

The Clerk of the Committee
Local Government and Environment Committee
16th June 2010



Submission in Opposition to the Local Government Act 2002 Amendment Bill by Community Waitakere Charitable Trust

Introduction

Community Waitakere is a Charitable Trust, dedicated to achieving our vision of a sustainable Waitakere with strong, connected communities. We have a thirty year history of supporting and strengthening community organisations, building and maintaining relationships with central and local government and communities, undertaking and supporting community development initiatives and fostering collaborative actions that achieve our vision.

The values that we hold are:

- Acting with integrity
- Supporting sustainability
- Honouring Te Tiriti o Waitangi
- Inspiring
- Partnering
- Inclusion

Community Waitakere is recognised nationally as a key linkage between national, regional and local networks. We provide the “glue” which joins diverse community organisations with each other and with local and central government agencies and funders. This function enables the sharing of resources, knowledge and networks across a broad sector.

Our submission acknowledges the commitment demonstrated by our partners Waitakere City Council in developing collaboration and partnering with our communities and citizens. There are many examples of successful initiatives which have emerged through this way of working (now recognised and commonly referred to as the “Waitakere Way”), which unites council and the people they represent in a participatory democratic process. The Waitakere Wellbeing Collaboration Project and the internationally acclaimed Project Twin Streams are fine examples of such initiatives.

Collaborative partnerships between community, local and central government built over three decades have contributed to local authority decision-making in Waitakere City being focussed, clear, transparent and accountable already.

Community Waitakere wishes to speak to our submission as part of the Select Committee process.



Submission

1.1 This submission is from **Community Waitakere Charitable Trust**. It is in response to the Local Government Act 2002 Amendment Bill.

1.2 Our submission acknowledges the **intent** of the Bill which is to improve transparency, accountability and financial management in local government.

1.3 Furthermore we acknowledge and accept the three listed **principles** which have informed the policy which underlies the Bill:

- Local authorities should operate within a **defined** fiscal envelope
- Local authorities should focus on **core activities**
- Local authority decision-making should be **clear, transparent and accountable**

1.4 However, Community Waitakere Charitable Trust is opposed to this Bill overall because it drastically reduces **democratic accountability**; virtually removes inclusion of **community** consultation and responsiveness; favours privatisation of strategic assets and basic services including water supply and **excludes** social, economic, environmental and cultural **well-being** from the list of core activities of the local authority.

2. Clause by Clause Analysis

2.1 Clause 4 Interpretation of Community Outcomes

We oppose the amendment to S5(1) of the definition of “community outcomes”. The current definition is comprehensive in its definition, and ensures that the outcomes for the region/district are identified through consultation with the residents, community organisations and businesses of that region/district. It is not possible for the local authority to have the insight into maintaining and improving the social, economic, environmental and cultural well-being of its region/district without consultation with those who comprise its fundamental makeup.

2.2 Clause 5 Core Services to be considered in performing role

We oppose the limiting of the ability of local authorities to respond to key priority needs that their community wishes them to become involved in. The five **identified** core services exclude the most fundamental core services such as water supply; waste water disposal; community economic development; public health services; art and culture; community education and environmental protection and enhancement. We strongly submit that this suggested clause simply be deleted.

2.3 Clause 6 Principles relating to local authorities

We disagree with the proposed S14(1)(fa)(ii) which propose that a local authority should only invest in an activity when it has been satisfied that the returns are likely to



outweigh the risks. Local authorities should be able to undertake calculated risks in **collaboration** with community, if the anticipated community benefits outweigh the risks. This is because often the private sector is not prepared to initiate or carry out such activities because of the commercial risk, but the local authority and the community sector identify the activity as having worthwhile benefits to the community sector.

2.4 Clause 7 Repeal of Part regarding Community Outcomes

We are adamantly opposed to the repeal of S75(e) because of our support for the current community outcomes provisions, and extensive evidence of the **success** of this way of working.

2.5 Clause 8 Community Views in relation to Decisions

We oppose the repeal of S78(2). We acknowledge that the **four** stages of consultation could be reduced but repeal would eliminate completely the canvassing of community views which are essential to any democratic process effecting the health and well-being of our communities and citizens.

2.6 Clause 11 Repeal of Section requiring Consultation on Mode of Delivery of a Service

We oppose the proposed repeal of S88. This is the section which currently requires a local authority to use the special **consultative** procedure when it proposes to change the mode of delivery of significant services. The local authority must have conducted **full** public consultation before consideration is given to the privatisation of any service.

2.6 Clause 12 Repeal of Requirement to report on Achieving Community Outcomes

We oppose the repeal of S91 and S92 which currently require the local authority to report separately and thoroughly on the progress made towards achieving community outcomes. This is a vital form of broad accountability which must be retained.

2.7 Clause 14 Certain decisions to be taken only if provided for in long term council Community plan

We oppose repeals of S97(1) (c) and (d). The intent of this Bill is stated to be to improve transparency, accountability and financial management in local government. Repealing these sections is in **conflict** with this intent.

2.8 Clause 31 Contracts relating to provision of water services

We oppose this provision in proposed S130(2) permitting 35 year contracting out and effectively privatising water services. No public consultation has been undertaken on this matter and in our view a public referendum must take place before any such decision is endorsed.



2.9 Part 1 of new Schedule 10.

We oppose the substitution of Clause 1 relating to information to be included in **long-term plans**. The effect of this amendment would be that a local authority's long term plan now only needs to **describe** the community outcomes the authority determines for its region/district. Partnering with community to identify the range of outcomes most desirable for the well-being of its citizens gives the local authority the **best** opportunity to advance these outcomes for its region/district.

Thank you for the opportunity to make this submission.



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