

15 March 2013

To the Productivity Commission

Submission on the Towards Better Local Regulation Report  
From Central Hawke's Bay District Council

Thank you for the opportunity to make this submission on the "Towards Better Local Govt Report"

A large amount of the activities Local Councils perform is as a result of Central Government Legislation or regulation.

From where we sit as a small rural Council, these are some of the issues:

1. The need for a direction to be set by the "Government of the day" in which way it wants its Ministries to go during its term of office. There seems to be inconsistencies in what a Minister of one department is saying and what another department puts forward as new or changed regulation. A framework needs to be developed between central government departments for a consistent approach in setting regulation.

Example: Ministers say "there is too much regulation by Local Government in the building of a house"; central government departments bring in new or tougher rules around BCAs, RMA and Environmental Assessments for contaminated sites all of which home owners have to comply to and or pay for as part of building their new homes.

2. There needs to be a change in the way central government engages with local government so that we are both involved at the concept and design stages of new or proposed regulatory changes. This would help Local Government better understand what the aims of the Government are, and help departments understand what the implications may be from taking one direction or another.
3. The speed of adoption and required implementation timeframes of some of the recent or current regulatory reforms such as the RMA, water reforms and Building Act etc; has felt as though the instigating government department/s is / are only giving lip service to consultation and had already got to a point of no return with draft documents. The speed of these changes has an effect on the quality of implementation in that often the details appear to have not been formulated at the time the legislation is passed. Less haste and more completeness and guidance would improve quality.

4. While we believe that there should be a consistent approach across the country in the way regulation or activities performed by councils are carried out, local communities have local needs. Councils need the discretion to respond to their communities to make decisions which balance economic and environmental outcomes to meet the needs of the local area and community preference. One size does not fit all.
  
5. Consideration of how the delivery of central government regulation carried out on behalf of central government by local government is to be paid for is needed. Rate payers in general should not carry the cost of delivering a service required by central government regulation. Who carries the liability for the regulation is an issue in some areas? There is a need to set up a funding scheme for the prosecutions being taken by local government to enforce central government regulation. More often than not these are currently being paid for by rate payers. Joint formulation of guidelines around what regulation is to be carried out by local government and what should be done by a central government agencies / departments needs to be agreed.

Thank you for your time in considering our submission.



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