



26 June 2009

Committee Secretariat  
Auckland Governance Legislation Committee  
Parliament Buildings,  
WELLINGTON

Dear Sir/Madam

I enclose 2 copies of the submission from the Public Health Association of New Zealand on the Local Government (Auckland Council) Bill.

The Public Health Association would like to make an oral submission when the Committee is considering submissions.

Yours sincerely

Dr G M Keating  
National Executive Officer



**Submission**  
**to the Auckland Governance Legislation Committee**  
**on the Local Government (Auckland Council) Bill**

## **Introduction**

The Public Health Association of New Zealand (PHA) is a voluntary association which provides a major forum for the exchange of information and stimulation of debate about public health in New Zealand. Membership of PHA is open to individuals interested in public health. Members belong to the public, private and voluntary sectors. In addition to membership fees, donations and other earnings, the PHA has a contract with the Ministry of Health to encourage and facilitate informed debate on key public health issues. The PHA is a member of the World Federation of Public Health Associations.

Public health is defined as the improvement of the health of the whole population *‘through the organised efforts of society’*.

The PHA has an interest in the proposed changes for Auckland local government because local government has a series of crucial roles and responsibilities in relation to public health

This submission is arranged in the following way.

- Executive summary and key recommendations
- Principles for healthy local government
- Consideration of the Bill against those principles
- Appendices

# 1 Executive summary and key recommendations

## PHA supports the need for change

The Public Health Association of New Zealand (PHA) agrees with the Royal Commission and the Bill that there are significant challenges facing Auckland and that change is needed to local government in Auckland.

The failure to enable effective transport, the insufficient, inadequate housing and the extent of social deprivation and disparity are examples of the failure of local government in Auckland, all of which have significant negative health impacts. The Royal Commission identified that the structure of local government in Auckland clearly contribute to these failures.

In addition to the issues identified by the Royal Commission Māori health providers in Auckland have told the PHA that their work is made substantially more costly and difficult because the current jigsaw of local authorities bears no relationship to the pre-existing (and current) iwi/ hapū boundaries.

## Structural change needs a principled approach

However it is likely that some of this failure reflects behaviour and practices which can, unfortunately, be carried into a new organisation, irrespective of the structure. Some of the solutions posed in the Local Government (Auckland Council) Bill will not help resolve the challenges identified for Auckland and there are aspects that are likely to worsen the health of the people of Auckland.

Neither this Bill nor the previous Local Government (Tāmaki Makaurau Reorganisation) Act 2009 provides principles. As local government has significant health responsibilities, the PHA has developed a set of principles for healthy local government. The rest of this submission (including recommendations) is based on those principles.

## PHA Recommends

The Public Health Association of New Zealand recommends the following changes to the Local Government (Auckland Council) Bill.

- 1 To ensure that the fundamental principles and purpose of local government is maintained in this restructuring the Bill should reorient Clause 6 Relationship with Local Government Act 2002 and Local Electoral Act 2001 so that it reads

*“If there is any inconsistency between this Act and the Local Government Act 2002 and Local Electoral Act 2001, or any regulations made under those Acts, then the Local Government Act 2002 and Local Electoral Act 2001, or any regulations made under those Acts prevails. ”*

- 2 To preserve transparency and to enhance environmental protection for health, if a Unitary Council is to be formed then the recommendations for the Parliamentary Commissioner for the Environment and Audit Office should be specifically included in the Bill:
  - i. Auckland Council to subject its environmental management performance to routine, independent audits, and that the results of such audits be made public
  - ii. in situations where matters relating to council consent applications are resolved internally under delegated authority between groups within the council, councils keep records of agreements and decisions reached
  - iii. Auckland Council to ensure that priority is being given to monitoring, reviewing and reporting on the overall effectiveness of their environmental management
- 3 To ensure that from the diverse practices, bylaws and other mechanisms in the Auckland region, the ones that best improve, promote and protect health are applied across all of Auckland City, there should be a specific statutory “health transition” committee.
- 4 To ensure that from the diverse practices, bylaws and other mechanisms in the Auckland region, the ones that best reduce social deprivation and disparity are applied across all of Auckland City, there should be a specific statutory Social Issues Board (or similar process).
- 5 To reflect the Crown obligations under te Tiriti o Waitangi, to enable the purpose of local government to promote cultural wellbeing and to facilitate the obligations concerning the Treaty of Waitangi in the Local Government Act 2002 the Bill should enable
  - (i) A Taumata in partnership with the Auckland Council and
  - (ii) specific Māori seats on the Auckland Council and
  - (iii) specific Māori seats on Local Boards.
- 6 To enhance local democracy, as specified in the purpose of the Bill:
  - i. ensure that the minimum number of elected Auckland Council members is at least the number of Members of Parliament for citizens of Auckland
  - ii. make a direct, explicit electoral connection between Auckland City wards and Local Boards
  - iii. clarify roles and powers of Local Boards, giving them explicit statutory powers

## 2 Principles for healthy local government

Whatever structural solution is reached for Auckland it should be based on clear principles against which the proposed form of local government (and the subsequent actual performance) can be measured.

The Public Health Association has developed the following set of principles for fair, healthy local government in New Zealand. These principles are derived from the Treaty of Waitangi, New Zealand legislation and a recent resolution of the Assembly of the World Health Organisation<sup>ii</sup>.

### Treaty of Waitangi and other New Zealand legislation

The key health-related New Zealand Acts for local government are Local Government Act 2002, Resource Management Act 1991, and Health Act 1956. In particular the PHA draws on *s 3 Purpose* and *s 4 Treaty of Waitangi* in the Local Government Act 2002.

#### *3 Purpose*

The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; and, to that end, this Act—

- (a) states the purpose of local government; and
- (b) provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and
- (c) promotes the accountability of local authorities to their communities; and
- (d) provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural wellbeing of their communities, taking a sustainable development approach.

#### *4 Treaty of Waitangi*

In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decisionmaking processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decisionmaking processes.

### World Health Organisation resolution

In May 2009 the Assembly of the World Health Organisation called upon governments, the international community and others to take note of the final report of the Commission on Social Determinants of Health<sup>iii</sup> and its recommendations. Many of the recommendations are relevant to cities and urban governance. (See Appendix 1)

## Principles for healthy local government

### **A Health (and health equity) is a local government responsibility**

The Health Act 1956, the Resource Management Act 1991 and the Local Government Act 2002 (along with many other Acts such as Sale of Liquor Act 1989, Smokefree Environments Act 1990) are explicit that health is a local government responsibility.

In addition the social, economic, environmental, and cultural wellbeings of communities (part of the core purposes of local government) are all determinants of health.

Structures, funding, policies and processes must enable local authorities to carry out this responsibility effectively.

### **B Local government legitimacy comes through powers and obligations delegated from the Crown and must reflect Te Tiriti o Waitangi**

Other Crown obligations that local government must reflect are international conventions and covenants.

### **C Local government provides essential health and safety infrastructure**

- (i) provides basic services essential to health (such as water/sanitation)
- (ii) May provide but should always ensure adequate, affordable housing
- (iii) May provide but should always ensure effective affordable transport

### **D Local government regulates for healthy environments**

- (i) to ensure clean and healthy air, water, soil and food
- (ii) by design and planning for safer, healthier living and to ensure all can access essential health-related goods/services
- (iii) to control health-damaging goods and services with a major impact on health (such as tobacco, alcohol, gambling and food)

### **E Sustainable development is a core responsibility**

This is emphasised in the Local Government Act 2002 and the Resource Management Act 1991. The health and wellbeing of our grandchildren is no less important than the health and wellbeing of grandparents.

### **F Local government enables local decisions to be taken by representatives of citizens most affected**

- (i) because it is fair and just
- (ii) because it builds social inclusion
- (iii) because it helps build partnerships

### **3 Consideration of the Bill against these principles**

This section of our submission looks at these principles for healthy local government, examines the extent to which the Bill achieves or impedes a healthy Auckland and makes recommendations for changes that Select Committee should make to the Bill.

*Health (and health equity) is a local government responsibility*

*Local government provides essential health and safety infrastructure*

*Local government regulates for healthy environments*

This submission will consider these three principles for healthy local government together.

As noted above, many laws are explicit about the health roles and functions of local government. In addition, most of the major determinants of health are included within “social, economic, cultural and environmental well being” – which are the direct responsibility of local government.

#### **Consistency with fundamental purpose of local government**

The reorganisation of Auckland’s local government must not conflict with the purpose and principles of local government as laid out in the Local Government Act, as noted above.

Clause 6 of the Bill Relationship with Local Government Act 2002 and Local Electoral Act 2001 proposes

“If there is any inconsistency between this Act and the Local Government Act 2002 and Local Electoral Act 2001, or any regulations made under those Acts, this Act prevails.”

The PHA considers that the resolutions of any conflict should be the other way around – that the Local Government Act should only be over-ridden by this Bill in situations where the consequences have been fully considered. If indeed there are particular points on which it is considered that there is a specific and particular reason why Auckland city should be different from general powers and obligations for local government then this should be specified in the Bill and incorporated into the Local Government Act by consequential amendment.

If there is any conflict the Local Government Act should prevail.

### ***PHA Recommends***

- 1 To ensure that the basic principles and purpose of local government is maintained in this restructuring the Bill should reorient Clause 6 **Relationship with Local Government Act 2002 and Local Electoral Act 2001** so that it reads

*“If there is any inconsistency between this Act and the Local Government Act 2002 and Local Electoral Act 2001, or any regulations made under those Acts, then the Local Government Act 2002 and Local Electoral Act 2001, or any regulations made under those Acts prevails. ”*

### **Health risks of an Unitary Authority**

There is, for most of New Zealand, separation of regulatory powers under the Resource Management Act (1991) from the service provision functions of local government. In general the local council has regulatory powers concerning activities of individuals and organisations, while the Regional Council has environmental regulatory responsibility for the service provision activities of local government, including such matters of great importance to health such as disposal of sewage.

A unitary Council that has both regional and local Council functions will be in the position that it will need to be the regulator of its own services.

In a joint report the Parliamentary Commissioner for the Environment and the Audit Office (see Appendix 2) concluded that

The unitary authority model is as capable of delivering sound, integrated environmental management as any other model, provided that ... other more significant factors are addressed.<sup>iv</sup>

The PHA considers that a Regional Council, separate from the local authority providing services, as with (nearly) the rest of the country is the most desirable option.

If this is not practicable then there should be a statutory separation of powers so that the regional Council regulatory powers can be exercised against the Council itself.

The recommendations of the Parliamentary Commissioner for the Environment and Audit Office should be included in the Bill if it continues to amalgamate the Regional and local Councils of Auckland into an Unitary Council.

### ***PHA Recommends***

- 2 To preserve transparency and to enhance environmental protection for health, if a Unitary Council is to be formed then the recommendations for the Parliamentary Commissioner for the Environment and Audit Office should be specifically included in the Bill:

- i. Auckland Council to subject its environmental management performance to routine, independent audits, and that the results of such audits be made public
- ii. in situations where matters relating to council consent applications are resolved internally under delegated authority between groups within the council, councils keep records of agreements and decisions reached
- iii. Auckland Council to ensure that priority is being given to monitoring, reviewing and reporting on the overall effectiveness of their environmental management

### **Maintain best practice for health**

As is very clear, there has been diversity in the Auckland area. One of the advantages of diversity is that it enables a range of different approaches to be taken. Some of the current local authority processes are more effective than other authorities working to “*improve, promote and protect public health*”<sup>v</sup>. There should be a specific statutory “health transition” committee to ensure that from the diverse practices and bylaws in the Auckland region that the ones that best improve, promote and protect health are the ones that are applied across all of Auckland.

#### ***PHA Recommends***

- 3 To ensure that from the diverse practices, bylaws and other mechanisms in the Auckland region, the ones that best improve, promote and protect health are applied across all of Auckland City, there should be a specific statutory “health transition” committee.

### **Ensure the transition builds for fairness**

Similarly, as identified by the Royal Commission, reducing social deprivation and disparity is one of the greatest challenges facing the future of Auckland. The Royal Commission proposal of a Social Issues Board (or similar) should be an integral part of the statutory transition provisions and supported to continue in the future structure.

#### ***PHA Recommends***

- 4 To ensure that from the diverse practices, bylaws and other mechanisms in the Auckland region, the ones that best reduce social deprivation and disparity are applied across all of Auckland City, there should be a specific statutory Social Issues Board (or similar process).

## *Local government legitimacy comes through powers and obligations delegated from the Crown and must reflect Te Tiriti o Waitangi*

Taking into account Crown obligations under Te Tiriti o Waitangi (as reflected in the Local Government Act 2002 as noted above) the Bill should explicitly recognise its commitments and should recognise the unique status of iwi and hapū in Tāmaki-Makaurau.

Māori (particularly iwi and hapū, but also Māori urban authorities and groups such as Huakina Development Trust), are key contributors to Auckland’s economic, social and environmental development and will become more so in future.

Auckland hapū and iwi have a unique relationship with the environment of Auckland. This includes the concept of kaitiakitanga, guardianship. That relationship derives from the historic relationship of the people and the land. Auckland Māori are not only the indigenous people, but have been willing or unwilling “donors” of the land on which Auckland is built.

This is recognised in the Local Government Act 2002, as well as in the Resource Management Act 1991. The Crown has a responsibility to protect this relationship irrespective of the structural form of local government.

Omitting the status of the Treaty of Waitangi from legislation does not negate the existence of the Treaty, nor its constitutional status. The Crown must either explicitly require the entity to whom the Crown has delegated these powers to observe the obligations owed .... or accept that it has retained these responsibilities itself.<sup>vi</sup> The Waitangi Tribunal’s report on the Whānau o Waipareira claim<sup>vii</sup> stated that if a power imbalance lies heavily in favour of the Crown, it should be offset by the duty of the Crown to protect Māori rangatiratanga.

The Crown’s Treaty obligations (as discussed earlier) put an obligation on the Auckland council or councils. However this also provides an opportunity to draw on the knowledge and energy of groups which have shown themselves to have a long-term commitment to Auckland’s development.

Recognising hapū and iwi with manawhenua status in the legislation would ensure that a future council or councils cannot pick and choose which Māori they work with, as many submitters to the Royal Commission said is done by existing councils. It would not be more equitable, but more efficient.

Whether or not the Select Committee reinstates the proposal for designated Māori seats, it should also consider other ways to bring Māori into decision-making positions. Advisory groups and other consultative mechanisms are powerless.

One possibility is a taumata model, representing hapū and iwi (and, by their agreement, other Māori residents). It would work alongside and support the main governance body. Similarly there needs to be dedicated Māori representation on the Council and the proposed 2<sup>nd</sup> tier local boards.

Representation on Local Boards would be particularly appropriate in ensuring that iwi and hapū with historic and continuing connections to localities could participate in decision-making about local issues.

### ***PHA Recommends***

5 To reflect the Crown obligations under te Tiriti o Waitangi, to enable the purpose of local government to promote cultural wellbeing and to facilitate the obligations concerning the Treaty of Waitangi in the Local Government Act 2002 the Bill should enable

- (i) a Taumata in partnership with the Auckland Council and
- (ii) specific Māori seats on the Auckland Council and
- (iii) specific Māori seats on Local Boards.

### ***Sustainable development is a core responsibility***

Sustainability is principle of the Local Government Act 2002. There must be nothing in this Bill that undermines the principles of the Local Government Act 2002 (see *Consistency with fundamental purpose of local government* above).

### ***Local government enables local decisions to be taken by representatives of citizens most affected***

The Bill proposes both an elected Auckland Council (with wards) and elected Local Boards. There is no relationship between the wards and the Local Boards. The Bill does not give Local Boards decision making duties or powers in their own right, although they may have duties or powers delegated to them by the Auckland Council.

As noted above the purpose of the Local Government Act to “...to provide for democratic and effective local government that recognises the diversity of New Zealand communities...” Similarly the intent of the Bill is to enhance local democracy.

The population of Auckland Region is now about the size of the total NZ population in 1935 when there were 80 elected Members of Parliament. At present there are 24 members of Parliament who directly represent people living in electorates in the greater Auckland area.

As identified by the WHO Commission on the Social Determinants of Health there are three reasons for citizen representation in local government governance in relation to health.

#### **(a) because it is fair and just**

Local-level government ensure the *fair representation* of all groups and communities in decisionmaking that affects health, and in subsequent programme and service delivery and evaluation.

The Bill is not fit for purpose. It is neither fair nor just representation of citizens to reduce the number of elected representatives with local statutory decisionmaking duties and powers to below the number of local Members of Parliament.

While there are additional elected representatives proposed for the Local Boards those local Boards have no decisionmaking powers of their own. Consequently the Local Boards cannot be considered a meaningful part of democracy if their powers are based on the whim of another organisation.

### **(b) because it builds social inclusion**

Fair representation in decision-making helps to create and maintain a *socially inclusive* society. Social inclusion encourages a sense of common good and shared identity and participation, so important to healthy communities.

The costs of exclusion of particular communities, particularly ones with high youth populations are economic and social loss. In particular the democratic structures should include and empower the comparatively young Māori population. They are a significant part of the workforce (and rate payers) of the future.

We note that Māori make up around 11% of Auckland's population. A significant proportion of Auckland Māori are economically and socially disadvantaged, with a research report for the Royal Commission<sup>viii</sup> stating that in Auckland 'Deprivation is not only correlated by geography, but by ethnicity'.

However, the Committee should also recognise that Māori (particularly iwi and hapū, but also Māori urban authorities and groups such as Huakina Development Trust), are key contributors to Auckland's economic, social and environmental development and will become more so in future.

Supporting measures to increase Māori participation in governance, represents an investment in a stronger, more cohesive greater Auckland. Including Māori explicitly in decision-making would support social and economic development and contribute to reducing Auckland's current inequalities.

International experience indicates that cities where significant parts of the population are not excluded from decision-making, or from the benefits enjoyed by dominant groups, are more cohesive, safer, more likely to achieve social and economic growth, and therefore more likely to attract and keep a committed and talented workforce.

Similarly there are other communities – including Pacific peoples and particular geographic areas (such as Mt Roskill, Otahuhu) where it is important to build social inclusion – not simply because it is just, but also because the cost of alienation in economic underachievement and crime is too high.

### **(c) because it helps build partnerships**

Governments cannot do everything. But the way that community governance is structured can make it easier or more difficult to build effective partnerships.

Participatory governance mechanisms enable communities and local government to partner in building healthier and safer cities.

Māori, especially iwi and hapū but also Māori urban authorities and groups (eg Huakina Development Trust), are key contributors to Auckland area economic, social and environmental development. Current iwi/hapū boundaries do not match current Local Authority boundaries.

Restructured Auckland City has a chance to bring stronger local government partnerships with Māori – if Māori are genuinely represented in decisionmaking. This is likely to be particularly fruitful at the second tier of Auckland local government –if that tier has genuine decisionmaking duties and powers – as hapū have defined kaitiakitanga responsibilities.

### ***PHA Recommends***

- 6 To enhance local democracy, as specified in the purpose of the Bill:
  - i. ensure that the minimum number of elected Auckland Council members is at least the number of Members of Parliament for citizens of Auckland
  - ii. make a direct, explicit electoral connection between Auckland City wards and Local Boards
  - iii. clarify roles and powers of Local Boards, giving them explicit statutory powers.

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<sup>i</sup> Acheson D. Independent inquiry into inequalities in health. London: HM Stationery Office, 1998.

<sup>ii</sup> [http://apps.who.int/gb/ebwha/pdf\\_files/A62/A62\\_R14-en.pdf](http://apps.who.int/gb/ebwha/pdf_files/A62/A62_R14-en.pdf) accessed 17 June 2009

<sup>iii</sup> [http://whqlibdoc.who.int/publications/2008/9789241563703\\_eng.pdf](http://whqlibdoc.who.int/publications/2008/9789241563703_eng.pdf) accessed 17 June 2009

<sup>iv</sup> Parliamentary Commissioner for the Environment Wellington New Zealand *Local government environmental management: a study of models and outcomes*. -August 1999  
[http://www.pce.parliament.nz/work\\_programme/reports\\_by\\_subject/all\\_reports/local\\_government/local\\_government](http://www.pce.parliament.nz/work_programme/reports_by_subject/all_reports/local_government/local_government) accessed 25 June 2009

<sup>v</sup> Health Act 1956 Part 2 s 23 General powers and duties of local authorities in respect of public health  
<sup>vi</sup> Brookfield, F. M. (2006). *Waitangi and indigenous rights : revolution, law and legitimation*.

Auckland, N.Z.: Auckland University Press.

F Brookfield "Constitutional Issues" [1994] *NZ Recent Law Review* 376, 379.

<sup>vii</sup> *The Role of Local Government in Achieving Social Well-Being for the Auckland Region*. A report prepared for the Royal Commission on Auckland Governance

Elizabeth Rowe Consulting. In Royal Commission on Auckland Governance/Te Kōmihana a te

Karauna mō te Mana Whakahaere o Tāmaki-makau-rau. Report

Volume 4: Research Papers: Part 5. (2008) p. 134

[http://www.royalcommission.govt.nz/rccms.nsf/CONTENTPAGES/9D9C663C6B99BCFECC257586000CCC7E/\\$FILE/Vol4Part5.pdf?open](http://www.royalcommission.govt.nz/rccms.nsf/CONTENTPAGES/9D9C663C6B99BCFECC257586000CCC7E/$FILE/Vol4Part5.pdf?open)

<sup>viii</sup> Waitangi Tribunal. Report on the Whānau o Waipareira claim. (1998). Wellington: Waitangi Tribunal

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## **Appendix 1 Recommendations from the final report of the WHO Commission on the Social Determinants of Health relevant to local government in New Zealand.**

### ***Action Area 1: Place health and health equity at the heart of urban governance and planning.***

#### **The Commission recommends that:**

**6.1.** Local government and civil society, backed by national government, establish local participatory governance mechanisms that enable communities and local government to partner in building healthier and safer cities (see Rec 14.3).

**6.2.** National and local government, in collaboration with civil society, manage urban development to ensure greater availability of affordable quality housing. With support from UN-HABITAT where necessary, invest in urban slum upgrading including, as a priority, provision of water and sanitation, electricity, and paved streets for all households regardless of ability to pay (see Rec 15.2).

**6.3.** Local government and civil society plan and design urban areas to promote physical activity through investment in active transport; encourage healthy eating through retail planning to manage the availability of and access to food; and reduce violence and crime through good environmental design and regulatory controls, including control of the number of alcohol outlets (see Rec 12.3).

### ***Action Area 2: Promote health equity between rural and urban areas through sustained investment in rural development, addressing the exclusionary policies and processes that lead to rural poverty, landlessness, and displacement of people from their homes.***

#### **The Commission recommends that:**

**6.4.** National and local government develop and implement policies and programmes that focus on: issues of rural land tenure and rights; year-round rural job opportunities; agricultural development and fairness in international trade arrangements; rural infrastructure including health, education, roads, and services; and policies that protect the health of rural-to-urban migrants (see Rec 5.4; 9.3).

### ***Action Area 3: Ensure that economic and social policy responses to climate change and other environmental degradation take into account health equity.***

#### **The Commission recommends that:**

**6.5.** International agencies and national governments, building on the Intergovernmental Panel on Climate Change recommendations, consider the health equity impact of agriculture, transport, fuel, buildings, industry, and waste strategies concerned with adaptation to and mitigation of climate change.

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**The Commission recommends that:**

*Action Area Expand the provision and scope of education to include the principles of early child development (physical, social/emotional, and language/cognitive development).*

**5.4.** Governments provide quality compulsory primary and secondary education for all boys and girls, regardless of ability to pay, identify and address the barriers to girls and boys enrolling and staying in school, and abolish user fees for primary school

**The Commission recommends that:**

*Action Area : Build and strengthen the health workforce, and expand capabilities to act on the social determinants of health.*

**9.3.** National governments and donors increase investment in medical and health personnel, balancing health-worker density in rural and urban areas

**The Commission recommends that:**

*Action Area : Reinforce the primary role of the state in the provision of basic services essential to health (such as water/sanitation) and the regulation of goods and services with a major impact on health (such as tobacco, alcohol, and food).*

**12.3.** National governments, in collaboration with relevant multilateral agencies, strengthen public sector leadership in the provision of essential health-related goods/services and control of health-damaging commodities

**The Commission recommends that:**

*Action Area : Empower all groups in society through fair representation in decision-making about how society operates, particularly in relation to its effect on health equity, and create and maintain a socially inclusive framework for policy-making.*

**14.3.** National- and local-level government ensure the fair representation of all groups and communities in decisionmaking that affects health, and in subsequent programme and service delivery and evaluation

**The Commission recommends that:**

*Action Area : Make health equity a global development goal, and adopt a social determinants of health framework to strengthen multilateral action on development.*

**15.2.** By 2010, the Economic and Social Council, supported by WHO, prepare for consideration by the UN the establishment of thematic social determinants of health working groups – initially on early child development, gender equity, employment and working conditions, health-care systems, and participatory governance – including all relevant multilateral agencies and civil society stakeholders, reporting back regularly

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## Appendix 2

Extracts from

### *Local government environmental management: a study of models and outcomes*

Parliamentary Commissioner for the Environment, Aug 1999

#### Separation of regulatory and service delivery functions

The Local Government Act 1974 (LGA) requires that 'so far as is practicable' councils must ensure that their regulatory functions are separated from their other functions (eg service delivery) to avoid any conflicts of interest where the council may be both the regulator and the regulated. As all councils have a mix of these functions, it is important they clearly define their statutory responsibilities, give appropriate effect to statutory responsibilities, establish structures, systems and processes that ensure transparent decision-making, establish conflict resolution processes and make appropriate use of independent commissioners to make decisions on council consent applications.

#### Key Messages

There are more significant factors in determining effective local government environmental management than the nature of the model. The unitary authority model is as capable of delivering sound, integrated environmental management as any other model, provided that these other more significant factors are addressed. The actual model adopted by local government to achieve effective environmental management needs to reflect the diversity of environmental issues of the regions and the socio-economic, cultural and biophysical outcomes desired by the communities involved (ie 'one size does not fit all').

It is recommended that:

##### **Unitary authorities**

- unitary authorities subject their environmental management performance to routine, independent audits, and that the results of such audits be made public

##### **All councils (individually)**

- in situations where matters relating to council consent applications are resolved internally under delegated authority between groups within the council, councils keep records of agreements and decisions reached
- councils review their current resource management practices to ensure that priority is being given to monitoring, reviewing and reporting on the overall effectiveness of their environmental management
- councils review their current environmental management structures, systems and practices in light of the key features of environmental management systems outlined in this report
- councils investigate options for inter-council arrangements to achieve effective, efficient, and integrated resource management outcomes

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**Local government (collectively)**

- local government collectively identifies specialist skills which may exist only on a nation-wide basis, and develops a system for accessing such skills

**All councils (individually)**

- where there are actual or potential boundary issues affecting environmental outcomes, councils establish joint formal arrangements for managing shared natural or physical resources

**Local government (collectively)**

- local government collectively undertakes a detailed analysis of its human resource needs to ascertain its capability to undertake current and emerging environmental management responsibilities and, if necessary, invest in appropriate training programmes to meet potential shortfalls

**Minister for the Environment**

- the Minister for the Environment gives priority to the provision of national guidance to local authorities on the setting and evaluation of environmental outcomes

**Central and local government (collectively)**

- any future proposals to restructure local government should emphasise the need for effectiveness and efficiency in achieving environmental outcomes.