



December 2024

LOCAL WATER DONE WELL

Guidance: Crown Facilitator support for councils developing Water Services Delivery Plans

This guidance provides information to councils who may be considering a Crown Facilitator to support development of a Water Services Delivery Plan.

It should be read alongside other Local Water Done Well guidance.

Intervention options

The Water Services Delivery Plan (Plan) guidance (shared in August 2024) outlines two options for Ministerial interventions to support development of a Water Services Delivery Plan (Plan) – a Crown Facilitator and a Crown Water Services Specialist.

If a council or a group of councils need support with developing their Plan, they can ask the Minister of Local Government (the Minister) to appoint a Crown Facilitator or Crown Water Services Specialist (at the council's expense) by making a request in writing.

The Minister may also directly appoint a Crown Facilitator (at the council's expense) to provide assistance and advice, if the Minister of Local Government has concerns about councils developing their Plans in accordance with the Local Government (Water Services Preliminary Arrangements) Act 2024, or agreeing on the terms of a joint Plan, or where a council or group of councils have not given effect to their Plan,

The role of a Crown Facilitator could include to:

- Assist and/or advise a council or group of councils to prepare a Plan.
- Assist a council or group of councils to amend a draft Plan after being advised to do so by the Secretary for Local Government.
- Direct a council or group of councils how to prepare Plan, or how to amend a Plan (if the Secretary has required an amendment).
- Assist a group of councils to agree on the terms of a joint arrangement; for example, by co-ordinating the negotiation process, or determining the terms of the joint arrangement (if the council(s) have agreed to the Facilitator having a role to determine the terms of the arrangement).
- Assist, advise, and/or direct a council or group of councils to give effect to an accepted Plan.

Where a Plan is not submitted in accordance with the Act, or an amended Plan does not meet the requirements of the Act, or where a council or group of councils have not given effect to their Plan, the Minister may appoint a Crown Water Services Specialist (at the council's expense).

The role of a Crown Water Services Specialist can include to prepare a Plan on behalf of a council or group of councils, and (if necessary) to direct the council(s) to adopt, submit and implement this Plan.

The role of a Crown Facilitator

While the scope of Crown Facilitator support is similar to support that may be provided to councils by professional advisors, there are several key differences that councils should consider when seeking support to develop Plans:

1. Crown Facilitators are appointed by the Minister of Local Government. This will raise the profile of the council(s) involved with the Minister and ensure that the rationale for assistance and intervention is well understood.
2. As Crown Facilitators are appointed by the Minister, they can act with full independence from any one council, and the risk of a real or perceived bias or conflict of interest is significantly reduced.
3. Crown Facilitators have a direct line to the Department's Local Water Done Well team, ensuring that the policy settings and processes are well understood, and any issues can be resolved. The Crown Facilitator will be fully briefed by the Department about any guidance that has been provided to councils (e.g. financial projections) prior to starting an appointment.
4. The rate that council(s) pay for a Crown Facilitator is a fixed daily rate set in accordance with the Cabinet fees framework, providing more transparency to the public about the cost of engaging this support.

It is also worth noting that a Crown Facilitator can be a panel, not just an individual – enabling access to people with a range of specialist expertise and experience.

Steps involved with requesting and appointing a Crown Facilitator

Should councils wish to request a Crown Facilitator, the steps involved are:

1. Councils make a request to the Department via email (wSDP@dia.govt.nz) to receive Crown Facilitator support. If councils prefer, they can write directly to the Minister requesting a Crown Facilitator.
2. If the Minister agrees to appoint a Crown Facilitator, councils will receive a letter from the Minister outlining the details and a terms of reference for the engagement based on their specific circumstances. (The Minister will also write to the person(s) being appointed, and give notice of the appointment in the *Gazette*.)
3. After the appointment has been made, the Department will then work with the council(s) to onboard and introduce the Crown Facilitator to the councils.

Should the Minister decide to appoint a Crown Facilitator directly, the steps involved are:

1. Council(s) receive a letter from the Minister informing them of the Minister's intention to appoint a Crown facilitator. The letter will set out the reasons for the proposed appointment and include a proposed terms of reference.
2. Council(s) will then have 10 working days to respond to the Minister's letter and provide any feedback.
3. After considering any feedback from council(s), if the Minister decides to proceed with the appointment, council(s) will receive a letter from the Minister confirming the appointment. This letter will set out the details of the appointment and include the final terms of reference. (The Minister will also write to the person(s) being appointed, and give notice of the appointment in the *Gazette*.)
4. After the appointment has been made, the Department will then work with the council(s) to onboard and introduce the Crown Facilitator to the councils.

Questions? Contact wmdp@dia.govt.nz