

# Submission to the Local Government and Environment Select Committee

## To the Local Government Act 2002 Amendment Bill

Thank you for giving me this opportunity to present to you this submission in relation to the Local Government Amendment Bill currently before this Local Government select committee.

I am conscious that it is privilege to be able to make submissions to Parliament and I do not take that privilege lightly. I make this submission because I think this Bill needs to change to enable territorial local authorities to be more effective and efficient and I believe that this Select Committee is where those changes will and can be made.

I am asking that you, the members of this select committee be united in retaining the purpose statement in the current 2002 Local Government Act. Both the purpose of Local Government in Part 1 Page 18 and also the Outcome statement for community councils in Section 1: 5 Interpretation need to be retained.

In this submission I wish to discuss briefly:

- a) the reason for having a purpose statement that is aspirational, rather than a statement that is actually a purpose rather than a prescriptive function statement. and,
- b) further I will define the words '*well-being and culture*' to emphasise that they should be retained keeping them both in the purpose for local government relating to the quadruple bottom line of social, economic, environmental and cultural well-being.

This Select Committee will be aware of this wording in the current legislation, but for this submission I repeat as follows for the sake of clarity and to emphasise their importance as a purpose that is aspirational:

*Part 1, Purpose Page 18 of 2002 Local Government Act:*

***" d) provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach".***

This statement should also be retained in Section 1 Interpretation the following statement in relation to community outcomes:

***"community outcomes means the outcomes that a local authority aims to achieve in order to promote the social, economic, environmental, and cultural well-being of its district or region, in the present and for the future".***

## Supporting my requested amendment

### 1. Language and grammar

My first reason for asking for you to retain the existing statement is for clarity and accuracy of grammar and language.

The proposed replacement phrase is not a purpose statement, it is a process or function statement. It is a prescription for how to do something not an aspiration or a goal, aim or long term intention which is the role of a purpose statement.

The new amendment Purpose Statement is a HOW statement which directs how local government should fulfil the purpose.

I would also note that the suggested new statement is not only difficult to understand. It is open to misinterpretation and therefore could be subject to challenge.

The words "*good quality*" are particularly subjective and the interpretation varies according to the background and culture of those making the judgement as to what is good and what is quality.

I would also suggest this varied interpretation could be the cause for litigation when an unsuccessful tenderer believes their product or service is better than the one that was awarded any tender. . The inclusion could well send territorial local authorities to court against tenderers, who consider their product or service is better and of greater 'good quality' than the project awarded the contract by the territorial local authority.

### 2. Well-being

My second reason for my submission is to clarify the meaning of the words in both the purpose statement and in the community outcome statement.

It is therefore important to clarify the words particularly the word '*well-being and culture*' and those words linked together.

First the word "well-being". Well-being in the dictionaries means '*health, happiness and prosperity*'. It is also about '*being well, comfortable, prosperous, healthy and happy*'. Also defined as being '*in a state of comfort*'.

In the 2002 Act the word *well-being* is further defined as encompassing the whole of life experienced by a society, its social, economic, environmental and cultural wellbeing. Yes, wide and aspirational – but that is the nature of a purpose statement.

Local Government does not have to provide all things to all people, but it should be seen as having overriding responsibility for the '*health, happiness and prosperity*' of all its communities and citizens.

Local government already works closely with central government which provides for the well-being through the provision of education and health services. They also work

with business and not for profit organisations at all times, including times of disaster and celebration of life.

I am not going to define for you the words "social, environmental and economic as I am sure you all understand these words, but culture is my specialty area and I am conscious that the word is misunderstood and many people just '*something to do with the arts*' or '*something to do with Maori*.'" So I would like now to support this submission by defining for you the words cultural or culture.

### 3. Cultural well-being

As many of you will know that I have written and addressed meetings, workshops and conference about *culture, cultural wellbeing and cultural capital* for about 15 years.

These presentations have been in New Zealand, in Britain, Australia, Hong Kong, South Africa and as recently in June this year, I accepted an invitation to speak at the International Conference on Cultural Economics just held in Kyoto Japan.

For those of you who haven't heard or read my speeches relating to culture and cultural capital here is a definition of culture which might help your understanding of the word:

**"Culture means the histories and stories, the ideologies, the values and the rituals or behaviours of a society"**

I have for each of you a copy of my book on "*Cultural Well-being and Cultural Capital*<sup>1</sup>"

If you would like some further reading on the subject I would direct you to my website and others that support my work, my books and my speeches. Some are found at [www.pseconsultancy.com](http://www.pseconsultancy.com) or to the website of the international organisation for which I am a Director [www.artsaccessinternational.org](http://www.artsaccessinternational.org)

In my books and my speeches, I stress that *Culture* is the key ingredient in our communities. I note that *culture* is the feature in our societies and communities that binds together the social, environmental and economic well-being. It is the way we do everything and the processes we use to do them. It is the way we draw on what is uniquely New Zealand and our New Zealand values, ideologies and behaviours. Culture is who we are.

We celebrate and demonstrate *our cultures* through sharing our history, drawing on that history to enrich values, ideologies and share them through rituals and behaviours.

The *cultural well-being* process involves sharing, nurturing and bringing together of different cultures and individuals, thus providing us with a diverse society which is creative, enriched and innovative. The cultures we inherit enable us to be confident about who we are and where New Zealand stands in the world.

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<sup>1</sup> *Cultural Well-being and Cultural Capital: PSE Consultancy: Waikanae 2004.*

The speech in Japan in June this year was well received and stimulated discussion and interestingly statements of support rather than questions. What I had been asked to do was to suggest to conference participants ways they could measure *culture* in terms of economic and social benefits, but also ways they could use *culture and cultural capital* as part of measurement of the health of a society through Genuine Progress Indicators (GPI). These GPI measurements are an honest way to measure what is really happening in local communities and includes realistic inputs in the form of quality infrastructure, local public services and performance of regulatory functions.

Territorial local authorities are the pulse of the community and respond to local needs. Being conscious of the cultural well-being is one of the ways to measure that pulse and territorial local authorities seeking cultural well-being outcome can assess the positive and negative changes in their communities.

## Summary

I strongly recommend that you do not amend the purpose of local government. The suggested new purpose is instead a function or principle not a purpose. Also these replacement words are open to misunderstanding and misinterpretation, and the definition of them is also open to that debate and individual interpretation:

Instead you should retain the words in the 2002 Act;

***"(d) provides for local authorities to play a broad role in promoting the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach".***

Also under the Section 1 5 I recommend that the interpretation of community outcomes should be retained as follows

***"(d) community outcomes means the outcomes that a local authority aims to achieve in order to promote the social, economic, environmental, and cultural well-being of its district or region, in the present and for the future".***

I would like to appear before the Select Committee to address these issues.

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