FROM POTHOLE TO POLICY:
How Invercargill City Council informs itself of, and has
regard to, the views of all of its communities

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Abstract

In the 1990s, governments in the Western world were seeking solutions to the economic and social dysfunction resulting from a decade of pure neo-liberal policies. Increased inequalities in the distribution of wealth, the promotion of individualism at the expense of community and citizens feeling alienated from government had become critical problems, nowhere more so than in New Zealand. A solution that has been adopted is to reconnect government at all levels with citizens and the civic sector. The good governance agenda proposed increased transparency and accountability of government to citizens, and a new role for citizens as participants and partners. It became the foundation for a fundamental reform of local government in New Zealand, resulting in the Local Government Act 2002. However, the acquisition of a right to participate does not necessarily lead to knowledge of that right and the capacity to exercise it on the part of citizens: nor the willingness to allow it on the part of government. There are also more general questions about the exercise of power, about representation and about whose voices are heard. This thesis, through a case study of Invercargill City Council, a local government authority in Southland, New Zealand, examines these issues relating to citizen participation and the extent to which the Council has been able to create an environment and processes that enable all of its communities to participate. In doing so, it draws on a body of literature in the field of Development Studies, where participatory theory and practice have held centre stage for almost two decades. The thesis asks whether the lessons learned in that field could inform the practice of citizen participation in local government in New Zealand.

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I hope that this thesis will be seen as an informative and constructive contribution to the ongoing discussion about the objectives of citizen participation, particularly in local government in New Zealand, and how these can best be realised.

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Chapter 1: Overview of the Research

1.1 Introduction

This thesis is about the relationship that citizens and communities have with government and in particular, the participatory and governance aspects of that relationship. It is interested in the ways in which governments at different levels embrace the philosophy and requirements of participatory democracy and how successful they are in establishing the environment and processes that enable all of their communities to participate.

The starting point for my interest in this topic was my Masters in Development Studies at Victoria University in Wellington, New Zealand. Participatory development and governance are key themes in Development, and in choosing a New Zealand based topic, my intention was to discover the extent to which the lessons learned in participatory development could inform the practice of participatory governance in New Zealand.¹

The context that I have chosen for my study is local government in New Zealand, and in particular, a case study of the Invercargill City Council: the territorial body for Invercargill, a city of 50,328 people (2006 Census, Department of Statistics) located at the very bottom of the South Island of New Zealand. It was chosen as the case study for two reasons. Firstly, as a South Islander returning to New Zealand after a decade of working overseas, I wanted to select an urban area in the South Island. Secondly I became interested in Invercargill after I read reports of bold initiatives being undertaken in economic development.

The thesis also studies the topic through a focus on primarily one clause of the Local Government Act 2002.² Section 14 of the Act specifies a list of principles which must be adhered to by local authorities in performing their roles and in particular section 14, clause (1)(b) provides that “a local authority should make itself aware of, and should have regard to, the views of all of its communities”. This clause was selected because it goes to the heart of the relationship that the Act expects between Councils and communities and

¹ The concept of governance is discussed in section 2.4.1.

² The Local Government Act 2002 is referred to from this point as either the Act, the LGA or in full.

hence, to what can be inferred as a key objective of the Act itself, which is to strengthen the social and civic capital of communities across New Zealand.³

1.2 Personal positioning

I come to this topic from a background in law, development studies and overseas experience in developing countries. As a qualified barrister and solicitor, I spent three years in legal practice at the beginning of my professional working life. This was followed by 18 years in the field of export market development, culminating in a six year posting for the New Zealand Trade Development Board in South America based firstly in Chile and then in Brazil.⁴ After two further years in Brazil, followed by two years in the United States, based in Washington D.C. as the Director of New Zealand Relations with the United States Congress I returned to New Zealand and began a Masters degree in Development Studies of which this thesis forms part. The decision to become involved in development was undoubtedly influenced by my time in South America and the issues of governance and social justice that are prevalent there. It was these concerns that led me first to Washington D.C. and subsequently to postgraduate study in New Zealand and it was my intention on completion of my degree to work in a development role overseas. However, part-way through my first year I had a change of heart, coming to the view that there was ample scope for my involvement in New Zealand. As a result I changed my focus and subsequently chose a New Zealand based thesis topic.

Initially I was a reluctant researcher in the field of local government, believing that its role was still limited to ‘roads, rubbish and regulations’, or in other words, the provision of infrastructure and services on a local basis. However, the LGA redefines the purpose of Councils as enabling democratic local decision making and action by, and on behalf of, communities and to promote the social, cultural, economic and environmental wellbeing of communities, in the present and for the future (Section 10, Local Government Act 2002). Once I learned of these changes I became enthusiastic about the potential of local government to facilitate community empowerment and community-based decision-making. The rationale of social justice which in part underlies a participatory approach and which

³ The term ‘social capital’ is defined in the Glossary, Appendix 1.

⁴ The name of the organisation has now been changed to New Zealand Trade and Enterprise.

resonates strongly with me, as well as the concept of democratic governance envisaged by the Act, were also a good fit with my studies in development.

Finally, my legal background gave me a strong interest and capability in studying the legislation and it was then a natural fit to locate my thesis in the study of the Local Government Act 2002 and the implementation of one of its specific provisions.

1.3 Research aim and approach

The topic of citizen participation in government could be investigated from the standpoint of many relevant theories, for example rights-based approaches, community development or considerations of social capital. The latter two concepts are defined in the glossary of this thesis as they are presumably part of the objectives of the Act. However the limitations inherent in a Masters level thesis have meant that I have necessarily restricted myself in a theoretical sense, to the theories of participation and democratic governance as they seem to be the most central to the intentions and practice of the local government legislation.

Participatory approaches have long held centre stage in development programmes, to the point where there is now a large body of literature available. This literature analyses both the theory and practice of participation in development and an objective of this thesis is to examine that literature to determine whether there are lessons or insights which could inform the study and practice of participatory democracy in New Zealand.

Based on section 14(1)(b) of the Local Government Act 2002 my research aim is to examine the following question:

How can Invercargill City Council enhance its awareness of, and the regard it has, to the views of all of its communities?

The following section outlines the structure of this thesis, with the chapters designed to provide the specific information required to investigate and answer the research question.

1.4 Structure of the thesis

Subsequent chapters will be structured in the manner described below.

Chapter 2 Development theory

This chapter discusses the populist participatory approach to development that has dominated programmes in developing countries of the South since the 1980s. It also discusses the more recent merging of participatory development and governance. In turn, this has seen some convergence between the north and south as governments in developed countries try to restore citizen trust and participation in government through participatory democracy and governance approaches. The chapter reviews some of the vast body of development literature which analyses where the participatory approach has succeeded and failed from both theoretical and practical perspectives. It then looks at how governance is defined and the rise of governance as an approach in both the South and the North. The chapter concludes by briefly reviewing the situation in New Zealand and highlighting areas where there might be lessons and insights that could inform the practice of governance in New Zealand.

Chapter 3 Local Government in New Zealand

Chapter 3 provides a brief review of the history of local government in New Zealand. It also examines the context for, and the likely philosophical intent of, the current local government legislation. The chapter then reviews and analyses the specific provisions of the Act relating to the purpose of local government and the provision for citizens views and participation in the decision-making processes of local authorities.

Chapter 4 Invercargill profile

Chapter 4 includes an historical, demographic and social profile of Invercargill City which provides the information for the subsequent selection of the South Invercargill and Māori communities as case studies. It also provides background and information of general relevance in examining the research question and the generic processes used by the Council to inform itself of community views. The last part of the Chapter describes the structure, system of representation and composition of Invercargill City Council.

Chapter 5 Research methodology

In this chapter I provide an outline of my research and the methods used including semi-structured interviews with key informants, my Council work placement and direct observation. I also explain the reasons for my case study approach and the selection of the case study communities. The chapter describes how I selected the people who were interviewed, the interview process and the analysis of the interview data. Ethical considerations are discussed, especially the issue of my insider status resulting from my work placement at the Council and continued residence in Invercargill. Finally, I reflect on the limitations and lessons learned from the research experience.

Chapters 6 & 7 Research findings: Māori and South Invercargill communities

Chapters 6 and 7 lay out the findings of the research in relation to how the Council makes itself aware of, and has regard to, the views of the respective communities. It includes an analysis of the research results and concludes with a summary of the findings and suggestions for actions that the Council and communities could consider.

Chapter 8 Research findings: Generic processes for obtaining community views

Chapter 8 lays out the findings of the research in some of the areas which are key determinants of the Council's approach towards being informed of, and having regard to, the views of its communities. These include how the Council views its purpose and defines its role, especially in relation to decision-making, its views of representative groups as a community voice and the Council's general views about public consultation. The chapter also examines the degree of public awareness of the purpose and role of local government. It then reviews a selected number of generic processes that the Council uses to inform itself of the communities views, with processes chosen to represent the spectrum from operations to strategic and policy issues. The chapter concludes by looking at whether there are any important issues in the community which are not being picked up by the Council, but where, in light of the purposes of local government, one might expect Council to be taking a leadership or facilitative role.

Chapter 9 Conclusions

Chapter 9 summarises the theoretical, legal and situational information of the early chapters, and the subsequent research results. The discussion is then broadened to relate the findings to wider theoretical concepts of participatory theory and practice, good

governance and community. It concludes with a summary of the changes and actions that would appear to have the most salience in informing future participatory practice between local government and communities in New Zealand.

Chapter 2: Participation in Development and Governance

2.1 Introduction

This chapter describes the theory and methodology of populist participatory development. It also discusses the conditions that gave rise to it and the different motivations of its proponents. The chapter then examines the main philosophical and methodological concerns that have arisen, and the rise of good governance, partly as a response to those concerns. It then looks at the simultaneous rise of governance in the West, and the situation in New Zealand.

2.2.1 The theory of participatory development

The lack of participation by local beneficiary populations in their own development had been identified as a problem as far back as the 1950s when development workers and social activists proclaimed that, “most of the failures of development projects were due to the fact that the populations concerned were kept out of all the processes related to their design, formulation and implementation” (Rahnema, 1992, p. 117). Years later, in the 1970s, the then President of the World Bank, Robert McNamara, admitted that, “growth [was] not equitably reaching the poor and had been accompanied by greater maldistribution of income in many developing countries” (cited by Rahnema, 1992, p. 117).

With the situation unchanged in the 1980s, a populist participatory movement began which saw its goal as nothing less than overcoming a problem with the very nature of development. Not only had growth in GDP not ‘trickled down’ to improve the financial lot of the world’s poor, but grassroots political power had not succeeded in transforming the ruling elites. The populist movement, although practiced at a project level, was therefore much more ambitious than just achieving better project outcomes. It imagined a different world altogether where local communities, imbued with agency, would have the power to change not only their financial situations but their lives.

The movement was inspired by radical Brazilian educator, Paulo Friere who in the 1970s sought to conscientise the rural poor in South America. He attacked what he called the banking concept of education, in which students were seen as passive and an empty

account to be filled by the teacher. He also decried the teacher student dichotomy and instead sought to achieve a role reversal where teachers learned and students taught (Friere, 1997). His technique, which evolved into Participatory Action Research, aimed to provide an “analytical framework and skills for people to define, challenge, change and make their own development” (ActionAid, p. 1).

These ideas were taken up by Robert Chambers in his drive to spread and deepen a participatory development approach in Western development agencies. He too emphasised the pre-eminence of local knowledge and passing the power to local people to undertake their own analysis and action planning. The main idea was that:

The role of dominant others has to change. From planning, issuing orders, transferring technology, and supervising they shift to convening, facilitating, searching for what people need, and supporting. From being teachers they become facilitators of learning (Chambers, 1995, p. 34).

The method and tools developed by Chambers were originally known as Participatory Rural Appraisal (PRA),⁵ although this has since evolved to Participatory Learning and Action (PLA) and other similar approaches,⁶ and Mikkelsen points out that PRA is now generally taken to refer to participatory methods in general and comprises, “a set of tools and techniques for gathering, sharing and analysing information, and for planning and action” (Mikkelsen, 2005, p. 62).⁷ In a workshop given in 2006, Chambers described PRA as “a family of approaches, behaviours and methods to enable local people to analyse their realities, to plan, act, monitor, evaluate, take control of their lives and realize their capabilities” (Chambers, 2006).

In Chambers’ view, there are three pillars to the approach: personal, institutional and professional. He ascribes predominant importance to personal change because, while participatory development aims for the transformation of all three pillars, it depends on the transformation of the behaviour and attitudes of the elites (Chambers, 2006, p. 14).

⁵ An even earlier version was RRA – Rapid Rural Appraisal which had more to do with data collecting or ‘finding out’ from locals with the analysis then done by ‘experts’.

⁶ Participatory Reflection and Action.

⁷ And will be used in this manner in this thesis.

Chambers sees this as a series of changes and reversals – of role, behaviour, relationship and learning, which he said, “are the essence of PRA” (Chambers, 1997, p. 103).

Chambers’ instructions were therefore peppered with binary opposites: dominator to facilitator; boss to coach; controller to catalyst; lecturer to listener. However, Chambers goes further than this to talk about the “big, big shifts in much development thinking and practice” that are needed (Chambers, 2006, p. 15). Taking some examples; in the area of planning and action, the shift must be from “top down, centralized, standardized and controlling to bottom up, decentralized, diverse and democratic”. Goals must shift from “preset and fixed, to evolving”. ‘They’ (or lowers) are to be seen as “actors and rights holders, rather than beneficiaries and recipients” and accountability should flow downwards rather than upwards (Chambers, 2006, p. 15). Participatory approaches, by definition, involve people working together, with an emphasis on the group being empowered to undertake tasks themselves. Chambers’ instructions include phrases such as ‘hand over the stick’ and ‘they can do it’.

Rahnema saw the intentions of participatory practice as more overtly political. He cites a definition from UNRISD,⁸ which defines popular participation as, “the organised efforts to increase control over resources and movements of those hitherto excluded from such control”, with the aim being to achieve power. Quoting Orlando Fals-Borda, the type of power being sought was, “people’s power to enable them to advance towards shared goals of social change within a participatory system” (Rahnema, 1992, p. 120). In Rahnema’s view, popular participation was intended to perform four functions: cognitive - generate a different mode of understanding the realities to be addressed; political (empower the voiceless); instrumental (propose new alternatives); and social (a rallying idea to give development discourses a new lease of life) (1992, pp. 121-122).

While Chambers and Rahnema both saw the goal of popular participation as societal transformation and the achievement of fundamental change between the world’s haves and have-nots, Chambers did not go as far as Rahnema, or Friere, and instead talked about reversals of power only in terms of individuals (Hickey & Mohan, 2004, p. 5). However, it soon became apparent that there were other differences in the adoption of participatory

⁸ United Nations Research Institute for Social Development.

practices, with Mohan noting that there were “different ideologies reflecting the broader goals that participation might achieve” (Mohan, 2002a, p. 2).

The major alternative to the view of participation as transformatory was a view which characterised it as ‘instrumental’. In this view, the broad goals of development were seen as valid, and participation was viewed as a way of increasing efficiency and cost effectiveness (Mohan, 2002a, p. 2). The view of participation as a means to reduce costs, improve efficiency and achieve better, more certain outcomes was well suited to the “neo-liberal discourse of self-help and individualism” (Mohan, 2002a, p. 3). The World Bank, an exponent of this approach, defined participation as “a process through which stakeholders influence and share control over development initiatives, decisions and resources which affect them” (Rudqvist & Woodford-Berger, 1996, p. 11). Walsh (1998) categorises this as an approach in which the donor agencies have some interest in change, but not at the expense of losing control: an involving but not *empowering* approach.

Mikkelsen, while agreeing that it has been common practice to distinguish between ‘means’ or instrumental, and ‘ends’ or transformative participation, maintains that more elaborate and useful typologies have been developed, although she acknowledges that most of them build on the instrumental-transformational dichotomy (Mikkelsen, 2005, pp. 63-64). According to Mikkelsen, the most common of these typologies is a seven stage scale which ranges from passive participation, through information giving, consultation, taking part by providing or receiving resources, function participation, interactive participation and self-mobilisation (Pretty et al. cited by Mikkelsen 2005, pp. 59-61).

While such further distinctions may be useful, it is the ideology of those taking part and their organisations that will determine the roles and type of involvement of the parties and, for the requirements of transformation, nothing short of local ownership and control is likely to suffice. Common to all definitions and approaches however was a “growing acceptance regarding the importance of local involvement” (Mohan, 2002a, p. 3) and the fact that “whichever definition is used, the process of participatory development is fundamentally about power. It involves political struggle whereby the powerful fight to retain their privileges and the less powerful must struggle for increased control over their lives” (Mohan, 2002a, p. 4).

2.2.2 The tools of participatory development

In contrast to the expert knowledge regarded as essential for ‘normal’ development, participatory development largely reverses this and emphasises the importance of local knowledge. The research methods for doing this, inspired by Paulo Freire “have grown into a veritable industry, but all centre upon trying to see the world from the point of view of those directly affected” (Mohan, 2002a, p. 4).

As noted, the most widely used methodology is Participatory Learning and Action and its wide number of tools and techniques, many of them visual or oral “because it is felt that the medium of written language is prejudicial to free expression” (Mohan, 2002a, p. 5). Some of the more well-known of the techniques are:

- local analysis of secondary sources, for example aerial photographs;
- diagramming – flow charts, linkage and venn diagrams, pie charts, force field analysis;
- preferencing techniques – ranking, scoring, weighting and analysis of wealth, incomes and livelihoods;
- mapping techniques – social and resource maps, mobility;
- calendars – seasonal or historical;
- case stories, life histories and narratives;
- strategic and futures workshops, SWOT workshops, appreciative inquiry, future and scenario workshops;
- the development of local indicators – for health and wellbeing; and
- other participatory practices such as workshops, joint consultations and focus group discussions, and more recent innovations such as video and photo production, role plays and theatre.

(Braun, 2006; Mayoux, 2001) and (Mikkelssen, 2005, pp. 63-64)

In fact, participatory methods are not restricted to any particular list, and “include all techniques that facilitate the democratic participation of group members in the process of reflection and analysis, so that the status and roles of different people do not prevent a free flow of ideas and opinions” (ActionAid, p. 1).

2.3 Critique of participatory development

2.3.1 Introduction

The participatory movement gathered enormous momentum in the 1980s and 1990s and within little more than a decade it had become the new orthodoxy. Its followers included not only smaller aid agencies but large international non-governmental agencies (NGOs) and multi-lateral bodies such as the World Bank. Henkel and Stirrat refer to the difficulty of finding a development project that “does not in one way or another claim to adopt a participatory approach involving bottom-up planning, acknowledging the importance of ‘indigenous’ knowledge, and claiming to ‘empower’ local people” (2001, p. 168) and in 2004 Glyn Williams refers to its “massive institutional reach” (2004, p. 563).

However, beginning in the 1990s, disillusionment began to be expressed with the results and the suitability and use of the methods. Fundamental change and shifts in power had not been achieved and hence the transformative ideal was not being accomplished. The use of the tools and processes was in many cases doing more to bolster the status quo than to change it and the practice had, it was said, become something of a tyranny. There were also many allegations that much of what was being done was superficial, for either compliance purposes or to obtain funds. Rahmena, among others, said it had become a “good fund raising device” (1992, p. 119).

The adoption of participatory development by strongly neo-liberal agencies such as the World Bank had fuelled suspicion of an agenda to co-opt the poor and depoliticise the approach, thus removing its transformative potential and ensuring a continuation of the status quo. Detractors claimed that, rather than leading to a “paradigm shift in development thinking, opening up spaces for popular engagement in the development process, it [had] become a legitimating device, a mere technical fix that leaves unchallenged the global and local relations of inequality in which poverty and powerlessness remain embedded” (Institute of Development Studies p. 1).

Criticism reached a crescendo with the publication of “Participation: the New Tyranny?” in 2001 (Cooke & Kothari, 2001) in which the question was posed whether the problems with participation had become so structural and grave and the approach so tyrannical that the time had come to discontinue it altogether. While this has not turned out to be the case,

the shortcomings of practice and theory that were identified provide valuable insights for the western practice of participation, and are therefore considered in some detail in the following section.

2.3.2 Philosophical issues

The main philosophical criticisms that have been levelled at participatory development have been inadequate theorisation and subsequently, its de-politicisation. The loss of connection with its roots of radical empowerment is regarded as a key reason for its failure to achieve transformational change (Cleaver, 2001, p. 37).

In defence of participation it should be noted that until the beginning of the new millennium, development was practiced more in the form of discrete projects rather than the current sector, programmatic or even national approach. In these circumstances, it would have been more difficult for participatory approaches to produce the kind of political or societal transformation that was hoped for. However, the charge of inadequate theorisation remains, in particular what kind of transformation was anticipated and how that would result, that is, the causal links that would show how transformation would occur through participation.

Cleaver suggests that transformation is not always the most needed goal, and reminds us that there are many good and useful projects to help peoples' lives that are just that, projects, without being joined to anything else, or part of an effort to transform society and its structures. "Empowerment and transformation" she said, "require not just the opening up of participatory spaces to transparently debate citizenship, to hold the state to account and so on, but also the more prosaic transformation of everyday life" (Cleaver, 2004, p. 275). She goes on to point out that "poor people suffering such conditions have little chance of even being a good neighbour, never mind articulating their rights in public spaces, or becoming representatives of others similarly disadvantaged" (Cleaver, 2004, p. 275).

2.3.3 Methodology problems

There has been a sustained focus from development theorists and practitioners on the methodological problems of participatory development and the major criticisms are discussed in this section.

Reliance on personal voluntary transformation of uppers and no agency for lowers

According to Chambers, who divided the world into uppers (donors, or the ‘experts’ from the developed, usually Western, world) and lowers (people of countries in the South, or developing world), “for the realities of lowers to count more, and for the new high ground to prevail, it is uppers who have to change” (Chambers, 1997, p. 188). As a basic premise for Chambers’ theory of transformation through participation, this is a weak and problematic link. He assumes that the essential reversals which he proposes will all occur once the ‘uppers’ have undergone their personal transformation. As Kapoor points out, this solution is entirely a “voluntaristic one, relying on the personal choice and behaviour of individual members of elite groups” (Kapoor, 2002, p. 111). Chambers is silent as to how this might happen, and what would motivate such a change, and as such, “there is no clear path to Chambers’ higher ground – rather we are to get there by a single (and fairly substantial) leap of faith” (Williams, 2004, p. 561).⁹

Equally puzzling is the idea that lowers might have no agency in bringing about this change, which is in strong contrast to the work of Paulo Friere,¹⁰ on which in part, Chambers work is based. Friere saw the role of lowers very much as one of struggle to “read the world” and liberate themselves. More than that, his view was that only the “oppressed could liberate the oppressors” (Friere, 1997).

Hickey and Mohan take a different view saying that the expectation was that the required transition of the uppers would take place through according participatory roles to the subjects of development (Hickey & Mohan, 2004, p. 11). This however presupposes that the uppers allow a fully participatory process to occur.

⁹ An alternative, albeit unsettling explanation, is offered by Henkel and Stirrat who point out that Chambers’ dualistic cosmos of good and evil, the importance of reversals and the significance of personal conversion are intrinsic attributes of the Christian (Protestant) discourse of salvation.

¹⁰ Referred to on page 1.

Insufficient understanding of power and how it operates

Power is acknowledged to be a key determinant in the operation of participatory practice. Gaventa proposes that power be assessed in terms of how the space, in which participation takes place, is created; the places or levels of engagement; and the visibility of power. Citing Cornwall, he said that spaces for participation are not neutral. They are shaped by the power relations which created the boundaries around that space, deciding who may enter, what is permitted within them and which discourses and interests are permitted (Gaventa, 2004, p. 34). Spaces may be closed (decisions made behind closed doors), invited (for example members only) or claimed space (for example a public meeting called by residents).

The places of participation, the arenas where critical power resides may be considered at a personal level, for example, gender and power, or more public places which involve a contest between the local, national and global arenas as locations of power. Seeing the visibility, or invisibility of power enables understanding of who is being excluded and why – “the entry of some over others into public spaces may be privileged through bias or rules of the game. Or, power may be internalised in terms of ones values, self-esteem and identity, and voices in visible places may be only echoes of what the power-holders who shaped those places want to hear” (Gaventa, 2004, p. 37).

Participation and representation

In many cases, as Hickey and Mohan point out, it is not possible for every individual to be involved as a participant, and in their view, “much of what is considered participatory is more a process whereby large numbers of people are represented by a relatively small group of participants” (Hickey & Mohan, 2004, p. 19). Accepting that this may be necessary, they point to the need to develop an adequate theory of representation or alternative ways of conceptualizing the ways in which popular agency is legitimately conferred to higher level agents (Hickey & Mohan, 2004, p. 20).

Gaventa, noting that the question of “who speaks for whom...[is] a critical one”, said that it involves legitimacy, and in the new forms of participatory governance, the legitimacy of representative democracy “is often pitted against other forms of legitimacy drawn for instance, from leadership embedded in...neighbourhood associations” (2004, p. 38).

Unrealistic view of 'community'

Critics argue that the concept of community in PRA is too homogenous, and fails to acknowledge power structures and discriminatory practices. It would of course be unlikely that a 'Southern' community, like their 'Northern' counterparts, would not have elite groups and hierarchical structures, as well as practices which disadvantage certain groups, for example, women or those with little education. Mohan (2001) believes that PRA techniques are biased towards seeing the community as consensual and harmonious, which is reflected in the way PRA promotes consensus and conceals powerful interests at the intra-community level.

Privileging the local and local knowledge

Local knowledge is placed at the centre of participatory development, and in fact, one of its aims was to produce a new local knowledge. The debate around this centres on the nature of local knowledge, and whether other knowledge should ever be brought into the mix.

Rahmena claims that there has been a failure to recognise that traditional or local knowledge systems can also suffer from the same inhibitive prejudices as is the case with all knowledge systems (1992, p. 122). David Mosse (2001), in his research, shows that local knowledge is constructed, often using the information gained from outsiders and is often tailored to what it is believed the donor wants, or is able, to deliver.¹¹ Local knowledge, he said, "is strongly shaped by dominant interests and agency objectives and analyses; it is conditioned by perceptions of project deliverables and the desire for concrete benefits in the short-term; it closely matches and supports programme priorities" (2001, pp. 22-23).

In relation to whether other, non-local knowledge should also be considered, Friere believed that although local knowledge was the essential starting point, that did not mean staying *only* with local knowledge (Friere, 1997, p. 70). Rahmana however is cautious, believing that this could lead to a "conceptually reductionist and patchwork type of exercise" if the aim is to combine the two (local and non local). A related issue is whether groups are confined to local areas when connections to wider regional, national or even

¹¹ Mosse's analysis utilised his experience with a farming project called the Kribco Indo-British Farming Project in western India.

international levels would be more successful in addressing the non-local aspects of problems or opportunities.

It also raises considerations of cultural relativism and trans-nationalism. Cooke and Kothari (2001), in their introductory chapter, ask whether there is now a tyranny of decision-making and control, with participatory practices overriding existing, legitimate decision-making processes. In this situation, rather than domination by Westerners, the presumably hierarchical behaviour is local, and it would be locals being asked to 'hand over the stick' in favour of a Western concept of participatory decision-making.

Privileging the public over the private

With the privileging of the public over the private, Kapoor points out that this acts as a disciplining mechanism, where "participants monitor and normalize one another's behaviour. People will tend to do and say what they believe is expected of them" (Kapoor, 2002, p. 113). In a related vein, Cook and Kothari (2001) ask whether there is a 'group tyranny' with group dynamics leading to participatory decisions that reinforce the interests of the already powerful. Privileging the public space can also prevent the participation of those who, by custom or work may not have access to that space, or the same public speaking rights and women are often disadvantaged by this preferencing (Kapoor, 2002).

Lack of processes for procedural fairness and justice

Partly through Chambers' insistence on relying solely on practice rather than theory, critics say there is no protection or procedural requirement to ensure fairness or to require a just outcome. Kapoor points out that while there are various techniques and guidelines for inclusiveness and rules governing the behaviour of facilitators, there is nothing that ensures the discussions and interactions that then take place are coercion free, and asks "what provisions exist for free and equal deliberations?" (Kapoor, 2002, p. 106). He is again critical of the methodology when he notes the lack of a "mediating mechanism for reaching a just consensus" (Kapoor, 2002, p. 108).

Subjection versus empowerment

Rahnema, claimed that participation had become a "politically attractive slogan", useful to governments to control and contain participation (Rahnema, 1992, p. 118). Later writers, Williams (2004), Kothari (2001) and Henkel and Stirrat (2001), have also pointed out

various ways in which participation can be a form of subjection rather than empowerment, partly through the participatory process itself. Putting community members ‘on the inside’, it then binds them to structures of power that they are not then able to question (Kothari, 2001). Williams takes a similar line, that the participatory approach, by directly incorporating “swathes of intended development beneficiaries”, can then deem them to be authors of their own development, and in this way any blame for project non-performance can be laid on ‘the people’ (Williams, 2004).

2.3.4 The response

During the 1980s, participation was grasped by a range of actors to serve different purposes. Despite these differences, it was largely represented by a project approach, and the main methodologies were drawn from the PRA family. By the 1990s, it had become widespread and mainstreamed but there was general dissatisfaction with the results. The dissatisfaction was both macro – a failure to achieve transformative development and specific, towards shortcomings in the PRA tools and their application. The latter have been the subject of an intense focus from within and outside the developing world, which we can perhaps assume has done much to overcome their shortcomings.

Various reasons were put forward for the transformative failure, including the loss of connection to the political roots of popular participation, its restriction to the local level, and the impact of organisations such as the World Bank which were accused of using it merely as a technical fix.

The response has been primarily on two fronts. The first has been a change in the way development is practiced, moving from a discrete project basis to sector and national programmes. Hickey and Mohan suggest in this context that mainstreaming has been taken as a sign of success, leading to, “a focus on both honing the methodologies and ensuring that these are scaled up and diversified across all arenas and levels of decision-making” (Hickey & Mohan, 2004, p. 12). As Mikkelsen notes, this inevitably re-engages with the political (2005, p. 56 & 58).

A second response re-conceptualises participation to include a political sense of agency, linking participation with concepts of citizens’ rights, democratic governance,

democratisation and decentralisation (Hickey & Mohan, 2004, pp. 4, 12-13). This new approach has been called participatory governance. The World Bank, “prompted by concerns over the effectiveness of aid, endorsed good governance as a core element of its development strategy” (Santiso, 2001, p. 1).¹²

Participation is central to good governance. Decentralisation, which requires the involvement of local populations, is regarded as an essential aspect of good governance. Therefore while participation may now be taking place on a bigger stage, the issues identified in its project specific applications remain relevant in the governance arena as well. Discussing the different approaches historically of participatory development and political participation work, Gaventa believes, “each tradition has much to learn from the other”;

The drive for participatory development has focused on the importance of local knowledge and direct forms of participation. A wide range of tools has grown from this experience, which emphasise the importance of gathering more pluralistic forms of knowledge. On the other hand, work on political participation has focused on issues such as legitimate representation, systems of public accountability, policy advocacy and lobbying, [and] rights education and awareness building. [It] has paid less attention to issues of local knowledge, participatory process, or direct and continuous forms of engagement by marginalised groups (Gaventa, 2004, pp. 28-29).

The issue of power was acknowledged as fundamental from the earliest days of participatory development (Mohan, 2002a, p. 4), and it is not less so in the case of participatory governance. In the sense that power is a right, the exercise of it, as Gaventa points out, depends on knowledge that one has it, and the willingness of others to allow the exercise of it. Speaking of this in relation to the engagement between citizens and the state he suggests a continuum, “ranging from ways of strengthening voices on the one hand, while also strengthening receptivity to voices by institutions on the other” (Gaventa, 2004,

¹² Santiso notes that as the mandate of the World Bank prohibits it becoming involved in the political affairs of a country the bank has confined itself to economic governance.

p. 30). In the terminology of PRA and Chambers, this would be persuasion of the uppers. Gaventa however notes that it may be necessary to create the pre-conditions for voices as;

Without prior awareness-building so that citizens possess a sense of their own right to claim rights, or express opinions, and without strong capacities for exercising countervailing power against the 'rules of the game' that favour entrenched interests, new mechanisms for participatory governance may be captured by prevailing interests (Gaventa, 2004, p. 37).

Although citizens may thus acquire a right to participate, and knowledge of that right, questions still remain more generally about the exercise of power, about representation and about whose voices are heard.

2.4 Governance

2.4.1 What is governance?

While democracy tends to refer to the legitimacy of government, good governance refers to the effectiveness of government (Santiso, 2001). The Asian Development Bank Institute offers a very short view of governance as, "who controls what and for whom", alongside a more elaborate definition it quotes from UNDP;¹³

Governance is the exercise of political, economic and administrative authority to manage a nation's affairs. It is the complex mechanisms, processes and institutions through which citizens and groups articulate their interests, exercise their legal rights and obligations, and mediate their differences (Asian Development Bank Institute, accessed Apr 2008).

Governance, including its social, political and economic dimensions, operates at every level of human enterprise. According to UNDP, good governance, which defines how governance should be exercised, has as its core characteristics; "participation, the rule of law, transparency, responsiveness, consensus orientation, equity, effectiveness and efficiency, accountability and strategic vision" (UNDP, accessed Apr 2008).

¹³ United Nations Development Programme.

An important part of the focus on good governance has been the concept of decentralisation, which aims to “enhance the role that decentralised authorities play in development” and includes the “transfer of a range of powers (decision-making, revenue-raising, and so on), responsibilities (service delivery) and resources (financial, human and administrative) from higher levels in political systems (central governments) to elected authorities at lower levels” (European Union, accessed Apr 2008).¹⁴ Integral to effective decentralised governance is the building of capacity in areas such as local leadership, political and governance skills, technical practitioner support, participatory approaches and information for decision-making (European Union).

2.4.2 The rise of governance in the West

Concurrently with the rise of good governance and decentralisation as approaches to development in the South, concerns were surfacing in the developed world about the alienation, distrust and apathy that had become apparent in public attitudes towards the institutions of government, the perceived loss of community and the failure of neo-liberal policies to achieve a more even spread of wealth.

In 2001 the Organisation for Economic Co-operation and Development (OECD), in a report titled, ‘Citizens as Partners: Information, Consultation and Public Participation in Policy-making’, said that governments are under pressure to enhance transparency and accountability and noted several driving forces for this. These included the steady erosion of voter turnout in elections, falling membership in political parties and surveys showing declining confidence in key public institutions. It noted that governments are also under pressure to respond to citizens’ expectations that their voices be heard and their views be considered in policy-making (OECD, 2001, p. 11).

Gaventa, in 2004, reached the same conclusion referring to research in the United States of America by Putman and Skocpol. Putman’s research showed a decline in civic participation and a growing distance between citizens and state institutions. The later work of Skocpol

¹⁴Others classify the discussion of decentralisation as the transfer of administrative, political, fiscal and economic power. Decentralisation raises the related principle of subsidiarity, which is discussed in the Glossary, Appendix 1.

warns that “political engagement has become more the domain of professionalized associations, such that early twenty-first century Americans live in a diminished democracy, in a much less participatory and more oligarchically managed civic world” (2004, p. 26).

The situation was similar in the UK, and particularly acute at a local government level. Research by the Joseph Rowntree Foundation, cited by Gaventa, showed there was, “alienation, apathy and a lack of public commitment to local democracy” which led the researchers to conclude that there is a “need to build a new relationship between local government and local people” (2004, p. 26).

In New Zealand, where neo-liberal economic policy has been the architect of significant social hardship, but with little protest from the public, Kelsey believes that the “legacy has been a deep-seated scepticism about electoral politics and parliamentary democracy” (1997, p. 297). Thomas and Memon refer to Hirst’s criticism that “representative democracy ... in the Western world has been reduced to a plebiscite” where “elections empower and legitimize rulers who govern in an undemocratic, top-down fashion” (Hirst, cited by Thomas & Memon, 2005, p. 6). In relation to governance they say that, “the most popular interpretation of governance is that it is considered a remedy for a decade of economic liberalism, market forces and private interests that failed to deliver higher economic growth and standards of living in the 1980s” (Thomas & Memon, 2005, p. 5).¹⁵

2.4.3 The response

In general, there has been an acknowledgement of the need to rethink the theory and practice of democracy. Traditional representative democracy, where “citizens express their preferences through electoral politics, and, in turn, it is the job of the elected representative to make policy and to hold the state accountable, is giving way to new mechanisms for giving voice to people and more direct connections between them and the bureaucracies” (Gaventa, 2004, p. 28). Gaventa refers to what he terms, “participatory citizenship” which, he said, recasts participation as a right, and not simply an invitation to beneficiaries (Gaventa, 2004, p. 29).

¹⁵ Thomas and Memon point out the governance was also attractive to the centre-right, which saw it as way of reducing government expenditure, emphasising “capital gain rather than social goods” (Thomas & Memon, 2007, p. 178).

One specific response has been to try and reinvent democracy via a path known as The Third Way. Originating with the New Democrats in the United States of America in the early nineties, it was later aggressively adopted by British Prime Minister, Tony Blair in the late 1990s and by various European leaders, New Zealand and Australia. In proposing that Britain adopt the Third Way alternative, Blair acknowledged some of the drivers as continued poverty and social exclusion, popular hostility to politics and demands for deeper democratic reform (Blair, 1998). The Third Way proposed a middle path between the “laissez-faire right championing narrow individualism and a belief that free markets are the answer to every problem, and the old left, which had been preoccupied by state control, high taxation and producer interests” (Blair, 1998). It was “a concept...to create a balance between market economies and greater social cohesion by extending the democratic process, and fostering greater social inclusiveness” (Thomas & Memon, 2007, p. 173).

The Third Way approach was extended to local government in the UK with the publication in 1998 of the White Paper, *Modern Local Government: In Touch with the People* (Lowndes, Pratchett, & Stoker, 2001a; Needham, 2002).¹⁶ This began a “bold agenda of local government reform” which required “consultation and participation to be embedded into the culture of all Councils and undertaken across a wide range of each Council’s responsibilities” (Needham, 2002, p. 699). According to Needham, the government saw expanded consultation as “the panacea for all that ails local democracy – not one element on the agenda, but permeating the entire programme [to] improve service quality, invigorate local democracy and empower communities” (Needham, 2002, p. 699).

However, critics question the real intention of the legislation. Thomas and Memon cite UK research by Geddes who observed that, “these centrally driven initiatives mostly limit, rather than enhance local autonomy, contribute to consultation fatigue and seem to undermine, rather than buttress, mainstream democratic process” (Geddes, cited by Thomas & Memon, 2007, p. 172). Needham believes it is, “an attempt by central government to harness consultation to ambitions which run counter to the democratising

¹⁶ Lowndes et al. published two papers which discuss the results of research into the practice of consultation within UK local government, including research with citizens as to why they do, or do not participate (detailed in a second paper, (Lowndes, Pratchett, & Stoker, 2001b)). They note that existing studies of participation have tended to be descriptive, and focus on examples of ‘good practice’ rather than to survey what is actually happening (Lowndes et al., 2001a, p. 205).

agenda” (Needham, 2002, p. 700) and in support of this contention, points to problems with the expanded consultation envisaged. Firstly, she said, it has failed to spell out how a more participatory model of local democracy will complement representative democracy. The second issue is the contradiction between democratising and efficiency goals. A focus on the latter, and the ‘auditing culture’, has favoured consultation which is quantitative, auditable and able to be compared between Councils (versus, for example, qualitative type research which would be more effective in building relationships). Thirdly, there is no recognition of the problem of translating consultation findings into policy outcomes. Fourthly, the legislation takes no steps to ensure consultation is not just a tool for established power holders, noting that different consultation techniques provide different levels of consultee control (Needham, 2002, pp. 704-708).¹⁷ And lastly, Needham believes that consultation is being used to reinforce control by central government despite its stated intentions to the contrary, saying that;

Many critics of Labour’s reform programme have highlighted the tensions between its top down prescriptions and apparent support for bottom up consultation. In fact, it is possible to see these as part of the same process of stripping control away from local politicians (Needham, 2002, p. 708).

Her final conclusion is that, “it is the enhancement of service-efficiency, rather than the expansion of democratic involvement which is at the heart of Labour’s agenda for local government” (Needham, 2002, p. 713).¹⁸ Unfortunately, similar views appear to be justified regarding tensions and omissions in the New Zealand legislation, discussed in Chapter 3.

Do citizens want to participate? Much has been made of the supposed apathy of citizens (Lowndes et al., 2001b, p. 446). In New Zealand, a survey by Colmar Brunton for Local Government New Zealand in 2006 found that, “ratepayers certainly desire a Council that is

¹⁷Citizens juries for instance maximise consultee control, whereas surveys allow minimal participant autonomy. She also notes that consultation is often initiated and controlled by the council officers, who determine the issues considered, the questions asked and the target participants. They also process the responses, report the findings and act (or not) on them. Consultation may therefore be manipulated to garner support for, or oppose a proposal (Needham, 2002) p 707.

¹⁸Lowndes et al. also say that the evaluation of participatory practices has been given almost no attention (Lowndes et al., 2001b, p. 454). The OECD makes a similar point, saying “[there is] a striking imbalance between the amount of time, money and energy that OECD countries invest in strengthening government-citizen relations and the amount of attention they pay to evaluating effectiveness and impact on policy-making” (OECD, 2001, p. 13). A similar situation appears to prevail in New Zealand as well.

consultative, and they want input into decisions that affect them before those decisions are made. The majority of ratepayers, 87%, agree or strongly agree that it is important that their Council lets them have their say” (Colmar Brunton, 2006). The figures quoted by Lowndes et al. in the UK while not quite as high, still show a strong interest. A significant 55% of respondents would be interested in being more involved in council decision-making and, in an earlier survey, eight out of ten respondents thought Councils should make more effort to find out what local people want (Lowndes et al., 2001b, p. 450).

It is unfortunately beyond the scope of this thesis to review the models of participation that have been developed in the West, or the various tools that have, and are being tried, to widen, deepen and customise consultation and participation.¹⁹

2.5 New Zealand

The drivers for the adoption of Third Way politics in New Zealand were similar to other Western countries with the major concerns being the loss of social cohesion and increasing differences in household incomes, as well as a loss of confidence in the market as a mechanism to deliver acceptable and sustainable outcomes (Richardson, 2004; Thomas & Memon, 2007). In response, the 1999 newly-elected Labour Government adopted the Third Way ideology and embraced public participation and consultation as an integral part of both central and local government. As Shannon and Walker say, “Aotearoa New Zealand, like most of Europe, has made a major policy shift to a democratic pluralist approach around key rhetorical terms such as partnership” (Shannon & Walker, 2006, p. 506). “[It] has adopted the British ‘third way’ approach” (Shannon & Walker, 2006, p. 507) and “the idea that communities themselves are integral to finding solutions to complex social issues has become popular” (Matheson, Howden-Chapman, & Dew, 2005, p. 2).

Local government legislation in New Zealand, as it does in the UK, now gives an unprecedented role to citizens and communities in terms of participation and consultation.

¹⁹For example, IAP2, the International Association for Participatory Practice www.iap2.org/associations/4748/files/foundations-bro.pdf, Arnsteins ladder, <http://lithgow-schmidt.dk/sherry-arnstein/ladder-of-citizen-participation.html> and Rothams Three Way Transaction model. Besides well-known tools such as focus groups and surveys, others that have been mentioned include charettes – “a deliberative process in which members of the public engage with ‘experts’ to jointly design solutions” (Killerby, 2001), community forums, citizen juries, deliberative democracy and referenda.

However apart from the promulgation of guidelines and best practice initiatives, there seems to have been little in the way of analysis of the quality or practice of participation, and even less from the viewpoint of citizens rather than Councils. Curiously, this seems to be especially the case since the passing of the Local Government Act 2002.²⁰

There is however a substantial body of work in the field of urban planning which has sought to engage with the theory and methods of citizen participation, including in New Zealand and this is well covered in the work of Bronwyn Hayward (Hayward, 1996, 2000, 2003). Hayward however laments the lack of crossover between the fields of planning and democracy (Hayward, 2003, p. 115) and the lack of “empirical research into the effects of public deliberation in planning” (Hayward, 2003, p. 117).²¹

There are similar challenges in realising the supposed promise of citizen participation in local government in New Zealand as there are in the UK. Freeman in her introduction to ‘Living Together: Towards Inclusive Communities’, said that, “the benefits of community involvement, often referred to as consultation and participation, have been recognised in legislation and case law [including] the LGA 2002” (2006, pp. 18-19). She goes on to say, however, that while, “community involvement is an essential element of [local government] legislation and practice, how such involvement can be achieved in a meaningful and effective way is less clear” (Freeman, 2006, p. 20). The Department of Internal Affairs recently commissioned qualitative research to identify the barriers and enablers to participation in Local Government in New Zealand (Department of Internal Affairs, 2007). Among the main barriers the research identified were lack of trust, feelings of powerlessness, a view that Councils were unresponsive, difficult to access, and complex and a perceived lack of transparency in Council decision-making. Factors that the research identified that would enable participation included: pro-actively seeking residents views and feedback; Councillors being pro-active and visible in the community; a customer

²⁰ Prior to that, in 1999 Comrie and Cheyne wrote on lessons for local authorities in engaging with citizens, based on case studies of 6 larger urban Councils (Comrie & Cheyne, 1999). Paul Killerby in his paper on social capital and sustainable development in New Zealand refers to an unpublished Masters thesis by MacLennan in 2002 which surveyed local authorities on the use of deliberative processes in decision-making, and provided a list of best practice guidelines (Killerby, 2001).

²¹ There are also some parallels in the history of community development, and Eketone and Shannon refer to community development having its roots in popular participation in development (Eketone & Shannon, 2006, p. 211). Diane Buchan, in a later chapter in the same book, writes about participatory evaluation as a means of building capacity and empowering communities, and refers to work in this field in development (Buchan, 2006).

service focus; the development of multi channel communication options; and the provision of simple information about who to contact, when, how to submit and what councils are responsible for (Department of Internal Affairs, 2007, p. 9).

2.6 Conclusion

In summary, there appear to be some striking similarities in the role and application of good governance in the West and the earlier introduction of popular participation in development. In both cases, there seems to be conflicting motives, although in the West, these emanate from central government rather than organisations with differing ideologies, as was the case in development.

It appears that many of the issues raised in relation to participation in development could be relevant to informing participatory practice in New Zealand, and this will be discussed in more detail following presentation of the research findings. Of critical importance is the need to strengthen receptivity on the part of Councils towards a new relationship with citizens, and the need to strengthen the voices of the community to be heard. Achieving the latter is likely to require as a pre-requisite, a programme to build awareness and capacity. A better understanding of communities, and of consultation is needed to know who is benefiting and being heard and who is being excluded, and to allow for the tailoring of consultation practices and tools for specific intentions and groups.

A theory of representation would provide options for participation of communities, and developing evaluation methodologies that reflect the participatory philosophy and measure the quality of consultation would provide some indication of sector progress. As Lowndes et al. say, “more participation is not the same as more democracy and participation initiatives may reinforce existing patterns of social exclusion and disadvantage” (2001b, p. 453).

Chapter 3: Local Government in New Zealand

3.1 Local government in New Zealand 1876 – 1989

The first systematic attempt to establish sub-national government in New Zealand came with the establishment of six provincial governments in 1853, which in turn had the power to establish a system of town and county authorities. The subsequent demise of provincial government in 1876 left only two levels of government, local and central – a situation which has remained to this day (Scott, Reid, Yeabsley, & Zollner, 2004).²²

In its relationship with central government, local government has always been the lesser partner. In part this has been because, having no constitutional right to existence, its fate is determined by statute and therefore the central government of the day. It is also because there has never been a clear definition of the respective functions of central and local government. As Graham Bush put it, “government in New Zealand had never been blessed with any rational and coherent doctrine to guide the allocation of functions between the central and local arms” (Scott et al., 2004, p. 17).

Another reason for the lesser status of local government has been the increasing centralisation of functions. With New Zealand’s lengthy geography and small, dispersed population, the provision of infrastructure and local services has required local delivery. However, other tensions such as the need for unified national policy and the expectation that all citizens should receive the same level and type of services no matter where they live, ultimately led to a “system of local government with a high level of autonomy but in which the services that mattered – health, education, policing, housing and welfare, came under the control of central government. The history of local government in New Zealand is a history of increasing centralisation of services” (Scott et al., 2004, p. 11).

By 1984, when a reformist Labour Government was elected, the local government sector was highly fragmented, with a proliferation of borough and city councils and single purpose ad hoc authorities including Rabbit, Harbour, Museum, Crematorium, Transport and

²² Local Government also includes Regional Councils

Education Boards amounting to some 850 different bodies in all. (Howell, McDermott, & Forgie, 1996, p. 24).

With the appointment of Dr Michael Bassett as Minister of Local Government, the scene was set for significant reform of the sector.²³ He had supported reform in Auckland local government in 1970 and worked closely with Henry May, the Minister for Local Government during the 1972-1975 Labour Government. In 1979, as the MP for Te Atatu, he had signalled his interest in local government reform;

Local Government in New Zealand has grown within a structure that is more than 100 years old. In the interests of efficiency and the satisfaction of community needs, modernisation is long overdue. Properly reconstructed, with avenues made available for public participation, local government can play a vital role in fostering the community endeavour that is so lacking in our society (Bassett, cited by Howell et al. 1996, p. 27).

The first priority of the reformist Labour Government however was, “radical central government reform” (Howell et al., 1996, p. 26) and there was perhaps no country that embodied the neo-liberal agenda in the 1980s more than New Zealand. Following the reforms, central government, and later local government, became focused on efficiency, accountability, cost reduction and privatisation of assets. Policy was separated from the provision of services, and services themselves were separated from one another. Performance measurement was via outputs and the mentality one of separation which extended to a view of society as individuals, and the sum of societal welfare being the total of the welfare of individuals (Richardson, 2005; Thomas & Memon, 2007).²⁴ The egalitarian social contract, implicit since the end of World War Two, was revoked, “and the premise of social justice that underpinned it was cast aside” (Thomas & Memon, 2007, p. 175).

In 1987 the Labour Government was re-elected and committed itself to a “fundamental review of all aspects of local government function, structures, organisation and funding”

²³ Which is not to say that there had not been attempts at reform in the past, the most notable of which occurred during the tenure of Henry May as Minister of Local Government during the 1972-1975 Labour Government. However, Labour did not win a second term, and reform attempts did not go ahead during the next nine years of National Government.

²⁴ Known as the New Public Management Model (NPM).

(Howell et al., 1996, p. 31). Initially there was a proposal to establish as few as 17 local councils, with the local voice sustained through the creation of strong ward committees. The possible alignment of council boundaries with regional boundaries for services such as health and education, welfare and housing was also on the table. However, the majority had strong misgivings about giving the local government sector that much power, and such a model would have cut across the approach taken in central government reform of separating the purchaser and supplier in social services (Howell et al., 1996, pp. 32-34). Similar misgivings applied to the proposal to give local government a power of general competence. Therefore, the reforms as eventually conceived, were largely in structural terms only, shaped by the “neo-liberal discourses of enhanced efficiency and transparency of decision-making” (Thomas & Memon, 2007, p. 173). They were pursued with a vision of strengthening local government through reorganisation, and thus, “effectively limiting any serious consideration of formally expanding the role of local government into areas which had, during the previous one hundred years, been largely usurped by central government” (Howell et al., 1996, p. 38).

The Chairman of the Local Government Commission at the time, the body charged with managing the reform process, was Brian Elwood. In his view, “the government has to be satisfied before it starts devolving significant functions from the centre that there is a system in place which is competent and capable of carrying out efficiently and effectively the devolved functions” (Elwood, cited by Howell et al., 1996, p. 35).

The re-organisation of local government was completed by 1989. By this time the number of local bodies had been reduced from 850 to 86 local authorities (Thomas & Memon, 2007, p. 175). This was obviously a major achievement, but in concentrating solely on structural reform, other objectives were left untouched. Howell et al. in summarising the result wrote that;

Despite the lip service paid to local responsibility the prospect for linking accountability for policy to local government has gone unrealised in both health and education reforms. The result is a strengthening of central control over social infrastructure. This is inconsistent with the objective of strengthening local government through reform to improve its competence

to make decisions closer to the community, and to counter the over-concentration of power in Wellington (Howell et al., 1996, pp. 40-41).

It is also inconsistent with Bassetts earlier vision in 1979 of a “reconstructed local government that played a vital role in fostering community endeavour through public participation.”²⁵

History however has shown that the 1987-89 reform was only the beginning of change in the sector.²⁶ Writing in 2004, and referring to the passage of the Local Government Act 2002, Scott et al. commented that the 1987 changes had heralded, “15 years of reform that may, or may not have finally reached a stable end-point” (Scott et al., p. 11).

3.2 The lead up to the Local Government Act 2002

The wider background to the passing of the Local Government Act of 2002, discussed in chapter 2, was concern at the economic and socially impoverishing results of two decades of pure neo-liberal policies and the subsequent adoption of a Third Way type ideology by the central government of the day. With the international discourse on governance therefore taking centre stage in New Zealand as well, the role of Councils in respect to community development and citizen participation, envisaged by Bassett in 1979, was also on the table once more. There was also the unresolved discussion regarding the functions and responsibilities that local government would be allowed and whether it would be given a general power of competence.²⁷

Speaking at the second reading of the Local Government Bill in December 2002, the then Minister of Local Government, Hon. Chris Carter said;

At the heart of this new Bill is the concept of local government as grass roots democracy. We believe locally elected people should be able to make and

²⁵ Referred to in 3.1.

²⁶ The National government continued the reforms during its tenure between 1990 and 1999, passing the Local Government Amendment Act (No. 3) 1996. This concentrated on the financial management of Councils and required Councils to identify how their funding proposals reflected the wishes of their communities (Thomas & Memon, 2007) p. 175

²⁷ A general power of competence gives a Council complete discretion in choosing the roles and activities that it feels will best enable it to meet the defined purpose of local government. The authority that Councils had prior to the 2002 Act permitted them to do only those things that were expressly permitted by the Act.

implement decisions that directly affect their community for this reason the bill proposes general powers for councils. The Bill will require councils to spend more time on longer term planning, and on understanding the outcomes that local communities desire (Hon. Chris Carter cited by McNamara, 2004, p. 361).

Thus, a primary motivation of the government in passing the new Act was for greater accountability of councils to what communities wanted, and the governments desire to reconnect with communities (Thomas & Memon, 2007). It was also due to the increasing saliency of the local level as ideas about representation began to be questioned and the growing diversity of New Zealand society meant that a “ ‘one size fits all’ approach to public policy was no longer ... appropriate” (Thomas & Memon, 2007, p. 179).

While the Act finally gives Councils a power of general competence, this was then offset by the highly prescriptive processes that Councils are required to follow in carrying out their activities. This is the reverse of the situation that existed before, where the former Act, having been highly specific about what Councils could do, then left it fairly much up to Councils in terms of process. As Graham Bush asks, “why the fixation with instructing local bodies in zealous detail how to go about things?” In his view, “a radical reversal (from the 1974 Act) has patently occurred” (Bush, 2003, p. 20). The answer is given by the Minister, during the same speech during the Bill’s second reading;

For anyone with concerns, I can assure you that this Bill balances the flexibility it gives councils with strong checks on their activities. Consultation, reporting, transparency and accountability are all enhanced. Local people will have more understandable information about council proposals. They will learn about those proposals sooner, and they will have more opportunity to talk to their local council about them. Furthermore, local people will be entitled to an explanation of the reasons for council decisions, and to a report on what has been achieved by their council. In this way the Bill seeks to enhance community participation (Hon. Chris Carter cited by McNamara, 2004, p. 361).

It is not clear whether the Minister perceived any conflict or incompatibility between the use of the governance and consultative processes in the Act as a means of both enhancing community development and policing the Councils use of their extended powers. Christine Cheyne, in her account of public involvement in local government in New Zealand, cautions against using participatory practices for this purpose – “Seeking accountability through participatory processes...can deplete the energy of citizens... . If there were better systems in place to ensure that citizens and communities had guarantees of accountability then public participation could be more sharply focused on the goals of giving voice to citizens, sharing power and control and improving the quality and acceptability of decisions” (Cheyne, 2002, pp. 147-148).

Bush pointed out that, “the emphasis on consultation in the Act is the greatest ever in local government legislation and the specification of mandatory decision-making processes unparalleled” (Bush, 2003, p. 18). He thinks the problem is one of trust;

Despite political effusions, central government’s trust of its junior partner has never been unqualified and it could be that the quid pro quo for bestowing general empowerment on the sector is the imposition of procedural ultra vires...local bodies have the competence to determine their own roles, but in doing so they have to follow a restrictive manual of procedure (Bush, 2003, p. 20).²⁸

Salter agrees and says that, “in simplifying and generalizing the statutory empowerment of local authorities the legislation made the process of local authority decision-making the key determinant of the vires of much of local authority activity” and “hence the critical importance of Part 6 of the Act – ‘Planning, Decision-making and Accountability’ (Salter, 2006, p. 10).²⁹

While many writers have seen the heavily prescriptive nature of the processes in the Act as an implied negative, Richardson argues that they are, “an opportunity to improve and

²⁸ Ultra vires is a legal term for actions which are outside or beyond the power or authority that one has. The opposite, where an action is within ones power is ‘intra vires’.

²⁹ On its own ‘vires’ means the lawfulness or otherwise of an action, i.e. whether a given act was within or beyond the power which had been conferred.

strengthen social and civic capital...stronger relationships are at the heart of social capital,³⁰ and of community and the need to strengthen these is at the heart of the public policy agenda". He sees the legislation as a "powerful enabler of a new style of working" and argues that it has the potential to bring about a "radical change in the way councils relate to their communities" (Richardson, 2004, p. 8).

Richardson, a former Chief Executive of Christchurch City Council, believes that one of the achievements of the LGA is to provide legitimacy to local government as a reflection of communities based on location. Richardson argues that community of place had been significantly eroded over recent decades as particularly the NPM model encouraged individual views with a resulting severe loss of social capital (Richardson, 2005, p. 12) but he notes that the 2002 Act redresses this by a recognition of the importance of strengthening and reflecting geographic community (Richardson, 2005, p. 12).

The enactment of the LGA was clearly part of a larger change in government philosophy towards the role of citizens, communities and the civic sector in government, encouraged by similar shifts taking place in western democracies world-wide. Whether local government and its citizens are ready to embrace this change, and the degree to which the LGA facilitates this as it is currently drafted, remains to be seen.

3.3 The Local Government Act 2002

3.3.1 Introduction

The focus of this thesis is on the participation of citizens in local government via the Council seeking to inform itself of the views of its communities. Discussion of the Local Government Act 2002 will therefore be confined to those parts of the Act that assist in examining that topic, namely the purpose of the Act in Part 1, Part 2 of the Act covering the purpose, role and principles of local government and those aspects of Part 6 that deal with decision-making and consultation.³¹

The key changes in the Act are the new definition of purpose for Councils, the general empowerment given as to how that purpose is to be achieved, the requirement to take a

³⁰ Defined in the Glossary, Appendix 1.

³¹ These sections are included in full in Appendix 2.

sustainable development approach, an emphasis on community participation and ownership in identifying the community's desired social, cultural, economic and environmental outcomes and the requirement to develop a long-term (ten year) plan that includes information on Council activities towards achieving those outcomes. In Bush's view;

What local bodies are to do is play a broad role in promoting a four-bottom line wellbeing of their communities, taking a sustainable development approach...They must do it in a way that enables democratic decision making, and action by and on behalf of their communities. As the parts dealing with principles, consultation, Māori, special consultative procedure, community boards and governance affirm, the basic drive is to enlarge the active place of the community in the role of local government (Bush, 2003, p. 21).

Richardson (2005) also points out another key difference of the LGA is that it encourages collaboration between agencies (central government, local councils, district health boards and so on) whereas previously any overlap was considered bad and inefficient.

The Auditor-General, in his 2007 guide on the decision-making and consultation provisions of the Act, points out that the Act does not define the meaning of consultation (although it does set out principles for how consultation should take place). The guide says that, "in practice, the sector uses the word 'consultation' to describe a range of processes to engage with the community ranging from the prescribed processes in the Act...to informal processes such as email, chat groups or anecdotal local knowledge" (Controller and Auditor-General, 2007, p. 12). As in that report, this thesis will also use the term 'consultation' in a broad sense to include any form of local authority engagement with local communities.³²

³² Also discussed in the Glossary, Appendix 1.

3.3.2 The purpose of the Act

The overall purpose of the Act (as distinct from the purpose of local government) is stated in section 3 as being to provide for democratic and effective local government that recognizes the diversity of New Zealand communities. To achieve that, the Act seeks to do four things. Firstly, the Act defines the purpose of local government. Secondly it provides a framework and powers for local authorities to decide which activities they will undertake and the manner in which they will undertake them. Thirdly, it promotes the accountability of local authorities to their communities and lastly, it 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.

3.3.3 The purpose, role and principles of local government

Section 10 of the LGA provides that the purpose of local government is:

- (a) to enable democratic local decision-making and action by and on behalf of communities and,
- (b) to promote the social, economic, environmental and cultural well-being of communities, in the present and for the future.

Section 14 defines the principles which a local authority must follow in performing its role.³³ Section 14(1)(a) provides that a local authority should conduct its business in an open, transparent and democratically accountable manner and give effect to its priorities and desired outcomes efficiently and effectively. As indicated in Chapter 1, this thesis is based on an examination of section 14(1)(b) which requires that: A local authority should make itself aware of, and should have regard to, the views of all of its communities.

The section requires two actions – that a local authority takes sufficient steps so as to be aware of local views and that it then has regard to those views in all that it does. Furthermore, the Act contemplates that a Council will undertake both these actions in respect of each and every community within its jurisdiction. The section appears to go to the heart of a central intention of the Act which is to give a meaningful voice to every

³³The section also includes other requirements relating to how councils carry out their business and it requires a Council to provide opportunities for Māori to contribute. This aspect will be further discussed in 3.3.6.

citizen, via the various communities to which each belongs and in doing this, to empower those citizens generally and build stronger local communities.

3.3.4 The provisions for planning

The requirements in respect of planning are to facilitate the community to develop its desired outcomes in each of the well-being areas (the Community Outcome Statements), the development of a Long Term Council Community Plan (LTCCP) with a ten year horizon and the Annual Plans and Reports.³⁴ In relation to the Community Outcome Statements, the Act requires each Council to carry out a process, not less than once every six years, to identify community outcomes for the intermediate and long-term future of the district or region. While the Council can decide for itself the process that it uses to facilitate the identification of the outcomes, it must consult with other organisations and it must also ensure the process encourages the public to contribute.³⁵

The Community Outcome statements are then wholly incorporated into the LTCCP, which then includes information from the Council as to how it will contribute to furthering the achievement of the Community Outcomes and how it will work with other organisations to do so. It is useful to note, although unfortunately beyond the scope of this thesis to discuss, that the Community Outcomes are owned by the community and not the Council. The Council is not accountable for their achievement but is required to specify the activities it will undertake to assist and contribute towards their achievement. Councils are also required to report back to the community every three years on progress towards achieving the Community Outcomes.

Section 84 of the Act requires Councils to follow the Special Consultative Procedure outlined in section 83 of the Act in relation to consulting and adopting the LTCCP. This means that the Council must make a draft of the LTCCP available in locations that allow the public reasonable access to it, distribute a summary of the plan as widely as is reasonably practicable (section 89), publicise the existence of the plan, the consultation and the date for submissions and provide an opportunity for those making submissions to be

³⁴It is unfortunately beyond the scope of this research to talk about the cohesiveness or the comprehensiveness of the planning provisions in the Act.

³⁵ Section 91(3).

heard. At this stage however it is really too late to make submissions on the Community Outcomes themselves and the discussion is confined to the intentions of the Council and the resources it is committing towards achieving the Outcomes. Both the Community Outcomes and the LTCCP are reviewed every three years and respectively have six and ten year timeframes.

3.3.5 The provisions for consultation and decision-making

Local authorities must make decisions bearing in mind that one of the purposes of the Act is to enable democratic decision-making by and on behalf of communities. The principles of local government stated in section 14 also provide general guidance by requiring Councils, when making decisions, to take account of the diversity of the community and the community's interests, the interests of future as well as current communities, and the likely impact of any decision on each aspect of the four well-beings.³⁶

The provisions of the Act relating to decision-making apply to all decisions of a Council, regardless of magnitude and whether made formally by Councillors or by any staff employed by the Council, and include the decision not to make a decision. In general terms, these provisions require Councils to identify and assess all reasonably practicable options, and to consider the views and preferences of people likely to be affected by or have an interest in the matter. However, a local authority can exercise its judgment about how it achieves compliance with these requirements, based on the significance of the decision (Controller and Auditor-General, 2007, p. 11).

In relation to community views and ordinary decisions, the standard required is, "to give consideration to the views and preferences of those most likely to be affected by, or have an interest in, the matter" (section 78(1)), which is a similar standard to "have regard to" in section 14(1)(b). The Act however is clear in saying that the local authority is not required, by that section alone, to undertake any consultation process or procedure.³⁷ The manner in which a Council obtains and assesses the communities views is left open.

³⁶ Section 14(1)(c)

³⁷ Section 78 Community views in relation to decisions.

The Auditor-General points out that in relation to community views, a local authority is required to consider them, but can use its judgement as to how it informs itself of them, and is not bound by them (Controller and Auditor-General, 2007, p. 27). One view, expressed by Dean Knight of Victoria University of Wellington, is that the only way to challenge a failure to consult under this section would be to argue that the local authority made a bad decision, which Knight believes would be difficult to argue and would generally require that the decision be manifestly unreasonable or irrational (Knight, 2007, p. 355). However, Mike Reid of Local Government New Zealand considers that local government lawyers would have a different view, believing that if Councils do not consult and their subsequent decision is challenged in Court by persons affected by, or with an interest in, the decision, such challenges might well succeed (Reid, pers. comm. 2008). With this in mind, Reid said that an approach has been made to parliament to amend the LGA 2002 to make it more specific as to when and how consultation should occur. If this latter view is correct, then it would presumably mean that consultation in regard to every Council decision would become more the rule, than the exception.

If consultation is to be undertaken, including as a result of a voluntary decision to do so, the Act sets out the general requirements which must be followed (for example reasonable access to information, encouragement to participate, clear information about options and scope, reasonable opportunity to be heard, requirement for decision makers to have an open mind, information about the outcome) although once again, the Act allows the local authority to exercise its judgment about the extent to which it complies with these requirements taking into account the significance of the decision, the costs and benefits of the consultation process and the extent to which the community views are already known (Knight, 2007, p. 356).

The above discussion has concerned what might be termed ‘ordinary’ decisions of Council. For decisions regarded as ‘significant’ decisions, for example, the adoption of key planning documents such as the LTCCP or to make bylaws, enhanced consultation processes are specified in the Act, and the special consultative procedure must be followed.³⁸ In this case, consultation with the community is compulsory. A diagrammatic outline of the consultation requirements of the Act is shown below in figure 3.1.

³⁸ Section 83

Figure 3.1 Methods of consultation prescribed the Local Government Act 2002

In summing up the requirements in the Local Government Act 2002 for decision-making and consultation, the Auditor-General believes processes need to be prudent, considered, informed, proportional, inclusive, transparent, effective and efficient (Controller and Auditor-General, 2007, p. 14).

3.3.6 The provisions regarding Māori

The LGA contains new provisions directing Councils to establish and maintain processes to provide opportunities for Māori to contribute to local authority decision-making and to consider ways in which it may foster the development of Māori capacity to contribute to those decision-making processes.³⁹ The Local Government Act 2002 in recognition of the Crown's obligations under the Treaty of Waitangi, makes various provisions regarding

³⁹ The full text of all relevant sections is included in Appendix 2.

Māori rights to involvement in local government. In summary, the Act requires Councils to;

- ensure they provide opportunities for Māori to contribute to decision-making processes
- establish and maintain processes for Māori to contribute to decision-making
- consider ways in which they can foster the development of Māori capacity to contribute to decision-making
- provide relevant information to Māori and
- take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, wāhi tapu, valued flora and fauna, and other taonga

(Local Government New Zealand, 2007, p. 3)⁴⁰

According to Local Government New Zealand, “the intent is for both local authorities and Māori organisations to move beyond engaging on matters of environmental or cultural importance only” (2007, p. 4). The relationship envisaged also ‘goes further than consultation’ and Cabinet papers presented as part of the review of the Local Government Act 1974 envisaged the use of many different representative mechanisms such as Kaumatua, Māori advisory committees, standing committees and co-opted Māori members to facilitate Māori participation in decision-making processes (Explanatory notes to LGA, LGPt1.03).⁴¹

Although the Act makes it clear that the Crown is the partner to the Treaty of Waitangi, local authorities, acting under delegated authority from the Crown, must follow and respect the treaty principles in order to ensure that the treaty is observed. According to explanatory notes accompanying the Local Government Act, relevant principles would include: ⁴²

⁴⁰ A translation into English of Māori words used in this thesis is included in the Glossary, Appendix 1.

⁴¹ The Electoral Act 2001 also provides for the establishment of Māori Wards either on the initiative of the local council or as a result of a poll of electors. A poll can arise from either public demand (a petition signed by at least 5% of electors makes it mandatory for Council to conduct a poll) or a council decision to hold such a poll.

⁴² Drawn from principles articulated by the Court of Appeal, the Waitangi Tribunal and the 1989 Labour Government as laid out in the Appendix to volume II of the Waitangi Tribunal’s Rangahaua Whanui Series, cited in the explanatory notes to the Local Government Act 2002.

- the “essential bargain” – Māori have ceded sovereignty and the right to govern to the Crown, in return for guarantees that the Crown protect rangatiratanga. Local authorities are therefore required to protect rangatiratanga.
- the “partnership/mutually beneficial relationship” imposes a duty on both Māori and local authorities to interact in the best possible way with reason and respect
- “shared decision making” (a balance of the kawanatanga role in Article 1 of the Treaty and protection of rangatiratanga in Article II)
- “active protection” of Māori interests

The Act refers to ‘Māori’ the reason being, according to the report of the Local Government and Environment Select Committee;

There is a risk that using a less inclusive term might require a council with a good working relationship with Māori to change its processes. We decided that the term Māori would allow each authority to determine which were the appropriate groups in each district and that this was consistent with the principle of local decision making (explanatory notes to LGA, LGPt1.03 (4)).

3.4 Conclusions

Exploring ways of working with others that enable more participation by citizens in decision-making is a global trend in local government (Controller and Auditor-General, 2007, p. 6). Worldwide the objectives for such participation are likely to be similar. These include the development of communities through establishing relationships, gaining trust and supporting greater engagement within the community and between the community and government; the likelihood of better policies and decisions through wider input; and enhanced public value through better coordination and use of resources (Controller and Auditor-General, 2007, p. 5; Local Futures Research Project, 2006).

In New Zealand, “the new orthodoxy of community participation in local governance” (Woods, 2006) has also been accompanied by a change in the purpose of local government itself as Councils have been asked to move from their historical service delivery role to a

strategic role (Local Futures Research Project, 2006) that includes the holistic current and future well-being of their communities.

The sectors expectation of the Act was that it would move the relationship between local government and its communities from one of consultation to one of engagement (Reid, pers comm.. 2007). However, difficulties with the Act itself, as well as the reluctance on the part of some Councils to embrace the changes, may limit the hoped for transition. According to the initial report of the Local Futures Research Project,⁴³ nothing much had changed in terms of roles and activities for the majority of Councils.⁴⁴ The report concludes that despite improvements in strategic planning practices, and even where Councils through consultation became better informed about the community's preferences, "actual changes in activities or service levels seem so far to have been marginal as councils continue to focus on traditional activities" (Local Futures Research Project, 2006, p. 214). While the study is not specifically about the nature or quality of Councils' consultative and participatory practices, in so far as it comments on these as part of its review of the Community Outcomes Process, the overall impression, according to the report is that, "the community outcomes process...was more council-driven than community-driven, contrary to the intention of the legislation". The study also said that "while some councils with a culture of innovation sought to fulfil the spirit of the legislation, some participating authorities have taken what could be called a minimalist approach to compliance" (Local Futures Research Project, 2006, pp. 206-208).

Concern has been expressed that the dual roles of consultation in the Act, to both police the exercise of Council power and strengthen the social capital of their communities, are incompatible and it stands to reason that while Councils may be willing to adopt consultation for social development objectives, their willingness to do so in order to police themselves is less likely.

Councils may have other reasons for being hesitant to go beyond their traditional roles. In Bush's view, "placed between the thought and the deed [of going outside the...core...of traditional activities] will be an array of obstacles tending to discourage all but the resolute"

⁴³ A five year study on strategic policy and planning in local government under the 2002 Act.

⁴⁴ Research results of the study are drawn from a representative subset of 19 councils which were studied in detail by the research team.

(Bush, 2003, p. 20). “Rampant functional expansionism is highly unlikely” he said, given the “whole gamut of consultation obligations that will have to be traversed” (Bush, 2003, p. 19).

The Act’s requirements in respect to consultation have been the subject of much concern. Referring to the possibility of “obfuscation by consultation”, Bush maintains that “as a bedrock principle of community-council relations, consultation is not to be faulted, but as embedded in the Act, it stands in grave danger of becoming too much of a good thing, and, on balance, impeding rather than facilitating effective policymaking” (Bush, 2003, p. 19). Supporting Bush’s view, Jonathan Salter wonders whether, “in an attempt to ‘protect’ communities from their local authorities, the legislation may have obstructed real communication” (Salter, 2006, p. 12).

The issues around consultation are important, if not central, to the success of the Act. While consultation and participation may be desirable in terms of the traditional roles of Council, for the reasons mentioned above and elsewhere in this thesis, they would seem to be an essential prerequisite if Councils are to successfully embrace their new purpose, for example in the areas of social and cultural well-being. Acknowledging this, Cheyne has called public participation in local government, “the challenge for the next decade” saying that more efficient and effective ways of finding out what citizens want and giving voice to citizens are necessary” (Cheyne, 2002, p. 149) and there needs to be “much sharper perspicuity about the nature and purpose of consultation” (2002, p. 151).

Possibly there also needs to be a change of attitude on the part of Councils and a decision to embrace consultation as, in the words of Mike Richardson, a “powerful enabler of a new style of working” (Richardson, 2004, p. 8) so that communities and councils are both fully empowered to develop and achieve their visions.

Chapter 4: Invercargill Profile

4.1 Invercargill City

4.1.1 Introduction

Invercargill is New Zealand's southernmost city, and serves as a commercial and service hub for the Southland region. As well as Invercargill City Council, two other councils are based in Invercargill – Southland District Council and the regional council, Environment Southland. A fourth Council, Gore District Council, is located 70 kilometres north of Invercargill. Figure 4.1 shows the territorial authority areas of the Councils. The Invercargill City Council, or 'Territorial Authority' in the terminology of the Local Government Act 2002, includes Invercargill City, the town of Bluff 18 kilometres away, and the land in between as shown in figure 4.2.

From a period of decline and marginalisation in the 1980s and 1990s, the city and the region have undergone an economic resurgence in recent years which is continuing as rising dairy prices add to the region's prosperity and potential new industries look promising. These factors, combined with other initiatives, have restored a sense of pride and optimism among the population.

The city has close links with Queenstown and Wanaka. Many Invercargill businesses have a branch in Queenstown and residents frequently have holiday homes there or in Wanaka. The almost 62% projected growth of the Queenstown Lakes area in the next twenty five years is seen as both an opportunity and a threat to Invercargill, and to some extent, Invercargill regards itself as competing with Dunedin as Queenstown's key commercial and service centre linkage and provider.⁴⁵ Figure 4.3 shows the location of Queenstown, Wanaka and Dunedin in relation to Invercargill.

⁴⁵ NZ Department of Statistics Subnational Population Projections: 2006 base – 2031, using the medium scenario figures

Figure 4.1 Territorial Areas of the four Southland Councils⁴⁶

⁴⁶ The fourth Council is the regional Council, Environment Southland. Its territory covers the combined areas of Southland District Council, Gore District Council and Invercargill City Council.

Figure 4.2 Area of Invercargill Territorial Authority

Figure 4.3 Major cities and towns in Otago and Southland

4.1.2 History

European sealers are said to have arrived in the region in the late 1700s, followed by flax harvesters in the early 1800s and whalers from 1829. Māori are believed to have arrived in the area they call Murihiku between 800 and 1,200 years earlier (Dacker, 2006).⁴⁷ A characteristic of the relationship between Māori already living in Murihiku and the arriving

⁴⁷ Murihiku is the Māori name for the area of the South Island that is south of the Waitaki River, apart from Stewart Island (Rakiura). Hence Southland is included within Murihiku. The word means the ‘tail of the whale’ or the last joint of the tail of the fish that is the South Island.

Europeans was the promotion of intermarriage between Māori women and the European sealers and whalers;

At the time of the first European contact, Honekai was the principal chief in Murihiku. His son, Te Whakataupuka saw great value in having a good relationship with the European traders and he arranged marriages with the early sealers and whalers. Many of the Murihiku Māori whanau today are descendants of those marriages and, in a marae at Bluff, most of the carvings recognise those women who were the wives of the newcomers to the land. (Michael Skerrett interviewed by Pat Veltkamp-Smith quoted in Dacker, 2006, p. 57).

According to Erik Olsen, the long period of intermarriage, high fertility rates and tendency of the offspring to merge with the new society, in part due to the patrilocal traditions of southern Ngai Tahu Whānui meant that the new society came to be the dominant one and links with tangata whenua were substantially weakened (Olssen, 2006a, p. 78). It may also account for the fact that substantially less Māori in Invercargill can speak Māori – 17% as compared to 24% nationally, with the largest differences occurring in the older age groups (Ministry of Social Development, 2008, p. 8).

The City of Invercargill was established in 1856, as a result of a request from newly establishing sheep farmers from Otago to establish a port at Bluff for the importation of stock from Australia. Sir Thomas Gore Browne, Governor of New Zealand, in consenting to the request, suggested the establishment of a corresponding township to be called Invercargill.⁴⁸ The town was laid out as a ‘mile square’, with its 40 metre wide streets now a well known feature of the city. After the gold rush in the 1860s, dairying began to develop in the late 1870s and by 1901 Southland had 23 dairy factories. Freezing works for sheep meat were established in the 1890s and Invercargill boomed. Flax remained important until the 1920s, and vast deposits of lignite coal were found, sustaining a vibrant coal mining industry (Olssen, 2006b).

⁴⁸ ‘Inver’ meaning the meeting of two waters (the Oreti and Makarewa Rivers) and ‘cargill’ after Captain William Cargill, Superintendent of Otago.

According to Olssen, Invercargill and Southland were dominated by “men of small means who had done well and Invercargill was more remarkable for this class of men than any other town in New Zealand”, (James Adam, *Twenty-five Years of Immigrant Life in the South of New Zealand* (1874), quoted in Olssen, 2006a, p. 77).

Invercargill became a city on 1 March 1930 when its population reached 20,000. Growth slowed during the depression, but in the post war boom in the 1940s and beyond to 1966, the city’s population doubled due to booming export prices, a vigorous council and ambitious projects in energy and transport (Olssen, 2006a).

During the economic restructuring in the 1980s and 1990s, Invercargill suffered economic and social decline. Locals say that there was a significant decline in the population including the removal of a large number of managerial jobs, which had a serious social impact, for example, in the lack of volunteers to chair school and sports committees.⁴⁹ New house construction dropped dramatically. Whereas 20.7% of all houses in Invercargill were built in the 1960s and 17.4% in the 1970s, the 1980s and 1990s account for only 7.2% and 3.2% respectively.⁵⁰

4.1.3 Invercargill today

Invercargill today is regarded by locals as a story of success and revitalisation. Its 2006 Census population of 50,328 reversed the long-term decline referred to above. It has the lowest unemployment rate and the highest labour market participation rate in the country (Infometrics, 2008, p. 8) and average house prices rose 29.4% for the year ending December 2007,⁵¹ the highest growth for any New Zealand city by a large margin.⁵² In addition, through some bold local initiatives and successes people both locally and in New Zealand as a whole have a more positive image of Invercargill to that which they used to have in the 1990s and earlier.

⁴⁹ From comments made during two of the research interviews.

⁵⁰ Source: Quotable Value Limited – Age of Housing Stock.

⁵¹ Quotable Value Limited accessed at <https://www.qv.co.nz/online-reports/propertyvaluemap.htm>

⁵² The next closest was Queenstown Lakes where prices had risen 12.7%.

These initiatives and successes include the ‘zero fees’ policy at Southern Institute of Technology(SIT), the outstanding record of the local netball team ‘The Southern Sting’⁵³ which won seven out of the last ten national championships, the construction of New Zealand’s only covered velodrome, the making of the very successful movie, ‘The World’s Fastest Indian’ featuring local boy Burt Munro, and, perhaps as important as any of these, the efforts of iconic and media savvy mayor, Tim Shadbolt. There are also new possibilities on the horizon – innovative economic development projects by Southland’s economic development agency, Venture Southland,⁵⁴ the possibility of major finds of oil or gas in the Great South Sea Basin bringing local windfalls,⁵⁵ and the development of Southland’s lignite fields.

There is an air of Invercargill believing in itself, and none more so than its mayor, who in 2006 wrote, “I believe that, if we can maintain our present momentum for the next ten years, we will develop the best educational facilities, the best sporting facilities and be universally respected as the most exciting, dynamic, innovative, creative, provincial city in Australasia” Tim Shadbolt, quoted in *Murihiku: The Southland Story* (Olssen, 2006b, p. 100).

Invercargill is also fortunate to have a large amount of money available for community projects and to meet community needs. These funds, amounting to between \$17-\$20 million annually come through the Community Trust of Southland and the Invercargill Licensing Trust. The Community Trust of Southland was formed in 1988 when deregulation of the banking industry allowed Southland’s trustee bank to be converted to a company.⁵⁶ The Community Trust was the company’s sole shareholder, eventually selling its shareholding to Westpac for \$158 million. In 2006 the Trust’s assets had surpassed

⁵³ Now replaced by the Southern Steel in the new trans-tasman competition.

⁵⁴ For example rocket launching for the European Space Agency, new crops and the development of biofuels.

⁵⁵ Although this is not as clear cut as some think. If oil is found, it is unlikely a refinery would be built in Southland and therefore the local benefit would be mostly in port servicing operations. Gas on the other hand would need to be piped onshore. There is also a potential trade off between oil, and export prices for farm products.

⁵⁶ The trust represents people in the area previously served by Trust Bank Southland, which includes all of the province of Southland plus Queenstown, Arrowtown and Tapanui.

\$200 million which enables it to distribute between \$7-\$10 million a year in grants within the region (Sorrell, 2006).⁵⁷

The Invercargill Licensing Trust (ILT) was formed in 1944 in the days when New Zealand was emerging from the prohibition era and local control of the alcohol business was seen as necessary and desirable. Today the Trust still controls most of the liquor sold in Invercargill through its 14 liquor outlets (supermarkets cannot sell alcohol in Invercargill), as well as having eight restaurants, 14 bars and clubs and seven hotels and motels. The objective of the ILT and the ILT Foundation is to contribute to the community of Invercargill and in addition to promoting the region as a venue for events, it gifts approximately \$10 million per year in grants, donations and scholarships to groups in the community. The trust also employs 625 people and spends about \$21 million a year in the purchase of local goods and services.⁵⁸

Whereas farming dominates the economy of the Southland region, Invercargill itself is a servicing and processing centre. Major industries are manufacturing, retail, property and business services and health and community services. In addition to the processing of meat, dairy and seafood the manufacturing sector includes such giants as the Tiwai Aluminium Smelter and specialist manufacturers such as Stabicraft boats.

Census data on occupations reflects the above and confirms the truth of a phrase often heard in the city, that Invercargill is substantially a 'blue collar' town. It has lower percentages, compared to New Zealand in general, of managers and professionals and significantly higher percentages of technicians and trades, and labourers. Figure 4.4 shows that labourers account for 18% of those employed in comparison to 12% nationally, machine operators, drivers, technicians and trades account for 22% in comparison to 19% nationally, and professionals and managers 28% compared to 38% nationally.

The current workforce appears to be not as well qualified as either Napier or New Zealand as a whole (see figure 4.5 below), with 35% of the workforce with no qualifications, compared to 25% nationally. This is not the case for children leaving school today, where

⁵⁷From 1 April 2006 to 31 March 2007, the Community Trust dispersed \$8.18 million www.comtrustsouth.org.nz/projects.

⁵⁸ Information accessed from the ILT website www.ilt.co.nz.

Invercargill is slightly above the national average of school leavers with University Entrance,⁵⁹ but the situation nevertheless may have implications for some years to come, for example in the methods used by the Invercargill City Council to consult and seek the participation of residents.

Figure 4.4 Occupation by Major Group (15 years and older) Invercargill and New Zealand 2006

Source: Census 2006 Statistics New Zealand

4.1.4 Population and age structure

The population of Invercargill declined almost 13% between 1986 and 2001 during a time when the population of Napier grew 3.7% and that of New Zealand as a whole, 14.5%,

⁵⁹ In 2005, nationally 29% of people left school with University Entrance, and in Invercargill the figure was 30%. Source: Department of Labour Regional Labour Market Reports, Southland accessed at: www.dol.govt.nz.

shown in figure 4.6. This was turned around in the five year census period to 2006 when the Invercargill population grew 1%. According to Australian futures author Bernard Salt (Salt, 2006) this turn around is the only example he can cite of such a reversal by a provincial town that has been in long-term decline.

There are differences in the age structure of the Invercargill population, which has a greater percentage of older people, and a correspondingly lesser number of younger people than the average nationally (figure 4.7), a situation which has become more pronounced in recent

Figure 4.5 Qualification levels of current workforce; Invercargill, Napier and New Zealand

Source: Census 2006 Statistics New Zealand

years – shown in figure 4.8. The most likely reason for this is because young people are moving away to go to university or to live in larger urban centres (Department of Labour, 2007, p. 12) and not returning, one imagines, because of the more limited job prospects for university graduates, managers and professionals.⁶⁰

Figure 4.6 Population: Invercargill, Napier and New Zealand 2006

Source: Census 2006 Statistics New Zealand

⁶⁰Southland had a net migration loss between 2001 and 2006 of almost 2,400 people. According to Infometrics, “its greatest net losses were to Canterbury and Otago, most probably due to the outflow of students to those regions. The majority of net population losses are in the 15 to 24 years age category” (Infometrics, 2008).

Figure 4.7 Population age structure – Invercargill and New Zealand 1996 and 2006

Source: Census 2006 Statistics New Zealand

Figure 4.8 Age structure Invercargill 1996 and 2006

Source: Census 2006 Statistics New Zealand

4.1.5 Ethnicity

Invercargill is less ethnically diverse than New Zealand as a whole, shown in figure 4.9. Almost 14% of the population are of Māori ethnicity which is a little less than the national average, although high for the South Island,⁶¹ it has substantially fewer residents from the Pacific Islands and comparatively few people of Asian ethnicity. Similarly, 90% of people who live in Invercargill were born in New Zealand, compared to New Zealand as a whole where only 77% of residents were born in New Zealand.⁶²

Figure 4.9 Ethnic origins of population, Invercargill and New Zealand, 2006

Source: Census 2006 Statistics New Zealand

4.1.6 Māori in Invercargill

Population structure

The Māori population has a younger age profile than Invercargill as a whole – only 5% were aged 65 years and over, compared to 16% of the non-Māori population (Ministry of Social Development, 2008). This is likely to continue as an Education Review Office

⁶¹ The reverse is the case for those claiming Māori descent, when 17% of people in Invercargill said they were of Māori descent, compared to 16% nationally.

⁶² Census 2006, Statistics New Zealand.

Cluster Report in 2007 noted that Māori children were 18% of the total school population in 2006 (Education Review Office, 2007) and births of Māori babies were 24% of all births registered with Plunket (representing 93% of total live births) in Invercargill in 2006 (Ministry of Social Development, 2008).

Iwi and Matawaka

Invercargill recognises Ngai Tahu Whānui as the tangata whenua. There are however large numbers of Māori in Invercargill, known locally as matawaka, who came south after World War II, but particularly from the 1960’s onwards to “work in rural industries, particularly the freezing works.”⁶³ They created a visible Māori presence and sparked a cultural renaissance among the Ngai Tahu Whānui” (Olssen, 2006a, p. 81).

According to the New Zealand Census 2006 data on Iwi affiliation, quoted by the Ministry of Social Development (Ministry of Social Development, 2008), 39.7% of Māori in Invercargill are Ngai Tahu Whānui, 40.1% are matawaka and 20.1% do not know their Iwi affiliation. On the assumption that those that do not know their Iwi affiliation can not be given mana whenua status, matawaka would then represent 60.2% of all those of Māori ethnicity in the Invercargill Territorial Authority area. Table 4.1 lists the ten most common Iwi although the census forms allow people to specify more than one Iwi affiliation.

Table 4.1 Iwi affiliation of Māori population in Invercargill, 2006

IWI	NUMBER	NUMBER
Ngai Tahu Whānui		3,177
Ngapuhi	879	
Ngati Porou	678	
Kati Mamoe	441	
Ngati Kahungunu ki Te Wairoa	279	
Tuhoe	264	
Ngati Maniapoto	234	
Waikato	231	
Ngati Tuwharetoa	198	
<i>Sub total, matawaka</i>		3,204
Iwi not known		1,610

Source: Census 2006 Statistics New Zealand

⁶³Visiting Māori, from ‘somewhere else’.

4.1.7 Socio-economic status of Invercargill residents

As with any city, there are differences in the socio-economic status of residents. Many people in Invercargill believe that this is largely represented by a North South divide although not everyone agrees.⁶⁴ My personal experience in Invercargill when I was looking for accommodation supports the existence of a divide along these lines as there were many occasions on which people told me quite emphatically – “don’t go south of Tay Street, it’s the wrong side of the [railway] tracks.”⁶⁵ In relation to South Invercargill, it is interesting to note that it was established as a separate community in 1877 as the South Invercargill Borough Council which continued until its demise in 1956 when it “reluctantly, and with a narrow margin” (Olssen, 2006b, p. 85) amalgamated with Invercargill city.

The following information relating to income levels and socio-economic deprivation scores in Invercargill is considered on a geographic basis in order to assess whether there are areas of Invercargill which are clearly more disadvantaged than others.

Income levels

Table 4.2 below has been developed to show the population and median personal income per person by area unit.⁶⁶ The area units have then been classified by me as either North, South, or mixed, which means that the area unit boundary falls somewhat equally between North and South. The table also shows, about two thirds of the way down, the median personal income for the city taken as a whole.

Summarising the results, there are 15 area units above the Invercargill wide median figure, and ten that are below. Of the units which are above, 11 are in the North with a total of 21,996 people, two are in the South with a total of 987 people and two are mixed North

⁶⁴ The Council for example, appears to disagree, at least in it simply being North South which they say is too simplistic. The issue is discussed further in Chapter 7 which lays out the research findings from the South Invercargill community.

⁶⁵ South Invercargill is generally considered to start either south of Tay Street (one of the main arteries in the centre of the city) or south of Tweed Street, which is one street further south than Tay, or ‘the other side of the railway tracks’ as quite literally, the railway line runs between Tay and Tweed Streets.

⁶⁶ I have deleted Bluff (\$19,900) because, for the current discussion, it is neither north nor south and if included would skew the figures towards South Invercargill. Also deleted is West Invercargill as it is mainly the airport, with a population of 189. For a definition of census area units, see <http://www.stats.govt.nz/census/2006-census-information-about-data/2006-definitions-questions/definitions/geographic-definitions.htm>.

South with 2,817 people. In the area units below the Invercargill wide median personal income level, four are in the North with 5,373 people and seven are in the South, with 17,364 people. These results show that in relation to income, while the divide is not purely a North South split, 96.0% of the people living in North Invercargill are above the median Invercargill income, compared to only 4.5% of people living in the South.⁶⁷ Conversely, 23.0% of people living in the North and 77.0% of people living in the South are below the median Invercargill income.

Socio-economic deprivation measures

An index of socio economic deprivation has been developed by the University of Otago, Wellington School of Medicine and Health Sciences. Its aim is to develop small area indexes of socio-economic deprivation for New Zealand. Using census data, the index uses nine variables, reflecting eight types of deprivation. The index has ten points, with ten being the most deprived.⁶⁸ All New Zealanders are divided into roughly equal numbers across each of the ten levels, and hence it measures relative, rather than absolute deprivation. The deprivation ratings for area units in Invercargill are shown in figure 4.10.

⁶⁷ For this calculation I have not included the two area units that are mixed north/south assuming there is a more or less equal split.

⁶⁸ These are, in order of decreasing weight in the index; those aged 18-59 receiving means-tested benefits; living in households with equivalised (controlling for household composition) income below an income threshold, not living in own home, aged less than 65 years living in a single parent family, aged 18-64 unemployed, aged 18-64 without any qualification, living in households above equivalised bedroom occupancy threshold, people with no access to a telephone, people with no access to a car.

Table 4.2 Median personal income – Invercargill Area Units, 2006

Area	Population	Dollars \$	Location	
Myross Bush	549	32,800	North	
Otatara	2,436	32,000	North	
Makarewa	1,284	29,400	North	
Rosedale	3,885	28,700	North	
Bushy Point	219	28,200	North	
Gladstone – Avenal	3,768	27,400	North	
Oreti Beach	468	27,200	North	
Bay Road West	156	24,800	North	
Mill Road – Woodend	633	24,800	North	South
Tisbury	246	24,400		South
Greenhills	741	24,200		South
Hawthorndale	2,184	23,500	North	South
Windsor	3,054	23,300	North	
Richmond	2,862	22,600	North	
Grasmere	3,315	22,600	North	
INVERCARGILL WIDE Median Personal Income		22,000		
Waverley – Glengarry	2,301	20,600	North	
Newfield – Rockdale	2,910	20,400		South
Kingswell – Clifton	3,369	20,000		South
Waikiwi	2,190	19,700	North	
Heidelberg	3,012	19,200		South
Georgetown	2,232	19,000		South
Otakaro Park	693	18,800	North	
Strathern	2,430	18,500		South
Appleby – Kew	1,800	17,700		South
Crinan	1,611	15,100		South

Source: Census 2006 Statistics New Zealand

Figure 4.10 Invercargill – Index of Socio-economic deprivation

below with the darker shading representing the more deprived areas. With the exception of the sparsely populated area around the airport in the West, and one area unit in the North east of the city, all the other areas of extreme deprivation are in the South of Invercargill or Bluff.

Conclusion regarding socio-economic status in Invercargill

While the divide is not uniformly and exclusively a North South split, it would nevertheless seem fair to say that those who do live in the South of Invercargill are likely to have a significantly lower socio-economic status and quality of education.

4.1.8 Conclusion

Invercargill is not a homogenous community and it also varies from New Zealand averages in some important areas. It is differentiated by occupational status and the qualifications of those in the workforce. It is differentiated by age, with more older people and fewer young people. It is differentiated by ethnicity with an over-representation of Europeans and people living in Invercargill who were born in New Zealand, suggesting that it may be more difficult for the voices of other ethnicities and migrants to be heard. It is differentiated within Māori, and the matawaka population is slightly higher than that of Ngai Tahu Whānui. It is also differentiated geographically by socio-economic status.

While none of this is out of the ordinary for a New Zealand city, or probably even more or less extreme than most, it does have implications for the way local government recognises and deals with its different communities as it seeks to inform itself of their views and to draw them into Council consultation and participation opportunities.

4.2 Invercargill City Council

4.2.1 *Council structure and membership*

The current Invercargill Territorial Authority came into being in 1989, incorporating what had been the separate borough council of Bluff and the areas of Otatara and Myross Bush of the Southland County Council. The Council comprises an independently elected Mayor and 12 Councillors elected at large.

The structure of the Council includes four standing or permanent committees that, like the Council itself, meet approximately every six weeks. The committees are Community Services, Environmental and Planning, Finance and Policy and Works and Services. Membership and the Chairs of the committees are decided at the start of each term by the full Council based on the recommendations of the Mayor. In Invercargill, the salary pool is divided between Committee chairs and Councillors with Chairs receiving approximately twice as much.⁶⁹

The Council owns commercial companies through a holding company, Invercargill City Holdings Limited (Holdco). In turn, Holdco owns 100% of Electricity Invercargill Limited (EIL); 100% of Invercargill City Forests (ECF); 55% of Invercargill Airport Ltd; and 49% of Bond Contracts (a contracting firm which carries out rubbish collection, road maintenance and the construction of pipe networks). Councillors are appointed by the Council to be Directors of those companies, and in the case of the wholly owned companies, a Councillor is also appointed Chairperson. Councillors receive separate additional remuneration for these Directorships and they may also be appointed to the Boards of subsidiary companies.

In addition to the above, Councillors are also members, for no remuneration, of many other committees, trusts, foundations and the like which are too numerous to mention here in detail. As well, two Councillors stood in separate elections for the Invercargill Licensing

⁶⁹ Invercargill City Council Annual Report 2006-2007.

Trust (ILT) and were successful, one of whom was also subsequently elected as Chair by fellow board members. These positions are remunerated separately by the ILT.

Many sitting Councillors have long tenure, as shown in table 4.3 below and it is unusual for a sitting Councillor not to be re-elected if standing.⁷⁰ In comparison, the average re-election rate for incumbent Councillors in all city councils in New Zealand was 68% in 2004 (Department of Internal Affairs, 2006).

Table 4.3 Tenure of current members of the Invercargill City Council

Name	1971-1974	1974-1977	1977-1980	1980-1983	1983-1986	1986-1989	1989-1992	1992-1995	1995-1998	1998-2001	2001-2004	2004-2007	2007-2010
Mayor Shadbolt													
Neil Boniface													
Lindsay Abbot													
Thelma Buck													
Alan Denis													
Norman Elder													
Wayne Harpur													
Peter Kett													
Jackie Kruger													
Darren Ludlow													
Geoff Piercy													
Graham Sycamore													
Lindsay Thomas													

Source: Invercargill City Council photographic record of each Council

4.2.2 Representation system

In the establishment of the current Invercargill City Council in 1989, nine wards were created, six of which returned two members each, while Bluff, Otatara and Myross Bush elected one each. Each of these latter wards also had its own community board. In 1992

⁷⁰ According to Deputy Mayor Boniface, this has happened only rarely

Invercargill City Council made a decision to abolish the ward system, and 12 councillors were then elected by the city at large, a system which has continued to the present day.

The Local Electoral Act 2001 provides the basis for election of members of a territorial authority. Section 19C of the Act provides three alternatives. Firstly, the entire district is divided into wards and members are elected only via the wards they represent. Secondly, some proportion or mix of election ‘at large’ and via wards. Thirdly, a system where there are no wards and all councillors are elected on an ‘at large’ basis. Section 19H of the Local Electoral Amendment Act 2002 provides that Councils must review their decisions on representation arrangements every six years after the first determination, which had to take place in either 2003 or 2006. In deciding on the system of representation, the Act requires the territorial authority, or on appeal, the Local Government Commission, to ensure that the system selected will provide effective representation of communities of interest within the district.⁷¹

In Invercargill there is a history of wards being prescribed by central government and later abolished locally.⁷² According to Olssen, an earlier attempt was abolished in 1902 because it was felt that it, “promoted log-rolling and parochialism, thus deterring the best candidates from offering their services” (Olssen, 2006b, p. 90). A similar view that a Council split along ward lines, “could not work in the best interests of the whole municipality” is offered by Esler (2006, p. 43) and was mentioned by Councillors during this research as the reason for retaining the ‘at large’ method of electing representatives. Invercargill undertook its first representation review in 2003 (discussed in Chapter 8) and plans to undertake its next review during the latter half of 2008.

Comparing Invercargill with like-sized cities (because the larger cities and district councils will almost always have a ward-based electoral system) there are eight cities of a similar size in New Zealand.⁷³ Since the 2004 elections, two of these (Napier and Palmerston North) have been required by the Local Government Commission to either retain, or establish,

⁷¹ Section 19T of the Local Electoral Act 2001

⁷² Town boards and community councils had also been tried before. Under the Town Boards Act of 1881, counties could create town boards or individual ridings (similar to today’s wards) and could set up community councils to represent the needs of particular townships. They appear to have had quite a lot of autonomy.

⁷³ The eight cities are Tauranga, Napier, Palmerston North, Porirua, Upper Hutt, Hutt City, Nelson and Invercargill.

wards (Local Government Commission, 2006, 2007). In the 2007 election therefore, only three out of the eight small cities had an ‘at large’ system. These were Invercargill, Nelson and Upper Hutt.⁷⁴ In the Palmerston North and Napier decisions, the Commission stressed that “residents’ engagement with their community, and effective mechanisms for engagement between communities and the Council are fundamental to the purpose of local government” (Local Government Commission, 2006, p. cl 54). Disparities in socio-economic status were regarded as perhaps the most important factor in impacting the existence and effectiveness of that engagement and whether separate ward representation was therefore required. The Commission also made the point that identifying with the city as a whole did not preclude establishing the necessary identification with one’s suburb or ‘community of interest’.

4.2.3 Community Boards

At its establishment in 1989, Invercargill Territorial Authority included three community boards. In 2003, following the first review under the Electoral Act, the Council abolished the Bush and Otatara Community Boards, leaving only the Bluff Community Board. The basis for the Council decision was that neither Bush nor Otatara met the requirements for a community of interest, and retaining boards in those areas to deal with their special needs “would not be promoting good Local Government, and would add an additional sphere of involvement which it is difficult to see being either efficient or effective” (Electoral Representation Review Committee, 2003, p. 11). It should be noted however that the Invercargill Council decision was in 2003, and relied on guidelines from the Local Government Commission which appear to have suggested a much stricter definition of community of interest than is apparent from the recent Napier and Palmerston North decisions.

4.2.4 Voter turnout – all voters

Voter turnout (both residents and ratepayers) in Invercargill Local Body elections has been significantly higher than the national average since the reorganisation of local bodies in 1989 although it has not always followed national trends up or down.

⁷⁴ Further information and analysis of the Palmerston North and Napier decisions is included in Appendix 4.

Table 4.4 Voter Turnout, Local Authority elections

Election Year	1989	1992	1995	1998	2001	2004	2007
Invercargill %	74.0	62.0	67.0	73.0	59.0	55.0	52.6
National %	57.0	61.0	53.0	55.0	50.0	46.0	n/av

Source: Invercargill City Council and Department of Internal Affairs

4.2.5 Council mechanisms for obtaining community views

As noted earlier, Invercargill City Council has four standing committees and the potential exists for the public to address committee meetings. It also has one advisory committee, the Invercargill Youth Council,⁷⁵ and an informal arrangement with the Combined Disability Group. As Councillors are elected ‘at large’, they do not represent specific areas of the city and there are therefore no ward committees. Bluff, as mentioned earlier, has the only community board. In addition, Council uses a range of other ways of informing itself of community views. Those mentioned during the research included information given directly to councillors and staff via phone calls; letters and emails; the councillors’ talkback panel on Cue television each fortnight; letters to the editor in The Southland Times; and articles generated by interest groups in the Southland Express.⁷⁶ Also mentioned were formal consultations, submissions invited under the LGA, information via community groups, especially those attended by staff and some newer initiatives including reply coupons and taking consultation to the people in the form of a barbecue in the park.

4.2.6 Conclusion

Invercargill has a stable and relatively long-serving Council membership where, similar to most other Councils in New Zealand, loyalty and tenure are rewarded by appointments to Committee chair positions and Directorships of Council-owned companies. There is little in the way of differentiated representation within the city, either through the establishment of wards, community boards, residents groups, advisory groups or additional standing committees. There are however, strikingly similar comparisons between Invercargill and the

⁷⁵ There are three committees that are called Advisory Committees, but they are in fact only to advise on the distribution of central government funds in their respective areas. They are respectively, Active Communities, Creative Communities and Southland Heritage.

⁷⁶ The Southland Express is a free community weekly newspaper

cities of Napier and Palmerston North.⁷⁷ These include similar socio-economic differences within the city and disproportionately lower representation for residents in the areas of highest deprivation, as well as a lesser likelihood of establishing alternative community representative groups. This suggests that under the current Local Government Commission, the forthcoming Representation Review for Invercargill will need to consider a more differentiated manner of providing representation for residents than it did in 2003.

⁷⁷ For example, in Invercargill 37% of the population live in decile 7-10 areas in South Invercargill and Bluff, compared to Napier where over half lived in decile areas 6-10, a fact the Commission considered significant enough to warrant imposing a part ward based system. The Commission also noted that only three Councillors out of 12 lived in those low decile areas. The ratio of Invercargill Councillors that live in South Invercargill is similar.

Chapter 5: Research methodology

5.1 Introduction & Overview of research

This chapter provides an outline of how the research was undertaken and the reasons for the choices made. It outlines the ethics process and discusses issues that arose. In conclusion, it offers some comment and reflection on the process of research, analysis, writing and the lessons learned.

5.2 Research outline

5.2.1 *Research methods*

My two main research methods were a case study approach and the study of data, both primary and secondary. Primary data included the 2006 Census of Population, other government research reports and Council documents. Secondary data comprised mainly articles and books.

A case study approach was employed in the selection and study of two Invercargill communities, Māori and South Invercargill, and in the choice and examination of the generic processes that Council uses to inform itself of the views of its communities. It was decided not to look outside Invercargill City Council at the specific practices of any other Council, partly because it would have been beyond the scope of this thesis but also to retain the focus solely on Invercargill.

Undertaking the case studies involved a number of interviews with key informants and the discovery and analysis of primary data for example, the records of public meetings held in South Invercargill; the Charter of Understanding signed by the Council and Te Ao Marama Inc.;⁷⁸ and the Council Agenda Paper reporting on the research results and making a recommendation in the Electoral Representation Review.⁷⁹

While a case study may produce less generalisable data this may also be its strength. Flyvberg, for example, in his very helpful article on case study methodology, asserts that,

⁷⁸ Te Ao Marama Inc. is the organisation that represents the four Southland Ngai Tahu Whānui rūnanga.

⁷⁹ More fully discussed in Chapter 8, section 8.8

“formal generalization is overvalued as a source of scientific development whereas the ‘force of example’ is underestimated” (Flyvberg, 2006, p. 228). A similar, and much earlier observation was made by Paulo Freire when he said, “it is local situations that open perspectives for an analysis of national and regional problems” (Freire, p 88).

The primary aim of the case study is learning. According to Hans Eysenck, quoted by Flyvberg, “sometimes we simply have to keep our eyes open and look carefully at individual cases – not in the hope of proving anything, but rather in the hope of learning something!” (Flyvberg, 2006, p. 224). This sits well with my desire to be constructive in reporting my findings and to facilitate change rather than to simply observe the situation.

5.2.2 Identification of case studies and interviewees

An early task in carrying out my research was to identify the communities within Invercargill Territorial Authority area that I would select as case studies. I identified several potential categories including: geographic, ethnic, age-based, sporting, arts and culture, needs-based (for example, the disability sector), sector or interest-based (for example, business), and communities in which central government had a key role such as education. These latter communities are of interest because of the critical role of government agencies in the local achievement of community outcomes in these areas.

It was difficult to accept that at most I could only chose two communities but eventually I selected the Māori community and a place-based community, South Invercargill. Using Flyvberg’s strategy for the selection of case studies, South Invercargill was selected as a ‘critical case’ and approached from what Flyvberg calls a “verification perspective” (Flyvberg, 2006, p. 230), which in South Invercargill could translate as, if one of the least likely communities felt empowered and was participating fully in local government, then it is likely that more affluent and connected communities would be as well.

According to Flyvberg, strategies in the selections of case studies are not mutually exclusive and a case study can simultaneously be extreme, critical and paradigmatic (2006, p. 233) as was the case with the Māori community case study. In part it was a ‘critical case’, albeit from a national rather than a local perspective and in part ‘extreme’ due to the greater

dominance of matawaka over the single Iwi with mana whenua status.⁸⁰ In hindsight (because this only became apparent after the research had been completed) it was also part paradigmatic in that it “highlights the more general characteristics of the societies in question” (Flyvberg, 2006, p. 232), in this case, the customary position of visitors (matawaka) in relation to Iwi with mana whenua status.

The selections can also be explained on the basis of perceived greatest need (South Invercargill), the wider, national relevance of the issues likely to be raised (Māori) and the difficulty of, and interest in, the issues raised (both Māori and South Invercargill). In addition, the LGA, as seen in Chapter 3, provides specific additional clauses to ensure the ability and actual participation of Māori in local government. Given the uniqueness of these clauses, it seemed important to include them in the research.

In Chapter 8 I report my findings on how the Council has defined its role and its general approach towards consultation, as well as my findings on chosen examples of Council processes. A case study approach was employed in the selection and analysis of the Council processes. Examples were chosen to represent the spectrum of ‘potholes to policy’, the former being more operational or service-related and the latter of a strategic or policy nature – a strategy characterised by Flyvberg as the selection of “maximum variation cases” (2006, p. 230). The selected processes were the Council Call Centre; the public forum opportunity at Council Committee meetings; and a formal consultation undertaken as part of the Representation Review referred to earlier.

Having chosen the communities, and my broad approach to the general investigation of the Council’s position, I then identified potential interviewees from the two communities as well as Council staff and Councillors. In total 25 people were interviewed. One of the interviews was by telephone and the remainder were face to face.

Councillors were chosen because of their involvement in the chosen communities or their overview of Council policy and approach and Council staff were selected by their position.

⁸⁰ To the extent that this is not a usual situation in small cities.

Six Māori participants were selected, representing the Iwi with mana whenua status, Ngai Tahu Whānui, and matawaka. Within these groups, the first approach was made to leaders within each group. Other Māori community members were then selected through local recommendations or for the representative roles or sector positions they held. One person was interviewed for both the Māori and South Invercargill communities.

Members of the South Invercargill community, or providers of services to the community, were chosen as follows: three people who attended the public meetings in 2005, chosen at random from the people who signed the list of attendees, two conveners of South Invercargill neighbourhood support groups, two representing schools in the area, one involved in the provision of social services, one in the provision of health services and one the convener of a local action group. Apart from the choice of those who attended the public meetings, people were selected following discussions locally, and their name or organisation being mentioned usually by more than one person. Where the interview was by reason of the organisation, the interviewee was chosen by position. The first contact with the interviewees from the public meetings and neighbourhood support groups was made by Council staff in order to ascertain whether these people would give permission for them to be contacted.

Of those asked to take part, one person in South Invercargill declined, their reason being that they would be out of town. From the Māori community, one person did not respond at all and one other, the local manager of Te Puni Kokiri, responded initially and offered to set up a focus group, but thereafter could not be contacted. Finally, one Councillor did not respond.

5.2.3 The interviews

Interviews were approached with as open a mind as possible, realizing that I, like everyone, have certain beliefs and experiences which prevent me from being fully objective or neutral. My desire was to let people speak for themselves and while they did receive information beforehand about the discussion topics, these were only loosely followed, and interviewees were able to comment on anything they wished to within the general area of Council and the community. Having said this though, my intention was to be as

constructive as possible while maintaining the integrity of the research reporting and at times I have chosen to make points in a more restrained manner than I could have.

Each interview was fully transcribed which meant that afterwards I had the benefit of access to everything that was said. While this took an enormous amount of time with 23 interviews,⁸¹ I believe it was worthwhile – especially as my understanding and my conclusions evolved as I wrote, and therefore some comments which had previously been overlooked then became relevant and were included.

The research was not participatory research in the sense that this is understood in much of the development literature. The council and communities did not have a say in deciding which communities were chosen as case studies and the Council did not have a say in which processes were studied as part of the wider overview. Those taking part did not have a say in the topic or the questions asked, or in the analysis. It was however ‘participatory’ in the following senses: it sought to give a voice to those whose voices are not strong in the conduct of the city’s affairs or who are being excluded altogether due to cultural custom; as the researcher I respected and sought to learn from the people taking part; interviews were conducted in places selected by the interviewees (in all but one of the in-person interviews this was their home or work premises); and the stories have been related as fully as possible, in the interviewees’ own words (Chambers, 1997, 2006; Mikkelsen, 2005).

Most discussions took about an hour, although one or two were shorter, and some up to an hour and a half. All but one of the interviews took place during December 2007 and January 2008. The last interview was undertaken in April 2008. I began the interviews by introducing myself and thanking them for their willingness to take part. I then spent some time reviewing the information they had been sent about my research and would then ask if there was anything they would like to discuss or ask about the research. Following this I would discuss the options in the consent form, which they then completed and signed. As a lead in to my questions, I usually then asked them to tell me a little about their history, if the person was being interviewed as an individual, or their organization and/or their role if this was the reason for the interview. This discussion would normally lead naturally at

⁸¹ Two of the interviews had two people present, and hence 25 people in total were interviewed.

some point to the first question, and thereafter, while I would keep a ‘loose eye’ on the discussion outline in the Information Sheet, interviewees were free to raise any other matters and there was always a specific invitation to do so before the end of the interview.

5.2.4 Council work placement

As I was thinking about how to undertake my research, I was conscious of the fact that I had no experience at all of local government, and almost as little knowledge of Invercargill City. I therefore decided to try and work (on a voluntary basis) for Invercargill City Council for a period of time prior to starting my research. With the help of Mike Reid at Local Government New Zealand, and the willing agreement of Richard King, Chief Executive Officer of Invercargill City Council, this was arranged and I worked with the Council’s Corporate Planner from the beginning of September 2007 until mid-November 2007. During my time at the Council I worked mainly on a project to interpret the 2006 Census and other government research data. This information was then used to develop a profile of the city which identified the trends and potential significance of the data for the future of Invercargill. The results of the project were presented to Councillors and senior staff in separate workshops and subsequently formed the basis of Chapter 4.

After finishing my voluntary work placement at the Council I remained in Invercargill (apart from about ten weeks spent either in Wellington or other travel), firstly preparing for and then carrying out my research interviews, and subsequently, writing my thesis.

5.2.5 Observation

As noted above, I lived mostly in Invercargill from the beginning of September 2007. During this time I read and clipped relevant items from the local newspapers on a daily basis, listened to local radio station content, and had the opportunity to interact with both the general public and local government employees on an informal and ongoing basis. One of the impacts of this is discussed in section 5.4.2 below.

My placement at the Council and subsequent contact has also enabled me to observe directly the work of the Council, for example attending Council meetings, consultation and discussion with various Council divisions and staff in the sourcing and analysis of data for

the profile referred to above in section 5.1.3, sitting among Council staff, particularly in the planning area, as they went about their normal business in, for example, preparing the Annual Report, reviewing Bylaws, and discussing the process involved in other Council documents such as the LTCCP. As part of my work for the Council I also undertook some analysis of the Community Outcomes document, *Our Way Southland*, which had been developed jointly with Southland and Gore District Councils, ICC and Environment Southland. I attended a joint meeting on the progress of the Outcomes with the representatives of the other Councils. As well, in preparing for the presentations to senior staff and Councillors the Corporate Planner and I worked closely with the Council Directors in their areas of responsibility.

5.2.6 Analysis of interview data

Each of the interviews was fully transcribed and then reviewed for common themes. This was a lengthy process, requiring several iterations before a structure was developed that enabled the stories and issues to be discussed in a coherent and understandable manner. To the greatest extent possible those who took part in the interviews have been allowed to speak for themselves, with my role in writing being to interlink the narrative and provide introductions and conclusions as navigational aids. In the interests of length however, I have often had to take only one quote as an example of a specific point whereas I have almost always had several other, similar quotes which could have been included.

Where there were differences of opinion and opposing views these have been allowed to stand without an attempt to reconcile them as this truly reflects the situation often encountered during the research where different parties were firmly convinced of completely opposing points of view. Some assistance with this was gained from Flyvbergs instructions to, “tell the story in its diversity, allowing the story to unfold from the many-sided complex and sometimes conflicting stories” (2006, p. 238). I have also stood back at times from providing an interpretation of comments or drawing every inference to the readers’ attention, preferring to provide greater neutrality in reporting the results and space for readers to decide for themselves what the case study means to them – “readers are not...given the impression that truth might lie at the end of [the] path. Readers will have to discover their own path and truth inside the case” (Flyvberg, 2006, p. 238).

Lastly, I felt at times that I was dealing with an irrelevant level of detail and mundane facts and comments but found it to be true in the end that, “discreet and apparently insignificant truth when closely examined...reveal[s] itself to be pregnant with paradigms, metaphors and general significance” (Flyvberg, 2006, p. 238). It seems fair to say that attention to the many, almost chance, comments during the interviews, and the detailed analysis of documentation, for example the structure of the research in the Representation Review, did yield separately and collectively, the kind of ‘metaphors’ and understandings of ‘general significance’ that Flyvberg refers to.

5.3 Ethical considerations

5.3.1 Ethics Approval

Approval to undertake the research was given by Victoria University Human Ethics Committee under number 121/2007. A copy of two variations of the Information Sheet and Consent Forms are provided in Appendices 6 and 7 respectively.⁸² An expanded version of the Information Sheet was later produced as variations were required for the different sectors. In cases where a person was being interviewed as the representative of an organisation, the Ethics Committee also required that permission to interview the staff member be given by the person in charge unless of course they, and the interviewee, were one and the same. In the end, this only applied to the Invercargill City Council, where the CEO, Richard King gave his permission to interview any staff member. Each person interviewed was provided with the Information Sheet and the Consent form prior to the interview and the options on the consent form were further discussed before the interview started. All persons requested a summary of the research findings.

All Council staff requested anonymity, and in order to provide this, I believe it is necessary to not identify them separately even by a coding system as there is a risk that one coded participant’s comments could be picked out and grouped together leading to a real risk of their identity becoming apparent. I have therefore identified all council staff comments only as ‘Council Staff Member’.

⁸² Appendix 6 is a copy of the letter to the Chief Executive of an Organisation seeking permission to interview staff, and Consent Form. Appendix 7 is one of the variations of the Information Sheet and Consent Form sent to prospective interviewees.

The only persons who are identified by name in the research findings are firstly, those who agreed, but where, in addition to this, it would also be helpful to the discussion because of their position as the head or, in the case of the Deputy Mayor, the second in charge, of the group they represent. While some others in those groups may have agreed to be identified, I have preferred to err on the side of caution and not give their names on the basis of further ensuring that the research ‘does no harm’. Interviewees other than Council Staff are therefore not identified by name but are each identified by a group reference, for example, Māori community, a number, and the date the interview took place. As a general principle throughout the thesis I have included only as much as is necessary to fairly and accurately tell the story, be it a person’s name or comments made, and not more than that.

5.3.2 Other ethical considerations

An important issue in conducting the research, and perhaps especially in writing the thesis, has been my tenure at the Council, and my continuing to live in Invercargill. This has raised the question of ‘outsider’ versus ‘insider’ status, and the movement towards being an insider brought both benefits and constraints. I have however preferred at least some measure of insider status as my eight years in South America had shown me how much outsiders missed, both in their information gathering and analysis, and in the fact that they were unaware they were indeed missing so much. While this situation was obviously made more difficult because it was a foreign country and language, Howitt et al. have made it clear that outsider status can apply equally in one’s own town;

One need not go to the other side of the planet to engage with ‘others’ given the often complex dimensions of diversity created by societal and group constructions of regional, ethnic, linguistic, class, racial, gender, sexual, religious, ideological and other difference. I suspect the challenges and moral considerations...might not be much different if I were to undertake research with my neighbours in the rural Massachusetts community I’ve lived in for the past few years or in the neighbourhoods of nearby cities (Howitt & Stevens, 2005, p. 31).

Thinking about my situation, I believe that ‘outsider’ and ‘insider’ exist along a continuum. The speed with which one moves along the continuum will depend in part on personal

characteristics and on the perceived legitimacy of the research (Howitt & Stevens, 2005, pp. 45-46). It may also be different in different communities or groups. In this respect, I believe that my position is not the same vis á vis the Council for example, as the Māori community. In the former, I have become much closer to being an insider than in the latter.

Insider status can bring benefits but it also brings enhanced responsibilities and potentially greater difficulty in reporting research findings. Howitt and Stevens refer to this when they say that, “working in places and within communities fosters the development of relationships, and these bring with them expectations of reciprocity and diverse responsibilities” (Howitt & Stevens, 2005, p. 46). My own experience suggests that the benefits of increasing insider status have included greater awareness of, and access to, information, both formal, for example primary research data, and informal, anecdotal information. It has also provided introductions and access to interviewees that might otherwise have been difficult to obtain. Ongoing relationships have led to continuing constructive discussion and debate and critiques of my thinking and conclusions as these have evolved, which have been most beneficial. Although it remains to be seen, I believe the potential for change as a result of the research is likely to be greater where the researcher has insider status.

Lastly, the existence of local relationships enhances one’s sense of responsibility towards those relationships, influencing the presentation of results firmly away from any tendency to be sensational and there is an enhanced focus on what happens as a result of the research, rather than just the end of the thesis. Equally however, I believe it is harder to say what needs to be said to the extent that this is critical of new found friends and communities. In these circumstances a great deal of integrity and maturity is required.

5.4 Reflections, comments and lessons learned

It perhaps states the obvious to say that the whole process has been a learning experience and there have been several references to this learning throughout the chapter. The experience of the research and analysis has been both enjoyable and satisfying. I was also happily surprised at the openness of Invercargill City Council, firstly in allowing me to

work inside the Council for almost three months, but also in the access they gave me to both people and information, for which I am most grateful.

The discovery of radically opposing views at times between the community and Council was difficult at first and my natural instinct was to inquire further in order to make a judgment about who was right and who was wrong – until on further reflection I realised that that was not the point, and would be unlikely to solve the issues. Thus I learned to accept a high level of ambiguity and unresolved complexity.

In thinking about a method of approaching the interviews with key informants I considered the Appreciative Inquiry model as its core principles were well suited to my worldview.⁸³ However, although I tried a loose adaptation of this approach in my first community interviews, it was unsuccessful, either due to people being too rooted in the negative about the Council or having insufficient background to be able to imagine a different relationship and how it would function. I realised that such an approach would require much more groundwork, and probably more than one meeting.

During the process, particularly the interviews with the Māori community, I realised how my personal bias towards supporting a perceived disadvantaged party, and my abhorrence of injustice predisposed me towards assumptions and forming conclusions which, as it turned out, were not what those same people wanted. It was a valuable lesson in letting all people tell their stories free of assumptions about what the interviewer might assume they want, or would be best.

Lastly, I reflect on the need to keep an open mind throughout because the final conclusions are not necessarily obvious simply from hearing the stories and in my case, they evolved only as I wrote and considered all of the information both separately and together.

⁸³ The method is described in *Methods for Development Work and Research* (Mikkelsen, 2005) p. 245-248. The core principles are: the constructionist principle, the principle of simultaneity (inquiry itself prompts change), the anticipatory principle (what we anticipate, think and imagine influences change) the poetic principle (valuing storytelling) and the positive principle.

Chapter 6: Māori community

6.1 Māori community

The special provisions of the Local Government Act 2002 relating to Māori participation have been covered in detail in Chapter 3.2.6 and a copy of the relevant sections of the Act is included in Appendix 2. Overall, the intention of the LGA is to require Councils to provide opportunities and processes for Māori to contribute to Council decision-making, and to actively assist Māori to build their capacity to do so.

There is a clear intention for the relationship between Councils and Māori to move beyond the now more familiar areas of resource management and cultural matters, and in all aspects of the relationship Councils must uphold the principles of the Treaty of Waitangi (Local Government New Zealand, 2007, p. 4).

In population terms, Māori have a younger age profile than Invercargill as a whole and a higher birth rate. Those claiming Ngai Tahu Whānui descent represent 39.7% of Māori in the Invercargill Territorial Authority area, those of other known Iwi 40.1% and those of Māori ethnicity, but unknown Iwi 20.1%.⁸⁴

6.2 Consultation between Ngai Tahu Whānui and the Council

6.2.1 *The Charter of Understanding*

To enable facilitation and interaction with the Councils of Murihiku (Southland) on resource management issues, the four Ngai Tahu Whānui rūnanga jointly established a management organisation called Te Ao Marama Incorporated.⁸⁵ Te Ao Marama Inc. then entered into a Charter of Understanding with the four Councils of Murihiku to govern their relationship under the Resource Management Act (Environment Southland, Invercargill City Council, Southland District Council, Gore District Council, & Te Ao Marama Incorporated, 2003).⁸⁶ The Charter establishes an Iwi-Council Representative

⁸⁴ See section 4.1.6

⁸⁵ Te Rūnaka o Awarua (Bluff) Hokonui rūnanga (Gore), Oraka/Aparima rūnanga (Riverton) and Waihopai rūnanga (Invercargill). Only Awarua and Waihopai are within the Invercargill Territorial Authority area.

⁸⁶ Invercargill City Council, Southland District Council, Gore District Council & the regional council, Environment Southland.

Group called Te Roopu Taiao,⁸⁷ which comprises one representative from each of the four rūnanga and the four Councils at ‘rangatira to rangatira’ level. Under the charter, Te Roopu Taiao must meet at least four times a year. The Charter also provides that Te Ao Marama will be financially resourced by the four local authorities on an annual basis. The Charter provides that Te Ao Marama Inc., as the management organisation for the rūnanga, has the role of looking after tangata whenua interests in resource management and other aspects related to local government in Southland (clause 7.2.1). The relationship between the Councils and Māori is shown in figure 6.1.⁸⁸

Figure 6.1 Consultation structure between Māori and local government in Southland

Following the enactment of the Local Government Act 2002, the Charter was amended with the intention of providing for the Councils to meet their obligations under that Act.

⁸⁷ Environment Southland provides the servicing for Te Roopu Taiao.
⁸⁸A copy of the current version of the Charter (version 7, 2003) can be accessed at <http://www.es.govt.nz/Documents/Council%20Plans%20and%20Reports/Charter%20of%20Understanding%20-%20November%202003.pdf>

Matawaka are not a party to the amended Charter, but the Charter refers to Te Ao Marama Inc., through Te Roopu Taiao, assisting the Councils in their relationship with matawaka (Clauses 1.1 and 3.4). There is also a specific recognition that the LGA refers to all Māori which means that, “no individual or group representing a Māori interest with relevant issues of significance to them can be precluded from interacting with local government directly should they wish” (Clause 3.4). The main mechanism envisaged by the Charter for the inclusion of matawaka is for Te Roopu Taiao to hold an open forum at the start of each hui.

The goals and objectives in Clause 4 of the Charter however refer only to tangata whenua and later, in the clause relating to activity levels, the Charter provides that, “Councils’ goal is to ensure that tangata whenua matters are incorporated seamlessly into the normal daily activities and core business of local government in Southland” (Clause 7.2.2). To assist with the ‘seamless integration’, Council staff are to undertake consultation and discussion with Māori through Te Kaupapa Taiao Manager [the manager of Te Ao Marama Inc.] on a regular basis (clause 7.2.2), in some cases because of processes required by legislation but also “simply as a way of recognising the spirit of open partnership inherent in the Treaty of Waitangi” (clause 7.2.2). The manager of Te Ao Marama Inc. is to provide liaison between Iwi and the Councils, including their staff (clause 7.5.2).

While many of the clauses of the Charter repeat or reflect the specific provisions of the Local Government Act, for example the principles of the Treaty of Waitangi and those relating to good practice regarding consultation, the Charter does provide, in clause 7.1.3, additional rights for Iwi representatives to address any committee meeting or meeting of the full Council on matters relating to Council functions and responsibilities, in addition to the right that members of the general public have.

The Charter addresses the requirement of Councils to develop Māori capacity to contribute to Councils’ decision-making processes, although it seems to imply a two-tiered approach, as seen in the wording of Clause 7.2: The approach from the Councils is to ensure that tangata whenua through Te Roopu Taiao and Te Ao Marama Inc. have that capacity in the first instance but to also make sufficient capacity building capability available to matawaka should it be required. Later however, in clause 7.2.2 (and also clause 10), there is a further

reference to capacity building which does not mention matawaka: “The Councils in conjunction with tangata whenua over time, have committed to ensuring that tangata whenua are appropriately resourced to enable participation in the matters of common interest.” The Charter makes several references to Iwi throughout, for example the right of Iwi to address Council, referred to above. While the context suggests that this is limited to tangata whenua, the Charter does not make the position clear.

6.2.2 Council and Ngai Tahu Whānui view of the Charter

Councillors and staff of ICC as well as Ngai Tahu Whānui representatives expressed themselves as mostly very satisfied with the Charter and their working relationship to date. The Charter itself refers to this in section 7.2.1;

The level of trust and collaboration is such that the interaction between the Councils, te Kaupapa Taiao Manger and the four papatipu rūnanga representatives is now a natural part of daily business.

Clearly the close and positive relationship owes much to the people involved, and there is a great deal of day to day, informal discussion at least between the manager of Te Ao Marama Inc., Michael Skerrett and various Councillors and Council staff.⁸⁹ As the deputy mayor observed, “we talk to Michael a lot” and later “we have a good relationship with Michael” (Interview, Boniface, Jan 2008). Skerrett has a similar view of the relationship, “yes, it works very well” and of the Council, “the Council is quite willing to help...if it’s within their ability, something they are meant to do and not something else” (Interview, Skerrett, Jan 2008). However, different understandings of the role of Te Ao Marama Inc. emerged during the interviews. It was clear that the Council regards Te Ao Marama Inc. as the only body it liaises with, in the expectation that it gathers the views of all Māori. In the words of a senior Council officer;

We had the memorandum of understanding [Charter] for resource management, and that was expanded following the passing of the Local

⁸⁹ Michael Skerrett is also the Kaiwhakahaere (Chair) of Waihopai rūnanga, as well as its Upoko. He is also the Waihopai rūnanga representative on Te Rūnanga Ngai Tahu, the body which governs the assets of Ngai Tahu Whānui.

Government Act, and part of the funding is that Te Ao Marama is the vehicle for consulting all Māori. I assume they have done that [consult non Ngai Tahu] because that's the memorandum, and that's why we give them a financial contribution, to actually undertake that work (Interview, CS, Jan 2008).

The Council also believes that Te Ao Marama Inc. has a mandate for all areas, and not just resource management/tangata whenua matters. However, Skerrett said this is not the case. “We, (Te Ao Marama Inc.) only deal with resource management, and I've been very careful not to step outside that” (Interview, Skerrett, Jan 2008). Skerrett said that he had anticipated there could be confusion and had personally been keen to have a separate memorandum to cover the role and relationship with local government. He said that Te Ao Marama Inc. only has a mandate to deal with local government issues if they relate to resource management in some way. In all other cases, the matter should be taken up with Te Roopu Taiao through the secretariat provided by Environment Southland, or directly with the rūnangas (Interview, Skerrett, Jan 2008).

6.3 Ngai Tahu Whānui view of matawaka involvement

All parties agree that Ngai Tahu Whānui is the tangata whenua in Murihiku (Southland), but Ngai Tahu Whānui acknowledge that the reference to ‘Māori’ in the Local Government Act means a much wider group, in so far as the issue or area being considered is other than resource management.

In the words of a member of Ngai Tahu Whānui, “with the new local government act, and the provision for Māori, we needed to find a way to accommodate matawaka views...for any issues of relevance to them, but not encroaching on any of our traditional responsibilities re the land” (Interview, M2, Jan 2008). As Ngai Tahu Whānui already had a relationship and structure in regard to working with local government, they believed it was better to use that – “we realised it was important that Māori had a relationship with local government. We already had this through Te Roopu Taiao [and we thought] wouldn't it make sense to use this forum rather than create another” (Interview, M2, Jan 2008).

Ngai Tahu Whānui say they consulted matawaka – “yes, we had to consult them and they agreed they would become part of the forum on matters of interest to them” (Interview, M2, Jan 2008). Skerrett said that while they did have a hui at the Ngai Tahu Whānui marae to discuss the establishment of the Te Roopu Taiao forum, to which they invited all Māori through contacts provided by the Ministry of Māori Development, Te Puni Kokiri, “only two or three [matawaka] turned up” (Interview, Skerrett, Jan 2008).

A Ngai Tahu Whānui member also said that under traditional Māori custom, the Iwi with tangata whenua has “the responsibility to look after, and take care of, matawaka, the visitors.” He said that therefore, “when we relate to Council we don’t only relate for issues which are important to mana whenua, we also do have a responsibility to include issues which are important to matawaka – although how we give effect to that is fraught with difficulties” (Interview, M2, Jan 2008).

Ngai Tahu Whānui however feel that matawaka are not very interested in participating;

The forum is there but there hasn’t been a lot of use made of it, because they [matawaka] don’t tend to come forward and bring matters to it. If there was a matter of high importance to them, they probably would come forward and make contact with Te Ao Marama or the local rūnanga, and we would bring that matter forward through the forum (Interview, M2, Jan 2008).

When the Te Ao Marama Inc. manager was asked how matawaka would know if something was coming up at the forum of interest to them, he said that he “would make an effort to make contact” and that, “that might be the way we are going to start getting them involved”. He noted that he had made “a couple of attempts to get [them] involved [by inviting the senior kaumatua from the Nga Hau e Whā marae] but “of course he’s had things he’s committed to and hasn’t been able to come along. Not because he doesn’t want to. He likes what we are trying to do, and is very supportive” (Interview, Skerrett, Jan 2008).

When asked what would happen if the Council wanted to consult with, or hear the views of matawaka, Skerrett said that he would “get on to them and make sure it happened” and

when discussing the turnout at the original hui, Skerrett went on to say, “next time we’d take it further and go to them” (Interview, Skerrett, Jan 2008).

6.4 Matawaka view

6.4.1 Introduction

Matawaka is the term used in Southland to refer to Māori who are not from the region. Translated as ‘visitors’, matawaka do not have mana whenua status. As discussed in Chapter 4, there were many Māori who came to Southland from the 1960s onwards to work in rural industries, particularly the freezing works. Matawaka have no formal structure as collectively they represent many Iwi and at least three different meeting groups were mentioned during the research. However, there was common agreement that the marae known as Nga Hau e Whā (the four winds) is the common representative space for all matawaka. According to Ricki Cherrington, the Kaumatua of Nga Hau e Whā, “that’s our political arena, where we make our decisions and, speak on our issues” (Interview, Cherrington, Jan 2008). According to another, it is, “the only marae recognised by Ngai Tahu Whānui as representing all Māori” (Interview, M4, Jan 2008). Yet another confirms that “Nga Hau e Whā represents all matawaka and has a structure, including a committee” (Interview, M6, Dec 2007).

6.4.2 Māori custom

Ricki Cherrington of Nga Hau e Whā was very clear about the role of matawaka according to Māori custom – “When it comes down to the ethics of Māori, the Act doesn’t really understand it..” Cherrington’s view was;

While I can say to the tangata whenua, ‘this is how I’d like something to be’, it is then entirely up to them whether they pass it on or agree to my request. I can’t overstep the tangata whenua. The pakeha can say what he likes, but me as Māori, I can’t. The role of matawaka is to be under the tangata whenua and to support them, and that’s how it is (Interview, Cherrington, Jan 2008).

And summing up his view – “If you are where you come from, by all means speak up, but if you are not, speak to the people” (Interview, Cherrington, Jan 2008). Cherrington said

that, “otherwise I would be acting like a ‘kaka’, a parrot which chatters in flight. Tangata whenua on the other hand is like a pigeon, which only speaks once it has come home to roost” (Interview, Cherrington, Jan 2008). Another interviewee said, “I have no problem with the way it is here. Māori know that when you are outside of your own tribal area whoever the Iwi is, they have the priority” (Interview, M5, Jan 2008). The need to have Ngai Tahu Whānui’s blessing also extends to requests for consultation from any official source, including local and central government, and even where the consultation would take place on matawaka’s own marae, Nga Hau e Whā (Interview, M4, Jan 2008).

One interviewee spoke about the ability to accept community appointments only on the invitation of, or with the agreement of, Ngai Tahu Whānui, and said that this extends to positions that are not specifically to represent Māori, for example as a representative of the community at large on the Public Health Authority Board. In this case it was said that despite the person standing as a community representative, Māori would not see it that way, and would see the person being there as their representative, and therefore the decision to stand would be subject to the customary protocol of gaining approval from Ngai Tahu Whānui (Interview, M5, Jan 2008).

It was also made clear that matawaka did not consider it appropriate to request more consultation themselves – “that’s not what we would do...that would really be a smart alek thing to do...you cannot do that when you are on someone else’s home turf. But you do get some smart aleks, and Ngai Tahu Whānui know who they are, and we know who they are, so we don’t actually go there” (Interview, M4, Jan 2008).

There was some indication that not all matawaka follow the protocol outlined here. Commenting on the situation in Christchurch, an interviewee said, “they generate a lot of debate up in Christchurch, because they are very militant, and very vocal, and their relationship with Ngai Tahu Whānui is therefore a bit dysfunctional” (Interview, M4, Jan 2008). Another was not quite as accepting of the local situation, and did not mention the traditional practice. In this person’s opinion, “it is frustrating down here being told we are not tangata whenua and don’t have a say. I accept this in relation to land issues, but in relation to health, education and justice issues, the largest numbers are not tangata whenua and we should be consulted” (Interview, M6, Dec 2007).

6.4.3 Awareness of the Charter of Understanding

Cherrington was aware of the structure that has been established in Te Ao Marama Inc. and Te Roopu Taiao, but agreed with others when he said, “nothing has come of it yet of any significance.” He said that, “the invitation has been given out a couple of times to go to Te Roopu Taiao”, but that he could not meet the timeframes required, pointing out that he needed at least a month’s notice in order to conduct the necessary consultation hui with matawaka beforehand (Interview, Cherrington, Jan 2008). Another interviewee made a similar point in relation to consultations by central government, which according to protocol are channelled via Ngai Tahu Whānui but for which, according to the interviewee, the dates and information are not passed on in a timely way, making participation difficult (Interview, M6, Dec 2007).

Only Cherrington had any real awareness of the existence of Te Roopu Taiao and the opportunity provided via its open forum. One interviewee, although in a senior position, was only vaguely aware, “dredging into the memory banks”, of the existence of Te Roopu Taiao. The same person was aware of the existence of a Memorandum (the Charter) that had been signed by the Council and Ngai Tahu Whānui, but saw that as the reason they (matawaka) weren’t consulted (Interview, M6, Dec 2007). Two other interviewees appeared to have no knowledge of Te Roopu Taiao at all (Interviews, M4 and M5, Jan 2008).

Speaking generally about matawaka’s knowledge of initiatives and opportunities for participation, one person said;

We certainly are not offered any participation at any level by way of consultation or anything because it is all going through Ngai Tahu Whānui and that’s it, end of story...When I say we don’t get any information its true. We get nothing (Interview, M4, Jan 2008).

And while agreeing that Māori custom means Ngai Tahu Whānui have a duty to look after the visitors (matawaka), the question was posed as to, “whether they can say they are doing that if they never consult” (Interview, M4, Jan 2008).

6.4.4 *The right process*

The interviewees that supported following traditional protocol were clear that the proper approach for involving matawaka was for the Council to generate discussion with Ngai Tahu Whānui, and for Ngai Tahu Whānui to then invite matawaka to contribute;

Local council have to get on board with this. They cannot come directly to us/me/ matawaka. I don't want to know them if that happens. It must be an invitation from Ngai Tahu Whānui...so it's local government, to Ngai Tahu Whānui, to matawaka (Interview, M4, Jan 2008).

However, it was suggested that Council has a pivotal role to ensure that decisions are in the best interests of all community members and inclusive of all Māori across the board;

It's a question of the Council providing a general picture of how it [consultation] is done, of why there needs to be consultation, and all it takes is an invitation to come on board...by Ngai Tahu Whānui, but the lobby has to come through local government (Interview, M4, Jan 2008).

Sensitivity would need to be exercised about where consultation takes place, with one interviewee referring to possible difficulties in joint meetings with Ngai Tahu Whānui on their marae – “it is really difficult to speak openly. There are just things you can't say in an open forum like that where there is a mix of mana whenua and matawaka” (Interview, M6, Jan 2008).

Council view of matawaka involvement

The Council is unaware of any issues surrounding consulting with matawaka with one Councillor saying, “that's the first we've heard of any concerns, because those concerns have never come to council from the other tribes” (Interview, CO2, Jan 2008). However, there was some acknowledgement from the Deputy Mayor that perhaps too little attention had been paid to non Ngai Tahu Whānui consultation – “I don't think we've done that well,” he said (Interview, Boniface, Jan 2008). The Council clearly has an expectation that if there was a problem, matawaka would have made contact with the Council to bring it to their attention. For example, one Councillor said, “we've had nobody from Nga Hau e

Whā approach us. It's all very well saying, but there's got to be interaction" (Interview, CO2, Jan 2008), and a senior Council employee, expressing surprise that matawaka might not have taken part in all discussions and consultations said, "it would be good if they [matawaka] had told us" (Interview, CS, Jan 2008).

6.6 Māori, Invercargill City Council and the LGA 2002

6.6.1 *How real and how deep?*

There is some evidence that Māori participation isn't 'top of mind' for Council. One Councillor, talking about a workshop in which Councillors had broken into small groups to discuss the city's major stakeholders said, "of the four groups, apart from myself, none of them, not one of them, put down Iwi" (Interview, CO2, Jan 2008). The same Councillor admitted that, "we are a bit blasé, we the council. We were always going to have a council meeting on the marae, planned for two years ago, but it's never happened" (Interview, CO2, Jan 2008). Some corroboration of this is also found in Southland's Community Outcomes developed in the 'Our Way Southland' project.⁹⁰ Over seven outcomes and 75 quantitative and 24 qualitative indicators, Māori are referred to only four times,⁹¹ and there are no success measures proposed to gauge movement in the relationship.

There was a feeling from a member of one of the rūnanga that Council is not very interested in the Māori community;

We've come up with heaps of initiatives out of the rūnanga and we didn't get a lot of support from the council...In the course of the year there are lots of things that happen in the Māori community, big and small, but you don't see Councillors come out you know, and get involved and be part of it, for example, Treaty celebrations where the South Island as a whole take turns to host, but you don't see them when its in Invercargill. Or the Iwi Challenge

⁹⁰ The Local Government Act 2002 requires all Councils to facilitate a process where the community develops a set of outcomes which define the kind of place they want to live in, economically, socially, culturally and environmentally.

⁹¹ Outcome 1, Lifestyle & Culture has clause 1.1.4 to uphold the principles of the Treaty of Waitangi and strengthen relationships with local Iwi and tangata whenua, and clause 1.3.5 requires an engagement with Iwi and tangata whenua to facilitate specific consultation events to address concerns or issues. Outcome 5, Leadership and Outcome 6, Environment have identical clauses.

on Waitangi Day for all the Iwi which is a huge event, but none of them come to that (Interview, M7, Jan 2008).

Another interviewee suggested that there might be a certain compliance attitude on the part of the Council: “once they’ve got Māori sitting on there, (board or committee) they feel that’s enough, that’s all they need to do, whether that person is of value on that board, whether or not that person consults back to Māori, to Iwi, as long as they’ve got one sitting there” (Interview, M5, Jan 2008).

6.6.2 Māori Councillors

Invercargill City Council currently has two councillors with Māori ancestry. However, nearly all interviewees stated that these councillors were not elected for that reason, and were not identified with the local Māori communities. As one person put it;

They are not active members of a local rūnanga, so any idea they could represent Ngai Tahu Whānui would be quite wrong and if you are going to have an active influence of mana whenua in the Council processes then you need to go to the mana whenua in order to get one (Interview, M2, Dec 2007).

6.6.3 The relationship is a ‘work in progress’

No one was thinking about giving up on the relationship, or the possibilities for wider and deeper involvement offered under the LGA. Rather, the feeling was that it was ‘early days’ and, to the extent that resources allowed, progress was being made. A Ngai Tahu Whānui member’s view was that;

It’s progressive. I see we’ve made quite a bit of progress in trying to understand the intent and principles behind the significant changes to the Act. I think the Act was quite enlightened in trying to have communities more involved in determining what should happen in their community. It’s like the enlightenment of the Resource Management Act which was a

quantum shift from the principle of directive development to freedom (Interview, M2, Dec 2007).

Commenting on a recent invitation from the Regional Council to sit on the group developing the regional water plan, the same interviewee said, “that’s the sort of thing where we need to be making further progress...because the principles of consultation are that we need to be involved in development, not in just commenting on the draft.” He went on to say that, “while the regional and the district councils have taken some steps to be more inclusive in the development stage, the City (Invercargill City Council) hasn’t quite done that yet” (Interview, M2, Dec 2007).

It also seems clear that much of the reason for matawaka not having been courted more extensively for discussions on matters under the Local Government Act is because almost all the interaction has been related to issues around land and resources. Skerrett also wonders whether it is because of “where they [Council] have set the hurdle on what needs to be consulted on. Its up to them, what they consider significant enough” (Interview, Skerrett, Jan 2008).

Also slowing progress is a lack of ideas about what else the relationship might include, and what else it might work on. Skerrett, referring to potential areas of involvement of the Council with Māori said, “I put it on the agenda at our last meeting, but nothing came up, so it’s a bit difficult to know what they can do for us” (Interview, Skerrett, Jan 2008). Similarly, Cherrington said, “it’s trying to define what we need. Definition is everything – if we could define what matawaka wants, in conjunction with Ngai Tahu Whānui and make sure the public understands...Until now we have just gone along with the flow” (Interview, Cherrington, Jan 2008).

At the end of the day, it also comes down to resources, both human and financial, and as Ricki Cherrington said, “sometimes Māori get overloaded and so can’t sleep, because so many people are asking for things that you have to do, and there are not many of us around that can do it” (Interview, Cherrington, Jan 2008).

6.7 Conclusion

The overall impression is that the relationship between the Council and Māori is still primarily, if not only, concerned with resource management issues and this in part explains why some of the issues mentioned during the research have not yet become particularly visible.

The attempt in the amended Charter of Understanding to mix the governance of the relationship of Ngai Tahu Whānui and the Councils in the area of resource management and the relationship of the Councils with all Māori in the very much more diverse purposes of the Local Government Act has not been a success. The resulting confusion, together with the different understandings of the role of Te Ao Marama Inc. which emerged during the research, have left unclear who consults with matawaka, and how that consultation is carried out. It has also raised doubts about how Ngai Tahu Whānui themselves are to be consulted on non-resource management issues.

While it would be possible to continue using the Te Roopu Taiao forum, reconstituted for the broader purposes of the Local Government Act under a new and separate Charter, it may also be timely to consider some of the other mechanisms suggested in the discussion around the introduction to the legislation, for example, Māori Advisory or Standing committees.

A critical point raised by the research is the relationship between tangata whenua and matawaka in matters relating to the Local Government Act. The Act speaks about Māori, and the inference is that the intention was to create a common standard with regard to rights of participation and access for all Māori. There is support for and against this view from the explanatory notes to the Act, but it is suggested that the more likely view is that the Select Committee intended to provide rights to matawaka and to protect any existing relationships that Councils had with matawaka. If this were not the case, the tangata whenua would become the gatekeeper for all interaction with Councils, thus excluding, in the case of Invercargill, the majority of Māori.

Irrespective however of the intentions of the Act in this regard, it is clear from this research that the leadership of matawaka in Invercargill argue strongly for cultural relativism to

prevail and for tribal custom to take precedence, in this case, over government legislation. This though, does not mean that matawaka would be excluded from the relationship. Instead it refers to the manner in which they are brought into the relationship, which matawaka say, must be through, and by the invitation of, Ngai Tahu Whānui. There are circumstances however, where the matawaka view could lead to their being unable to participate in the community either as Māori or as a member of the general public. If, due to tribal custom, they are not able to participate on their own volition as a member of the community at large (the example given being to sit on the board of the PHO as one of the community at large directors) and their participation as Māori is subject to the approval of and information flows from Ngai Tahu Whānui, there is a risk that as a result, matawaka could be completely disenfranchised and excluded.

All three parties – Council, tangata whenua and matawaka seemed well disposed towards working with each other, and the fact that this is not happening other than on a one to one basis, seems to be due to;

- The Council and Ngai Tahu Whānui expecting that matawaka would take the initiative and come to them, whereas matawaka clearly believe this would be to overstep their boundaries. They believe the only correct process is for the approach to be initiated by, or to come via, Ngai Tahu Whānui.
- Parties not following the standards for consultation specified in the Charter of Understanding, particularly as to the provision of sufficient information, in sufficient time so as to make the invitation to consult meaningful.
- Nothing happening. There does not seem to have been much that has come up which has necessitated consultation, and none of the parties has been proactive in developing initiatives under the Act – possibly due to a lack of knowledge about what might be possible, lack of human and financial resources and/or a lack of interest.

Chapter 7: South Invercargill community

7.1 Introduction

This chapter presents the research findings for South Invercargill, a place-based community. It begins by reviewing the characteristics of the community and examines the views both for and against it being an identifiable community within the City of Invercargill. The chapter then lays out the views of residents about South Invercargill and their relationship with the Council, followed by the views of the Council about South Invercargill.

The chapter examines how the Council informs itself of, and has regard to, the views of South Invercargill residents by way of two case studies. The first case study looks at the ‘Clifton smell problem’, a long-term issue of bad smell in some residential areas of South Invercargill due to problems with the Clifton sewage treatment plant. The second case study looks at a Council initiative to find out about residents concerns and ideas for the development of South Invercargill, primarily through two public meetings held in 2005.

7.2 South Invercargill

South Invercargill generally has a lower socio-economic status than other areas of Invercargill, apparent from a review of its decile ratings under the Index of Social Deprivation, the percentage of residents that are below the median personal income level for Invercargill and the decile ratings and performance of its schools.⁹² Although Invercargill has been divided into wards for electoral purposes in the past, the current system of representation is via city wide, or ‘at large’ elections. Invercargill currently has 13 elected representatives, comprising 12 Councillors and the Mayor. Two Councillors (or 16%) are from South Invercargill, although that area has approximately 40% of the city’s population. In terms of community representative groups, for example ward committees, community boards or citizens’ associations, there do not appear to be any groups in South Invercargill that might act in this role.⁹³

⁹² See section 4.1.7 and Appendix 3 for a detailed discussion of this information

⁹³ There has been a residents group that has existed for some years focused on a single issue, the Clifton sewage smell problem.

The purpose in selecting South Invercargill was therefore to look at how a small city such as Invercargill informs itself of the views of residents residing in one area of the city, without the assistance of representative structures – either on the part of the Council or the residents. In terms of case study theory, it can also be viewed from a verification perspective, that is if one of the lowest socio-economic areas, least connected to the political networks of the city could feel empowered and was participating fully in local government, then it would be likely that more affluent and connected suburbs would be as well.⁹⁴

7.3 Is South Invercargill an identifiable community?

A good rental property versus a good family place, close to good schools – South Invercargill resident, noting the difference between real estate agents' descriptions of properties in South versus North Invercargill (Interview, S7, December 2007).

Invercargill is one community, everybody all mixes in. And who's to say we haven't all got the same sorts of problems – Invercargill City Councillor, (Interview, CO2, January 2008).

Almost without exception, the residents of South Invercargill believed it was an identifiably different and distinct community, whereas the Council, both staff and Councillors, did not share that view. In coming to their respective opinions, Councillors and Council staff appeared to focus on the difficulty they saw in defining the area in terms of physical boundaries whereas the basis for the residents' views was more a sense of identification with the area, although that identification was often negatively based.

The Deputy Mayor, Neil Boniface, said that;

Invercargill is a small compact city so the overriding thing is that you are elected to do the best thing for the whole, so when dealing with issues, I

⁹⁴ See section 5.2.2 for a discussion on case study theory

don't think of communities within that. Invercargill [with the exception of Bluff] doesn't have any distinct areas (Interview, Boniface, Jan 2008).

In relation to South Invercargill, Boniface said, "I don't know what it is or how far it goes" (Interview, Boniface, Jan 2008). However, another Councillor took a wider view;

From a perception point of view it is a separate community though no one knows where it begins and ends, but it is stereotyped to the lower socio-economic area. We targeted it more as a reaction or response to the community rather than because Council saw it as any different (Interview CO3, Jan 2008).

Council staff also pointed out that the difference between North and South Invercargill could partly be due to history, with the borough of South Invercargill being the last to give up its independence and join the city, in 1956. Noting that as a borough it "hadn't done the street trees and things", staff said, "there has been a long tradition in South Invercargill of not spending rates money on luxuries" (Interview, CS, Jan 2008).

Residents that were interviewed however did not seem to have any doubts about the separate identification of South Invercargill and they did not appear to consider it necessary to have defined physical boundaries. Often their reasons were based on perceived differences in status with North Invercargill and feelings that they were treated differently by the Council;

I think it's a separate community. There has always been a perception that once you went south of the railway line, well, that was it (Interview, S4, Dec 2007).

Yes, South Invercargill is a separate sub entity of Invercargill. It seems neglected at times, in the different services which are provided (Interview, S6, Dec 2007).

An April editorial in The Southland Times was unequivocal about the separate identification of South Invercargill, saying, “It’s on the wrong side of the [railway] tracks” and, referring to the former principal of the only High School in South Invercargill, said he, “quite rightly lamented a marked social division in the city”. Accepting the issues faced by many South Invercargill families, the editorial referred to the High School as serving an area of “battling families who make up a key part of our community” (The Southland Times, 2008).

The discussion raises the issue of the definition of ‘community’. It is a central concept in both the Local Government Act 2002 and the Local Electoral Act 2001,⁹⁵ but neither Act offers a definition. In respect to communities of interest, the Local Government Commission suggests that factors to take into account would include, natural geographic features where and if they exist, a shared sense of identity and the existence of socio-economic differences between one area and another. Another important point made by the Commission was the identity with one’s community of interest, was ‘as well as’ an identification with the city as a whole (Local Government Commission, 2006).

This thesis argues that self-identification by residents, as persons affected by or interested in Council decisions, would be sufficient to constitute a community and on this basis, South Invercargill appears to be one, certainly for the purposes of the Local Government Act, and probably also for the purposes of the Electoral Act.

7.4 Views from South Invercargill residents

7.4.1 Residents’ views about South Invercargill

A wide variety of pictures were painted about life in South Invercargill, ranging from an area where residents know and look out for each other, have pride in their place and where they succeed, to a community where vandalism is rife, and apathy, poor parenting models, low incomes and powerlessness prevail. Several times residents compared their community negatively to North Invercargill.

On the positive side;

⁹⁵ Although the reference in the Local Electoral Act is to ‘communities of interest’ which is arguably a more difficult test to satisfy.

We have always lived in South Invercargill, had wonderful teachers, my daughter was dux and she is now at University doing very well, but that's contrary to the image the South has. One thing I like about here is that I know all the neighbours around, it's nice to feel part of it. I could name just about every neighbour (Interview, S7, Dec 2007)

On the other hand, the outgoing South Invercargill High School principal, Andy Walker said in an interview for The Southland Times, "I have never experienced an environment with such marked social division right through the city" (Speer, 2007).

All of the residents interviewed felt there were differences between South and North Invercargill which made their area distinct, although not for positive reasons;

Sometimes when there are issues in South Invercargill it's because of apathy, or because people are just trying to get on with getting on. Because the protests don't come out of South Invercargill, things can occur down here which wouldn't happen in North Invercargill. The school review in 2003 is a prime example – schools in the North were threatened with closure and the community came right out in support of them. Each of the schools that was being threatened with closure in South Invercargill asked parents to support them and they'd be lucky if ten parents had turned up...which isn't to say that people in South Invercargill don't think their schools are worth saving, but in relation to the decile ratings and the economics of people living in this area, for some people it's just a matter of survival some days (Interview, S6, Dec 2007)

Residents also acknowledged that vandalism and people generally not taking care of things was a problem;

I suppose the argument could be that when you do things to try and make things better, beautify them, unfortunately these are also the parts of the towns that have the vandals in them (Interview, S6, Dec 2007).

Rising house prices have increased people's equity in their homes, and there are new houses being built in South Invercargill for the first time in many years. However, the increased house prices have not been all good news for the community as this has brought speculators or investors who, in the words of one resident couple, "came in and bought lots of places that had been family homes for years and years, and beautifully kept. But they've been sold, and then the renters go in, old cars arrive, the lawns are not mowed, so overall, our street has gone down (in appearance) because of this" (Interview, S4, Dec 2007).

Certainly a major issue is still the state of the local shopping centre although it is acknowledged that the shops themselves are privately owned and that Council's role in this aspect is limited;

The shopping centre in South Invercargill, it's a real bone of contention with us. The retailers don't keep their places maintained or rubbish free. The privately owned parking area in the mall has a large hole. The Mall building is poorly maintained and it leaks. The car parks are always littered with rubbish and the surrounding fences are in poor condition. The mall toilets are disgusting. Its all privately owned so it's not the council's fault, and I'm not sure how far they can go to helping improve it (Interview, S4, Dec 2007).

Three residents in succession raised the issue of the number of large scale alcohol outlets in South Invercargill, and in particular a large new Super Liquor which had been recently constructed. One resident summed it up as, "in this part of the city we have four large booze barns, then the Casino café and bar, and another huge Super Liquor has just opened. Something is not right – who did they [Council] consult with? Where and how was it advertised?" (Interview, S6, Dec 2007).⁹⁶

⁹⁶ Under the Resource Management Act, Council can decide not to notify an application. Council says it required the near and facing neighbours to be consulted, who it says, had no problem. As it would sit alongside an existing older hotel and small bottle store Council felt that this, as well as the near and facing neighbours' consents, obviated the need to publicly notify the application.

7.4.2 Residents' views about their relationship with Council

The main feeling from the residents who were interviewed was that South Invercargill was treated differently by the Council to other areas of Invercargill, usually referred to collectively as 'North Invercargill'. Whether it was a reminder of the facts – “most of the decisions for South Invercargill are made by city leaders who live in North Invercargill” (Interview, S2, Dec 2007), or a statement about feeling second rate – “I just feel that we don't get the same as North Invercargill gets, and you have to feel that you are missing out” (Interview, NSG1, Dec 2007), these types of views were shared by almost everyone spoken to. Interviewees felt there were also differences in the type of community assistance they received;

I'm aware of one Councillor who is on two boards of trustees in South Invercargill...but I'm not aware of any other Councillors that are on any boards of trustees and that's where we often need help. All those people from Venture Southland and those kinds of organizations are on the Waihopai Boards [schools in North Invercargill] and meanwhile down here in South Invercargill we don't get that.⁹⁷ They get people with lots of experience, lots of contacts and here in South Invercargill we struggle (Interview, S6, Dec 2007).

Broken promises were referred to;

Tim [Shadbolt, Mayor] promised when they closed all those schools in South Invercargill, that they wouldn't become tips. And if you go to North Invercargill to the schools which were closed, for example, Waikiwi or Grasmere, they are perfect, but down here, Alston Lee for example, has grass up around here, graffiti everywhere, rubbish, old beds and sofas, but if you go up to those closed schools in North Invercargill you'd think they were still schools (Interview, S7, Dec 2007).

Perhaps the most deeply held beliefs concerned lower levels of spending on roads and footpaths in South versus North Invercargill. Councillor Buck also believed this to be true;

⁹⁷ Venture Southland is the regional Economic Development Agency

What the people are asking for, instead of forever coming and patching the roads, is why can't they have some new road, and why does everything take so long to get done in South Invercargill (Interview, Councillor Buck, Dec 2007).

The residents who were interviewed felt similarly;

If you drive around Invercargill it's the same areas getting work, and other like Conyers Street [in South Invercargill] nothing. Conyers Street is severely overdue for maintenance, but they think 'oh no' we will spend our money in the North (Interview, S6, Dec 2007).

I wouldn't want to walk in the dark on our footpaths. They are a total mess. My parents live in Moana Street [North Invercargill] and they had a perfect concrete footpath but for some reason Council came and redid it and yet, here's us with this cracked footpath and nothing is done about it (Interview, S7, Dec 2007).

As a further example of the alleged difference in treatment between North and South Invercargill, one resident mentioned the difference between two areas of protected native reserve – Thompson's Bush in North Invercargill, which she said is a beautifully kept park, and Kew Bush in South Invercargill which is "a disgrace" (Interview, S6, Dec 2007).

A final issue, also mentioned by several interviewees was the situation regarding street trees planted by the Council. Although there are some streets in South Invercargill that are planted in trees, there are areas without them. This issue was discussed at the public meetings, and Council says that residents were told that if a group of adjacent neighbours agreed to trees being planted in road verges and would care for them, the Council would supply and plant the trees, subject to choosing a suitable species for the climate and the likely conditions in given streets. However, residents interviewed who had called the Council Parks Department to request trees were unhappy with the results;

We were told that if we just rang Parks we could get a tree outside our house, in our street. But some of us have rung and been told no, told for example that it was because the services were running under the grass verge, but when we said no, they are in the middle of the road, please check again, they came back and said, yes you're right, but your grass verge isn't big enough (Interview, S6, Dec 2007).

At my end of the street it's bare and so a lot of us thought we'd like apple blossoms in our street. We rang the Parks Department in early February [2007]. They went to look at all the pipes and I have never heard back from them. Nothing. All they needed to do was phone me. I get really angry with them (Interview, NSG 2, Dec 2007).

People got really angry there. The night of the meeting, people wanted trees, they have seen trees in North Invercargill. They wanted blossom, but were told it was too windy in South Invercargill, but meanwhile they had a lot of blossom trees in their back yards (Interview, Councillor Buck, Dec 2007).

7.5 Council's views about South Invercargill

One Councillor, explaining the history of South Invercargill said, "it's an older part of the city, which in tough economic times during the 1970s failed to keep up with maintenance and became dilapidated in parts". He also said that, "maybe planning wasn't too good, because the shopping centre was developed in a place which had a main thoroughfare through the middle of it, and the building of workers' housing for the smelter and freezing works turned parts of it into an industrial estate." But, he said, "I believe, even now, there is not a lot wrong with South Invercargill. The people are comfortable, and you will find a lot of people moving back down to the south of the city area partly because houses are more affordable" (Interview, CO2, Jan 2008).

The view that there isn't a lot wrong with South Invercargill, or that there aren't many issues in Invercargill generally, was expressed by other Council interviewees, although there was an acknowledgement by one interviewee that residents of South Invercargill might not share that view;

A big difference with Invercargill is that it is a very stable community, you don't have a lot of people going in and out. Councillors are also all long term residents, so they have a fairly good understanding of where they see Invercargill and what its needs are. But then I also take it that the people of South Invercargill are saying, "you are not representing us" and yet when Council goes and says what do you really want, it's a bit like going with a blank sheet of paper isn't it, they can't respond, and no one has a mandate to really stand up and say (Interview, CS, Jan 2008).

Councillors and staff seemed to have mixed views about the public meetings;

I went to both meetings and there were a lot of conflicting views. Some people wanted trees, others didn't. Some even wanted the trees pulled out. It was quite a confusing meeting (Interview, Deputy Mayor Boniface, Jan 2008).

The ability to fund changes in South Invercargill was mentioned by more than one Council interviewee, although the generally held view that, "it is now South Invercargill's turn" was reiterated by Councillor Buck – "they just finished spending a whole lot of money in Bluff, and they promised that when that was done, South Invercargill would be next" (Interview, Councillor Buck, Dec 2007). But Deputy Mayor Boniface noted that, "the problem with the South Invercargill concept plan is that it's not in the [Annual] Plan, and you are looking at \$200,000 to do anything with it. That is a 1% increase in rates" (Interview, Boniface, Jan 2008).

Council processes were also cited as a reason for the long timeframe required to achieve changes;

To start off we have to get ideas, then put them to people for comment, then final iterations, then price it, then try to find the money. It has to go into the Annual Plan process, and then the whole community gets a say as to whether we spend money on that, and then it goes into the rates process to see if we can afford it. And if you don't hit that at the right time of the year, it delays

the project another year. You only get one crack a year to generate the budgets, and that is in September each year (Interview, CS, Jan 2008).

The Council acknowledged that the long timeframe required means that people get frustrated;

We are making progress (with the South Invercargill concept plan) but people expect everything to happen over night. It takes such a long time to plan these things, and people get frustrated and say, 'oh Council is doing nothing' (Interview, CS, Jan 2008).

Councillors and staff seemed well aware that South Invercargill residents believe that Council differentiates its spending on roading between North and South Invercargill, but were emphatic that this is not the case. Deputy Mayor Boniface said, "there's a fallacy that we don't spend the same money on roading and footpaths [in South Invercargill] as in other areas" (Interview, Boniface, Jan 2008) and a Council staff member said;

They still think we have separate budgets for North, South, Bluff etc, but we don't. We have only one budget and we make decisions based on condition and age. We go and survey everything, for example, footpaths in Invercargill, including age, type of material and it's all in a database. The database doesn't know where it is, and then it (the database) tells us which ones to go and look at and that's the basis for the work that's in our annual plan (Interview, CS, Jan 2008).

In fact, Council staff said, "If I took you blindfolded and showed you a street, you couldn't tell, from the quality of the road or footpath, where it was in Invercargill, and you couldn't tell if it was in North or South" (Interview, CS, Jan 2008).

On the subject of planting trees in South Invercargill, there is a similar difference in stories between residents and Council. One council staff member explained the approach that had been taken;

Another thing that South Invercargill people are angry about is their perception that in North Invercargill people have beautiful trees, so we got [the Parks Manager] to go and talk to them about it, and before that we talked about all the issues to do with planting trees, and the climate and we got to the meeting, we had plans, and maps and pictures of trees, and that meeting agreed that where five neighbours agreed to have trees and look after them, in the next season they could have trees paid for by the Council (Interview, CS, Jan 2008).

Council staff said they were enthusiastic about providing trees – “when you have a group of people coming to Council and asking for trees, we’d bend over backwards, because then people want and would look after them” (Interview, CS, Jan 2008). While trees often can’t be planted if underground services are under the footpath rather than in the road (carriageway), Council staff said that all the services are in the carriage ways and regarded it as “a mystery if they’ve been told they can’t have them [because of services being under the footpath] and said, even if it was the case, “there are often ways we could narrow the street to put the trees in the carriageway if we have to, because a lot of residential streets are wider than necessary” (Interview, CS, Jan 2008).

Perhaps the reason for these seemingly irreconcilable views is, as one Council staff member speculated;

I wonder if one of the difficulties with South Invercargill is that the community doesn’t feel as if it’s being heard. Maybe part of the issue with South Invercargill is the way we are consulting them and explaining to them the reasons why, maybe we aren’t articulating them correctly (Interview, CS, Jan 2008).

7.6 How has the Council informed itself of, and had regard to, the views of South Invercargill residents?

7.6.1 Introduction

This chapter is concerned with the ways in which the Council informs itself about the views of a specific place-based community, in this case, South Invercargill.⁹⁸ This section looks at two situations. The first is the ‘Clifton smell problem’ which has seen South Invercargill residents fighting for many years to get Councils attention on an issue to do with foul odour due to a badly functioning sewage treatment facility. The second situation is one in which the Council, on its own initiative, sought the views of residents about the needs of South Invercargill, mainly via two public meetings. Subsequently the Council has sought to address as many as possible of those concerns and wishes while keeping the community informed.

7.6.2 Case Study 1: The smell problem

According to local Clifton resident, Reg McLeod, the smell from the sewage treatment plant had been getting progressively worse in parts of South Invercargill over the last nine years. One year ago, the smell escalated dramatically due to the failure of the primary treatment plant at a newly commissioned meat processing works and increased waste from a nearby wool scour, followed by the failure of the Council sewage treatment plant, due to overload (Interview, McLeod, Apr 2008).

For most of that time a group of local residents, led by McLeod, met every three months to try and do something about the smell. McLeod said that these meetings were attended by a Council officer, and in the last two to three years, also by an elected Councillor. Despite this, and regular Letters to the Editor of the local paper, *The Southland Times*, as well as phone call complaints to the Council, McLeod said that nothing was done (Interview, McLeod, Apr 2008). One resident described the smell, in the escalated phase, as so bad that, “even with all the windows shut the house stunk, it was like living in an outhouse, you could not put your washing out or go outside” (Interview, S7, Dec 2007).

⁹⁸ We can infer that South Invercargill residents receive the same invitations to participate in city wide research, or to make submissions or give feedback as are offered to all residents and these generic processes are examined in Chapter 8. Whether all citizens are equally able to take up these city wide invitations is of course another question, and this is also considered in Chapter 8.

With the dramatic escalation of the smell, a public meeting was held which was attended by the Mayor and Councillors. One interviewee said that at the meeting, “an old man burst into tears because he could no longer go outside or mow his lawns” and that in her opinion, “they [the Council] just weren’t listening, people were crying, they’d tried everything and then when people are so ropeable they say, ‘oh well, we’ll do something now’ ” (Interview, S7, Dec 2007).

McLeod said that the smell issue is also making houses in the area almost impossible to sell and so home owners’ equity has been seriously impacted. As the situation stands at the moment (April 2008), McLeod said that on most days the smell is under control most of the time, except that he believes that the plant is at capacity and any little thing going wrong is likely to reactivate the problem. McLeod believes that additional treatment capacity is urgently needed, but also that, if the problem had not been ignored for all the years prior to the total failure, the residents would not have suffered the unbearable smell problem in recent times (Interview, McLeod, Apr 2008). More recent reports however indicate that the smell has continued and in July 2008 the Council was charged in the Environment Court with six odour-related offences relating to the smell emitted in January and February of 2008 (Jared Morgan, 2008).

Although the matter was not specifically raised with Councillors and Council staff during the interviews, one Councillor commented that;

All sections of the community know to contact the Council if they have problems. Clifton smell was a perfect example. Council went there en masse and listened, and we rectified it. We’ve had a tick from the community that we have rectified our problem, and now it’s the wool scour [i.e. Environment Southland’s] problem. Clifton community reached out to the Council and said ‘we’ve had enough’...Council had public meetings and consulted, and hopefully we’ve fixed it (Interview, CO2, Jan 2008).

However, a Council employee had a different view. Citing the offensive smell from the sewage ponds the staff member said, “that was the council not listening to ratepayers, or

listening but not reacting quickly enough, because their noses weren't being affected by the smell" (Interview, CS, Jan 2008).

In an article prior to the local body elections in November 2007, journalist Phil McCarthy of *The Southland Times* called it the "Clifton wastewater plant odour fiasco" and said that the "Council as a whole failed to ensure the stink was dealt to appropriately, or better still, prevented in the first place" (McCarthy, 2007). Following the news of the Council facing charges in the Environment Court, Clifton residents were reported in the media as applauding the action (Jared Morgan, 2008).

Although the Council did ultimately act, it took nine years and an escalation of the smell to health hazard proportions before it did so. Until that point, despite what seems to have been continuous 'noise' from the community, Council seems not to have been willing to hear or to act on the community's complaints. Inevitably this must have increased the feelings of disempowerment of many South Invercargill residents as, day by day and year by year, their noses were quite literally rubbed in their inability to affect any change in the situation.

7.6.3 Case Study 2: The Council initiative on South Invercargill

In July and September 2005, on the initiative of three, then newly elected, Councillors, two public meetings were held in South Invercargill with the objective of finding out from residents their concerns and ideas for the development of South Invercargill. The first meeting was more in the line of information gathering. The second meeting was to provide feedback from the Council on the issues and ideas that had been raised in the first meeting, and to further discuss some of the areas of concern or opportunity. In addition to the public meetings, there has also been, as part of following up the ideas from the public meetings, some additional specific consultation. In one instance this related to the upgrading of a local park (Council Parks staff went to the park with a barbecue and invited people to come and have a free sausage and chat about the proposal) and in the second instance involved some targeted consultation on the development of ideas for a concept plan for the local shopping area.

The two public meetings in 2005 were held in a church hall located in South Invercargill and each meeting was attended by over 100 people. Council staff commented that, “Council had tried public ‘town hall’ meetings before but always in a city venue. They’d never taken it to the people, to one of their halls” (Interview, CS, Jan 2008). One of the residents interviewed said that the councillors were surprised by the level of attendance; “At the meetings [in 2005] they [councillors] were dumbfounded at the number of people who turned up. One of them said ‘oh we thought the people of South Invercargill wouldn’t care’ ” (Interview, S7, Dec 2007).

The meetings were advertised as ‘Pride in the South’. The first meeting was held on July 4, 2005 and notes of the meeting, incorporating comments from Council staff, were later posted to all participants who signed the attendance list. Councillors and staff met internally after that, and a second public meeting was held on September 19 2005 to provide feedback to the residents. Those attending also broke into small groups to discuss how to progress the main issues or areas that had been identified. These were: tidy sections, beautification, safety, development and social/democracy.

Council’s view of the meetings

The reasons for the Councillors’ initiative in calling the meetings appear to have been to gather information and to see what they could do. In the words of one of the Councillors, “I’d been on the Council six months...what we were wanting to do was to listen to the community and hear what they wanted” (Interview, CO3, Jan 2008). Another Councillor said, “when we first took on South Invercargill as three new councillors it was to try and change the stigma attached to it. We got 107 people at our public meeting and the things they were looking for were not huge – trees, the upgrading of a park playground, improvements to the local shopping centre and a public toilet. Our job wasn’t to throw millions of dollars ... just to improve a bit the quality of life down there” (Interview, CO2, Jan 2008). One of the Councillors involved believed the exercise had been very worthwhile in providing information about community views – “While to some degree I have criticised the process employed in the South Invercargill meetings, it has given me an enormous perspective on what people are bothered about and having those kinds of community meetings is useful” (Interview, CO3, Jan 2008).

Although many senior Council staff did attend the public meetings, it appears that subsequently there may have been resistance from them about implementing the proposals because they saw Councillors as usurping their [staff] role. Among the more long-serving Councillors, there was also apparently some resistance to the initiative of their newly-elected colleagues. As will be seen in the next section, residents also had similar perceptions; “The initiative got the backs up of senior staff and other Councillors...and that is still impacting on progress” (Interview, CS, Jan 2008).

One of the Councillors said that in terms of the ongoing involvement of residents, it had been anticipated that the discussion groups which had been formed around the key themes in the second public meeting would continue working. However this did not happen because during the meeting one resident denounced the idea, saying that progress should be the Council’s responsibility (Interview, CO3, Jan 2008).

Residents’ views of the meetings

A couple who attended both meetings explained the background, and the perceived reluctance of some Councillors to support the initiative;

After the last election [2005] three new Councillors came on and they seemed to provide a bit of impetus...to do something about South Invercargill and that was the start of when we saw people talking about South Invercargill more. We’d had sort of lone voices in the paper, digging away, trying to get something done, but that was the first Council initiative. Some of the older Councillors, from comments I read in the paper, derided their efforts, saying it was happening anyway, but that wasn’t apparent to any of us, until those meetings, and we have been making very slow progress since (Interview, S4, Dec 2007).

While there was an acknowledgement that the Councillors were well intentioned in holding the meetings, some of the residents expressed disappointment about the way the meetings were conducted. The main issues were that the meetings were too structured and too controlled by the Councillors, a perception of a ‘can’t do’ attitude on the part of the Council and concern that the process used would alienate Council staff;

At the meeting we had so many people there, all keen to make a difference and I don't know what they had it for, it was all so streamlined – 'OK you've got five minutes, that's it, times up'... it was so structured. Someone would start talking and then get told, 'sorry, times up and we've got limited time here' (Interview, S7, Dec 2007).

Councillor Thelma Buck, a South Invercargill resident who was not an elected Councillor when the meetings were held in 2005,⁹⁹ was concerned that, "they did all the talking. I told them they were there to listen to the people, and not the other way around." She also said that she had been worried during the meeting because the Councillors, although well motivated, were new and she considered that; "They were making promises without first consulting with the [Council] staff, and that's what got me annoyed at the first meeting because I could see that nothing was going to come of it" (Interview, Buck, Dec 2007).

As it was Councillors, rather than Council staff, who were holding the meetings, the Council needed to subsequently instruct staff to action the suggestions from the meetings. This seemed to create a negative impression with some residents who, perhaps lacking understanding of the limits of a Councillor's role, saw the constant referrals to Council Departments as a 'can't do' or 'won't do' attitude on the part of the Council itself;

We got a letter back, with all the things we'd said [suggestions made during the meeting] and it was all 'refer to roading', 'refer to electricity', 'refer, refer ...but it was always that nothing could be done (Interview, S7, Dec 2007).

But there was enthusiasm for the ideas generated;

There were lots of people at the meetings and of course, everybody had different ideas about how they'd like to see the place improve ... like the crazy woman who said that graffiti was an art form (Interview, S5, Dec 2007). I've been to community meetings all over Southland, and that one [the first public meeting] was equal to the best I've been to for the ideas generated and the enthusiasm of the people, Jeff Troon, CEO, Venture Southland

⁹⁹ Councillor Buck was a Councillor from 1995 - 2004 and was elected again in 2007.

Subsequent follow-up by Council

After the initial mailout of the notes of the meeting and Council comments, the next communication was via letter towards the end of the first quarter of 2006 sent to those who had participated in the meetings. The one-page letter provided a brief update on some of the issues, and also informed recipients that future updates would be provided through the local free newspaper, giving the dates when the Council supplements would appear. Subsequently, a special four-page feature reporting progress on the 'Pride in the South' initiative was included in the community newspaper, the Southern Express, on December 21, 2006.

The next mass communication was ten months later when the Council put out a four-page special edition of the Council newsletter in October/November 2007 (Invercargill City Council, 2007). It was titled, 'South City Special Edition' and included an update on the major initiatives or issues, for example;

- Beautification of streets and parks – lists plantings and upgrades
- The South City concept plan – drawing up a brief for the project team to be established after November 2007 election
- The South City toilet – still trying to find suitable land and negotiate lease
- Community Spirit – Council support for formation of Neighbourhood Support Groups
- Rule change for relocated buildings – hearing for proposed rule change by year end
- Untidy Sections and Abandoned Vehicles Bylaw – drafted new bylaw, out for consultation

The back page of the newsletter contained a list of 45 of the community ideas or issues that had been generated at the public meetings and a few words noting the action that had been taken to November 2007. Taking some ideas and responses at random to provide a flavour of the communication;

#03 Develop a 'Paddy's Market: – Occasional one-off fundraising market is held

#05 District plan to differentiate property zones – Zones clearly marked on planning maps

- #14 Establish Urban Renewal programme – Council to develop Janet Street housing units
- #27 Kerbs lowered at bus shelters – Moulson Street bus shelter kerb altered
- #29 Beautify southern scenic route entrance – Development planning occurring
- #35 Scott Street reserve kerbing improvements – Kerbing not able to stop cars driving on reserve
- #41 Tidying of Council section near Rugby park – Section sold and being redeveloped (Invercargill City Council, 2007, p. 4)

Community comment regarding Council follow-up

While each resident spoken to thought progress had been slow, one couple did appreciate that there might be good reasons for this, and was prepared to give the Council a lot of credit for what had been achieved;

They are making some progress. Like a lot of things it's been slow but sometimes for legislative reasons. Getting rid of old cars off sections was a really big bitch and the council had to go through a lot of hoops to get that through. So I think in that respect they have done their very best that the law allows them to (Interview, S4, Dec 2007).

We do get the newsletter and it tells us what they've done. And they've done the park up nicely. Yes, they've spent a lot of money (Interview, S5, Dec 2007).

There is also a widely held view however that not enough has happened since the meetings, with at least two people assuming that the reason for this lay with Council staff. There was also a perceived lack of follow-up, which in the context it was used, could be taken to mean follow up meetings between the Council and residents, and residents continuing to be actively involved in some way. The comments also raise the issue of local leadership;

The difficulty is that people make a lot of good stabs (at trying to do things) but people want to see results. And I think, in the end there was no follow-up, just those two meetings...although I don't want to portray it as if nothing

happens. I think people have just given up on all that stuff, it's been so long and yes, we talk, but no...consistent and ongoing action comes of it. Yet we have a fairly stable community so continuity could be there if they [council] wanted (Interview, S3, Dec 2007).

I think it would be better if they could at least set aside one evening in a local hall, or even at the council, for the people of the area to have a discussion and a say on a regular basis perhaps even once annually. We had two meetings in one year and then we've never had any more (Interview, S5, Dec 2007).

Despite the report from one Councillor that the suggestion of continuing with the working groups had been turned down at the public meeting, two of the interviewees mentioned they would have been prepared to take part in ongoing groups – “we'd put all our names in and all that, and we were quite prepared, but we've never heard of anybody or anything carrying on since” (Interview, S5, Dec 2007). However, the same resident also said, “we don't like to be in the forefront but we are quite happy to go to meetings, and we'd get behind anything” (Interview, S5, Dec 2007), which raises the critical issue of local leadership.

It is interesting to note that in March 2008 a public meeting took place in another community in Invercargill, the peri-urban, lifestyle block district of Otatara, at which residents apparently realised that in order to continue discussions with the Council and make progress on their concerns, the community would need to, and did, establish a representative body with a mandate to speak on behalf of residents.¹⁰⁰

Conclusion

Credit was certainly given to the Council by residents for the initiative in going to the community to hear its views, and for the results which have been achieved so far. On the other hand, it seems that some factors undermined the initiative, including the way in which the meetings were conducted, the failure to identify local people as partners in holding the meetings, not getting key people within the Council onside prior to the

¹⁰⁰ The meeting is further discussed in Chapter 8, section 8.4.

initiative going public, the slowness in achieving results, particularly with the shopping area, the failure to continue with any interactive, two-way discussion following the second meeting, and the lack of a local community organisation which could work with the Council on an ongoing basis. It is probably also relevant that the process was taking place against the escalating problem of the Clifton smell problem where residents in the worst affected areas were no doubt becoming increasingly angry with the Council.

7.7 Conclusion

There are almost two completely different stories being told in this research. The one told by the Council and the other by the residents of South Invercargill. Undoubtedly, both parties genuinely believe in the truth of what they are saying. At issue is their relationship, and therefore proving or disproving any particular claims would be unlikely to have any influence. For this reason, completely contradictory views have, for the most part, been allowed to stand without challenge or explanation.

South Invercargill residents' views are underscored by feelings of quite severe disempowerment, at least on the part of those interviewed as part of this research, seen in the way they define their community (mainly in the negative, compared to North Invercargill) and their belief that they are treated as second-class by the Council. Adding to this disempowerment, and the cause of it to some extent, are significantly lower incomes, education failure, school closings and the highest and most prevalent measures of social deprivation in the city. Finally, to complete the picture, the community is under-represented on Council and there are no community organisational structures to provide leadership or representation. Apart from its two Councillors, the community is almost without voice as it is unlikely to be part of the business, social and political networks of the city and with which the majority of Councillors frequently interact.¹⁰¹

In addition to the community's negative perception of itself in relation to the rest of Invercargill and the socio-economic issues in South Invercargill, the community's sense of disempowerment is likely to have been increased by aspects of the case studies examined in

¹⁰¹ For example, the role played by North Invercargill Rotary members in informing Councillors of the issues (Interview, Boniface, Jan 2008) and the club's role in the Representation Review discussed in Chapter 8, section 8.8.

this research. When for example, the community's voice was not sufficient to get something done about the debilitating smell until it was so bad that people were unable to go outside and where the process of writing and carrying out a development plan for South Invercargill was not an empowering one, residents are unlikely to feel better about themselves and where they live.

The public meetings are a case in point. Residents saw the Councillors as taking a controlling, elitist role in the conduct of the meetings, where power was not 'handed over' or shared. The earlier discussion of participatory practice in Chapter 2 concluded that process is as important as outcomes if participation is to serve the function of community development and transformation. Unfortunately, the probable result of the way the meetings appear to have been conducted and the failure to identify and involve local leaders and partners is that the social capital of South Invercargill will not have been advanced by the process, even though the project achieved some desirable outcomes.

Other specific actions which might have helped in the conduct of the public meetings include more preparation and research with local residents beforehand to discover the mood and key issues and how, or whether, the key issues could be addressed. This might have avoided some of the disappointment residents evidently felt following the meetings. More thought could also have been given to options on how residents' involvement could be retained following the meetings, besides the obvious one of establishing a community group. Although Council did communicate subsequently, it was Council 'telling' residents – a one-way reporting exercise with no feedback mechanisms. Had there been, Council might have been seen as more responsive and informed about how people were feeling.

The lack of agreement among Councillors and then between staff and Councillors has been almost fatal to the South Invercargill development initiative. Presumably the staff who were reluctant have been able to exploit the division between Councillors to delay things. On the other hand, it might at times be necessary to take the route that these new Councillors took, even if it is a battle to get projects through afterwards, if the alternative option is that nothing will happen at all. It also raises the issue, especially since the new legislation, of 'who's in charge' – the community, the staff, or the elected representatives?

Perhaps the most important factor for South Invercargill is the lack of any mandated community group that could provide local leadership and interact with the Council. This would also provide a structure for residents to take actions on their own account, without everything being up to, and at the door of, the Council. Reports of the public meetings certainly suggested that there had been a lot of enthusiasm and ideas that could have been harnessed in this way. The difference in this regard between South Invercargill and the very much more wealthy and connected 'greenie' suburb of Otatara, where a representative group immediately formed at their March 2007 public meeting, is very illustrative of the differences between these two communities in knowledge and the understanding of how power and politics work, and having the right connections. This knowledge led Otatara to knowing immediately that they needed a mandated community group, and the lack of this knowing meant that in South Invercargill it wasn't even discussed.

Council is of course to be commended for trying new approaches and for taking the initiative and going to the South Invercargill community, even if not everyone was on board. It is also to be expected that the new participatory processes in the Local Government Act will involve conscious trial and error before they are successful in achieving their wider objectives of community empowerment. The establishment of representative community groups that work with the Council to provide support, endorsement and valuable local knowledge would greatly assist in making sure these objectives are achieved.

Chapter 8: Invercargill City Council

8.1 Introduction

Based on section 14(1)(b) of the Local Government Act 2002, this thesis asks, 'How can Invercargill City Council enhance its awareness of, and the regard it has to, the views of all of its communities?' Chapters 6 and 7 examined this question with regard to two Invercargill communities chosen as case studies. This chapter is concerned more generally with how the Council fulfils the requirements of that section.

The first part of the chapter examines some of the assumptions and interpretations that impact on when and how Council seeks or obtains information. These include how the Council has interpreted its purpose,¹⁰² how Council sees its role in decision-making between the extremes of 'decider' and facilitator', its views of representative groups as a community voice and the Council's general views about public consultation. The chapter also examines the degree of public awareness of the purpose and role of local government.

Using a case study approach, the chapter then looks at some of the generic processes or consultations by which the Council has sought to inform itself with processes chosen to represent the spectrum from operations to strategic and policy issues. As with the earlier community case studies, this approach has been selected because of the learning opportunity it provides and it cannot be said that the selected examples prove or quantify any of the issues raised. The specific examples studied are the operation of the Council call centre, the role of Council Committees as public forums and the formal public consultation undertaken as part of the Election Representative Review in 2003. The last part of the chapter looks at whether there are any important issues in the community which are not being picked up by the Council, but where, in light of the new purposes of local government, one might expect Council to be taking a leadership or facilitative role.

¹⁰² The purpose of a local authority is defined in section 10 of the Act, and see also Section 3.3.2.

8.2 How the Council interprets its purpose and role in decision-making

8.2.1 *How Council interprets its purpose*

How the Council interprets its purpose is likely to significantly influence the community views that it seeks and hears. If Councils do not, for example, see themselves as having a role in education or health, it would seem less likely that they would seek community views in those areas.

The focus of the Invercargill City Council to date appears to have been largely on economic development and the more traditional roles of Councils in the area of infrastructure and services – “What this council has been about, although they might not have characterized it in this way, is economic wellbeing” (Interview, CS, Jan 2008) and “what the council’s focus predominantly is, I think, is that if we do well economically the rest will follow automatically but I’m not sure that’s true” (Interview, S3, Dec 2007).

The Deputy Mayor believes that while past spending has been largely on infrastructure, this now, “has to change to spending on human resources, into programmes to help people, like the SIT free fees scheme. That type of thing now has to be developed into all types of social things” (Interview, Boniface, Jan 2008). He also believes that the focus of the Council is evolving in line with the new purposes expressed in the Local Government Act 2002;

I think it [the role of Council] has evolved. The traditional roles Councils were doing were roads, footpaths, water and things, and that’s certainly still there and very prominent, but we’ve been changing for the last twenty years ...so the legislation only caught up with what Councils were doing anyway... we are looking after the economic, cultural, and social roles that we weren’t doing 20 years ago (Interview, Boniface, Jan 2008).

However, not everyone perceives that the council has made any significant changes to its role since the new local government legislation and Council documentation and the Council website is more reflective of the old rather than the new;

If you asked the councillors I think they would still say the purpose of local government is to provide facilities and services for the community, but I don't think Invercargill city is alone in that (Interview, CS, Jan 2008).

If they had been focusing on social and cultural well-being, maybe they would have been doing more to make sure there was a voice from South Invercargill (Interview, CS, Jan 2008).

The Council exists to provide and maintain services and amenities for the public of Invercargill (Invercargill City Council Website).

8.2.2 How Council interprets its role in decision-making

The way in which Councillors view their role in relation to decision-making will also influence how and to what extent they seek to consult with the community. The options are well put by a former Queenstown Lakes District Councillor who compared the pro-development administration of 1995-2001 with that of the 1992-5 and post 2001 Council;

The attitude [in 1995] became, 'we are elected to decide the community's future', replacing the developing attitude of the previous Council of, 'we are here to articulate the community's goal for the future' Lawrence, cited by Dr Michael Woods (2006, p. 11).

It is probably unsurprising that Invercargill City Council, with the emphasis it has had on economic development, has seen it as necessary to also take a fairly directive view of decision-making;

At the end of the day the people have put you there to make decisions and get on with the job, within reasonable parameters. The vast majority of people elect Councillors expecting them to do the job and they are happy (Interview, Boniface, Jan 2008).

Perhaps a further factor inclining the Council to this approach is the belief of the Mayor, Tim Shadbolt that the role of all Mayors has been emasculated under the Local

Government Act 2002. Such a belief could discourage increased power sharing with the community.¹⁰³ While there have been earlier media reports of his dissatisfaction,¹⁰⁴ more recently, in his report to the April 22 2008 meeting of the Council, quoted in an article by Jared Morgan in *The Southland Times*, ‘Shadbolt bucks car jibe, eyes new superpowers’, the Mayor, referring to the Royal Commission of Inquiry into Auckland’s governance, wrote;

There could, for example, be a dramatic change in the role of a Mayor. The present situation is a joke. A Mayor has no job description, no responsibilities and no power. We are just figureheads, glorified promoters and spokespersons for Council (Jared Morgan, 2008).

One final factor that emerged during the interviews and which is potentially impacting the degree to which Councillors are willing to make themselves aware of the views of their communities, is fear – fear of not being able to meet expectations, or fear that the new responsibilities or functions might carry unacceptable financial implications – “Councillors are scared that if they talk to people there will then be an expectation that Councillors can make things happen...which they can’t” (Interview, CS, Jan 2008) and “I think that Council is fearful to engage in things they are not typically involved in because they will end up with a financial responsibility, but sometimes we could just broker a relationship” (Interview, CO3, Jan 2008).

In summary, there seems to be some agreement that the Council to date has focused, of necessity most would argue, mainly on economic development and well-being, and to achieve that, has felt it necessary to use a more unilateral style of decision-making. However, there are indications that the focus of the Council will become broader in the future, and with this, Council may find that its style of decision-making will also need to change. The presumably greater need for community participation and partnership in initiatives to do with social and cultural well-being, for example, would suggest that a different decision-making approach will be required.

¹⁰³ Albeit an alternative view would suggest that strengthening their direct relationship with residents could increase the power of the Mayor and Councillors vis à vis the Council executive.

¹⁰⁴ For example, Sunday Star Times (Arnold, 2008).

8.3 Public awareness of the purpose and role of local government

According to Mike Reid of Local Government New Zealand, prior to the introduction of the new local government legislation in 2002 the Government required the Department of Internal Affairs (DIA), by Cabinet Minute, to take the lead in educating the public and raising awareness of the provisions of the new local government legislation. At least three years later, in late 2004 or early 2005, according to Reid, DIA produced two pamphlets, one in English and one in Te Reo, the latter informing Māori of the different and additional provisions in the Act relating to them. In the meantime, Don Brash, then the leader of the Parliamentary Opposition, had made his ‘Orewa’ speech,¹⁰⁵ and the government had become very sensitive to allegations of preferred treatment for Māori. The Opposition obtained copies of the pamphlets and raised the issue in parliament of the different treatment for Māori in the Act. The Minister of Local Government at the time, Hon. Chris Carter, undertook to withdraw all the pamphlets and severely admonished the department (Reid, pers. comm. 2008). There was a suggestion that the Department is now undertaking some public awareness-raising through the production of a series of stand- along information sheets, but inquiries to the Department have been unable to confirm this.

Perhaps it is not surprising therefore that residents in Invercargill, including those interviewed during this research as well as others that were asked informally, did not seem to know about a wider role for Council beyond the provision of infrastructure and services. As one council staff member put it;

People don’t have a clue. For all of everyone’s lives, council has been responsible for potholes, roads, rubbish, sewage etc. and that’s what people believe their rates are paying for (Interview, CS, Jan 2008).

Or in the words of residents;

We weren’t aware of the changes you mention [the new purpose and role of Councils under the LGA 2002]. I read the newspapers and we watch all the news and I try to keep with up with things, but I was unaware of the changes you have explained (Interview, S4, Dec 2007).

¹⁰⁵ January 2004

There was also a suggestion that greater public awareness would add to the scrutiny faced by Councillors which would not necessarily be welcome, and would add to the demands placed on them (Interview, CS, Jan 2008).

In summary, there appears to be a low level of public awareness about the new purposes of local government and the role residents can be expected to play, which at least in part is due to the lack of a nationwide education programme. Although this has assisted the Council in its focus and style to date, as already noted, it may not do so in the future.

8.4 Representative structures, mandates and local leadership

A further important element of Councils being informed of the views of their communities is the existence of representative structures within the community and the mandate that those structures have. Special interest community groups such as sports codes or disability groups will generally be expected to have a representative structure, with a mandate to negotiate and speak on the group's behalf but the same expectation does not seem to apply to communities of place in Invercargill.

In many instances elsewhere, geographically-based groups are formed, and examples include community boards, ward committees, ratepayer associations and the community development area committees established by Southland District Council.¹⁰⁶ Place-based groups may however be harder to establish given the greater difficulty of defining the membership, less need or common interest at times, and probably an argument that the Council itself is their mandated representative group. But without a community group, Council can encounter significant difficulties in being informed of community views, a situation described very well by Invercargill City Councillor, Mr Graham Sycamore in an April 2008 interview with *The Southland Times* about residents' concerns in the suburb of Otatara – “There were a number of people with real concerns about Otatara's future, [but] without a sounding board, it had been difficult for council to know where public opinion stood” (Maley, 2008). The article goes on to say that, in Sycamore's view;

¹⁰⁶ In towns that do not have a Community Development Board.

Over the years the link between Invercargill and Otatara had strengthened but that, at present, Otatara had no voice. It's a great big nothing in a city point of view, if they've got these planning issues coming up there's no spokesbody if you like (Maley, 2008).

Otatara is a peri-urban lifestyle block area about seven kilometres from Invercargill city centre. It is also a wealthy district, having the second highest median personal income level in the Invercargill area.¹⁰⁷ In response to residents' concerns particularly about resource consents, Council staff initiated a public meeting in March 2008 which was attended by some 300 residents. Recognising the difficulty the community would have in continuing discussions thereafter with the Council, those attending the meeting "unanimously decided to reconvene the Ratepayers Association and elect a chairperson and committee members" (Maley, 2008).¹⁰⁸

Why, one might ask, did the same thing not result from the public meetings in South Invercargill. Especially as the community in South Invercargill certainly seems to have felt, to use Councillor Sycamore's words, "like a great big nothing in a city point of view" and they certainly had no "spokesbody" (Maley, 2008). Yet there was apparently no suggestion from the residents that a representative body be formed. One South Invercargill resident did comment on the possibility during the interview;

It could only be a good thing if there was [a local residents' group] but at the end of the day, it's up to the people in South Invercargill to initiate something (Interview, S4, Dec 2007).

Perhaps part of the answer lies in the suspicion which the Council appears to have about the validity of claims to representation, and a fear that groups will be captured by the elected few pushing their own interests rather than those of the group they supposedly represent. In discussing the potential for a group representing South Invercargill, Council staff variously commented that;

¹⁰⁷ NZ Census Data 2006. See also section 4.1.7.

¹⁰⁸ The Ratepayers' Association had existed prior to the Otatara Community Board which was formed in the reorganisation of local bodies in 1989 and disbanded by the Council in 2003. The Ratepayers' Association had not been active since 2000 and was not reactivated following the demise of the Community Board.

The trouble is, it's such a big area and how do you organise it. It could end up being someone's personal crusade. Council is frightened of having one person who thinks they represent the community because that person puts across their personal view and not the view of the majority of people (Interview, CS, Jan 2008).

Even with sporting or other interest groups, the possibility of capture by an unrepresentative view was seen as something to be wary of;

But then again, the people at the top are the ones that may not be representing what people want, just what their view is of what the people want and they don't get voted out because no one else wants to do it. So this person increases in power, and yet they don't really have the mandate from the people (Interview, CS, Jan 2008).

There was reference during the interviews to the 'IRA', in this case a reference to the Invercargill Ratepayers' Association which appears to have been regarded as a sort of local pressure group and one that could be discounted under the 'squeaky wheel' syndrome.¹⁰⁹ However, one South Invercargill resident said;

There was a ratepayers' association here. Council used to refer to them as the IRA because there were one or two who constantly filled the newspaper with letters, and a lot of people ignore them, and they are always stirring, but they bring up a lot of good things...and sometimes they destroy their credibility by digging away over things that don't mean anything much to people, but they do bring up some good points (Interview, S5, Dec 2007).

On the other hand there was also a view that the establishment of representative groups can lead to a failure to consult more widely. The Southland District Council claims to have, "possibly the most extensive network of representation of any territorial authority in New Zealand" (Southland District Council) but there was a comment that;

¹⁰⁹ This group was apparently disbanded some years ago.

Because they have all those community boards and community development area committees, they don't do any other consultation because they consider they can just use those structures/members for everything – but the five people who do go on those committees are not representative and certainly can't speak on the breadth of things that need to be consulted on (Interview, CS, Jan 2008).

Local leadership becomes a critical element, not only from the council, but from the communities themselves. As an elderly couple in South Invercargill said, after agreeing that a local residents' group would be a good thing;

But we don't get out there. We don't like to be in the forefront but we are quite happy to go to meetings and would get behind anything (Interview, S5, Dec 2007).

And in the words of another South Invercargill resident;

New Zealanders are great at blaming Council, or the government but all it takes is one person to put their hand up and say we are going to do this in regard to whatever the situation is (Interview, S2, Dec 2007).

In summary, Council in general appears to be suspicious and mistrustful of representative local groups seeing them as potentially adversarial and vehicles for advancing personal, rather than group interests.¹¹⁰ However, at least one Councillor has acknowledged the difficulties in consulting effectively with communities without such groups in place. A residents' group is being established in Otatara which may have some Council support, but the initiative came from the community. In these circumstances, an area such as South Invercargill with less political savvy and less local leadership is likely to be, and has been, left without a means of engaging with Council, and as importantly, itself, on an ongoing

¹¹⁰ Council staff may also be concerned about resource issues, in particular whether they have sufficient staff resource and expertise to respond to, and support, community groups.

basis. This places at the forefront the issue of local leadership and the development of greater trust between the council and residents.

8.5 Council view of consultation

8.5.1 The means to inform itself

As noted elsewhere, Invercargill City Council has four standing committees and the potential exists for the public to address committee meetings. It also has one advisory committee, the Invercargill Youth Council,¹¹¹ and an informal arrangement with the Combined Disability Group (Interview, CS, Jan 2008). As Councillors are elected ‘at large’, there are no wards and, it follows, no ward committees. Bluff has the only community board.

In addition to the above, Council has a range of other ways of informing itself of community views including information given directly to Councillors and staff via phone calls, letters and emails; the Councillors talkback panel on Cue television each fortnight; letters to the editor in the Southland Times, articles generated by interest groups in the Southland Express, formal consultations and surveys, submissions invited under the Local Government Act and information via community groups, especially those attended by staff. In recent times Council has trialled some additional methods, for example, the barbecue in the park to get residents input on plans to upgrade it and feedback coupons incorporated as part of Council published information.

This thesis does not have the scope to review all of these avenues and, as discussed earlier, takes a case study approach. It selects from the areas that came up during the research and which also provide a balance between the council being informed on the one hand about more operational or omission type concerns, that is the ‘potholes’, and the council’s attempts to inform itself of community views around policy issues. While the former can be handled by passive systems such as the telephone call centre, the latter requires more active and customised involvement.

¹¹¹ There are three committees that are called Advisory Committees, but they are in fact only to advise on the distribution of central government funds in their respective areas. They are respectively, Active Communities, Creative Communities and Southland Heritage. Council said that it has declined to constitute more advisory groups on the basis that these would always comprise people of voting age and once an exception was made for one group, it would be hard to draw the line. It allows the Youth Council as an advisory group because youth are below the voting age.

8.5.2 Council views on consultation

The research discovered both concerns and optimism about consultation and a view that formal consultation was not as necessary in Invercargill as in some other places. One area of concern was the constraints imposed by the Act in terms of freedom and the ability to act, especially in the area of business opportunities. Other concerns were the amount and cost of consultation and the potential capture of consultative processes by unrepresentative elements. Optimism was expressed in the progress being made by Council in its willingness to consult and the methods and processes used and there was some awareness of potential pitfalls and elements that might disadvantage some residents over others.

Consultation not as necessary in Invercargill

There was a view that given the city's size, it is easy for people to make their views known to the Council, with the implication that there is less need for formal consultation mechanisms;

The city is small enough that people know they can come and consult with Council, and we are lucky because Councillors are approachable. We get phone calls at home. If there is inaction, people will directly call a Councillor, because somewhere along the line, someone will know a Councillor or they will go direct to Tim [Shadbolt, the Mayor] (Interview, CO2, Jan 2008).

Councillors are reasonably well known because it's a small town. I get 2 to 3 calls at home a week and at your Rotary meetings people will tell you the issues. So I think our Councillors are probably fairly in tune with what's happening (Interview, Boniface, Jan 2008).

Another factor expressed quite frequently by Councillors and staff, which also implied a lesser need for consultation was that people were only, or primarily concerned with service and maintenance issues – “You might have a topic you want to talk about like a rates increase of 10%, but people don't want to talk about that, they just want to talk about their pot holes or tree roots” (Interview, Boniface, Jan 2008).

Council concerns about consultation

Concerns were expressed about the constraints that could result from the Act's consultation requirements. These were expressed in terms of the likely delays in being able to act and the interference this could pose to commercial initiatives. The Council believed that due to these constraints, some of their most successful and significant decisions had only been able to be made because the Council did *not* consult. The Mayor of Invercargill, Tim Shadbolt writing in 2003, was of the view that communities were empowered under the Act at the expense of Councils and that, "down our way, we know that once the new Act is fully implemented, that will be an end to the sort of enterprises that have turned around the fortunes of our city" (Shadbolt, 2003). Similarly, the Deputy Mayor said;

That whole SIT thing, we couldn't go through the Local Government Act now and do that. They needed a decision in six weeks and we couldn't have done that with the consultation requirements of the Act today (Interview, Boniface, Jan 2008).

The situation in Invercargill economically and the value of houses has been turned around, not through public consultation or participation, but by the ILT,¹¹² and the Community Trust and the City Council and to a lesser extent the District Council...by public spending...and that public spending has been done by community leaders making decisions on what's best without public consultation. And if you ask people how they feel about Invercargill, they are proud that we are actually doing so well (Interview, Boniface, Jan 2008).

Council's lack of consultation on significant commercial decisions has not met with everyone's agreement, however. A purchase by the Council in 2007 of a large tract of farm land on the outskirts of the city boundary for industrial purposes caused a lot of debate,¹¹³ both among Councillors and in the media. Strong views were expressed in support of the purchase as necessary, bold and far sighted and in opposing it, or at least the lack of

¹¹² Invercargill Licensing Trust

¹¹³ Which is being rezoned for industrial use

consultation on the part of the Council. Even among the Councillors themselves there was dissent, with one Councillor noting that, in relation to the \$10 million purchase;

Papers for part of the purchase were only presented at the Council meeting and a decision demanded. We weren't even expecting it from the agenda, and a decision for \$4 million of it was required that day. They used the excuse of commercial sensitivity to get around the significance policy [and therefore the need to consult] (Interview, CO3, Jan 2008).

There was also a view that the Council's ability to perform its role was being constrained by the increased administrative and consultation requirements of the LGA. There was also concern that people were becoming over consulted or not being consulted on the right things;

The Act was good to start off with, it gave a lot more freedom to local authorities to be able to act in a responsible manner, but then I think the government panicked, thinking they had given Councils too much liberty, and they brought in all this consultation where you have to talk to this and that and they hog-tied Council down so you were so focused on administration you couldn't actually do anything. And we are wasting more and more money on administration instead of actually doing and that really upsets me (Interview, CS, Jan 2008).

I think people are getting sick and tired of consultation. I think you can over consult sometimes and people get sick of it (Interview, Boniface, Jan 2008).

Council staff also noted that the costs of consultation could "be horrendously expensive" citing the example of the \$60,000 cost for stage two of the survey of residents to establish desired levels of service for council activities (Interview, CS, Jan 2008).

Council was again concerned that consultation processes could be captured, in this case by individuals in the community, whose views they thought were not representative of the majority;

We've had public meetings and submissions to our long term plans that are captured by a minority of individuals, the same ones that have been making submissions for the last 20 years, and they don't represent...a very large feeling in the community (Interview, Boniface, Jan 2008).¹¹⁴

Awareness of the pitfalls

Council was aware of some of the pitfalls and in particular the need to not only appear to listen, but also to genuinely take views into account;

And there is also the other feeling too when people say, well look the Council is going to ignore us and go ahead and do whatever they want to. There is a feeling sometimes amongst my colleagues and even myself at times where we know best, even though we listen, we know all the information and we will make the decision (Interview, Boniface, Jan 2008).

There is still a reasonable amount of 'we know best...we know what's best for you' and that's not what the Local Government Act is about. You have to go and ask the community if what you think is best for them is really what they think is best (Interview, CS, Jan 2008).

There was also an acknowledgment that the 'place' and 'methodology' selected for participation and consultation might favour or privilege some sectors or parts of the community over others – "when we did our levels of service survey, we held focus groups with representatives of the community, and it was really difficult to find people from South Invercargill and Bluff who were prepared to attend" (Interview, CS, Jan 2008). But it was acknowledged that this unwillingness might have been reluctance to come to the Council buildings;

Yes, when we did a postal survey, we made sure we had equal representation from the wards¹¹⁵ and they all came back with a fairly even response rate, except for Bluff, so actually although it's been difficult to get South

¹¹⁴ Although another Councillor referred to this group as "motivated community members" (Interview, CO3, Jan 2008). Others however have referred to them as the 'IRA' [meaning Invercargill Ratepayers' Association].

¹¹⁵ Ward boundaries exist and can be used for various purposes, albeit as noted earlier, they are not used to determine the election of Councillors.

Invercargill people to come to a meeting, when we wrote to them and asked them to fill out a survey, which probably took half an hour, their response rate was equal to other areas of Invercargill (Interview, CS, Jan 2008).

There was a realisation that the barbecue consultation which worked so well in the South, might not have the same positive result in North Invercargill – “you might or might not, [get the same response]. They tend to also have other means” (Interview, CS, Jan 2008).

And an overall realisation that Council could yet improve on its consultation practices, with several interviewees agreeing with the statement expressed by one who said, “I don’t think we are consulting as well as we should be” (Interview, CS, Jan 2008).

Optimism

According to one staff member, “the Council has come a long way as far as consultation goes in the last seven years although there is still enormous variety within Council from those who say all we have to do is advertise in the public notices, to those who would take proposals to the people for discussion” (Interview, CS, Jan 2008).

In terms of the systems to inform the council of the more operational needs, for example, road maintenance issues, the view was expressed that this was done quite well – “I think Council does quite a good job of advertising that aspect of Council services” (Interview, CO3, Jan 2008). There has also been significant improvement in Invercargill’s leading organisations consulting one another and working together – “most of the community’s leading organisations have actually started to network and talk to each other, and to sit around the table and come up with solutions. This was not happening before” (Interview, Boniface, Jan 2008).

Council also noted some successes with trying new possibilities in consulting with residents. One example given was of small discussion groups in people’s homes during the Representation Review – “I found that the most productive consultation we’ve ever undertaken” (Interview, Boniface, Jan 2008).¹¹⁶ Other examples were the park barbecue and

¹¹⁶Conducted under the Local Electoral Act 2001 to consult with residents about the system of representation.

using more cut off slips in the Council news section of the Southland Express, seeking information from readers, for example, feedback on recently completed improvement projects (Interview, CS, Jan 2008). Staff also mentioned the importance of the website and the ability to obtain views electronically especially as young people, in a recent survey, had indicated this was their preferred method (Interview, CS, Jan 2008). There was also a view that Council consultation should be more at the policy or strategic end;

What the council should be doing is high level consultation, saying 'hey, these are our aspirations for the city, this is where we'd like to take you and where we think we should be going...and then get the community to feed back on that (Interview, CS, Jan 2008).

Summary

In summary, it seems that there have certainly been changes in the approach Council is taking towards consultation, both with other leadership bodies in the region, and in trying new methods with communities. Greater formal consultation appears to have been constrained by the Council's focus on economic development and the belief that this is not compatible with consultation for reasons of the time involved and commercial sensitivity. There were also certain frustrations with the 2002 Act, for example, too much time needing to be spent on consultation, on the wrong things, and at great cost. Also raised was the now familiar bogey of the fear of capture by individuals whose views are not those of the majority,¹¹⁷ and the perception that because of the stability of the Council and the small size of the city, there is less need for formal consultation.

Some awareness exists of some of the factors and pitfalls that would mitigate against successful consultation. These include the attitude of 'council knows best' and factors which might privilege some residents' participation over others, for example, the place at which consultation takes place, the methods used and the acknowledgment that some residents have more means than others for making their views known to Council.

The dominant feeling is one of consultation for compliance, but with some movement towards change.

¹¹⁷ Which would appear to beg the question somewhat concerning consultation, which should surely have an objective of hearing a wide range of different views.

8.6 Council Call Centre

A key public interface of the council is the Call Centre, which has been established in its current form since late 2002. A growing area, it now employs seven full-time equivalent staff and receives an average of 7,645 calls a month.¹¹⁸ Call levels can be seasonal according to Council staff, for example rating inquiries soar when a payment date is approaching (Interview, CS, Dec 2007). While most calls to the Council go through the Call Centre,¹¹⁹ there are some key departments who have direct dial numbers listed in the telephone directory, for example Bluff Service Centre, Building and Plumbing Consents, Environmental Health, Parks and Reserves and Water and Waste Transfer. Direct calls to these areas will not be included in Call Centre data.

When a call is received on the main Council number it will be handled at the Call Centre level unless the caller has requested a specific staff member or the Call Centre decides to refer the call on. It will refer calls on when it is more efficient to do so, or because the information required is beyond their knowledge, for example, building consent information is often too technical to be handled at the Call Centre level. If the call is for information or a service that is able to be handled at Call Centre level, all the details of the request or report are entered online as a 'Request for Service' (RFS) which the Call Centre then refers to the most appropriate person in Council to action.¹²⁰ That person is required to enter the action taken on line, until there is a final report and the matter is closed. If the request is not actioned, there is an escalation process which brings the matter up each week to that person's supervisor, and this continues for as long as the request is still pending.

During the research with residents in South Invercargill, some dissatisfaction was expressed relating to telephone contact with the Council, although the issues mentioned by the residents may not be the direct responsibility of the Call Centre. If the staff member to whom the RFS has been forwarded, enters information online to say that the RFS has been satisfied, and thereafter the request is closed, that is presumably the end of the matter as far as the Call Centre system is concerned. Whether or not the resident is satisfied by the

¹¹⁸ Average taken from calls logged between July and December 2007. Source, Invercargill City Council Call Centre Records.

¹¹⁹ Unless the caller is using the persons direct dial number.

¹²⁰ Although it needs to be noted that not all Council departments work with the RFS process, for example, Environmental Health, Parks and Reserves and Community Development do not.

action that has been taken, or the time it has taken to respond is another matter, as is apparent from the comments below.

While dog control received high praise from one interviewee, there were complaints about the Council's responsiveness to calls in other areas;

I think they should be able to get back to anybody who rings. I've had dealings with dog control and they can't be faulted on getting back to you. Top marks so far...but the others, it's just that you ring up and say something. You aren't complaining, but just to let them be aware, they always say to ring up and let them know things, but they never come back to you and tell you where things are (Interview, S5, Dec 2007).

I was out with friends yesterday and we were discussing your visit. Their biggest gripe was that they'd ring up the Council to ask for something and nothing would be done, and it wasn't major things, but just something they'd like to do...another one had some trees that, for the safety of the road, needed trimming, and she'd rung the Council several times but no one had got back to her. Then a man was backing out of his drive and he thought they were dangerous and he rang up and something was done straight away, so they [her friends] have this feeling that because they are ladies, nothing is done when they ring up (Interview, S5, Dec 2007).

I rang them about a safety issue – a little hole developed down the road. I poked a stick down it and it had a really big hole underneath. So I rang the council but it was two weeks later before someone came and filled it up (Interview, S4, Dec 2007).

On the face of it, there seems to be a possibility that the experience of some residents in getting attention from the Council is at odds with what the Call Centre believes its system is delivering. There are also some important divisions of Council that are not part of either the Call Centre or the RFS system, or both and so performance in these areas is not monitored at all. In light of these factors, it might be useful to carry out some research

among residents who have called the Council in order to further assess the service being delivered.

Little additional use is currently being made of the information beyond actioning specific requests. Potential areas for expansion could be to aggregate calls on similar issues to see if there were trends or an escalation of an issue which should be reported to a supervisor or director level within Council.

8.7 Council Committees as public forums

According to the Council website,¹²¹ the full Council and each of the committees meets every six weeks and the agendas are available online two working days prior to the meetings. The dates of forthcoming meetings are also advertised in the Southland Times and the advertisement notes “All Welcome”.¹²²

Both staff and councillors mentioned the possibility of the public addressing Council committees. This has the potential to be an important forum for communicating residents views as, according to the Deputy Mayor, “the committees are where the discussion takes place [rather than at Council meetings]” (Interview, Boniface, Jan 2008). Boniface said he was committed to bringing the public into the meetings, and to stimulate this, had been convening meetings of the Community Services’ Committee, which he chairs, in various public venues such as the Library and the Bluff Service Centre. In terms of uptake, he thought there was “probably a group at every meeting although mine [his committee] probably gets more than most” (Interview, Boniface, Jan 2008).

Asked about how a person or group would go about seeking to speak at a committee during one of its meetings, Boniface said;

They have to get on the agenda but they just need to ring up the staff member. It’s all at the discretion of the chairman, but if it’s not going to cause too much of a problem or delay, you just let it happen and I think it’s important to do that (Interview, Boniface, Jan 2008).

¹²¹ Accessed at www.icc.govt.nz

¹²² For example, The Southland Times April 28 April 2008, p 5.

The Council website also mentions the possibility of residents addressing committees, and instructs;

If you wish to speak at one of these meetings, you must put your request in writing, at least four working days before the meeting date – you may speak up to ten minutes. All correspondence is to be addressed to the Secretarial Services Manager (Invercargill City Council (a)).

Another Councillor however, while acknowledging the opportunity for the public to address Council committees, said that;;

It's not well-known that they [residents] can use that opportunity to come and talk to Council so it would be at most if someone has a particular issue or idea. If they have spoken to a committee chairman, that chairman might have invited them to come and talk, but it's not widely publicly known that you can engage with council on a regular basis (Interview, CO3, Jan 2008).

In summary, the opportunity for residents to address issues or opportunities with Council Committees, in a more informal and discussion-type atmosphere, has great potential, enhanced by the holding of meetings in venues more likely to be frequented by residents. There is perhaps an issue in requiring four days notice in writing (according to the website) when agendas are available only two days prior, which would exclude residents from addressing the Committee in relation to an agenda item. As well, requirements of written notice to a prescribed person tend to advantage the more professional and literate members of the community. Presumably more residents could take advantage of the opportunity if a phone number and contact name was provided in relation to each committee or alternatively, if an open session was provided at each meeting.

8.8 Electoral Representation Review 2003: A formal consultation

8.8.1 Introduction

In March 2003 Council resolved to carry out its Electoral Representation Review as required under the Local Electoral Act 2001. A Review Committee was set up to manage

the process and to put forward a recommendation to Council (Electoral Representation Review Committee, 2003). The Review Committee appointed a local firm, Mr Graham Dick, of McIntyre Dick and Partners, to assist with the review.¹²³

As required by the Act, the task was to decide whether Councillors would be elected by the district as a whole, or by wards alone or a combination of the district as a whole and wards.¹²⁴ Council was also required to review the option of community boards and to decide which community boards it would have, if any.¹²⁵ The Act provides the option for councils to consider the establishment of Māori wards and Council decided to consider this issue as well, as part of the consultation. The committee decided to consult with the public before developing its proposal for Council and their consultation involved a number of discussion groups and a telephone survey of residents.

In its report, the Committee said that 14 discussion groups representing a cross-section of age, gender, location, ethnic and service organisations from across the city were asked to take part and one public meeting was held.¹²⁶ The report said that the Invercargill Working Men's Club, Invercargill South Rotary Club and Federated Farmers were unwilling or unable to take part, and discussions were held with the remaining 11 groups. The discussion groups received a presentation from the consultant and were attended by members of the Committee. They were invited to complete a questionnaire at the end which also provided an option for making comments (Electoral Representation Review Committee, 2003). A total of 139 people attended the 11 discussion groups. Of the 139 group attendees however, 42% came from one meeting, being the North Invercargill Rotary Club.¹²⁷ The Committee also commissioned an independent telephone survey through the National Research Bureau (NRB) of 500 local electors with at least 40 to come from each of the three community boards under review.

¹²³ McIntyre Dick and Partners are listed in the telephone directory as Chartered Accountants and Business Advisors. Also see their website www.mdp.co.nz.

¹²⁴ Council also had to decide the number of councillors.

¹²⁵ Unfortunately, space precludes consideration of the results of the review of Community Boards. Comments related to this are however included in Appendix 5.

¹²⁶ The public meeting was attended by seven people, five of whom were part of the Myross Bush community board.

¹²⁷ The other meetings, and numbers attending, were: Invercargill Youth Council 10; Iwi 7; Chamber of Commerce 9; Southland Women's Club 9; Grey Power 6; Ascot Community School PTA 5; Elston Lee PTA 4; Myross Bush School 9* Otatara Plunket Mothers 8*; St John Ambulance Bluff 13*. * Bluff, Otatara and Bush were the areas whose community boards were under review.

8.8.2 Research results – Election system ¹²⁸

Table 8.1 Representation Review, Research results for election system

Respondent Type	<i>Election City Wide</i> <i>A</i>	<i>By Wards</i> <i>B</i>	<i>Mixed Wards & Citywide</i> <i>C</i>	<i>Council decides*</i> <i>D</i>	<i>Don't Know *</i> <i>E</i>
Discussion groups 139 people	86.2%	4.6%	9.2%	n/a	n/a
Telephone survey 500 people	35.0%	16.0%	24.0%	22%	3%

* This option was only given in the telephone surveys. The ‘don’t know’ option also included those who had no preference

NRB’s report from the telephone survey suggested that the 25% from columns D & E that either had no preference or would leave it to Council to decide could be added to the percentages in columns A, B and C. This, they said, would mean that those that would be happy with city wide elections would be 60% (35% + 22% + 3%), those that would be happy with wards 41%, and those that would prefer a combination of wards and citywide would be 49%. This suggestion was adopted by the Committee and included in its report to Council.

Neither the research company nor the Review Committee considered that while 35% of telephone respondents were happy with the city wide system, there were 40% that wanted wards either entirely or in part – that is, the total of columns B and C for the telephone survey. Additionally, the votes from the participants of both the discussion groups and the telephone survey were converted to percentages and no weighting was given to the much greater numbers that had taken part in the telephone survey (500) versus the discussion groups (139). Finally, although 139 people attended the discussion groups and were then given the option to fill in a questionnaire at the end, we are not told how many did so, and therefore on what number the subsequent discussion group percentages are based on.

¹²⁸ The research also inquired into the preferred number of councillors.

In relation to the results from the telephone survey, NRB concluded that “no single [election system] option received support from a majority of residents” (Electoral Representation Review Committee, 2003, p. 29) but the Review Committee’s report to Council stated that “the information contained in the discussion group questionnaires and the NRB survey would appear to indicate a preference for the elections of the city to remain on the basis that currently exists, that is, election as a whole” (Electoral Representation Review Committee, 2003, p. 7).

The Committee’s report did not mention that 42% of the votes from the discussion groups had come from one meeting only and, perhaps more importantly, that the group was not a city wide group but instead comprised, we assume, primarily people from North Invercargill since it was the North Invercargill Rotary Group. At the time of the research, ten out of the 12 Councillors were from North Invercargill. The fact that a ward system would have been likely to reduce the number of Councillors who were from North Invercargill was an important point to take into account when considering the results.

8.8.3 Summary

It is a well-established maxim of common law that ‘justice must not only be done, but must be *seen* to be done’ and one could suggest that a similar adage apply to public consultation exercises. This would imply a genuinely open mind about the outcome, the use of fair and independent processes and clarity about the part that the results would play in the final decision.

A problem in the overall design of the research was that discussion group results can not usually be correlated with telephone surveys, the former being to discuss qualitative matters and illuminate aspects of the question, and the latter to take a quantitative measure of opinion. In the current consultation, this issue was exacerbated by the two groups not receiving identical questions and options. The way in which place can bias an outcome was clearly evidenced by the number of people who attended the North Invercargill Rotary meeting in comparison to other discussion groups and the subsequent failure of the report to note the contribution of that one meeting to the discussion group results.

There was also significant bias in the manner in which the results were presented, for example, the conversion to unweighted percentages of very different sample sizes, and the overall interpretation of the results did not seem to correlate well with the figures.

8.9 Schools, the Community and Council

In this section, the intention has been to look at whether there are any important issues in the community which are not being picked up by the Council, but where, in light of the purposes of local government, one might expect Council to be taking a leadership or facilitative role.¹²⁹

One issue of this nature that was uncovered in the South Invercargill community was also the subject of an April 2008 Editorial in *The Southland Times*. It concerns the essential role of schools in the community in building social capital and acting as a focal point for community development. Discussing Aurora College, now the only state secondary school in South Invercargill, the editorial opinion was that, “schools don’t just reflect an area’s social health, they do much to maintain it” (The Southland Times, 2008) and it went on to say: “we need a school that brings not just educational opportunity, but social cohesion, to the south of the city. If we get things right at Aurora the benefits will be huge” (The Southland Times, 2008).

Anecdotal comments from those that know the College say that there is a dearth of sports teams and poor participation rates in cultural performance groups. Many of the students are said to depend heavily on the school for guidance and support, and holidays are potentially a problem for some students particularly if the school is not running holiday programmes. In addition the school’s NCEA results in 2006 were among the lowest, and following a review by the Education Review Office (ERO) in 2006, the ERO indicated it would revisit the college for a follow-up sooner than the usual three-yearly period¹³⁰ (Gillespie, 2008). More recently it was announced that Aurora College had the highest rate of pupil stand-

¹²⁹Which include the promotion of community social, cultural, economic and environmental well-being, now and in the future.

¹³⁰ See Appendix 3 for discussion on the ERO report on Invercargill schools, and further discussion regarding the closure of 11 schools in Invercargill following a Ministry of Education review in 2003. Aurora College came into existence as a result of that review, and has therefore only been in existence since 2005 .

downs in the Southland-Otago region, with 173 stand-downs out of 484 pupils (Gillespie, 2008b).¹³¹

During the research, people spoke about the impact that the 2003 school closures had had on South Invercargill, when many schools were closed following a Government review;

A real killer for us and the communities was the closure of the schools. That did a lot of damage to our communities and South Invercargill was pretty hard hit by that (Interview, S3, Dec 2007).

A social services agency said: “One of the issues we are finding...is transience or a lack of belonging. There is no sense of belonging that we feel families have, that children have and we have to our communities and that is a real issue” (Interview, S3, Dec 2007).

While many people commented on the impact of the school closures they also saw the potential for schools to be a rallying point for community rebuilding;

At the end of the day, what strengthens community is bringing people together, relationships forming, and common places for people to meet where they dialogue...Its also about being proud of their community as well, and belonging and identity (Interview, S2, Dec 2007).

Schools could actively try and encourage that [sense of community], or even just provide the use of their premises (Interview, S6, Dec 2007).

Some suggestions were made during the research about specific ways in which Council could interact with schools. These included holding consultations on the Long Term Council Community Plan (LTCCP) at schools, “where people can see it and talk about the issues” (Interview, S2, Dec 2007), Council facilitating or coordinating some of the consultation schools are required to do, for example consulting on achievement standards for Māori pupils, and helping to establish family service centres within schools, by “periodically coming out to use the [families] room to listen to the community” (Interview,

¹³¹ A stand-down is when a school principal removes a pupil from the school for up to five days.

S2, Dec 2007). Another suggestion, taken from other comments during the research, could be for the Council to find appropriately skilled and connected people to sit on School Boards in the South.

A newspaper editorial stated that getting things right at Aurora would provide huge benefits (The Southland Times, 2008). These benefits would presumably be even greater if the primary schools in the South were also included, and the city ‘got it right’ there as well. In part, the advantages from doing so would include a larger and more productive workforce for Invercargill, which has a current and anticipated worker shortage of more than 1,000 persons per year in its baseline scenario to 2016 (Infometrics, 2008). In these circumstances, it is presumably imperative that the city produce the maximum number of youth who are well educated, trained and able to play a role in the economic life of the city. The city is said to be a ‘blue collar’ town, and also has a lower percentage of youth who stay, with many leaving to go to University and not returning.¹³² Attracting migrant labour is more expensive, risky and difficult than employing local people, if they are available. Hence, if the city is to follow the logic of its own strategy of economic development, it now faces a challenge to see that the social and cultural development of all of its residents is such that the maximum number, especially among youth, are able to fully take up their role as productive members of the community. South Invercargill is critical in this scenario as it is likely that it has at least 50% of the future workforce, most of whom are currently at school there.

The Southland Times editorial saw the situation as nothing less than a “battle for the future of Invercargill” which, it said, is “nowhere being contested more keenly or more meaningfully than at Aurora College” (The Southland Times, 2008). Taking into account the views of the residents and the ERO reports on schools performance, the battle is being contested at the other schools in the area as well.

Up until now, Council has not seen a role for itself in this issue, but its responsibilities under the Act to promote the social, cultural and economic well-being of its communities, now and in the future, provide a solid basis to argue that Council should be taking a

¹³² See the discussion in section 4.1.4 on this.

leadership and facilitative role in coming up with a community-wide response. As the Editorial concluded;

Instead of concentrating quite so hard on how well schools like Aurora are serving our community, we should concentrate just a bit harder on how our community can serve the school (The Southland Times, 2008).

8.10 Conclusions

Invercargill suffered serious economic decline and population loss in the 1980s and 1990s. It has since revitalised itself, and now has a strong local economy which is seen largely as the result of the city's own efforts, particularly the decisions taken by local government and a small number of local organisations. Council has seen its role as a leader and playmaker, and has appeared to view the role of residents in the more traditional light of representative democracy, that is, confined to the ability to elect, or otherwise, Councillors every three years. At least part of the reason for this, Council says, is that the timeframes and commercial sensitivity of many of their initiatives are incompatible with public consultation. The result of this is that, while the outcomes have been positive for all, the process has excluded many, particularly those without the social, business or political connections to be included. There is also a view that Council has preferred a situation of continuous flexibility and the ability to react on an ad hoc basis rather than having an open strategic planning process and the yardstick and opportunities for consultation that that would have provided.

Councillors, all but two of whom are from North or West Invercargill, also view the city as small and relatively homogeneous without many issues and where people have sufficient and equal access to Councillors, who are themselves well-informed of community views. This leads to the idea that deliberate consultation is therefore not as necessary in Invercargill and explains some of the reluctance Council has concerning community representative groups. It is also one of the reasons for the Council's opposition to a ward system of representation in the city.

Countering this, the profile of Invercargill has shown that there are significant divisions and inequalities among the population, and the research highlighted several examples of how

location, education, occupation, club membership and the like can privilege participation and access for some over others, determining who is consulted and who is heard. One cannot escape the conclusion that this belief in homogeneity and a non-differentiated approach, whether relating to the tools or processes of consultation, or the system of electoral representation, has increased the social capital and sense of empowerment of the few at the expense of the many, who have been excluded.

In summing up the situation in Invercargill it might be said that the Council is at something of a crossroads. It has achieved a dramatic turnaround in Invercargill's economic situation and the regard in which the city is held by the rest of New Zealand. To do this however, the Council has had a predominant focus on one only of the four purposes of local government and a style of consulting which has not really adopted the proclaimed ideology of the LGA 2002. In this, it has been assisted by the low level of public awareness of both the purposes of local government and the new participatory style envisaged by the Act.

Indications are that the Council is aware of this situation and is considering moving more into the other well-being areas in future. This would be justified on the basis of the need to nurture and ensure the full development of the current and likely future workforce. It would also be justified by considerations of social justice and the existence of a statutory obligation to promote not only the economic, but also the social, cultural and environmental well-being of its communities, in the present and for the future. As Council focuses more in these new areas, it is likely that its approach will also evolve to embrace the idea that differentiated methods and tools within a participatory approach will be the most likely means of achieving its objectives.

Through the LGA, Councils have been given an opportunity, for the first time, to take an overview of the well-being of their entire community. Areas such as education, health and social cohesion are no longer the sole domain of central government, and Councils are unique in the holistic view they can have in comparison to the more compartmentalised interests of individual government departments. Councils also need to be concerned *only* with their own communities and can advocate on their behalf without balancing the needs of other populations. It would seem remiss for Councils to ignore the mandate they now have.

Chapter 9: Conclusions

9.1 Introduction

This research has explored the evolving relationship between governments and communities. In particular it explores the participation of citizens in government and the quality of that participation, as well as government's attitudes towards the new governance model. Drawing on a large body of literature from the field of Development Studies, where participatory theory and practice have been key themes, the thesis explores whether the lessons learned in the development field could inform the practice of participation in New Zealand

This topic has been studied in the context of local government in New Zealand, and in particular through a case study of Invercargill City Council. It has explored the working relationship that the Council has with residents, particularly through a focus on one section of the Local Government Act 2002 which provides that, as a principle of local government, a Council should, "make itself aware of, and have regard to, the views of all of its communities".¹³³

Fulfilling the requirements of this section is a tall order, and would be almost impossible to achieve if the wording of the Act was taken in a literal sense. When however, it is read in the light of the democratic participatory intentions of the Act, it can be inferred that its real import is about proactive, sincere efforts by the Council combined with tailored systems and processes that generate and gather residents' views. Furthermore, the tailoring of those systems and processes should be such that views are obtained from across the spectrum of communities and the breadth of possibilities from operations to strategy or, 'pot holes to policy'. It can also be inferred from the Act that the views which Council is to be aware of include those relating to all of the well-being areas, that is, social, economic, environmental and cultural. The final requirement is then for the Council to demonstrably take those views into account in future action.

¹³³ Section 14(1)(b)

9.2 Research themes

9.2.1 Introduction

Chapters 2, 3 and 4 provide the theoretical, legal and factual framework for the thesis and assist with the selection of the case studies and analysis of the research results. Chapters 6, 7 and 8 lay out the research results respectively for the Māori and South Invercargill communities and Invercargill City Council in general. Those chapters also include analysis and conclusions specific to those areas.

The following sections relate the findings of the research to broader issues and wider concepts of participatory theory and practice, good governance and community.

9.2.2 *The ends vs. means debate – Governments objectives*

Reflecting the new, decentralised good governance approach, local government in New Zealand was restructured in 2002, broadening its purpose to include all aspects of the well-being of citizens on a sustainable basis and to provide a participatory role for citizens and communities. There was however tension between these purposes, and the former neo-liberal goals of accountability and transparency which were brought forward into the Act. Adding to the mix of motives was central governments historic distrust of its junior, local partner. This has led to claims by local government and others that the Act is too prescriptive with regard to process, requires too much consultation and has the primary objective of controlling Councils rather than empowering citizens and communities.

In development, the competing ideologies were on the one hand, participatory practice as a way of imbuing local people with the power and the skills to achieve fundamental changes in their lives, and on the other hand, the objective of involving local people as a means of achieving greater project efficiency and lower costs through the assistance of local knowledge and labour. In the former, it was the processes of participation that was anticipated to bring about the empowerment, which would in turn lead to the desired end of social and economic transformation, as well as, one assumes, greater efficiencies and better project outcomes.

It seems that both participatory theory in development, and the Local Government Act face similar dichotomies. The difficulty is that these competing objectives of community

empowerment and re-engagement with government through participation on the one hand, (a ‘means’ approach), and accountability and transparency on the other (the ‘ends’), lead to a fundamentally different approach to the relationship with, and the role of, local communities. The dominant intention of the legislation appears to be the latter, in which case, it is little wonder that Councils might approach consultation in terms of compliance.

This view is strengthened considering the lack of a programme to inform and educate citizens of their right to participation, the lack of evaluation of the quality of participatory practice and the already mentioned prescriptive approach to consultation in the Act. It is almost an inevitable conclusion that, despite the hope of the sector that the Act would move it “from consultation to engagement”, this will not be the result. The consultative provisions of the Act really have not risen beyond the neo-liberal use of the same ideas in development. There is really nothing transformatory or empowering about them.

9.2.3 The prerequisites of willingness, awareness and capacity

It has been recognised in development theory that a prerequisite to successful participatory practice is the willingness of those in power, the elites, to hand over or share that power. Simply providing an instruction via legislation can not really be considered a programme of persuasion to win the hearts and minds of Councils not already committed to participatory, as well as representative democracy. These uncommitted Councils are likely to be the same ones that, as a result of the neo-liberal policies of the 1980s and 1990s and the hands-off approach of Government at that time, have ever since been busy trying to save their areas economically. Councils in this situation, are unlikely to have seen participatory practices as the fastest or most likely route to economic salvation. And just as there are disadvantaged communities within a city that feel less powerful, local government is likely to feel this way in relation to central government. Given this, Councils are likely to see citizen participation as a further erosion of their position.

At the other, citizen end, of the spectrum, there is a prerequisite for the public to know about their rights to participation, and to have the capacity to exercise those rights. Without this, as Gaventa points out, “new mechanisms for participatory governance may be captured by prevailing interests” (Gaventa, 2004, p. 37). In this respect, there has been

an apparent lack of any programme to build public awareness of the Act, or, with the exception of Māori, to make any provision to improve public capacity to participate.

9.2.4 Theory of representation

Development theory identifies the need for a theory of representation, or a conceptualisation of the ways in which popular agency is legitimately conferred on higher level agents. The many references in the Local Government Act to communities also imply a need for a theory of representation in order for community views to be accessed, assuming that community boards continue to be too formal, expensive and limited in their membership for widespread application. At the other end of the scale, public meetings, which have their place in that they provide a forum for large numbers of people, are an insufficient and ultimately unsustainable means on their own of working with communities.

Invercargill Council however expressed a grave distrust of representative community groups and an unwillingness to have more formal or informal advisory committees, beyond what they currently have. Despite this, at least one Councillor acknowledged the problems Council faces in liaising with communities, and in communities feeling that they have a voice within the city, when no representative structure exists.¹³⁴

The retention of power is also likely to be a factor in Councils' attitudes as established representative groups in the community can be seen as competing with the legitimacy of representative democracy, that is, Councils.

9.2.5 The nature of communities

An unrealistic view of communities as homogenous, and a failure to account for the influence of elite groups, hierarchical structures and other differences which privilege the participation of some over others, has also been identified in development theory as impacting on the credibility of participation and consultation. Where Councils have a similar view of their communities as homogenous, this will also impact on the way consultation is carried out and on the tools it uses, with the likelihood that significant groups and numbers of citizens will be excluded or prejudiced in their ability to participate.

¹³⁴ Refer to section 8.4 for these comments.

Related to the make-up of communities, are considerations of power and how that is conferred in space and place. Membership of certain clubs, levels of education, the time of day that meetings are held, the place that meetings are held and the manner or mode in which comments are to be made are all examples of various aspects of the operation of power to advantage some and disadvantage others.

9.2.6 *The use of the tools*

Councils have certainly been instructed with regard to the participatory intentions of the Act. Organisations such as the Department of Internal Affairs and Local Government New Zealand have promulgated ‘how to’ guides and examples of best practice approaches.

References

- ActionAid. Key Elements of Reflect - Freire. Retrieved 14 October, 2006, from <http://www.reflect-action.org/reflect/tree/freire.htm>
- ActionAid. Key Elements of Reflect - Tools. Retrieved 14 October, 2006, from <http://www.reflect-action.org/reflect/tree/participatorytools.htm>
- Arnold, K. (2008, 10 February). Tim Shadbolt scores major victory. *Sunday Star Times*.
- Asian Development Bank Institute. Definition of governance. Retrieved April, 2008, from <http://www.adbi.org/discussion-paper/2005/09/26/1379.governance.indonesia.comments/definition.of.governance/>
- Blair, T. (1998). The Third Way [Electronic Version] from <http://faculty.goucher.edu/history231/blair.htm>.
- Braun, A. (2006). Participatory Research Tools. Unpublished Power Point presentation New Zealand Ministry of Foreign Affairs and Trade.
- Buchan, D. (2006). Building Community Consensus and Social Capital through Impact Assessment. In M. Thompson-Fawcett & C. Freeman (Eds.), *Living Together: Towards Inclusive Communities in New Zealand* (pp. 195-205). Dunedin Otago University Press.
- Bush, G. (2003). Substance and Significance: A Personal Reflection on the Local Government Act 2002 *Public Sector*, 26(4), pp. 18-21.
- Chambers, R. (1995). Paradigm Shifts and the Practice of Participatory Research and Development In N. Nelson & S. Wright (Eds.), *Power and Participatory Development: Theory and Practice* (pp. 30-42). London London Intermediate Technologies
- Chambers, R. (1997). *Whose Reality Counts? Putting the first last*. Bourton-on-Dunsmore: ITDG Publishing
- Chambers, R. (2006). Professionalism, power and realities: where next in development? Retrieved 16 October, 2006, from www.pdfforum.org/en/reports/PDFForum_PPR_Training_Report.pdf
- Cheyne, C. (2002). Public Involvement in Local Government in New Zealand - A Historical Account. In J. Drage (Ed.), *Empowering Communities?: Representation and Participation in New Zealand's Local Government* (pp. 116-155). Wellington Victoria University Press.
- Cleaver, F. (2001). Institutions, Agency and the Limitations of Participatory Approaches to Development. In B. Cooke & U. Kothari (Eds.), *Participation: The New Tyranny?* (pp. 36-55). London & New York Zed Books.

- Cleaver, F. (2004). The social embeddedness of agency and decision-making. In S. Hickey & G. Mohan (Eds.), *Participation: From Tyranny to Transformation?* (pp. 271-277). London & New York: Zed Books.
- Colmar Brunton. (2006). *Improving the reputation of local government*. Wellington Local Government New Zealand
- Comrie, M., & Cheyne, C. (1999). *Engaging Citizens: Factors in Consultation* Unpublished Paper.
- Controller and Auditor-General. (2007). *Turning principles into action: A guide for local authorities on decision-making and consultation* Wellington: Office of the Controller and Auditor-General
- Cooke, B., & Kothari, U. (Eds.). (2001). *Participation: The New Tyranny?* London & New York Zed Books.
- Dacker, B. (2006). The People of the Ahikaaroa - The South Land of Murihiku In P. Sorrell (Ed.), *Murihiku: The Southland Story* (pp. 44-59). Invercargill: The Dan Darvin Literary Foundation
- Department of Internal Affairs. (2002). A framework for developing sustainable communities: A discussion paper. Retrieved June 2008, from [http://www.dia.govt.nz/Pubforms.nsf/URL/SCDframework.pdf/\\$file/SCDframework.pdf](http://www.dia.govt.nz/Pubforms.nsf/URL/SCDframework.pdf/$file/SCDframework.pdf)
- Department of Internal Affairs. (2006). Local Government Election Statistics. Retrieved 15 March, 2008, from [http://www.dia.govt.nz/pubforms.nsf/URL/Electionstats2004.pdf/\\$file/Electionstats2004.pdf](http://www.dia.govt.nz/pubforms.nsf/URL/Electionstats2004.pdf/$file/Electionstats2004.pdf)
- Department of Internal Affairs. (2007). *Barriers and Enablers to Participation in Local Government: A Qualitative Report* Unpublished Research Report
- Department of Labour. (2007). *Annual In-Depth Regional Labour Market Report, Southland*
- Education Review Office. (2007). *Invercargill Schools Cluster Report*.
- Eketone, A., & Shannon, P. (2006). Community Development and Empowerment. In M. Thompson-Fawcett & C. Freeman (Eds.), *Living Together: Towards Inclusive Communities in New Zealand* (pp. 207-224). Dunedin: Otago University Press.
- Electoral Representation Review Committee. (2003). *Report of the Chairman of the Electoral Representation Review Committee, Deputy Mayor, CR. N. D. Boniface*: Invercargill City Council
- Environment Southland, Invercargill City Council, Southland District Council, Gore District Council, & Te Ao Marama Incorporated. (2003). *The Charter of Understanding He Huarahi mo Nga Uri Whakatupu* Retrieved. from

<http://www.es.govt.nz/Documents/Council%20Plans%20and%20Reports/Charter%20of%20Understanding%20-%20November%202003.pdf>.

Esler, L. (2006). *Invercargill: 150 Years*. Invercargill: Lloyd Esler

European Union. Towards an EU approach to democratic local governance, decentralisation and territorial development Retrieved 18 April 2008, from http://www.cities-localgovernments.org/uclg/upload/news/newsdocs/ec_issues_paper_en.pdf

Flyvberg, B. (2006). Five Misunderstandings About Case-Study Research *Qualitative Inquiry* 12(2), pp. 219-245.

Freeman, C. (2006). Introduction: Developing Inclusive Communities. In M. Thompson-Fawcett & C. Freeman (Eds.), *Living Together: Towards Inclusive Communities* (pp. 15-23). Dunedin: Otago University Press.

Friere, P. (1997). *Pedagogy of Hope: Reliving Pedagogy of the Oppressed* New York: The Continuum Publishing Company.

Gaventa, J. (2004). Towards participatory governance: assessing the transformative possibilities. In S. Hickey & G. Mohan (Eds.), *Participation: From Tyranny to Transformation?* . London New York: Zed Books

Gillespie, S. (2008, 29 April). Aurora College heading for brighter days. *The Southland Times*.

Gillespie, S. (2008b, 26 July). Removal of pupils highest in south. *The Southland Times*, p. 1.

Hayward, B. (1996). The Greening of Participatory Democracy: A reconsideration of theory. In F. Mathews (Ed.), *Ecology and Democracy* (pp. 215-236): Routledge.

Hayward, B. (2000). Beyond consensus: social learning in urban planning. Unpublished PhD thesis. University of Otago

Hayward, B. (2003). Deliberative Planning and Urban Sustainability: A Christchurch case study In C. Freeman & M. Thompson-Fawcett (Eds.), *Living Space: Towards Sustainable Settlements in New Zealand* (pp. 113-127). Dunedin University of Otago Press.

Henkel, H., & Stirrat, R. (2001). Participation as Spiritual Duty: Empowerment as Secular Subjection In B. Cooke & U. Kothari (Eds.), *Participation: The New Tyranny?* London New York: Zed Books.

Hickey, S., & Mohan, G. (2004). Towards participation as transformation: critical themes and challenges. In S. Hickey & G. Mohan (Eds.), *Participation: From Tyranny to Transformation?* London/New York Zed Books Ltd.

- Howell, R., McDermott, P., & Forgie, V. (1996). Success? The reforms of the 1980s In *The Unfinished Reform in Local Government: The Legacy and the Prospect*. Occasional Papers in Local Government Studies, Massey University, Palmerston North
- Howitt, R., & Stevens, S. (2005). Cross-Cultural Research: Ethics, Methods and Relationships. In I. Hay (Ed.), *Qualitative Research Methods in Human Geography*, 2nd ed Melbourne: Oxford University Press.
- Infometrics. (2008). *Southland Labour Market Demand Assessment - February 2008*: Venture Southland
- Institute of Development Studies Theories, Critiques and Ideals of Participation Retrieved 25 October, 2006, from www.ids.ac.uk/ids/particip/research/critiques.html
- Invercargill City Council. (2007). City Council Newsletter: South City Special Edition *October-November*.
- Invercargill City Council (a). Retrieved 4 February 2008, from <http://www.icc.govt.nz>
- Invercargill City Council Website. Retrieved 4 February 2008, from <http://www.icc.govt.nz>
- Kapoor, I. (2002). The devil's in the theory: a critical assessment of Robert Chambers' work on participatory development *Third World Quarterly*, 23(1), pp. 101-117.
- Kelsey, J. (1997). *The New Zealand Experiment: A World Model for Structural Adjustment?* Auckland Auckland University Press.
- Killerby, P. (2001). *Social capital, participation and sustainable development: recent examples of inclusive consultation in New Zealand* Paper presented at the International Community Development Conference, Rotorua, New Zealand
- Knight, D. (2007). Local authority decision-making, community views, and Stadium Aotearoa. *New Zealand Law Journal* (October 2007), pp. 354-358.
- Kothari, U. (2001). Power, Knowledge and Social Control in Participatory Development. In B. Cooke & U. Kothari (Eds.), *Participation: The New Tyranny?* London - New York: Zed Books.
- Local Futures Research Project. (2006). *Local Government, Strategy and Communities*. Wellington Institute of Policy Studies, School of Government, Victoria University of Wellington
- Local Government Commission. (2006). *Determination re Palmerston North City Council*
- Local Government Commission. (2007). *Determination re Napier City Council*
- Local Government New Zealand. (2007). *Frequently Asked Questions on Council-Maori Engagement : A Resource to Support Councils*. Local Government New Zealand

- Lowndes, V., Pratchett, L., & Stoker, G. (2001a). Trends in Public Participation: Part 1 - Local Government Perspectives. *Public Administration* 79(1), pp. 205-222.
- Lowndes, V., Pratchett, L., & Stoker, G. (2001b). Trends in Public Participation: Part 2 - Citizens' Perspectives. *Public Administration*, 79(2), pp. 445-455.
- Maley, M. (2008, April 24). A voice for Otatara. *Southland Express*, p. 1.
- Matheson, A., Howden-Chapman, P., & Dew, K. (2005). Engaging Communities to Reduce Health Inequalities: Why Partnership? *Social Policy Journal of New Zealand*, 26, pp. 1-16.
- Mayoux, L. (2001). Participatory Methods. Retrieved 14 October, 2006, from <http://www.enterprise-impact.org.uk/pdf/ParticMethods.pdf>
- McCarthy, P. (2007, October 6). Strong Contenders for Council Seats. *The Southland Times*, p. A8.
- McNamara, P. (2004). Local Government's requirements to consult. *New Zealand Law Journal* (September 2004), pp. 361-364 & 368.
- Mikkelssen, B. (2005). *Methods for Development Work and Research: A New Guide for Practitioners* (2nd ed.). New Delhi: Sage Publications
- Ministry of Social Development. (2008). *Invercargill District Community Profile*. Invercargill
- Mohan, G. (2001). Beyond Participation: Strategies for Deeper Empowerment In B. Cooke & U. Kothari (Eds.), *Participation: The New Tyranny?* London New York: Zed Books.
- Mohan, G. (2002a). Participatory Development from <http://oro.open.ac.uk/4159/01/DEVCOMP2.pdf>
- Morgan, J. (2008, 24 July). ICC charged by ES over Clifton stink *The Southland Times*.
- Morgan, J. (2008, 25 April). Shadbolt bucks car jibe, eyes new superpowers. *The Southland Times*.
- Mosse, D. (2001). 'People's Knowledge', Participation and patronage: Operations and Representations in Rural Development. In B. Cooke & U. Kothari (Eds.), *Participation: The New Tyranny*. London New York Zed Books.
- Needham, C. (2002). Consultation: A Cure for Local Government? *Parliamentary Affairs*, 55, pp. 699-714.
- OECD. (2001). Citizens as Partners: Information, consultation and Public Participation in Policy-making Retrieved 13 March 2008, from <http://www.oecd.org/dataoecd/53/57/2537528.pdf>

- Olssen, E. (2006a). The Peopling of Southland In P. Sorrell (Ed.), *Muribiku: The Southland Story* (pp. 71-83). Invercargill The Dan Darvin Literary Foundation.
- Olssen, E. (2006b). Loyalty and Localism - Southland's Political Odyssey. In P. Sorrell (Ed.), *Muribiku: The Southland Story* (pp. 84-107). Invercargill The Dan Darvin Literary Foundation
- Putnam, R. (1995). Bowling Alone: America's Declining Social Capital. *Journal of Democracy*, 6(1), pp. 65-78.
- Rahnema, M. (1992). Participation In W. Sachs (Ed.), *The Development Dictionary: A Guide to Knowledge as Power*. London & New York Zed Books.
- Richardson, M. (2004). Councils at the Crossroads: Business as Usual or the Recreation of Communities across New Zealand. Retrieved 29 June, 2007, from <http://www.lgnz.co.nz>
- Richardson, M. (2005). Reflections on What was Achieved in the Local Government Act 2002. Retrieved 29 June, 2007, from <http://www.waikato.ac.nz/igci/pucm/Linked%20documents/Mike%20Richardson%20Response.pdf>
- Rudqvist, A., & Woodford-Berger, P. (1996). Evaluation and Participation - some lessons. *SIDA Studies in Evaluation* from http://www.sida.se/sida/jsp/sida.jsp?d=118&a=2368&language=en_US
- Salt, B. (2006). *The Big Picture*. Melbourne: Hardie Grant Books.
- Salter, J. (2006). The Local Government Act 2002 - three years on *NZ Lawyer* (7 April 2006), pp. 10-11.
- Santiso, C. (2001). Good Governance and Aid Effectiveness: The World Bank and Conditionality. *The Georgetown Public Policy Review* 7(1), pp. 1-22.
- Scott, C., Reid, M., Yeabsley, J., & Zollner, E. (2004). Positioning New Zealand Local Government Retrieved 8 February 2008, from <http://www.localfutures.ac.nz/pdf/Positioning%20NZ%20local%20govt.pdf>
- Shadbolt, T. (2003). Beware Part 5 of Act - it may kill innovation *NZ Local Government* March 2.
- Shannon, P., & Walker, P. (2006). Community development and control in a state-local partnership in Aotearoa New Zealand *Oxford University Press and Community Development Journal* 41(4), pp. 506-520.
- Sorrell, P. (Ed.). (2006). *Muribiku: The Southland Story* Invercargill Dan Darvin Literary Foundation
- Southland District Council. Representation Retrieved 29 March 2008, from http://www.southlanddc.govt.nz/representation/representation_home.cfm

- Speer, S. (2007, 27 November). Social Divide irks Aurora principal. *The Southland Times*.
- The Southland Times. (2008, 30 April). Editorial: Brightening southern skies *The Southland Times*, p. 8.
- Thomas, S., & Memon, A. (2005). Reinventing Local Government in New Zealand? A Critical Reflection on the Local Government Act 2002 [Electronic Version] from <http://www.waikato.ac.nz/igci/pucm/Linked%20documents/LGA-discussion.pdf>
- Thomas, S., & Memon, A. (2007). New Zealand Local Government at the Crossroads? Reflections on the Recent Local Government Reforms. *Urban Policy and Research* 25(2), pp. 171-185.
- UNDP. The Role of Participation and Partnership in Decentralised Governance: A Brief Synthesis of Policy Lessons and Recommendations of Nine Country Case Studies on Service Delivery for the Poor. Retrieved April 18, 2008, from http://www.undp.org/governance/docs/DLGUD_Pub_participationandpartnership.pdf
- Walsh, C. (1998, July 27-30). *Participatory Research (PR=P+R)*. Paper presented at the "Civil Society in the New Millennium", Nadi, Fiji.
- Williams, G. (2004). Evaluating participatory development: tyranny, power and (re)politicisation. *Third World Quarterly*, 25(3), pp. 557-578.
- Woods, M. (2006). Foreword. In M. Thompson-Fawcett & C. Freeman (Eds.), *Living Together: Towards Inclusive Communities*. Dunedin Otago University Press.

Appendices

Appendix 1: Glossary

Concepts

Community

In general terms, a network of people and organisations linked together by various factors. The term 'community' can refer to:

- a geographic community (for example, a neighbourhood, city, or district)
- a community of common interest, identity or whakapapa (for example, a voluntary group, ethnic group or virtual on-line community)
- an administrative or political community (for example, a state or federation)

(Department of Internal Affairs, 2002, p. 5)

Community Development

According to Eketone and Shannon, referring to the work of Rothman, the field of community development can be subdivided into three approaches, namely: community organisation (social planning), community development (locality development) and community action (social action) (Eketone & Shannon, 2006, p. 209). They maintain that while the approach has been constantly evolving, recent change has been away from the deficits approach current during the 1980 and 1990s towards "a focus on community empowerment, participation and self-determination by developing the independent strengths and assets of a community" (Eketone & Shannon, 2006, p. 212).

Community development as a strategy for change has drawn recent impetus from the concept of social capital which became popularised in the 1990s (discussed below). However, Eketone and Shannon raise valid questions around the use of community development as a strategy to repair or replace the lack of social capital, suggesting that this can give too little attention to why the inequalities of resource and power came to exist in the first place. They question whether in fact it is a tactic of the ruling elite to maintain their position by making the poor and powerless happier in their poverty (Eketone & Shannon, 2006, p. 213)

Consultation

While sometimes used in contrast to other terms, for example participation, which denotes a more active and influential type of engagement by and with citizens, it is also often used when speaking generally about citizen engagement, to refer to the entire range of possibilities and processes. This thesis will use the term 'consultation' in this latter, broad sense to include any form of local authority engagement with local communities, unless a more specific meaning is given.

Social Capital

The concept can be traced as far back as 1920, but was popularised in the 1990s through the work of James Coleman and Robert Putnam (Killerby, 2001, p. 2). No universal definition exists. Putnam defines it as “features of social organisation such as networks, norms and social trust that facilitate coordination and cooperation for mutual benefit (Putnam, 1995, p. 67). It is said to require bonding (within a group) and bridging (inter-group) networks and relationships (Department of Internal Affairs, 2002, p. 15).

More recently it has come to also incorporate aspects of governance and institutional effectiveness and as a result it is possible to distinguish between civil social capital and governmental social capital (Killerby, 2001, p. 3). There is evidence that high levels of civil social capital facilitate the establishment of more effective institutions (Killerby, 2001, p. 3 citing Fukuyama and Aron) and Killerby concludes that a strategy to increase the social capital (sometimes referred to as social cohesion) of a specific community of interest must include “the development of meaningful, dependable, long-term relationships between members of that groups, and between civil society and the institutions of governance. It also requires the active involvement of communities in defining issues and problems, and in designing and implementing decisions” (Killerby, 2001, p. 5).

Subsidiarity

The principle of subsidiarity is important in considerations of decentralised governance and local government. Simply stated, it said that “activities should generally be undertaken by the lowest level of government qualified to do so. The New Zealand Royal Commission on Social Policy recognised subsidiarity in 1987” (Thomas & Memon, 2007, p. 179).

Māori Language Translations

Hui	Gathering, usually but not exclusively, of people.
Iwi	The traditional Māori tribal hierarchy and social order made up of hapu (kin groups) and whānau (family groups) having a founding ancestor and territorial (tribal) boundaries.
Kaitiakitanga	The exercise of guardianship. In relation to a resource, kaitiakitanga includes the ethic of stewardship based on the nature of the resource itself.
Kaiwhakahaere	Chairperson
Kaumatua	Respected elder
Kawanatanga	Transliteration into Māori of ‘governance’ or ‘government’.
Mana whenua	Customary authority exercised by an iwi or hapu in an identified area, which is almost invariably their ancestral land.
Matawaka	The term used in Southland to describe Māori who are ‘visitors’, i.e. not of Ngai Tahu Whānui descent.
Murihiku	Southland.
Nga Hau e Whā	The four winds, and in this thesis, it is the name of the matawaka marae in Invercargill.
Rangatira	Chief, noble, leader .
Rangatiratanga	Sovereignty, autonomy.
Rūnanga	A marae based Council that manages Iwi or hapu resources and is often involved in providing social services to members.
Tangata whenua	In relation to a particular area, tangata whenua means the iwi, or hapu, that holds the mana whenua over that area. Ngai Tahu Whānui is recognized as having tangata whenua in Murihiku.
Taonga	Any item or thing, tangible or intangible, that represents the ancestral identity of a Māori kin group with their particular land and resources.
Wahi tapu	Special or sacred place.

Appendix 2: Local Government Act 2002

Sections of the Local Government Act 2002 relating to the Purpose of the Act, the Purpose of Local Government, the Principles of Local Government, Māori and Decision-making

Section 3: Purpose

The purpose of this Act is to provide for democratic and effective local government that recognises the diversity of New Zealand communities; and, to that end, this Act —

- (a) states the purpose of local government; and
- (b) provides a framework and powers for local authorities to decide which activities they undertake and the manner in which they will undertake them; and
- (c) promotes the accountability of local authorities to their communities; and
- (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.

Section 4: Treaty of Waitangi

In order to recognise and respect the Crown's responsibility to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, Parts 2 and 6 provide principles and requirements for local authorities that are intended to facilitate participation by Māori in local authority decision-making processes.

Section 10: Purpose of local government

The purpose of local government is —

- (a) to enable democratic local decision-making and action by, and on behalf of, communities; and
- (b) to promote the social, economic, environmental, and cultural well-being of communities, in the present and for the future.

Section 14: Principles relating to local authorities

(1) In performing its role, a local authority must act in accordance with the following principles:

- (a) a local authority should —
 - (i) conduct its business in an open, transparent, and democratically accountable manner; and
 - (ii) give effect to its identified priorities and desired outcomes in an efficient and effective manner;
- (b) a local authority should make itself aware of, and should have regard to, the views of all of its communities; and
- (c) when making a decision, a local authority should take account of —
 - (i) the diversity of the community, and the community's interests, within its district or region; and
 - (ii) the interests of future as well as current communities; and
 - (iii) the likely impact of any decision on each aspect of well-being referred to in section 10:

- (d) a local authority should provide opportunities for Māori to contribute to its decision-making processes;
- (e) a local authority should collaborate and co-operate with other local authorities and bodies as it considers appropriate to promote or achieve its priorities and desired outcomes, and make efficient use of resources; and
- (f) a local authority should undertake any commercial transactions in accordance with sound business practices; and
- (g) a local authority should ensure prudent stewardship and the efficient and effective use of its resources in the interests of its district or region; and
- (h) in taking a sustainable development approach, a local authority should take into account —
 - (i) the social, economic, and cultural well-being of people and communities; and
 - (ii) the need to maintain and enhance the quality of the environment; and
 - (iii) the reasonably foreseeable needs of future generations.
- (2) If any of these principles, or any aspects of well-being referred to in section 10, are in conflict in any particular case, the local authority should resolve the conflict in accordance with the principle in subsection (1)(a)(i).

Section 40: Local governance statements

- (1) A local authority must prepare and make publicly available, following the triennial general election of members, a local governance statement that includes information on —
 - (a) the functions, responsibilities, and activities of the local authority; and
 - (b) any local legislation that confers powers on the local authority; and
 - (ba) the bylaws of the local authority, including for each bylaw, its title, a general description of it, when it was made, and, if applicable, the date of its last review under section 158 or 159; and
 - (c) the electoral system and the opportunity to change it; and
 - (d) representation arrangements, including the option of establishing Māori wards or constituencies, and the opportunity to change them; and
 - (e) members' roles and conduct (with specific reference to the applicable statutory requirements and code of conduct); and
 - (f) governance structures and processes, membership, and delegations; and
 - (g) meeting processes (with specific reference to the applicable provisions of the Local Government Official Information and Meetings Act 1987 and standing orders); and
 - (h) consultation policies; and
 - (i) policies for liaising with, and memoranda or agreements with, Māori; and
 - (j) the management structure and the relationship between management and elected members; and
 - (k) equal employment opportunities policy; and
 - (l) key approved planning and policy documents and the process for their development and review; and
 - (m) systems for public access to it and its elected members; and
 - (n) processes for requests for official information.
- (2) A local authority must comply with subsection (1) within 6 months after each triennial general election of members of the local authority.
- (3) A local authority must update its governance statement as it considers appropriate.

Section 40(1)(ba): inserted, on 14 October 2007, by section 7 of the Local Government Act 2002 Amendment Act 2006 (2006 No 26).

Section 76: Decision-making

- (1) Every decision made by a local authority must be made in accordance with such of the provisions of sections 77, 78, 80, 81, and 82 as are applicable.
- (2) Subsection (1) is subject, in relation to compliance with sections 77 and 78, to the judgments made by the local authority under section 79.
- (3) A local authority —
 - (a) must ensure that, subject to subsection (2), its decision-making processes promote compliance with subsection (1); and
 - (b) in the case of a significant decision, must ensure, before the decision is made, that subsection (1) has been appropriately observed.
- (4) For the avoidance of doubt, it is declared that, subject to subsection (2), subsection (1) applies to every decision made by or on behalf of a local authority, including a decision not to take any action.
- (5) Where a local authority is authorised or required to make a decision in the exercise of any power, authority, or jurisdiction given to it by this Act or any other enactment or by any bylaws, the provisions of subsections (1) to (4) and the provisions applied by those subsections, unless inconsistent with specific requirements of the Act, enactment, or bylaws under which the decision is to be made, apply in relation to the making of the decision.
- (6) This section and the sections applied by this section do not limit any duty or obligation imposed on a local authority by any other enactment.

Section 77: Requirements in relation to decisions

- (1) A local authority must, in the course of the decision-making process, —
 - (a) seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - (b) assess those options by considering —
 - (i) the benefits and costs of each option in terms of the present and future social, economic, environmental, and cultural well-being of the district or region; and
 - (ii) the extent to which community outcomes would be promoted or achieved in an integrated and efficient manner by each option; and
 - (iii) the impact of each option on the local authority's capacity to meet present and future needs in relation to any statutory responsibility of the local authority; and
 - (iv) any other matters that, in the opinion of the local authority, are relevant; and
 - (c) if any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water, sites, waahi tapu, valued flora and fauna, and other taonga.
- (2) This section is subject to section 79.

Section 78: Community views in relation to decisions

- (1) A local authority must, in the course of its decision-making process in relation to a matter, give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter.
- (2) That consideration must be given at —
 - (a) the stage at which the problems and objectives related to the matter are defined;
 - (b) the stage at which the options that may be reasonably practicable options of achieving an objective are identified;
 - (c) the stage at which reasonably practicable options are assessed and proposals developed;
 - (d) the stage at which proposals of the kind described in paragraph (c) are adopted.
- (3) A local authority is not required by this section alone to undertake any consultation process or procedure.
- (4) This section is subject to section 79.

Section 79: Compliance with procedures in relation to decisions

- (1) It is the responsibility of a local authority to make, in its discretion, judgments —
 - (a) about how to achieve compliance with sections 77 and 78 that is largely in proportion to the significance of the matters affected by the decision; and
 - (b) about, in particular, —
 - (i) the extent to which different options are to be identified and assessed; and
 - (ii) the degree to which benefits and costs are to be quantified; and
 - (iii) the extent and detail of the information to be considered; and
 - (iv) the extent and nature of any written record to be kept of the manner in which it has complied with those sections.
 - (2) In making judgments under subsection (1), a local authority must have regard to the significance of all relevant matters and, in addition, to —
 - (a) the principles set out in section 14; and
 - (b) the extent of the local authority's resources; and
 - (c) the extent to which the nature of a decision, or the circumstances in which a decision is taken, allow the local authority scope and opportunity to consider a range of options or the views and preferences of other persons.
 - (3) The nature and circumstances of a decision referred to in subsection (2)(c) include the extent to which the requirements for such decision-making are prescribed in or under any other enactment (for example, the Resource Management Act 1991).
 - (4) Subsection (3) is for the avoidance of doubt.
- Subsections (3) and (4) were inserted, as from 7 July 2004, by section 9 Local Government Act 2002 Amendment Act 2004 (2004 No 63).

Section 80: Identification of inconsistent decisions

- (1) If a decision of a local authority is significantly inconsistent with, or is anticipated to have consequences that will be significantly inconsistent with, any policy adopted by the local authority or any plan required by this Act or any other enactment, the local authority must, when making the decision, clearly identify —
 - (a) the inconsistency; and
 - (b) the reasons for the inconsistency; and

- (c) any intention of the local authority to amend the policy or plan to accommodate the decision.
- (2) Subsection (1) does not derogate from any other provision of this Act or of any other enactment.

Section 81: Contributions to decision-making processes by Māori

- (1) A local authority must —
 - (a) establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and
 - (b) consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and
 - (c) provide relevant information to Māori for the purposes of paragraphs (a) and (b).
- (2) A local authority, in exercising its responsibility to make judgments about the manner in which subsection (1) is to be complied with, must have regard to —
 - (a) the role of the local authority, as set out in section 11; and
 - (b) such other matters as the local authority considers on reasonable grounds to be relevant to those judgments.

Section 82: Principles of consultation

- (1) Consultation that a local authority undertakes in relation to any decision or other matter must be undertaken, subject to subsections (3) to (5), in accordance with the following principles:
 - (a) that persons who will or may be affected by, or have an interest in, the decision or matter should be provided by the local authority with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons:
 - (b) that persons who will or may be affected by, or have an interest in, the decision or matter should be encouraged by the local authority to present their views to the local authority:
 - (c) that persons who are invited or encouraged to present their views to the local authority should be given clear information by the local authority concerning the purpose of the consultation and the scope of the decisions to be taken following the consideration of views presented:
 - (d) that persons who wish to have their views on the decision or matter considered by the local authority should be provided by the local authority with a reasonable opportunity to present those views to the local authority in a manner and format that is appropriate to the preferences and needs of those persons:
 - (e) that the views presented to the local authority should be received by the local authority with an open mind and should be given by the local authority, in making a decision, due consideration:
 - (f) that persons who present views to the local authority should be provided by the local authority with information concerning both the relevant decisions and the reasons for those decisions.
- (2) A local authority must ensure that it has in place processes for consulting with Māori in accordance with subsection (1).

(3) The principles set out in subsection (1) are, subject to subsections (4) and (5), to be observed by a local authority in such manner as the local authority considers, in its discretion, to be appropriate in any particular instance.

(4) A local authority must, in exercising its discretion under subsection (3), have regard to —

(a) the requirements of section 78; and

(b) the extent to which the current views and preferences of persons who will or may be affected by, or have an interest in, the decision or matter are known to the local authority; and

(c) the nature and significance of the decision or matter, including its likely impact from the perspective of the persons who will or may be affected by, or have an interest in, the decision or matter; and

(d) the provisions of Part 1 of the Local Government Official Information and Meetings Act 1987 (which Part, among other things, sets out the circumstances in which there is good reason for withholding local authority information); and

(e) the costs and benefits of any consultation process or procedure.

(5) Where a local authority is authorised or required by this Act or any other enactment to undertake consultation in relation to any decision or matter and the procedure in respect of that consultation is prescribed by this Act or any other enactment, such of the provisions of the principles set out in subsection (1) as are inconsistent with specific requirements of the procedure so prescribed are not to be observed by the local authority in respect of that consultation.

Appendix 3: Invercargill Schools

*Schools – Decile Rankings*¹³⁵

Decile rankings measure the socio-economic status of the students of each school, and assign a grade between one and ten, with one being the most deprived and hence it should be noted that the ranking system is the opposite to the preceding deprivation index. Similarly, it measures relative deprivation as all schools in New Zealand are divided along a continuum of ten equal parts.

Invercargill has no decile one schools, but exceeds the national average markedly in decile two, three and five schools, and again in decile eight schools. Stated another way, 65% of Invercargill schools are in the lower five decile rankings and this number includes all of the primary schools and the one state secondary school in South Invercargill.

Figure 4.11 Decile Ratings – Invercargill Schools 2008

Source: Census 2006 Statistics New Zealand

¹³⁵ Decile ratings are used to provide a funding formula and to help overcome the barriers to learning faced by students from low socio-economic communities. The lower the ranking, the more funds the school receives. The five factors taken into account in determining the rankings are: household income, percentage of parents in the lowest skills occupations, household crowding, educational qualifications of parents, those receiving income support.

Schools – Performance

For measures of school performance and the quality of schools, it seems the only data available is the assessments of the Education Review Office (ERO). These purport to assess student achievement, the quality of teaching and school governance, management and compliance issues. They are only available for primary schools.

During the first half of 2006, the ERO conducted an assessment of all state mainstream schools in Invercargill, and in April 2007 produced a cluster report which drew together the findings of the 19 individual school assessments.¹³⁶ The ERO report (Education Review Office, 2007) acknowledges that in 2003-4 the Department of Education had carried out a Network Review of schools in Invercargill, the result of which was to reduce the number of state schools from 30 to 19. This had a catastrophic effect on community morale and community networks which is still felt today, and the ERO report acknowledges that the review was not well accepted by the community and that it caused severe disruption to schools and considerable competition between them.

While all schools had areas for improvement, the report found that;

- 12 schools or 63% were rated satisfactory
- seven schools or 37% were not. The average non-pass rate nationally is about 15% although the ERO acknowledges that the lower pass rate in Invercargill could in part be because some of the schools were less than a year old at time of review
- Of the seven schools which were not satisfactory, six of them were low decile schools *and they included all the schools in South Invercargill*
- The key issue in the unsatisfactory rating was the need for improved teaching – and a partial explanation is that these schools find it harder to attract and retain experienced staff and so resort to a higher proportion of beginner or inexperienced teachers.

The report also recommended that all schools should seek to;

- Improve systems for gathering, analysing and using student achievement information
- Improve consultation with Māori and Pacific communities especially the families of students
- Continue initiatives to improve the literacy levels of students across the Invercargill cluster

In regard to secondary schools, the only data in terms of performance are NCEA results, but as noted, the situation is not as clear in this sector because of the unrestricted catchment area for Southland Boys' High School and Southland Girls' High School and anecdotal evidence suggesting many parents in South Invercargill send their children to high schools in North Invercargill. There is support for this contention in an April 2008 Editorial in *The Southland Times* which said, "part of the social dynamic that the schools' review needed to address was an educational drift northwards by secondary pupils

¹³⁶ One city councillor has pointed out that by the time the cluster report was produced almost a year later, it was already out of date to the extent that schools had acted on the recommendations made in their individual assessments.

shunning the South” (The Southland Times, 2008). Another indication of the situation can perhaps be taken from the publication in the Southland Times of the names of secondary school students who had won University scholarships from the Invercargill Licensing Trust.¹³⁷ Not one of the 60 scholarship recipients was from the South’s only state high school, Aurora College.¹³⁸

¹³⁷ Each scholarship has a value of \$2,000 per year and is for a three year period

¹³⁸ Although 6 (10%) of the scholarships went to the integrated Catholic Verdon College which could be considered to be just in the area of the South. The other scholarships were spread between three schools, except for one which went to an adult

Appendix 4: Local Government Commission decisions regarding election representation systems: Palmerston North and Napier City Councils

The case of Palmerston North was decided in December 2006 (Local Government Commission, 2006). The city of 78,470 residents had been constituted by six wards and a total of 15 Councillors and the Council sought to move to an 'at large' system of election with 14 Councillors, and the addition of one community board. The Commission recommended a three-step process for undertaking representation reviews, namely, to identify communities of interest, then to determine the best means of providing effective representation for them (including whether they required separate ward representation), and lastly to determine fair representation for the electors of the City. The Commission said that while the city's electoral framework was the principal safeguard for ensuring effective representation for communities of interest, they also took into account the influence of Council structures and processes in providing representation, for example, its relationships with organisations and community groups and its ward committees.

Recognising that the Act does not define 'community of interest' the Commission said it took into account a wide range of factors, which seemed to include unique features, a shared sense of identity and topography, but in both this decision and the later decision in respect of Napier City Council, socio-economic differences were perhaps the most critical determinant. Another important point made by the Commission was that the identity with one's suburb or 'community of interest', was 'as well as' an identification with the city as a whole.

The Commission said that socio-economic disparity was an important matter because areas of lower affluence faced "different pressures and have different interests and concerns than areas of greater general affluence." It also noted that under city-wide voting, candidates would be able to spend up to \$50,000 on their campaigns in contrast to the much lower limits that existed for wards, with the inference being that candidates from lower socio-economic areas would be much less able to compete in an at large election system. (2006, pp. cl 26-27).

In the Palmerston North decision, the Commission also said that socio-economic disparity was important because it noted that the ward with the most socially deprived areas was also the only ward that did not have an active formal ward committee.¹³⁹ The Commission said this exposed, "a risk in the Council's ability to provide effective representation for some distinct communities" (Local Government Commission, 2006, p. 29).

In the Napier decision, a town of 56,600 residents, Napier City Council had been elected at large, and the city had no community boards. The Council had resolved to continue with this system, and reduce the number of Councillors from 12 to ten. The Council's decision was appealed to the Local Government Commission who gave their decision in April 2007

¹³⁹ Takaro Ward. Chapters 7 and 8 discuss a situation in Invercargill where public meetings in two different communities, at opposite ends of the socio-economic deprivation scale, led to the community with high socio-economic ranking establishing a representative community group to work with the Council but the same action was not considered by, or for, the community with a low socio-economic ranking.

(Local Government Commission, 2007). Again, the issue of socio-economic deprivation featured strongly in the decision on whether separate communities of interest existed, and in this they noted that over half of the population lived in the areas of highest deprivation being deciles 6-10. The Commission further commented that only three of the elected 12 Councillors lived in those areas.

The Commission concluded that it was not persuaded that Napier was one geographic community of interest, but that it believed a mixed system would both enhance the effectiveness of representation of distinct communities of interest and also facilitate promotion of the interests of the city as a whole in areas such as tourism. It resolved that six Councillors would be elected by ward and six at large. (Local Government Commission, 2007).

Appendix 5: Representation Review – Community Boards

The basis of the Representation Review and a description of the process has been covered in section 8.8 of the thesis. This appendix concerns only the community consultation that was carried out in respect of the review of Community Boards.

Both the discussion groups (11 groups, 139 people) and the telephone survey respondents (500 people) were asked their views about community boards, although again, not in an identical manner. Question four of the discussion group questionnaire related to Community Boards. Respondents were asked:

- a) Should there be Communities and Community Boards?
- b) If YES, how many?
- c) What are their boundaries?
- d) How many persons should constitute a Community Board?

The answers given in the report do not however correlate to this question. Rather than reporting the number of community boards favoured by respondents, it instead purports to give the percentages that were in favour of each of the existing three boards.¹⁴⁰

Representation review, research results for Community Boards

<i>Respondent Type</i>	<i>Not In favour of Community Boards</i>	<i>In favour of Community Boards</i>	<i>No Comment</i>	<i>How many community boards</i>	
Discussion groups 139 people	27.5%	64.2%	8.3%	See below	
	<i>Not In favour of Community Boards</i>	<i>How many community boards? 1-2</i>	<i>How many community boards? 3</i>	<i>How many community boards? 4+</i>	<i>Council decides</i>
Telephone survey 500 people	8.0%	4.0%	42%	10%	32%

Nevertheless, 64.2% of the discussion group respondents were in favour of some number of Community Boards and in the telephone survey, 56% were in favour of Community Boards, with the majority favouring three boards. This suggests a clear mandate for such boards and in the case of the 500 telephone respondents, the majority wanted three boards.

¹⁴⁰ The report said, “The graph in appendix 1 [with results of question 4(b)] indicated that 42.88% of responses favoured Bluff as a Community Board, 25.5% favoured Bush and 24.83% favoured Otatara”

The Review Committee, while including these findings as part of their reporting on the research results, do not draw on, or comment on them in making their recommendation. Instead they relied entirely on an examination of the legal interpretation of what constitutes a 'community of interest' and the 'promotion of good local government'. As the Committee believed that only Bluff met the criteria, their recommendation was that the Community Boards of Otatara and Bush be disbanded.

Appendix 6: Letter to organisations and consent form

VICTORIA UNIVERSITY OF WELLINGTON

Te Whare Wananga o te Upoko o te Ika a Maui

[date]

[name]

[title]

[name of organization]

[address]

Dear [name of person]

Re: Request for permission to interview staff or representatives as part of research for Masters thesis

I am a Masters student in Development Studies at Victoria University in Wellington. As part of this degree I am undertaking research for a thesis. This research, which is described below, has been approved by the Human Ethics committee of the University.

The focus of my research is section 14(1)(b) in the Local Government Act 2002 which states that:

Section 14(1) In performing its role, a local authority must act in accordance with the following principles:

(b) a local authority should make itself aware of, and should have regard to, the views of all of its communities

My research will take a case study approach through the selection of up to four Invercargill communities. Interviews will be conducted with members of those communities as well as representatives of organizations in those communities and Invercargill City Council staff and Councilors.

The interviews with representatives of organizations will take a semi structured format, and in broad terms, I will be seeking to discuss;

- The organisation's awareness of the Local Government Act 2002 in general, and the provisions referred to above
- The structure of the community and the organisations that form part of that community
- The ways in which the organisation and the community interacts with the Council, both informal and formal
- The degree to which the community feels its views are known by the council and the degree to which the Community feels the council has regard to those views
- Ways in which the community could assist the Council to better know, and have regard to, its views.

Your organization represents [or; is part of] the [fill in name] community and this letter seeks your agreement for me to interview staff or representatives of your organization, with the selection of interviewees being made by me based on their position. Staff, or representatives, will be informed of any conditions attached to the consent of the organization, and will also be informed that they are not obliged to take part.

Interviews will be recorded on to tape or a digital recorder and later transcribed by me. Where the interviewee does not agree to the interview being so recorded, handwritten notes only will be taken. The data collected will form the basis of my research and will be put into a written report. You may elect confidentiality for your organisation, and in this case, all information provided by the representative(s) of your organisation will remain confidential. If you do not elect confidentiality for your organisation, all information provided by individual staff members or representatives who are interviewed will nevertheless remain confidential unless they specifically consent in writing to having the information they provide attributed to them.

No one except myself and my supervisor, Professor John Overton, will have access to the material provided. The final thesis will be submitted for marking to the School of Geography, Environment and Earth Sciences and deposited in the university library. Articles may be submitted for publication in scholarly journals. Interview notes and recordings will be destroyed two years after the end of the project.

Should you wish to withdraw the consent you have given to interview representatives of your organisation, or should any of the persons interviewed wish to subsequently withdraw, you or they may do so at any time before the completion of the analysis of the data, without having to provide any explanation. In the case of such withdrawal, all data and information provided by the interviewee (or the organisation, if organisational consent is withdrawn) will be destroyed immediately.

If you have any questions or would like further information about this research, please contact me by email at jjmalcolm@clutha.net or by phone on 021 463 779, or contact my supervisor, Professor John Overton at john.overton@vuw.ac.nz or by telephone on 04 463 5281

Yours sincerely

Janette Malcolm

ORGANISATION CONSENT TO PARTICIPATION IN RESEARCH

I have received a request to consent, on behalf of the organisation named below, to staff or representatives of that organisation being interviewed in connection with research being undertaken by Janette Malcolm as part of her thesis for a Masters of Development Studies at Victoria University, Wellington. I have been given and have understood an explanation of this research and have had an opportunity to ask questions and have them answered to my satisfaction.

I understand that I may withdraw the consent of my organisation and any information provided by my organisation from this project before data analysis is complete without having to provide any reason.

I understand that the data provided by my organisation and/or its staff or representatives will not be used for any other purpose or released to others without written consent.

I agree that staff or representatives of my organisation may take part in this research.

I confirm that I am authorised to make these decisions on behalf of the organisation named below.

Please delete as appropriate:

I **do/do not** consent to my organisation being identified by name in any reports of this research _____ (initials)

My organisation **would like/does not wish** to receive a summary of the results of this research when it is completed.

Signed: _____

Name: (please print clearly)

Title:

Organisation:

Email address: _____

Postal address: _____

Appendix 7: Participant information sheet & Consent form

VICTORIA UNIVERSITY OF WELLINGTON
Te Whare Wananga o te Upoko o te Ika a Maui

Participant Information Sheet

Researcher: Janette Malcolm, School of Geography, Environment and Earth Sciences,
Victoria University of Wellington

I am a Masters student in Development Studies at Victoria University in Wellington. As part of this degree I am undertaking research for a thesis. This research, which is described below, has been approved by the Human Ethics committee of the University.

The focus of my research is section 14(1)(b) in the Local Government Act 2002 which states that:

*Section 14(1) In performing its role, a local authority must act in accordance with the following principles:
(b) a local authority should make itself aware of, and should have regard to, the views of all of its communities*

My research will take a case study approach through the selection of up to four Invercargill communities. Interviews will be conducted with members of those communities as well as representatives of organizations in those communities and Invercargill City Council staff and Councilors.

The interviews with representatives of organisations will take a semi structured format, and in broad terms, I will be seeking to discuss;

- The organisation's awareness of the Local Government Act 2002 in general, and the provisions referred to above
- The structure of the community and the organisations that form part of that community
- The ways in which the organisation and the community interacts with the Council, both informal and formal
- The degree to which the community feels its views are known by the council and the degree to which the Community feels the council has regard to those views
- Ways in which the community could assist the Council to better know, and have regard to, its views.

One of the communities I have selected is the [fill in name of the community] which your organization [represents, is part of ... complete as appropriate]. The [fill in position of person who has given authority on behalf of the organization for staff or representatives to be interviewed, followed by that person's name], has given permission for me to approach staff or representatives of your organization to invite them to participate in an interview but you are in no way obliged to accept this invitation, and may decline to be interviewed.

The [fill in title of person who has given permission] has imposed the following conditions on [his/her] consent [fill in any conditions]. [He/she] has elected that the organization [will/will not] be identified in reports of the research.

As [fill in person's position within the organization] of this organization, I would like to invite you to participate in an interview of approximately an hour in length to discuss, in broad terms, the areas outlined above. If you agree, interviews will be recorded on to tape or a digital recorder and later transcribed by me. If you do not agree to tape or digital recording, handwritten notes only will be taken. The data collected will form the basis of my research and will be put into a written report.

[As the organisation has requested confidentiality, all information you provide will remain confidential] or [Your organisation has agreed that the name of the organisation may be made public, but all information you provide will remain confidential unless you specifically consent in writing to having the information you provide attributed to you]

No one except myself and my supervisor, Professor John Overton, will have access to the material you provide. The final thesis will be submitted for marking to the School of Geography, Environment and Earth Sciences and deposited in the university library. Articles may be submitted for publication in scholarly journals. Interview notes and recordings will be destroyed two years after the end of the project.

Should you wish to withdraw at any time before data analysis has been completed, you may do so by advising me and without having to provide any explanation.

If you have any questions or would like further information about this research, please contact me by email at jjmalcolm@clutha.net or by phone on 021 463 779, or contact my supervisor, Professor John Overton at john.overton@vuw.ac.nz or by telephone on 04 463 5281

INTERVIEWEE CONSENT TO PARTICIPATION IN RESEARCH

I have been given and have understood an explanation of this research. I have had an opportunity to ask questions and have them answered to my satisfaction.

I understand that I may withdraw myself, or any information I have provided, from this project before data analysis is complete without having to provide any reason. In the event of your withdrawal, all data or information provided by you will be destroyed immediately.

I understand that the data I provide will not be used for any other purpose or released to others without my written consent.

I agree to take part in this research.

Please delete as appropriate:

I **do/do not** consent to information or opinions that I have given being attributed to me in any reports on this research. _____ (initials).

I **do/do not agree** to the interview being recorded

I **would like/do not wish** to receive a summary of the results of this research when it is completed.

Signed:

Name of participant:
(please print clearly)

Email address:

Postal address:

Appendix 8: List of interviews

Sector	Name and/or Code	Interview Date
Māori	Michael Skerrett	16 Jan 2008
	M2	14 Dec 2007
	Ricki Cherrington	18 Jan 2008
	M4	16 Jan 2008
	M5	9 Jan 2008
	M6	13 Dec 2007
	M7	9 Jan 2008
South Invercargill	S1	18 Dec 2007
	S2	18 Dec 2007
	S3	20 Dec 2007
	S4	13 Dec 2007
	S5 – Joint interview with S4	13 Dec 2007
	S6	13 Dec 2007
	S7	13 Dec 2007
	Neighbourhood Support Group(NSG) 1	14 Dec 2007
	Neighbourhood Support Group 2 - Joint interview with NSG1	14 Dec 2007
	Reg McLeod	21 Apr 2008
Councillors	Neil Boniface	18 Jan 2008
	CO 2	14 Jan 2008
	CO 3	17 Jan 2008
	CO 4	14 Dec 2007
Council Staff	CS 1 – 5 collectively referred to in thesis as CS (see 5.4.1 for reasons for this)	Interviews between Dec 2007 and 31 Jan 2008