**CCB Delegations**

**Introduction**

My name is Werner Murray and I am a former Cromwell Community Board member – I thought that I was cured, and a reformed politician. But when the issue of Community Board delegations being removed came up, I was urged by both members of the community and past members of this board, to say something, so here I am today.

**History – 2 aspects I want to touch on**

*Communities of interest*

On the 13th of June 1989 a newspaper headline read:

*Cromwell Borough lost its fight to be included in the Queenstown district Council last night.*

Cromwell definitely did not want to be part of the New CODC – this was due to what Cromwell felt was its community of interest at the time. It was felt that Cromwell given that it was going to have a lake and was a continuation of the Upper Clutha that it was best placed to go into other communities with lakes.

*Dam and assets*

Also in the 1980s - The Clyde Dam came about as a result of an act of parliament being the *Clutha Development (Clyde Dam) Empowering Act 1982.*

The Cromwell Borough Council in 1981, had taken out a very large loan with the Crown in order to pay for the infrastructure, assets and land to rebuild the town before it was flooded. The loan was being paid back to the Crown, as a special rate on top of the usual town rates. The total rates was somewhere between 20 and 25% extra. Cromwell did not want to give these hard - earned assets up.

In order to appease the Cromwell Borough Council,(and “sweeten the deal”), the government inserted a clause into the final draft of the amalgamation deal when CODC was formed, that dealt with the special circumstances of Cromwell. The new clause stated that the new district council could establish a committee to negotiate with the crown on managing and disposing of crown assets. It also stated that the new District Council MUST consult with the Cromwell Community Board, when considering matters referred to it under a Memorandum Of Understanding, dated 11 May 1989. The MOU was signed between the Cromwell, Borough Council and the Crown.

The Amalgamation deal, the MOU and Clyde Dam Empowering Act resulted in the LONG STANDING PRACTISE of the Cromwell Community Board (CCB) having the delegated authority (that is now under threat), which grants the CCB the control over the acquisition, disposal of land and use of funds raised from this for the benefit of the Cromwell community.

**Why the Delegations were set**

The genesis of the assets (property and other assets) that are currently under the effective control of the CCB (via delegated authority), and is rooted in this history because of the afore mentioned contracts between the Crown and the Cromwell Borough Council in 1981, and also due to endowment land (which was land vested by the Crown when the town of Cromwell was established to be used for the benefit of Cromwell).

The Residents for Responsible Development Cromwell (which was established originally to fight Plan Change 13) have spent considerable time interviewing previously elected Councillors and corroborating historical accounts over the past 2 weeks. From these testimonials it can be established that the delegated authority was negotiated by the Cromwell Borough Council members during their forced amalgamation with Alexandra during the Elworthy Local Government reforms. It can also be stated that it was created as a result of a Memorandum Of Understanding between the Crown and the Borough Council, in recognition of the special circumstances of Cromwell, due to the construction of the Clyde Dam.

The more this issue is examined the more it becomes apparent that there were valid reasons for the creation of the delegated authority and why it has persisted and should continue to persist. The proposed removal of the delegated authority would remove control of these assets from Cromwell. The proposed removal negates all the hard work successive Community Boards have done in building these assets up and managing them carefully for the benefit of the Cromwell community. There is a direct line between the original control being vested with the CCB and where we are today – without the special circumstances the CCB would be like every other community board in NZ – without any effective control over any assets which can benefit Cromwell.

The delegated authority is a long-standing policy that has worked very well for 35 years, providing for, and ensuring on-going benefits for this Community. It has remained in its original form as the source of these assets has been acknowledged.

I am relieved and grateful to see that the CCB along with many others, strongly oppose the removal of the delegated authority without the appropriate analysis, reporting and consultation that is required for the significance of changing the delegations.

**Significance**

I strongly urge the current Cromwell Community Board and Cromwell Councillors to do everything in their power to resist this change. I urge the CODC councillors to understand and acknowledge how and why these delegated authorities were created in the first place and

1. either have the delegations remain the same; or
2. look to do proper investigation and reporting into Community Board land and how it is managed, or
3. vote against the recommendation to remove delegations - especially, given the significance.

I can see that looking at this through a certain legal lens it could be argued that bringing the delegations in line with the rest of New Zealand, seems like there is little significance. However, once the origin story is understood and it is recognised that the delegations were not set up by a bunch of farmers in a backroom, but rather they were set up in conjunction with the government back in 1989. It can then be understood that the delegations as they are today go back to the founding of the CODC. Changing these is absolutely and without out a doubt significant.

Should the Councillors decide to remove the delegated authority as it currently stands, it is my view that doing so without community engagement would not be in accordance with the CODC significance policy and should be subject to Judicial Review as the principles of natural justice would not have been followed in my opinion. I acknowledge that a Council can decide for itself how to conduct business. But when that business stretches back to the basic understanding that people have around how the Council was set up from day 1 - that business IS significant.

To quote some testimony again: Bill MacIntosh, the first Mayor of CODC, openly said at a meeting in in Ranfurly one night on his campaign trail - that the assets and control over them should remain with the Community Boards.

In the words of Duncan Butcher (first Deputy Mayor of CODC) “I must say that when Bill got the mayoralty, he didn't deviate from that. That created a first CODC Council that had a council with a leadership that wanted the Community Boards to have every power that they could get under the legislation. The thinking was that the assets belong to the district Council on paper, but if you're going to sell them, the Community Board has got to be involved and have a say on it. And the money from those assets, if they're sold, stays within the Community Board Ward. Now, that was the strong point of the district as we started.”

**Summary**

Current delegations were created as a result of the Administration and Financial Agreement 1981 (which is the agreement between the Cromwell Borough Council and the Crown), and a Memorandum Of Understanding between the Crown and the Borough Council in 1989 in recognition of the special circumstances of Cromwell due to the construction of the Clyde Dam.

The more this issue is examined the more it becomes apparent that there were valid reasons for the creation of the delegated authority and why it has persisted. The legacy of the dam continues to loom large in Cromwell’s history and present circumstances. I am certain more will come to light in the examination of the MOU and also in the Borough Council and CCB papers of the day, which R4RDC has formally requested, and will be reviewed on Thursday of this week

I again urge you to press pause on this process and undertake a deeper examination of the delegated authority so the full context is understood. An audit of the land and other assets with the control of the CCB can be undertaken (in particular any impediments or agreements pertaining to those assets), enabling the community to be properly consulted and brought along on the journey prior to removing, altering or retaining the delegated authorities. Continuing on a path without undertaking these steps does not follow the principles of natural justice and in my view is a perversion of due process.

Thank you.

Are there any questions?