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The Public Value of Regional Government: how New Zealand's regional councils manage the environment

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Abstract

A new regional level of government was formed in late 1989 as part of a comprehensive reform of New Zealand's local government. Regional government was not new, but the comprehensiveness of reforms established a comprehensive regional layer of government across all of New Zealand and was part of a wider decentralisation of government functions. The new regional councils were intended to be the primary environmental policy and implementation agencies underpinning the parallel environmental resource management law reforms, promising a new era of regional government.

This thesis examines the public value of this regional government structure two decades later using environmental management as a case study. Public value was assessed using substantive value, authorising agency and operational feasibility drawing on published data and a survey of perceptions held by environmental resource practitioners and stakeholders.

The results indicate a low level of public value. Despite some improvements, and some regional variation, overall environmental conditions have deteriorated nationally since 1989. The councils also show low public support and apparent sector capture and vary in capability to undertake their functions. While sub-national environmental conditions and problems were identified, they do not match existing regional council jurisdictions, nor match each other. Most councils share many characteristics, suggesting uniform rather than separate management regimes are appropriate. Consequently, the efficacy of the regional council-based model for managing the environment is questioned.

The role of the councils is also queried. Although classified as part of local government, these democratically elected regional councils are really multi-special purpose authorities that parallel a national government decentralised regional administration. Despite being endowed with a broad mandate to promote their communities' well-being, most regional councils continue to exercise a narrow set of functions. These are based on their historical role as environmental management agencies. This discourages allocative efficiency, limiting their sustainable development capability. Importantly, the hierarchical policy-making system developed has been compromised by an ongoing lack of national level government policy.

Recommendations for alternative environmental management institutional arrangements in New Zealand are made, while more broadly the implications of the research for regional studies identified.

Preface

Regional institutions have long fascinated me, stemming from postgraduate regional economic geography studies, while my interests in environmental management were encouraged by postgraduate biogeographical research into the vegetation of braided Canterbury riverbeds guided by Peter Holland at the University of Canterbury.

In 1988 as a portfolio private secretary to the then Environment Minister, Geoffrey Palmer, and Associate Environment Minister, Philip Woollaston, I was a close observer to some of the early decisions in the genesis of the much vaunted Resource Management Act 1991 that brought regions and environmental management together. Observing the process supported Otto von Bismarck's aphorism, "there are two things you don't want to see being made – sausages and legislation"¹, as different interests, ideologies and personalities swirled within the context of neo-liberalism, environmentalism and Gro-Harlem Brundtland's sustainable development manifesto, *Our Common Future* (WCED, 1987).

The precariousness of political decision-making was made clear to me when Ministry for the Environment Deputy Secretary, Lindsay Gow, returned to the office after a Cabinet ALG Committee meeting one Wednesday morning and performed a little jig, exclaiming 'we did it, we did it!' The decision taken was that the new regional councils were to have their boundaries defined by river catchments. I had until then assumed that that decision was an obvious and foregone conclusion, but Lindsay assured me it was a close-run thing, with a range of other social, cultural and administrative based options being strongly in contention.

Returning to the Ministry for the Environment, some of the tea-room conversation revolved around the new regional councils and how eventually they might become fully fledged regional governments with health, police and education functions. The regional councils, with their critical environmental management functions, autonomy, and powers were appealing and I joined the new Waikato Regional Council and nearly three years later accepted a position at the Manawatu-Wanganui Regional Council, where I remained for the next eleven years. These experiences made me aware of both the possibilities and limitations of regional government as it is presently constructed. The chance element within politics also showed. The decision to establish separate district health boards, rather than enlarging the task span of the regional councils, appeared to condemn the councils to single purpose authorities. More recently the LGA2002 has reopened the possibility in a very general sense of a more widely encompassing regional entity. Together with ongoing concerns about the governance of metropolitan Auckland, regional government is not static but appeared to lack clear conceptualisation.

I also took the opportunity of a LGNZ-Shell scholarship to visit European government agencies in 1995 (McNeill, 1996). The visit helped me reconceptualise regions – on one hand a typical German Land (state) such as Hessen, has the same physical size as the Manawatu-Wanganui region, but with six million, rather than our 220,000 people. The Länders' autonomy also had a certain resonance with New Zealand regional councils, at least with regard to environmental management.

¹ "Beim Wurst- und Gesetzmachen sollte man nicht so genau hinsehen sonst wird es einem schlecht!" – attributed but unverified to Otto von Bismarck.

On the other hand, Belgium, a country the size of the Manawatu-Wanganui region, but with a population of 10 million people, was in the process of reconstructing itself as a federal state consisting of three largely autonomous regions based on linguistic differences. The plasticity in definition of region was underlined when my Flemish hosts also explained that they had 'regional' linkages and shared interests with the Netherlands and French Flandres region based partly on a shared language, but also with their other regional partner, Kent, England, on proximity and economic significance. This notion of a 'Europe of the Regions' where sub-national jurisdictions cooperated and formed alliances that transcended national borders was further reinforced while undertaking research in the European Parliament, Brussels in 2004 under the auspices of the NCRE, University of Canterbury.

These experiences have led me to question increasingly the primacy of the central state within New Zealand and to reconsider the role of the regions within the governance structure. New Zealand had begun with provincial government in the 1840s; after a century of centralisation, the renaissance of regionalism is hinted at. But is this belief in devolution justified? A colleague, reflecting on the roll-out of the RMA and the apparent duplication of effort among regional councils as they independently wrote their statutory plans and documents, together with a perceived abdication by central government of its responsibilities in environmental management, commented "it seems a funny way to run the country". A throw-away comment by a mentor about the performance of his regional council seemed to sum up the problem, "the council doesn't know if it is the bowler or wicket keeper; it doesn't know what its role is."

My experience working with local, regional, national and international government politicians gives me no illusions that the research findings presented here will impact in any way on the future direction of regional government in New Zealand; my experience in politics shows decision-making is largely pragmatic with one eye firmly on the Six O'clock television news and the front page of the newspaper. The incrementalism of muddling along is preferable to enjoying the deferred benefits of immediate electoral pain from making hard decisions. Nevertheless, some of the findings may assist in improving performance at the margins. Whether this will be sufficient to protect and manage our environment for my children to enjoy is another story.

Acknowledgements

I have been very fortunate to have in Dr Christine Cheyne and Prof. John Holland, Massey University, two supervisors who have made this project so stimulating and satisfying, as well as enjoyable. Our wide-ranging discussions over our coffees that ranged from tracking elephants in Africa and motor-cycle touring in outback Australia to cycling and tramping in Europe and America, along with occasional contributions on baroque bassoons and Belgian beer, were sometimes possibly even more esoteric and interesting than the dissertation nominally under discussion. I am very appreciative of and grateful for their support and interest.

Prof. Claudia Scott, School of Government, University of Wellington, leading the Foundation for Science, Research and Technology funded research into strategic planning in local government, *Local Futures*, that formed my 'co-doctoral' research, has provided ongoing stimulus. I am grateful to Prof. Martin Holland, New Zealand Centre for Research in Europe, University of Canterbury, Janet Lowe, New Zealand Embassy, Brussels, and Francis Jacobs, ENVI Secretariat, European Parliament, Brussels, for assistance in undertaking a placement at the European Parliament in 2004. That experience helped very much to focus my thinking on multi-level governance and wider considerations of technical content in decisions within democratic institutions. Rachel Summers, Senior Lecturer GIS, Massey University, provided valuable assistance by undertaking a GIS interrogation of the LENZ and REC database to produce the initial data tables from which comparisons between regions were subsequently made.

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This research is for Alicia, Alexandra and William. While they are unlikely to read this book, part of the motivation was to help make a difference to the world they inherit.

JKM

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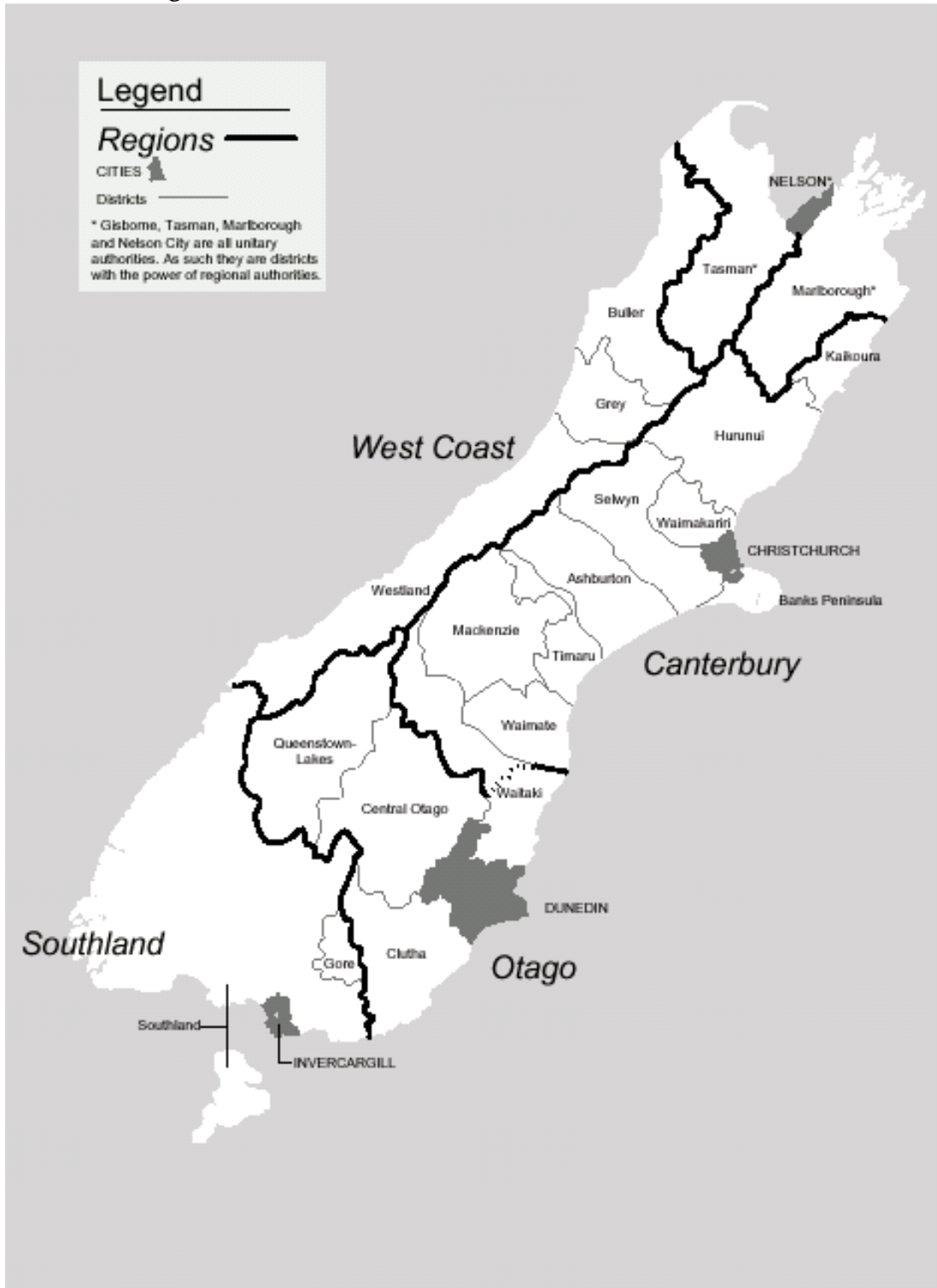
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South Island regional and territorial councils



List of Abbreviations

| | |
|----------|--|
| ARA | Auckland Regional Authority |
| CAA | Clean Air Act |
| CBEM | Community based environmental management |
| CUC | Canterbury United Council |
| DIA | Department of Internal Affairs |
| DoC | Department of Conservation |
| DOH | Department of Health |
| EPA | Environmental protection agency |
| EU | European Union |
| FOCJ | Functional, overlapping and competing jurisdiction |
| GIS | Geographic information system |
| GUEDO | Government's Urban and Economic Development Office |
| LENZ | Land Environments of New Zealand |
| LGA | Local Government Act |
| LTCCP | Long Term Community Council Plan |
| MAF | Ministry of Agriculture and Forestry |
| MED | Ministry of Economic Development |
| MDS | Multi-dimensional scaling |
| MFAT | Ministry of Foreign Affairs and Trade |
| MfE | Ministry for the Environment |
| MFish | Ministry of Fisheries |
| MoWD | Ministry of Works and Development |
| NGO | Non-government organisation |
| NIWA | National Institute for Water and Atmospheric Research |
| NPM | New Public Management |
| NPS | National Policy Statement |
| NWASCO | National Water and Soil Conservation Organisation |
| NZCA | New Zealand Conservation Authority |
| OECD | Organisation of Economic Cooperation and Development |
| PCE | Parliamentary Commissioner for the Environment |
| POP | Persistent Organic Pollutant |
| QANGO | Quasi-autonomous non-government authority |
| RC | Regional council |
| REC | River Environments Classification |
| RF & BPS | Royal Forest and Bird Protection Society |
| RMA | Resource Management Act 1991 |
| RMLR | Resource Management Law Reform |
| RPS | Regional Policy Statement |
| SLUI | Sustainable land use initiative |
| T&CPA | Town and Country Planning Act 1977 |
| TLA | Territorial Local Authority (district and city councils) |

Regional Councils and Unitary Authorities

| | |
|------|--|
| ARC | Auckland Regional Council |
| EBOP | Bay of Plenty Regional Council (Environment Bay of Plenty) |
| ECAN | Canterbury Regional Council (Environment Canterbury) |
| EW | Waikato Regional Council (Environment Waikato) |
| GW | Wellington Regional Council (Greater Wellington) |
| HBRC | Hawke's Bay Regional Council |
| HRC | Horizons Regional Council (Manawatu-Wanganui-Regional Council) |
| MWRC | Manawatu-Wanganui Regional Council |
| NRC | Northland Regional Council |
| ORC | Otago Regional Council |
| SRC | Southland Regional Council |
| TRC | Taranaki Regional Council |
| WCRC | West Coast Regional Council |
| WRC | Wellington Regional Council |
| GDC | Gisborne District Council |
| MDC | Marlborough District Council |
| NCC | Nelson City Council |
| TDC | Tasman District Council |