



Submission to: Local Government and Environment Committee

Date: 26 July 2012

LOCAL GOVERNMENT ACT 2002 AMENDMENT BILL

Introduction

1. Thank you for the opportunity to provide this submission on the Local Government Act 2002 Amendment Bill ('the Bill').
2. As the Children's Commissioner, I have the statutory responsibility to ensure that children's and young people's rights, interests and welfare are upheld. This includes advancing and monitoring the application of the UN Convention on the Rights of the Child (UNCROC) by departments of State and other Crown instruments¹. The Children's Commissioner's Act 2003 outlines the independence of my role and the functions and responsibilities of the Commissioner. I make this submission with those responsibilities in mind.
3. This Bill represents a significant shift in the role of local government. The Explanatory Note to the Bill describes its purpose as ensuring that local councils are *"focusing on operating more efficiently and doing the things only councils can do"*, away from the *"broad purpose of local government, as set out in the Local Government Act 2002, encompassing social, economic, cultural and environmental well-being"*.

Changes should not negatively impact children

4. My primary concern is that any changes in the governance arrangements do not negatively impact the children of New Zealand. This will require adequate provisions to ensure the continuity of services to promote social, economic, cultural and environmental well-being of children. If these services cease to be the responsibility of local governments, the Bill should address how the services will be delivered.

Planning and decisions should consider children's needs

5. A second concern is how the priority for a child-friendly environment will be included in local government planning and decisions such as funding or land allocation and development, when the focus is narrowly placed on *"reducing red tape, minimising the rates burden on households and businesses, limiting debt, and the cost-effective provision of good-quality infrastructure"*.
6. Children and young people require an environment to support their well-being and best interests. This includes: civic amenities such as libraries, pools, recreation centres, playgrounds and skateparks; the maintenance of infrastructure such as roads, footpaths, public facilities (such as parks, public toilets and public transport services); regulation of land-use to ensure safe environments; promotion of public events – particularly youth-focused events; and support for programmes and support services (such as one-stop-shops) for young people who need help.

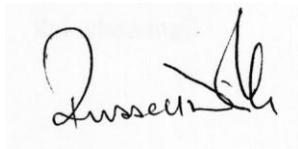
¹ Children's Commissioner Act 2003, section 12(1)(f)

Coordination is needed between central and local government

7. Central government, local government and communities all have a role to play in addressing social issues and supporting the well-being of children and young people. Coordinating these efforts at a local community level will get better value from efforts of all these agencies. Often, the local government agency is best placed to lead this coordination. This point was clearly made through the Royal Commission on Auckland Governance, recognising that, at least in the case of Auckland, local government has a part to play in working towards enhancing social well-being and should work with central government towards achieving this.
8. It is important that the Committee consider how the Bill will provide direction on the coordination between central and local government, so that services and supports for children and young people are not compromised by the institutions, structures and processes across the two level of government.

Summary remarks

9. In my view, local authorities should be encouraged to work with central government agencies and community providers towards supporting local strategies that benefit children, and in particular those strategies that seek to reduce or mitigate the effects of child poverty and improve child health outcomes and educational participation. This need not compromise the efficient operation of core services nor duplicate services, issues which are central concerns of the Bill.
10. My questions to you, as the Committee overseeing the development of this Bill, are:
 - What provisions will be made to ensure that changes the Bill do not negatively impact the children, with continuity of services to promote social, economic, cultural and environmental well-being children?
 - What provisions will be made to ensure that priorities for children are included in local government planning and decisions?
 - How will the Bill provide direction on the coordination between central and local government on working towards enhancing the well-being of children?
11. My final comment relates to the United Nations Convention on the Rights of the Child (UNCROC). The New Zealand Government ratified UNCROC in 1993 and, in doing so, agreed to bring New Zealand's laws and policies into line with its provisions and principles. I would like to remind the Committee that the Government's obligations under UNCROC should therefore be a consideration of this Bill.
12. Thank you for the opportunity to submit on the Bill. If you require further information, please contact my Principal Advisor (Legal), John Hancock on (09) 374 6102 or at j.hancock@occ.org.nz.



Dr Russell Wills
Children's Commissioner

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