

18 September 2026

Committee Secretariat
Governance and Administration Committee
Parliament Buildings
WELLINGTON 6143

Dear Sir/Madam

Submission from the Manawātū District Council on the Local Government (Management of Local Authorities) Amendment Bill

Thank you for the opportunity to make a submission on the Local Government (Management of Local Authorities) Amendment Bill.

Introduction

The Manawātū District Council (Council) supports the draft submission from Taituarā below, and its recommendation that the Bill **does not** proceed:

- Submission of Taituarā – Local Government Professionals Aotearoa regarding the Local Government (Management of Local Authorities) Amendment Bill

Council recognises the importance of elected members having appropriate access to information and advice and of chief executives and council staff being accountable for implementing the decisions and direction of the governing body. However, Council considers that the Bill creates unnecessary uncertainty around the established distinction between governance and management.

Governance and Management

Effective local government depends on a clear and constructive relationship between elected members, who are responsible and democratically accountable for governance and decision-making, and the chief executive, who is responsible for managing the organisation and implementation of Council decisions.

Council is concerned that the proposed powers for a governing body to direct and supervise the chief executive's management of the local authority could blur this distinction and encourage governing bodies to become involved in operational matters.

This is particularly concerning where chief executives or other officers exercise statutory or regulatory functions that are intended to be performed independently and impartially. The legal advice obtained by LGNZ and Taituarā identifies uncertainty about how the proposed direction and supervision powers would interact with these functions and with powers already delegated to the chief executive.

Independent Advice

Council also shares Taituarā's concerns regarding proposed section 42(3B), which provides for individual elected members to obtain advice from persons other than the chief executive.

Council supports elected members having access to appropriate information and independent advice where required. However, the Bill does not adequately address how independently commissioned advice would be authorised, funded, shared with other elected members, or managed where multiple members seek separate advice on the same matter. These uncertainties could create significant governance, financial and legal risks for councils.

Council therefore supports Taituarā's recommendation that proposed section 42(3B) be deleted. If it is retained, Council supports appropriate safeguards requiring independent advice to be commissioned by the governing body as a whole (in place of individual elected members) and managed within an approved and transparent budget.

Conclusion

Manawatū District Council recommends that the Bill **does not** proceed.

If the Committee nevertheless recommends that the Bill proceed, Council supports the amendments and safeguards proposed in the Taituarā submission, including:

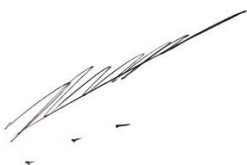
- Clarifying that the governing body's direction and supervision powers are subject to the Local Government Act 2002, other enactments and the general law.
- Maintaining and clarifying the chief executive's independence in relation to the employment of staff and organisational structure.
- Appropriately addressing the health and safety responsibilities and liabilities associated with increased governing body direction of management.
- Deleting proposed section 42(3B) or alternatively restricting the commissioning of independent advice to the governing body and requiring appropriate budgetary controls.

Council considers that these amendments would reduce, although not eliminate, the governance, legal and financial risks created by the Bill.

The Manawatū District Council does not wish to be heard in support of this submission.

Please feel free to contact our Governance and Assurance Manager (Ash.Garstang@mdc.govt.nz) if you have any questions or concerns about this submission.

Yours sincerely



Michael Ford

Mayor