



**Submission to the Local Government and Environment Committee on
Local Government Act 2002 Amendment Bill**

26/07/12

Alcohol Healthwatch is an independent charitable trust working to reduce alcohol-related harm. We are contracted by the Ministry of Health to provide a range of regional and national health promotion services. These include: providing evidence-based information and advice on policy and planning matters; coordinating networks and projects to address alcohol-related harms, such as alcohol-related injury, fetal alcohol spectrum disorder, supply to minors and tertiary student drinking; and coordinating or otherwise supporting community action projects.

Thank you for the opportunity to submit to the Local Government Act 2002 Amendment Bill.

We would appreciate the opportunity to present an oral submission.

If you have any questions on the comments we have included in our submission, please contact:

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1. Introduction

Alcohol Healthwatch has worked alongside local Councils since our earliest beginnings in the 1980's. We have worked together, in collaboration with other agencies and local communities, in developing and implementing best practice approaches to reduce alcohol-related harm. These include such initiatives as the Last Drink Survey, host responsibility training, community alcohol projects, injury prevention projects, drink-driving/road safety projects and water safety projects.

We have provided input into local council and local board plans and policies through submissions and advice.

We are currently working towards achieving a collaborative plan to reduce alcohol-related harm in Auckland, and consider Auckland Council to be a key stakeholder in the development and delivery of this. The success of this plan will be reliant on continued collaboration, shared understanding and vision and each sector playing to their strengths.

Alcohol harm in New Zealand is significant, killing 1000 New Zealanders every year and costing the country \$5.3billion per year. It impacts on all sectors of society – health, justice, education, tourism, employment, social welfare, community safety, and consequently local government functions. Responding to this effectively requires all relevant sectors to work together and optimise their efforts.

Auckland Council, like many others, has recognised alcohol-related harm as a having a detrimental effect on their city/district.

Thirteen of the twenty-one local boards (62%) in Auckland have identified alcohol misuse as a problem, and have included a range of measures in their plans in an attempt to address this.

Our submission includes some general comments on the Bill and then addresses our main concern, the proposed changes to the purpose of Local Government.

2. General comments

The Regulatory Impact Statement¹ on the Bill states:

“There is limited evidence to inform the development of these proposals, and the timeframes within which the proposals have been developed have restricted the ability to assess multiple options. As a result, the problem analysis and option assessments of specific proposals rely on assumptions that are not, or are only partially tested”, (p.1).

And;

“The short timeframe for formatting and drafting the legislation creates some risk that interventions could be incorrectly aligned, and/or require subsequent amendment to address unforeseen circumstances”, (p.1).

¹ Department of Internal Affairs (2012). Regulatory Impact Statement: Better Local Government. p.1.

This concerns us deeply. While we don't believe Local Government should necessarily be delivering services that other agencies or Central Government are better placed to provide, the real world isn't black and white.

There are likely to be valid reasons for Local Government to be delivering the services they are currently delivering, and in our experience they are most likely responding to community priorities and needs identified through community consultation.

The sweeping reforms proposed by this Bill and other parts of the Government's "Better Local Government" programme have the potential to create the most significant change to the sector since the amalgamations and accountability review in 1989. We would therefore expect that the proposals be matched with a robust assessment of all available evidence.

In addition, a number of the changes are significant enough to warrant a wide ranging debate within the local government sector and other related sectors. Due to the proposed short timeframes for the process of this Bill, a reasonable timeframe for consultation does not seem possible, which is of great concern.

Being based in Auckland we are also aware that recently the Auckland Plan which has a thirty year timeframe and the Long Term Plan which has a ten year timeframe have recently been adopted. Both of these plans include significant goals of improving community health and wellbeing. We are concerned about the impact that the proposed legislation changes will have on the successful delivery of these plans that are already in place.

We are not convinced that Local Government Amendment Bill will in fact secure the improvements that are desired, and furthermore we are deeply concerned that the Bill may in fact have a detrimental effect on the health and well-being of New Zealanders. This will impact on the most vulnerable – children, the poor and those already experiencing poor health or compromised safety. Given that we already have a particularly poor record in protecting these people, we do not need to increase the burden on these groups any further.

3. Specific Issues: The purpose of Local Government

From our experience local councils have a valid and important role in contributing to reducing alcohol-related harm and otherwise improving the health and safety of communities, and this goes well beyond the delivery of regulatory responsibilities. These include: community safety and crime prevention programmes, sector and community coordination and liaison roles across districts and community development and engagement support roles. The important standing that Council's have in their communities also make them vital partners in many sector-led and community initiatives.

Our main area of concern is the proposed changes to the purpose of Local Government - *Clause 4* which amends the purpose section of the Act (section 3) by replacing paragraph (d) of that section (which contains a reference to the four well-beings). In addition to this, *Clause 5* (section 5) that amends the interpretation section of the Act with regard to community outcomes.

The usefulness of including the four well-beings in the Act, are that it provides a statutory signal to local authorities and the community, that service provision is focused on achieving community wellbeing. The 'value' that communities get from Council's spending should not just be viewed in monetary terms, as there are also the benefits that communities perceive and the impact it has on their wellbeing, which cannot be measured in dollar values. Positive effects on wellbeing have far reaching consequences for society such as increased productivity and improved health outcomes. The inclusion of the four well-beings in the Act also ensures that Council's take a broad range of dimensions into consideration during decision making.

Many of the big issues facing our communities such as poverty, high unemployment, low educational achievement, and poor health outcomes have a number of risk factors which encompass issues that are addressed through the four well-beings. Each level of society has a role to play in turning these poor outcomes around. A substantial reduction in alcohol-related harm, for instance, will not happen if Councils are restricted to regulatory functions. Regulatory functions should not take place in isolation. Local Councils must continue to be able to work with other agencies to achieve shared outcomes, anything that will reduce their mandate or capacity to do so will not be in the best interests of New Zealand.

Local government has had a long history in protecting public health. Initially, this focused on sanitation and food safety issues, but it now involves a broad range of important issues, all of which have a large impact on the communities that they serve. The importance of local government in public health (including the four well-beings) cannot be overstated. It is essential that the four cornerstones of health remain in the Local Government Act to ensure that the local authorities can legitimately fulfill their health obligations. In particular, the Health Act 1956² places an obligation on local authorities to "improve, promote, and protect public health". The proposed amendment will narrow local government vision and will not support local authorities to carry out their statutory responsibilities under the Health Act 1956 and other health-related Acts. Nor, does it take into consideration the large amount of work outside of the regulatory framework that Councils undertake and should continue to play a role in. Much of this work also realises cost benefits for our community and could do so further if the level of investment was increased for evidence-based interventions.

To provide an example of this we will illustrate using examples that are relevant to our work:

If alcohol-related harm was more effectively reduced there would be less alcohol-related rubbish (such as bottles, cans, vomit, urine) to be cleaned up in the city, parks and local communities which would result in a reduction in Council rubbish collection and city clean up team costs; there would be less crime which would reduce costs for the Police, community patrols, security and CCTV cameras; there would be less violence which would reduce costs to Police, hospitals, ACC and general practices. There would also be wide ranging, long-term benefits which could impact on educational achievements, poverty levels, domestic violence, child abuse and many acute and chronic health outcomes.

Central Government has opportunities to do more to protect society from these types of burdens that communities face before curtailing the purpose and role of Local Government. These could

² Health Act 1956, s23.

include implementing legislation to restrict or ban alcohol advertising and marketing, lower the blood alcohol level for adult drivers to at least 0.05mg/L, increase the price of alcohol (preferably via an increase in excise tax), significantly reducing the retail access to alcohol and raise the purchase age to 20 years across the board.

At the recent Local Government Conference all 74 local bodies were unanimous in their support of retaining the four well-beings in the purpose statement of Local Government.

If Local Government has indeed picked up the delivery of services that others could/should be delivering it is likely to be because of identified gaps. Addressing these gaps need to be the priority before making substantial changes to the role and functions of Local Government, especially without an appropriate time frame for consultation and sufficient analysis of the options.

4. Conclusion

Alcohol Healthwatch does not believe that there has been sufficient analysis undertaken to support the implementation of this Bill.

Therefore, we recommend:

1. A more comprehensive analysis be undertaken, which would include considering what roles Local Government are fulfilling in areas of health and well-being and why this is the case. It appears that the majority of the increased spending by Local Government, since the 2002 Act was implemented, has not been on areas related to the four well-beings. Consequently, a breakdown of the increase in spending should be undertaken and analysis of this should inform any changes also.
2. Any barriers to other agencies delivering wellbeing services should be addressed prior to implementing changes to Local Government roles and functions. Significant burden from poor lifestyle choices, including the harmful use of alcohol, falls on local communities, and by default local government.
3. Central Government should implement more effective policies to improve community wellbeing, such as stronger legislation to reduce alcohol-related harm. This would in turn reduce the burden on society, local government and other sectors.
4. Due consideration should be given to the implications that the proposed legislative changes will have on those Council's which already have long term plans in place that involve significant references to the four well-beings.