibility. Current arrangements, which concentrate power in unelected officials, contribute to mission creep beyond core services. The Wellington City Council case illustrates how weak democratic oversight enables continued spending on 'nice-to-haves' while basic infrastructure deteriorates.

Strengthened democratic oversight would help elected representatives be accountable to voters and redirect resources to core services. When Auckland Mayor Wayne Brown pushed to cut costs and challenged wasteful spending, his stronger powers under Auckland's model helped achieve results.

However, democratic reforms alone cannot guarantee fiscal responsibility. Much depends on the qualities and policy agendas of elected representatives. The government's water reforms, its commitment to easing the regulatory burden on councils, and its proposed improvements to the local government system remain necessary.

**Giving mayors more power will not solve anything. The real problem is unqualified people in these positions.**

Reform of the current system, affording genuine authority to implement change, could incentivise more qualified candidates. Attracting the best candidates could also be assisted by providing professional support structures, ensuring appropriate remuneration, creating clear accountability frameworks, and establishing ongoing professional development.

For truly problematic mayors, making provision for processes to have recall elections would enable voters to move them on.

**The current system is fine. It is the council CEOs who have too much power and are not accountable to voters.**

This argument supports the case for reform. The concentration of power in unelected officials is precisely the problem that these reforms address. The Carterton case demonstrates how council bureaucracies can exclude elected representatives from key decisions through constructed 'conflicts of interest'.

Professional management remains important, but it should serve rather than override democratic decision-making. Experience shows that merging political and administrative leadership can improve both accountability and efficiency while maintaining professional standards.

**Expanding mayoral powers will just lead to more political interference in council operations.**

This concern confuses democratic oversight with inappropriate interference. Current arrangements enable political interference through unclear lines of accountability and byzantine approval processes.

Reform should seek to establish clearer boundaries between governance and operations while maintaining professional standards.

International experience demonstrates how strong democratic leadership can coexist with professional administration. Proper governance structures, clear role definitions, and appropriate checks and balances prevent inappropriate interference while enabling effective oversight.

**We do not need to change mayoral powers. We need to reduce the number of councils to improve efficiency.**

Council consolidation and democratic reform are not mutually exclusive. Indeed, larger councils serving bigger populations would particularly benefit from strong, accountable leadership to manage diverse community needs and substantial budgets.

Auckland's experience as New Zealand's largest council demonstrates this. Its mayoral office model provides support for complex governance while maintaining democratic accountability. Similar arrangements could benefit other merged councils.

**Giving mayors more power will not address the real issue of rapidly rising rates and poor financial management.**

International experience suggests otherwise. Strong democratic oversight can improve financial management by creating clear lines of accountability, enabling strategic long-term planning, facilitating faster decision-making, resisting special interest pressures, and supporting evidence-based choices.

Auckland's relatively lower rates increase for 2024/25 suggests stronger mayoral powers can contribute to fiscal discipline. However, this depends on the mayor's policy agenda and capability.

**This is just another attempt by central government to control local affairs.**

On the contrary, these reforms would strengthen local democracy by giving elected representatives genuine power to govern. Strong local leadership could help resist unwarranted central government intervention.

The NRW experience shows that empowered local government can better manage regional challenges while maintaining appropriate relationships with higher levels of government. Clear lines of authority facilitate more effective intergovernmental relations.

**Stronger mayors might work in big cities like Auckland, but it is not suitable for smaller councils.**

This legitimate concern requires careful consideration in reform design. Options include limiting reforms to larger councils, making adoption voluntary, scaling powers to council size, providing implementation support, and enabling shared services.

Different models might suit different contexts, but all councils need some form of enhanced democratic oversight. The key is designing flexible systems that can be adapted to local circumstances while maintaining core democratic principles.

**We have seen how bad things can get with an incompetent mayor. Giving them more power would be disastrous.**

Reform design should include appropriate checks and balances through voter authorisation for major projects, recall election provisions, professional qualification requirements, ongoing training obligations, clear accountability measures, and council oversight mechanisms.

The current system's democratic void can make it harder to address poor performance by obscuring

accountability. Clear lines of responsibility make it easier for voters to assess performance and make informed choices.

### **The bureaucracy will resist any attempt at reform.**

Initial resistance is likely but manageable through clear legislative framework, phased implementation, professional development, change management support, and demonstrated benefits.

International experience shows that bureaucratic scepticism can be overcome when reforms deliver clearer accountability and more efficient decision-making. The key is maintaining a focus on improved outcomes while managing transition challenges.

These concerns highlight important considerations for reform design but do not negate the need to address local government's democratic deficit. Careful attention to implementation, appropriate checks and balances, and learning from international experience can help achieve the benefits of enhanced democratic oversight while managing risks.

The success of similar reforms internationally demonstrates that significant change is possible when properly implemented. The question is not whether New Zealand's local government needs democratic reform, but how best to achieve it.

## CHAPTER 6

# Conclusion and recommendations

This research has examined five approaches to strengthening democratic oversight:

- 1. Let voters have a direct say on big decisions.**  
When councils want to start major projects, they would need to hold a public vote (referendum) to get approval. This would give local communities more control over important decisions that affect them. While referendums traditionally involved paper ballots and were expensive to run, modern online voting systems would make this more practical and affordable. Councils would need to provide clear, understandable information about what they are proposing and what it would cost.
- 2. Make it easier for mayors and councillors to get information and speak up.** Currently, councillors often struggle to get basic information about council operations and can face restrictions on what they can say. The reforms would set up a system similar to Parliament, where elected members can ask questions and get timely answers. There would be standard ways for all councils to report their performance, making it easier to compare them.
- 3. Give mayors their own support team.** Currently, most mayors rely entirely on council staff who report to the CEO, not to the mayor. Auckland's mayor is unique in having their own office with independent staff. This model has worked well and could be extended to other councils, with the size of the support team scaled to match the council's size. This would help mayors implement the policies they were elected to deliver.
- 4. Give elected representatives powers similar to those of company board members.**  
In business, boards of directors have clear authority to oversee management and make key decisions. Giving similar powers to mayors and councillors would strengthen their ability to oversee council operations and hold management accountable. This would create clearer lines of responsibility while still maintaining appropriate separation between governance (setting direction and policy) and operations (day-to-day management).
- 5. Consider the 'strong mayor' system that works in Germany.** The German state of NRW completely changed its system by combining the roles of mayor and council CEO. This gave mayors clear authority to implement what they were elected to do while maintaining appropriate checks and balances. NRW's experience shows that such a major change is possible and can lead to better results when properly implemented. This could be an option for New Zealand councils, though it would require careful planning and strong political support.

These approaches would improve democratic oversight through clearer governance structures and enhanced authority for elected representatives. However, they would not automatically guarantee better outcomes. Much would depend on the qualities and policy agendas of those exercising oversight. The government's water reforms, commitment to easing the regulatory burden on councils, and proposed improvements to the local government system remain necessary.

Based on this research, we recommend:



## Immediate Actions

First, reform information access, codes of conduct, and conflicts of interest policies to enhance democratic oversight. Implementing parliamentary-style question systems, revitalising LGNZ's CouncilMARK™ programme, and standardised reporting requirements would immediately improve transparency.

Second, Auckland's mayoral office model should be extended to city councils and larger district councils. Positive assessments of Auckland's experience provide confidence in this approach. Implementation should be scaled according to council size and could initially be voluntary.

Third, establish voter authorisation requirements for major projects. This would build on New Zealand's historical experience with special purpose local body loans while using modern technology to ensure efficient implementation.

Fourth, the elected representatives' governance powers should be strengthened through legislative reform, aligning their authority more closely with corporate directors' powers under the *Companies Act 1993*. This would enhance oversight while maintaining appropriate separation of governance and operations.

Fifth, comprehensive training and support programmes should be developed to help elected representatives effectively exercise enhanced oversight roles. Professional development frameworks should cover governance principles, financial oversight, and strategic planning. They should be able to be tailored for local preferences.

## Medium-Term Reforms

First, design and implement a strong mayor system based on NRW's experience. This would require careful attention to local context while learning from their successful transformation of a similar system.

Second, transition support mechanisms should be created, including implementation resources, change management assistance, and ongoing evaluation frameworks. This would help councils manage the transition while maintaining service delivery.

Third, professional development frameworks should be established, including qualification requirements, ongoing training programmes, and leadership development pathways. This would ensure that elected representatives can effectively exercise their enhanced authority.

Fourth, appropriate checks and balances should be developed, including recall election provisions, transparency requirements, and accountability measures. This would maintain public confidence while preventing abuse of enhanced powers.

Fifth, monitoring and evaluation systems should be implemented to assess reform effectiveness and enable continuous improvement. Regular review and adjustment would ensure reforms deliver intended benefits.

## Supporting Measures

Training and professional development, tailored for local preferences, would improve capability while maintaining democratic accessibility. Independent oversight mechanisms would maintain integrity without impeding legitimate democratic action. Appeals processes on codes of conduct and conflicts of interest would protect the rights of free expression. Regular system reviews would enable continuous improvement.

Implementation should be carefully phased to manage transition risks while maintaining service delivery. Adequate resources must support reform implementation and ongoing operation. Regular evaluation should assess effectiveness and identify needed adjustments. Implementation approaches should remain flexible to address emerging challenges.

Success requires political consensus across party lines to ensure reforms survive electoral cycles. A clear legislative framework must provide certainty while enabling local adaptation. Implementation resources must be adequate and sustained. Change management must address cultural and operational challenges. Ongoing commitment is needed to maintain momentum.

The objective should be a local government system where elected representatives have real power to govern, citizens understand who is accountable, and communities receive effective leadership. Professional standards must be maintained while enhancing democratic oversight. Democratic accountability must be meaningful rather than merely formal.

The current system's democratic void undermines both efficiency and accountability. Reform is not just desirable but necessary for effective local governance. International experience shows it is possible. The question is whether New Zealand has the political will to transform our local government system into one that truly serves our communities.

Considering these reforms, we should remember that the status quo is not sustainable. Every year of delay means more dysfunction, more wasteful spending, and more frustrated democratic mandates. Public engagement and voter turnout will continue to slip. The cost of inaction may be greater than the challenges of change.

The government's focus on getting councils 'back to basics' provides an opportunity for fundamental reform. By addressing the democratic void at the heart of local government, we can create a more effective and more accountable system to serve communities.

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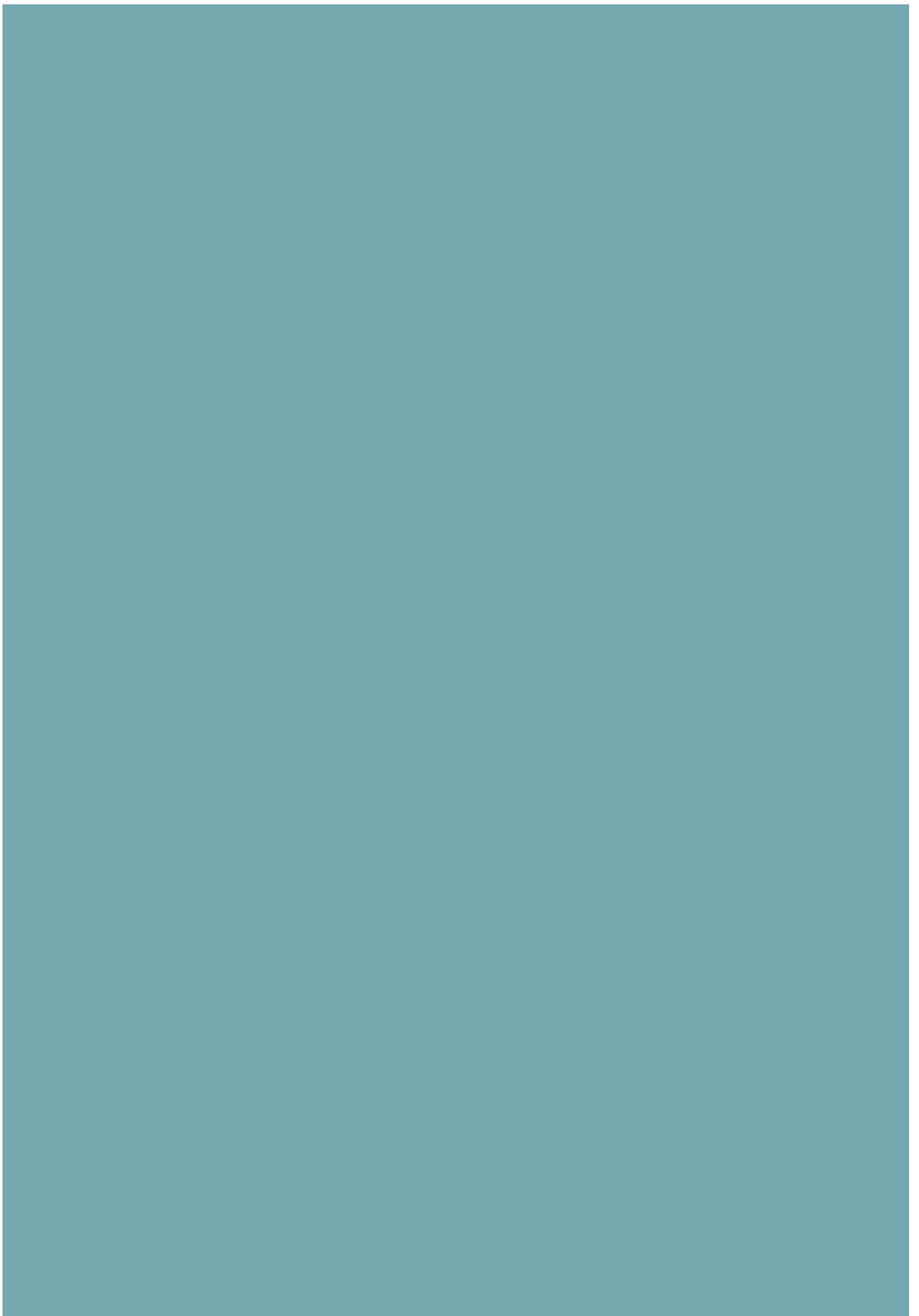
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