

Hon Kieran McAnulty

Minister for Emergency Management
Minister of Local Government
Minister for Racing
Minister for Rural Communities
Deputy Leader of the House



19 MAY 2023

John

fyi-request-22612-bc9cf62c@requests.fyi.org.nz

Dear John

Thank you for your email of 28 April 2023 requesting the following information under the Official Information Act 1982 (the Act):

"Please provide all advice you received and were relying on that supports the following statement made by you in your interview on Q&A:

"There are provisions that we have in this country that wouldn't stand up to a purely academic democratic framework but that's not how we work in New Zealand."

Please specifically provide:

- 1. A definition of "a purely academic democratic frameworks"*
- 2. A list of the provisions in New Zealand law that wouldn't stand up to that framework"*

In your request for information you have expressed an interest in governance representation arrangements for the new water services entities. We are establishing these entities because the country is facing up to a \$185 billion infrastructure bill and councils have told us they are unable to do it by themselves without severely escalating rates.

The Government has listened to public feedback received through the Select Committee submissions to the Water Services Entities Act. Submitters wanted stronger local community connection to their water services entities. This was also a strong theme on my tour of all 55 rural and provincial councils.

We responded to this by moving from four to ten entities. The entities are based on well understood regional boundaries. This change means every mayor in New Zealand will be a member of their region's water service entity's Regional Representative Group. Alongside the mayors there will be an equal number of representatives from mana whenua. This regional structure better reflects pre-existing arrangements and relationships within regions.

In determining the composition requirements for the Regional Representative Groups, the Government is clear on obligations set out in Article Two of Te Tiriti o Waitangi and those confirmed by the Supreme Court of New Zealand in *Maori Council v Attorney General*, 2013.

Maori have a special interest in water. In addition to recognition by the Supreme Court, this has been recognised by successive governments. New Zealand's constitutional arrangements, including the Electoral Act 1993, have not changed. Such amendments have not been proposed in other reforms such as Resource Management or Emergency Management, because this proposal is specifically reflective of the above.

Water services entities will be governed and run by professional boards with appointments made on the basis of skill and expertise in water infrastructure. This is appropriate given the investment the entities will need to make in our water services.

You have the right, under s 28(3) of the Act, to seek an investigation and review of this decision by the Office of the Ombudsman. The postal address of the Office of the Ombudsman is PO Box 10152, Wellington. Alternatively, you can phone 0800 802 602 or email info@ombudsman.parliament.nz.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kieran McNulty', with a stylized flourish at the end.

Hon Kieran McNulty
Minister of Local Government