

# Strengthening Local Voices

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## About this report

This report is part of an ongoing series on contemporary policy issues in Aotearoa New Zealand. This series is action-oriented and solutions-focused, with an objective of bringing academic research to bear on the economic, social and environmental challenges facing us today.

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### **Abstract**

This paper is about how the right to 'have a say' in local government in New Zealand has slowly eroded in recent years. The principle of subsidiarity holds that decisions should be made at the level closest to those affected by them, yet the ability of local communities to have a say in their affairs has been diminished on a range of fronts: a drop in the number of elected officials per capita; a move to more managerial and less democratic decision-making; the growth of Council-Controlled Organisations; the streamlining of planning and environmental management processes that lessens the input of elected officials and community voices; and central government interference in local government affairs via the Local Government Commission. The outcome of much of this change has been a steady decline in voter interest in local elections and a growing disconnect between councils and their communities. This paper argues for a strengthening of local voices in local government and identifies what may help and hinder this.

## Introduction

This paper builds on Mike Reid's February 2018 paper, *Saving Local Democracy: An Agenda for the New Government*, in which he outlines changes to local democracy over the last decade whilst advocating for the return to the intent of the Local Government Act 2002.<sup>1</sup> In particular, he makes the case for increased agreement around policy development across the two levels of government in New Zealand, cross-party consensus on the local government system, and protection of this level of government through constitutional entrenchment.

I want to concentrate on the ways in which citizens and communities 'have a say' in local government, through the ideas that underlie the debate around subsidiarity, through political participation, and through the right to participate as citizens, particularly in the three yearly local elections. My main argument centres on how 'having a say' has changed in the last couple of decades particularly in the intent behind legislation such as the Local Electoral Act 2001, the outcome of subsequent changes, and what can be done to ensure participation improves.

Christchurch provides us with an appropriate case study to demonstrate this change. It is a stark example of how a radical reduction in political representatives and unsettling changes in council leadership in the early years of this new millennium greatly altered this city council in ways that became more apparent with time – but particularly in the wake of the massive earthquakes experienced in this area in 2010 and 2011.

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<sup>1</sup> Mike Reid. (February 2018). *Saving local democracy: An agenda for the new government*. Auckland: the Policy Observatory. <https://thepolicyobservatory.aut.ac.nz/publications/saving-local-democracy-an-agenda-for-the-new-government>

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### Voter Turnout and Representation Ratios

One of the most obvious measures of change in the way citizens interact with their local councils (and unfortunately the only one the media takes any interest in) is the steady decline in voter turnout in local elections. While a decline in voter interest in elections has become a world-wide phenomenon, there is, nevertheless, clear evidence that this downward spiral in electoral participation in New Zealand's local government is also related to structural and legislative change in the last three decades. The decrease in the number of our local authorities, the corresponding reduction in the number of elected positions (both of which have led to a growing divide between local communities and those who make local decisions) and the ways in which our elections are run, have all contributed to this downward spiral of voter interest. And while we are still be able to take part in council planning exercises and make submissions on issues of significance, there is little evidence that these rights to participate actually encourage registered electors to vote.

Let's start with the number of local authorities and councillor positions in local government. The restructuring of local government in 1989 saw two thirds of local and special purpose authorities wiped from the electoral map and a reduction in the number of elected positions of two thirds (5,129 to 2,234). While there was certainly an argument for a decrease in the many assorted local bodies at the time, the concern lies with the continuing reduction in the number of councillors. By 2018 (thirty years later) the number of representative positions has reduced by a further 30 per cent to 1,575 with only a slight majority of these elected representatives (67 mayors and 828 councillors) actually making decisions around our council tables. Whilst community boards are governed by elected representatives, few have significant delegated responsibilities or major decision-making roles. And while local boards in the Auckland unitary authority may have more impact overall than community boards, they have little ability to influence the city's budget, plans or regulations, they are bound by region wide decisions and so operate within the decision-making envelope created by the elected councillors and the Council Controlled Organisations (CCOs) (Shirley et al., 2016, pp. 28-29)

The result is that the gap between our local councils and their communities has grown, people don't know who their local councillors are, and when the elections occur Local Government New Zealand (LGNZ) research tells us that more than 32 percent of registered electors don't vote (despite being interested in doing so) because they don't have enough information about the candidates or their policies (Local Government New Zealand, 2017, p. 20).

The case for local government is invariably based on the principle of subsidiarity, a principle that argues issues are best dealt with where they are most relevant to the people involved, that decisions should be made at the level closest to those affected by them (Catt, 1999). Subsidiarity works when communities have access to information, the capacity to make decisions, and there is a commitment to public participation. Chandler (2010) also points us to the ethical argument for local government: that communities have their own interests and thus need local services and democratic institutions that match these local needs and interests.

The slow erosion of the number of democratically elected positions within our communities, while largely unnoticed, is obvious in the widening gap between councillors and the growing number of constituents that they represent. In 1989 the average numbers of electors represented by each councillor (the representation ratio) was 4,809 in city councils. Today it is 9,723 electors in Wellington, 15,063 electors in Christchurch and 49,701 in the new Auckland unitary authority (Department of Internal Affairs). Department of Internal Affairs data from local elections consistently shows increased voter participation in local authorities where councillors represent fewer voters. For instance, in the 2013 local elections, the highest voter turnout in cities was in Nelson (52.2 percent), Napier (47.8 percent) and Invercargill (46 percent), all cities with representation ratios of 3,000 to 3,500. Comparative figures for district council elections show voter turnout of between 57 percent and 63.7 percent in Buller, Clutha, Kaikoura, Waimate and Waitaki, smaller districts with representation ratios of less than 1,600. It is clear that knowing one's local representatives is an incentive for those registered to vote, to actually do so.

Voter turnout, however, is only one measure of the disconnect that has occurred between local councils and their communities. The growth of CCOs, whereby appointed boards run arms-length organisations, has also distanced citizens from many decisions on local services. And changes that have occurred in council planning and environmental management processes have effectively reduced the decision-making role of our local elected representatives. As Johnston (2016) explains, this is due to legislative changes streamlining appeals to planning decisions and new collaborative approaches to planning which have removed councillors from hearings, led to the greater use of independent (appointed) Hearings Panels or Boards of Inquiry and the limiting of robust political debate<sup>2</sup>.

The irony is that local government legislation introduced in the early days of the 21st century set out to strengthen this level of government, develop a stronger relationship between local and central government and encourage greater public involvement.

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<sup>2</sup> Some examples cited by Johnston include the Resource Management (Simplifying and Streamlining) Amendment Act 2009 which revamped the Board of Inquiry process and established the Environmental Protection Agency; and the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 which sacked the elected councillors and appointed Commissioners to make significant regional decisions on water allocation and quality. The Local Government (Auckland Transitional Provisions) Amendment Act 2013 and the Canterbury Earthquake Recovery Act 2011 both provided for streamlined planning with submissions heard by a Board of Inquiry process removed from elected representatives and limiting citizen involvement.

Underlying the Local Electoral Act 2001, in particular, were the principles of fair and effective representation, equal opportunity to vote and stand as a candidate, and public understanding of local electoral processes. A greater level of flexibility in the way local elections were to be run, through a choice of electoral systems, the requirement for more information on candidates standing for election, and limits on candidate spending, were further boosted by choices around wards (including a Māori ward option) and changes to the representation review process held prior to the election.

The rapid decrease in councillor positions is related to both a narrowing of the criteria in the representation review process (to population only) - prior to this, the size of a local authority, the rateable value of land and other relevant local characteristics were factors in decisions on councillor numbers - and to subsequent decisions made by the Local Government Commission. Using the principles of fair and effective representation of communities of interest, councils review the number of council seats and the way elections will be run prior to local elections. Oversight of this process is provided by the Local Government Commission who also make the final decision on appeals from local communities, decisions that have ultimately altered the makeup of local councils. The Commission has also driven the many proposed (and expensive) council amalgamations in the wake of the restructuring of councils in the Auckland region in 2010, all of which have subsequently been rejected by local communities. These changes have contributed to a widening gap between councils and their communities whilst at the same time there has been increasing interference in local council business from central government, particularly in the last decade.

Opportunities to participate in local government are also dependent on the way in which local elections are run and the way councils operate as decision-makers. With greater choice and empowerment being the buzz words of electoral change in 2001, councils can now choose between the existing first past the post (FPP) electoral system or change to a proportional electoral system - single transferable vote (STV), this latter option having been made mandatory for district health boards in the New Zealand Public Health and Disability Act 2000. But despite this option resulting from a heightened debate on the need for councils to be more representative of their communities (as we had seen with the introduction of the Mixed Member Proportional system in our Parliamentary elections), willingness by councils to change was disappointing. The absence of a well-informed public education campaign, fuelled by flawed knowledge of STV has been the main reason for this option being rejected (Cheyne and Comrie, 2005). In the 2016 local elections, only seven councils (9 percent) used STV to elect their councils, the rest choosing to stick with the FPP system.

This means that today voters receive a package of voting forms in the mail, featuring a large number of (often unknown) candidates standing for several councils (city or district council, community boards and the regional council), along with the local district

health board and in some cases, a local licensing trust. Apart from those voting in three local authorities in the Wellington area, all voters have to use two voting systems to fill out all these forms.

Voting has become complex and time consuming. Voters need to read candidate profiles (and look for more information, if available), check the number of candidates they can vote for and ensure they use the correct process for voting – a tick if it is an FPP election and a ranking of candidates 1, 2 and 3 if STV is used (as it is for all health boards). Failure to get this right means their vote is disqualified. Research by Local Government New Zealand suggests this complexity is directly related to the decline in voter turnout (see LGNZ's Submission to the Justice and Electoral Select committee, 2013, pp. 15-16; Local Government New Zealand, 2017).

The way in which councils run elections and the lack of information on many of the candidates are also deterrents to engaging in this process. Unlike New Zealand general elections which are run by the Electoral Commission who advertise when the election will be held, how to vote and where to get more information, local elections are the responsibility of each local authority. Their approaches differ. While the larger cities are finally catching on to the need for campaigns around local elections and a few councils run information seminars for potential candidates, council websites prior to elections provides little help for voters. Councils are risk averse when it comes to elections, being reluctant to do more than the required pre-election report (which is often little more than a balance sheet), and running the nomination and voting process which, in 85 percent of council elections, is contracted out to two privately run companies.

Besides the triennial elections, there are also mandated requirements for councils to ensure their citizens have clear opportunities to participate in planning and decision-making in their local communities. In fact, the stated purpose in the Local Government Act 2002 is 'to enable democratic local decision-making and action by, and on behalf of, communities', this statute including specific principles on decision-making. Council business is expected to be conducted in an open, transparent and democratically accountable manner, with councils required to ensure they are aware of and take account of the views of their communities when making decisions, particularly around matters of significance.

### Christchurch - A Troubling Example

So how did all these changes play out in local government in Christchurch?

Christchurch has been much in the news in the last decade, with a council that has, at times, struggled with its democratic role and a community so often excluded from 'having a say'. While this struggle was most evident during the recovery period following the 2010/11 earthquakes, its origins can be found in two significant events that occurred prior to this. First, the number of councillors was halved, causing major disruption to the established pattern of political representation in this city. Second, new management and governance approaches within the council created internal unrest and led to significantly reduced community input into council decisions.

Christchurch became the second largest city council in New Zealand following the 1989 restructuring of local authority boundaries. The first representation review undertaken after this restructuring and prior to the 2004 local elections highlighted a debate in this large local authority on the roles of council and community boards resulted in a council decision to reduce council seats from 24 to 16. On appeal, the Local Government Commission further reduced this number to 12, their determination being based on the complete community board coverage across this city<sup>3</sup>, a factor that was not part of the criteria for decisions here. The Commission's determination on this decision recorded that despite council support for 16 councillors, the Commission had noted the mayor's stated preference for a smaller council of 12 (2004, p.10). This huge reduction in numbers at the council table resulted in much more work for councillors (now representing twice the number of constituents than before) and it changed the political dynamics around the council table. The previously dominant Labour and Progressive party alliance, Christchurch 2021, won only 2 of the 12 seats due to the new wards being merged across socio-economic groups.

At the same time, a new Chief Executive (with no previous experience of local government) restructured the council's administration with the majority of those in senior management positions cleared out and the culture of the organisation changed. This, according to former councillor David Close (2018)<sup>4</sup>, affected the tradition of quality advice to councillors and the levels of trust. The mayor also introduced a new corporate-type governance structure with council meeting every week and no standing committees, while weekly in-committee seminars were also held to provide councillors with information, an anti-democratic practice that continues today.

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<sup>3</sup> The assumption made here by the Local Government Commission was that the community boards would continue to play a relatively active role, so there would be less for the governing body to do. However, the newly elected council in 2004 (with the support of its new management) promptly reduced the discretion and role of these community boards.

<sup>4</sup> I am grateful for the input to this paper of previous councillors David Close and Chrissie Williams.

These changes were attributed at the time to the new governance and management focus of the Local Government Act 2002 but in reality were based on the ideology of those in leadership positions. With no standing committees, councillors found they had less access to information, only one chance to debate issues, and opportunities for public input were greatly reduced. The general consensus after three years was that the expectations of a smaller council had not been realised: overall there was increased bureaucracy, a lack of leadership, and residents' satisfaction surveys on involvement in council decisions had fallen to 34 percent<sup>5</sup>.

Concern about this loss of local democracy was not alleviated by a change of leadership in 2007. With a new mayor and chief executive, this new electoral term was to prove a particularly controversial one for the council with many decisions raising issues of transparency and accountability for the Christchurch community. Despite regulations on consultation (as outlined earlier), particularly around major or significant issues, within the first year the council spent \$17 million purchasing five inner-city properties after brief consideration of a council report and no consultation with those most affected by the decision or with the wider community. Two other major, controversial decisions landed the council in hot water, both of which eventually had to be dropped. An increase in the rents on council flats by 24 per cent was ruled invalid in the High Court due to a failure to assess the significance of the decision and to consider tenants' views. And a decision to fund the building of a university music school at the Arts Centre because the council could borrow the funds at a better rate than the university, was challenged in the Environment Court and subsequently dropped. But it was the National-led government's decision to sack the democratically elected councillors at Environment Canterbury in 2010 that, in particular, highlighted the state of local democracy in Christchurch at the time. The mayor had lent considerable support to this decision through the Mayoral Forum (a regional grouping of mayors) without the knowledge of the council or the community.

A clear move for change was signalled by the community in the campaign leading up to the 2010 election. Newspaper columns bulged with critical articles and letters to the editor, record numbers of candidates stood for council, and public polling showed the mayor was very unlikely to keep his job<sup>6</sup>. Despite this, the devastating and ongoing earthquakes that began in September, just a month before this election, saw the incumbent mayor re-elected (along with the majority of his council), due mainly to his increased profile during the immediate crisis and a tendency at such times of uncertainty for voters to stay with what they know.

However, the damage was done. The events of the previous two electoral terms had led to a loss of confidence in the council. It was certainly not in a state to deal with what

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<sup>5</sup> See J. Drage. (2008). A Balancing Act, pp. 132 – 146, for a more detailed coverage of this debate.

<sup>6</sup> See Drage. (2011). Christchurch City: A Governance Fault-Line? in *Along A Fault-Line. New Zealand's Changing Local Government Landscape*, pp. 152-163 for details on the 2010 local election in Christchurch.

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became known as the 'new normal' in this city and central government knew it. Once the emergency was over (and despite council services up and running across much of the city), the city council was effectively excluded from governing the city. Instead, central government set up its own agency, the Canterbury Earthquake Recovery Authority (CERA), to manage the recovery. While one could argue that these were unprecedented times, the political and managerial capacity of the council were in no shape to respond to what had happened in these earthquakes or to manage the additional pressure of reconstruction. Central government's 'command and control' bureaucratic model took over<sup>7</sup>. As a consequence, the community was excluded from major decisions on the recovery. There was one early exception when the public were invited to participate in a 'Share an Idea' consultation exercise to plan the future of the central city, an exercise which the Minister for Earthquake Recovery subsequently rejected for a plan developed by his government department, CERA.

This contrasts with the Waimakariri District Council's response to the significant damage done in this district, particularly in the first set of earthquakes in September 2010. Waimakariri, which sits alongside the northern boundary to Christchurch city, provides us with an example of what Vallance (2013) describes as an 'exemplary' approach by the local council to the recovery process. This approach was grounded in strong local leadership, good alignment and communication between the community, elected councillors and bureaucracy, and the capacity to adapt to the situation, all of which came from the unique position local government has as an elected decision-making authority with resources, legislated authority, knowledge, and existing relationships across communities. As a medium sized local authority with a representation ratio of around 4,000 electors per councillor, Vallance describes the success of a recovery process undertaken by a district council with 'an established architecture of engagement' with its community (p. 39).

Local democracy is now returning to Christchurch, mainly due to stronger council leadership and increasing opportunities to participate in decisions being made (despite central government still controlling parts of the rebuild), but habits can die hard and trust can be slow to develop. Councils have differences with their communities, particularly over specific policy decisions, but transparency and accountability that is alive and well can mitigate such differences.

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<sup>7</sup> See Hayward. (2012). Canterbury's Political Quake. *The Press*. <http://www.stuff.co.nz/the-press/opinion/perspective/6664104/Canterburys-political-quake>

## What Needs to Happen

Having a say in our local communities depends on several key aspects of local democracy, including: how involved one feels in their local community, the ability and ease of being involved (including the level of information available to facilitate this involvement), and the right to be there, to influence decisions made and to be heard.

Starting with the ideas around subsidiarity (decisions being made closest to those affected by them as opposed to the command and control model as seen in Christchurch) we need to have a debate in this country about the size of our local councils and the connections that they have with their local communities. To date, this discourse has focused on the arguments of size and efficiency (especially around proposed amalgamation schemes), despite the lack of sufficient evidence to support this model. Rather, we need to seriously consider what size of council best promote local democracy, how to increase awareness of our local representatives and the policy decisions being made, and we need greater simplification in the process of having a say as members of our communities. It is clear, in particular, that a few councillors representing tens of thousands of constituents does not ensure familiarisation or involvement in local decisions.

The representation review process needs revisiting, particularly the criteria for deciding the number of elected positions on councils. The adherence to a formula based on what is seen as fair and effective is an anomaly. There is nothing fair about electors in one city having twice, or even three times, the number of elected councillors than another city and little effectiveness in the role of representing communities of interest when these councillors are remote and unknown to the many electors that they represent.

The role of the Local Government Commission in this process also needs an urgent rethink. Overtime, there has been too much discretion in the way different commissioners have interpreted the guidelines for these reviews and this discretion has had outcomes clearly unintended in the legislation. As well, the last decade has seen the Commission used by central government (through legislative amendments) to interfere in council business: an oversight role that raises questions about the independence of the commission and of local government itself.

It is of note that in early 2018 the Department of Internal Affairs began an in-house, confidential review of the Local Government Commission. Public submissions were not permitted. I hope this review will result in the Commission – an unelected, unaccountable government quango – return to its previous quasi-judicial role with some clearer guidelines on how to interpret the regulation.

A more co-ordinated approach to running local elections is needed - an approach that provides for a comprehensive information campaign for voters and increased access to information on those who are standing as candidates for election. There is clear evidence that an active campaign to encourage voter participation can have a positive impact on voter turnout. For instance, in Auckland, prior to the 2016 local elections, a council run 'Love Auckland' campaign targeted at younger voters, increased turnout among 18 to 34-year-old voters by 17 per cent.

A major campaign across the country in the six-month period prior to the October 2019 local elections would ensure consistent information on local government and the local election process. This national campaign would also point voters to sources of specific information on the local elections in their own areas. The Electoral Commission is ideally suited to doing this, having already undertaken well-known and successful campaigns to enrol voters (especially through the use of the orange man).

Local councils must also be required to take a proactive approach to both publicising local elections and providing information for voters on candidates standing for election. This means they will have to collect more information from candidates standing for office (when nominations are registered) and promote opportunities for voters to meet with and learn more about those who may ultimately make local decisions, if elected. It also means that when nominating, candidates need to provide contact details (election to a local council is a political representative position and is thus, publically accountable) and understand that they need to be available to respond to or meet voters and supply information as part of their campaigns.

Finally, the electoral process needs to be simplified. It is clear that two electoral systems for one election is a deterrent to voter participation. There are only three local authorities across the country where voters use one electoral system - Wellington, Kapiti Coast, and Porirua. Voters in every other local authority area have two systems. The complexity of this process has been identified by Local Government New Zealand as being directly related to the decline in voter turnout (Local Government New Zealand 2013, p. 15). And current moves to introduce on-line voting should be supported, despite little evidence that this approach increases voter turnout. More opportunities to vote through different mediums can only be positive.

## Conclusion

Local government is an essential part of New Zealand's democracy, providing local infrastructure and leadership, facilitating economic and community development along with strategic and financial planning and decision-making (in consultation with communities) on current and future key issues. Today, our local councils deal with critical issues such as protecting our environment, adapting to changes driven by climate change, and social issues created by housing availability, changing demographics, diversity and inequality.

The right to 'have a say' and the ease with which this can be done is a core feature of the practice of local democracy within our communities. It is not a privilege or a favour. It is a right prescribed in statute and as such, needs to be more accessible than it is. Identifying what helps and hinders this right is one step towards ensuring citizens are as involved as they wish to be. Strengthening local voices in local government won't happen while the debate remains stuck on why people don't vote. Instead, a big step towards improving our local democracy is needed now.

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### **About The Author**

Since moving to Christchurch just over a decade ago, Jean Drage has worked for both Canterbury and Lincoln Universities, the Canterbury Earthquake Recovery Authority and (briefly) the Christchurch City Council. She has long term research interests in local government and politics, particularly issues of representation and participation. She wrote *A Balancing Act: Representation and Decision-Making in New Zealand's Local Government* (2008) and has co-edited several books on local government, including *Along a Fault-Line: New Zealand's Changing Local Government Landscape* (2011) and a new text, *Local Government in New Zealand: Challenges and Choices*, published in 2016. She also has a special interest in women's representation in local government; her publications including research on the leadership of New Zealand's women mayors and comparative factors that impact on women's political representation in several countries in Asia and the Pacific.

### **About The Policy Observatory**

Based at Auckland University of Technology, The Policy Observatory provides a lens on public policy in Aotearoa New Zealand. We both conduct and commission research on economic, social and environmental policy issues, with the intention of publishing results in a form that is accessible to the general public. We work in a collaborative, networked way with researchers across institutions and in the private sector. Ultimately, we are concerned with how policy advances the common good.