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The Local Government Act 2002
Rationalisation or Reform?

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Abstract

Every community is affected in some way by the decisions that local councils make. Services which communities naturally rely upon, such as clean water flowing from taps, driving or catching a bus to work, or having rubbish collected are all provided by local authorities. But the role of local government in New Zealand society goes beyond the provision of services. Democratically elected local authorities play an essential part in the overall governance and sustainable development of the country.

The legal authority within which councils operate is circumscribed mainly by statute. Prior to 1999, key elements of this statutory framework had become outdated. The Local Government Act 1974, in particular, was a collection of parts enacted at different times, reflecting diverse policy approaches and objectives. It was prescriptive, complex and lengthy. Clearly, a more effective and enduring legislative framework was required.

In 1999, the Labour-Alliance Government initiated a Review of the Local Government Act 1974 that aimed to achieve a new statute which reflected a coherent overall strategy for local government, moved to a more broadly empowering legislative framework, developed a partnership relationship between central and local government and clarified local government’s relationship with the Treaty of Waitangi.

This thesis critically examines whether these four key objectives were achieved through the enactment and subsequent implementation of the Local Government Act 2002. Was the result of the Review mere rationalisation of the 1974 Act or true reform?

The thesis concludes, taking each of these objectives in turn, that the Local Government Act 2002 only partially reflects a coherent overall strategy. While a number of disjointed objectives in the 1974 Act have been rationalised, true reform that aligns the principles of local self-government in New Zealand with those accepted internationally, is a matter for future action. By contrast, the move to a more broadly empowering legislative framework balanced by greater community accountability under the 2002 Act has resulted in true reform. Although the 2002 Act has not delivered a legislative partnership relationship, it has resulted in enhanced cooperation between central and local government. Finally, greater clarity has been achieved through the reform of local government’s relationship with the Treaty of Waitangi.
Dedication

In gratitude to Maree, Charlotte and Poppy
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**Table of Contents**

1. **CHAPTER 1 - INTRODUCTION**  
   1.1 Introduction  
   1.2 The Local Government System in New Zealand and International Comparisons  
   1.3 Challenges and Opportunities Facing the Local Government Sector in 1999  
   1.4 International Policy Reform Comparisons – Australia and the United Kingdom  
   1.5 The Objectives for the Review and Reform of the Local Government Act 1974  
   1.6 An Outline of the Structure of the Thesis  
   
2. **CHAPTER 2 - REVIEWING THE LOCAL GOVERNMENT ACT 1974**  
   2.1 Introduction  
   2.2 19th Century Framework  
   2.3 The Local Government Act 1974  
   2.5 Policy Development under the Labour/Alliance Government (1999-2002)  
   2.6 The Local Government Bill 2001 and Select Committee Report  
   2.7 The Local Government Act 2002  
   2.8 Conclusions  
   
3. **CHAPTER 3 - A COHERENT OVERALL STRATEGY ON LOCAL GOVERNMENT**  
   3.1 Introduction  
   3.2 Policy Development under the Labour/Alliance Government (1999-2002)  
   3.3 A Coherent Overall Strategy on Local Government  
   3.4 The Local Government Act 2002  
   3.5 Discussion and Analysis  
   3.6 Conclusions  
   
4. **CHAPTER 4 - A MORE BROADLY EMPOWERING LEGISLATIVE FRAMEWORK**  
   4.1 Introduction  
   4.2 The 4th Labour Government (1984-1989) and the 'Power of General Competence'  
   4.3 Policy Development under the Labour/Alliance Government (1999-2002)  
   4.4 A Power of General Competence  
   4.5 The Local Government Bill 2001 and Select Committee Report  
   4.6 The Local Government Act 2002  
   4.7 Discussion and Analysis – Status and Powers  
   4.8 Discussion and Analysis – Regional Councils and Territorial Local Authorities - the Problem of Overlapping Responsibilities  
   4.9 Conclusions  
   
5. **CHAPTER 5 - ACCOUNTABILITY**  
   5.1 Introduction  
   5.2 Policy Development under the Labour/Alliance Government (1999-2002)  
   5.3 The Local Government Act 2002  
   5.4 Discussion and Analysis – Council-Controlled Organisations  
   5.5 Discussion and Analysis – Planning, Decision-Making and Accountability  
   5.6 Conclusions  
   
6. **CHAPTER 6 - A PARTNERSHIP RELATIONSHIP**  
   6.1 Introduction  
   6.3 The Local Government Act 2002  
   6.4 Discussion and Analysis – A Partnership Relationship  
   6.5 Conclusions  
   
7. **CHAPTER 7 - CLARIFYING THE RELATIONSHIP OF LOCAL GOVERNMENT WITH THE TREATY OF WAITANGI**  
   7.1 Introduction  
   7.2 Local Government Reforms and the Treaty of Waitangi  
   7.3 Maori, the Treaty of Waitangi and Local Government  
   7.4 The Local Government Act 2002  
   7.5 Discussion and Analysis – Clarifying the Relationship
7.6 Conclusions

8. CHAPTER 8: CONCLUSIONS
8.1 Introduction 396
8.2 Appraisal 397
8.3 Looking Forward 419
8.4 In Conclusion 426

APPENDICES
Appendix A 428
Appendix B 438
Appendix C 444
Appendix D 453

BIBLIOGRAPHY 455