

14 September 2012

Our Ref No: lex11180

Inquiry into Local Government Regulatory Performance  
New Zealand Productivity Commission  
PO Box 8036  
The Terrace  
**WELLINGTON 6143**

By email:  
info@productivity.govt.nz

## **STATEMENT OF THE CHRISTCHURCH CITY COUNCIL ON THE ISSUES PAPER ON LOCAL GOVERNMENT REGULATORY PERFORMANCE**

### **Introduction**

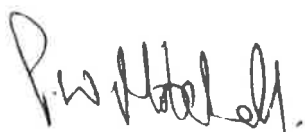
1. The Christchurch City Council (**Council**) would like to make a short statement to the Productivity Commission on the Issues Paper, at this time. It looks forward to providing further information and submissions on regulatory issues at a later stage.
2. In the past, the Council has made a large number of submissions to the government on many regulatory issues. The submissions of particular relevance to regulatory issues, some of which are still outstanding, are attached to this submission for the Productivity Commission's information. Those submissions are as follows:
  - The 2010 and 2012 submissions on Local Government Act 2002 Amendment Bills
  - The 2008 submission to the Local Government Commission on the Local Government Act 2002 and the Local Electoral Act 2001
  - Submissions on the Resource Management Amendment Bill (2009), and the Phase II reforms (2010)
  - Building Amendment Bill (no 3) (2011) and (no 4) (2012) submissions (the no 4 Bill submission also includes extracts from the Council's submissions to the Canterbury Earthquakes Royal Commission)
  - The Alcohol Reform Bill (2011)
  - The Food Bill (2010)
  - The Public Health Bill (2008)
  - The 2008 submission on the Fencing of Swimming Pools Act discussion paper
  - The 2009 submission on the Public Works (Offer Back of and Compensation for Acquired Land) Amendment Bill
  - The Gambling Harm Reduction Bill (2012)

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- Submission on Dog Control Act discussion paper (2008)
  - Prostitution Reform Bill (2001)
  - Manukau City Council (Regulation of Prostitution in Specified Places) Bill (2012)
3. The Council is concerned that many of the regulatory issues it continually raises in submissions do not get addressed. An example is the infringement offence provisions in the Local Government Act 2002, which have not yet been made operable. This is an enforcement tool that the Council should be able to use to make it easier to enforce a number of its bylaws, as well as offences under the Act. Please refer, in particular, to the 3 submissions on the Local Government Act 2002.
  4. Council also wastes a lot of time on managing public expectations. There are matters the public think the Council can address but for which no useful regulatory tools are available to the Council. An example is the issue of street prostitutes. Please review the Council's submission on the Manukau City Council (Regulation of Prostitution in Specified Places) Bill.
  5. The Council considers there can be a lack of understanding at central government on matters of cost versus value and short term solutions versus long term solutions. An example is the Building Act 2004, which was introduced to rectify the perceived problems of the Building Act 1991, which led to the leaky homes debacle. The Council's submission on the recent Building Amendment Bills no 3 and no 4 highlight its concerns that the proposed changes will herald a return to another, but different, leaky homes saga.
  6. The Council would like to bring to the attention of the Productivity Commission, the myriad of legislation that Councils, large or small, must grapple with everyday. Overlaying this legislation is the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987. It can be a bureaucratic minefield that the Council must wade through.
  7. The Council's simple plea is that the government should not give Councils any more to do and it should try to untangle the current complex regulatory environment. That untangling would include providing Councils with the powers needed to get the job done.
  8. Another example of insufficient regulatory tools can be found in those Acts which do not provide for Council officers to require names and addresses of offenders, or if the Act does provide for officers to request names and addresses, then there is no easy way to enforce a situation when someone refuses. An example can be found in the Litter Act 1979. Although a refusal can, of itself, sometimes be an offence, how is the Council to enforce such an offence without a name or address?
  9. With this in mind the Council agrees with the submission from Local Government New Zealand (LGNZ), that the Productivity Commission has an opportunity to identify, through working with local government, those responsibilities or activities that local government undertake which are uniformly applied throughout the country. Together the Commission and LGNZ can look at ways these matters can be more efficiently implemented.

10. In tandem with this approach the Commission also needs to identify those activities which the local government sector is not resourced, equipped or funded to deliver.
11. If you require clarification of the points raised in this submission, or any additional information, please contact Alan Bywater (Programme Manager, Strong Communities, ph 03 941-6430, email: [alan.bywater@ccc.govt.nz](mailto:alan.bywater@ccc.govt.nz) ) or Ian Thomson (Solicitor, Legal Services Unit, ph 03 941-6343, email: [ian.thomson@ccc.govt.nz](mailto:ian.thomson@ccc.govt.nz)).

Yours faithfully



Peter Mitchell  
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Regulation and Democracy Services

