

ACCOUNTABILITY FOR SUSTAINABLE DEVELOPMENT IN THE CONTEXT OF LOCAL GOVERNANCE IN NEW ZEALAND

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Abstract: The paper explores the meaning of accountability for sustainable development in the context of local governance in New Zealand. The analysis is done through interpretation of the Local Government Act and the Resource Management Act that currently regulate local governance in New Zealand. A primary emphasis of the statutes is community participation in planning and policy making for sustainable development. The findings indicate that a communitarian approach to accountability acquires meaning in the context of the local government statutes. Communitarian and environmental sustainability ideologies encompass the statutes to provide a holistic meaning for accountability. Key features of the communitarian approach to accountability include emphasis on community priorities and responsibilities, communal processes and reporting and information sharing to local communities. The paper contributes to the theoretical development of a communitarian approach to accountability for sustainable development.

Keywords: Local Governance; Community; Accountability; Sustainable Development; Communitarian

INTRODUCTION

The primary objective of this study is to provide an interpretation of the Local Government Act and the Resource Management Act that regulate local governance in New Zealand. The purpose of the interpretation is to explain how communitarian, sustainability and accountability

themes are intrinsic to the system of local governance prescribed by the statutes. The study also explains how a communitarian approach to accountability is manifested in the local governance context.

Local governance refers to the process of governing at the local level and includes not only the machinery of Local Government, but also collaboration between local communities and their local authorities (USAID, 2000). In broader terms, the term 'local governance' refers to a non-hierarchical mode of governing, where non-state actors participate in the formulation and implementation of public policy (Rhodes, 1997). Local governance is aimed at promoting alliances, networks and partnerships between local government authorities, local communities and Central Government (Thomas & Memon, 2005; 2007). According to Thomas and Memon, governance entails "the hollowing out of the state" (p. 10) resulting in devolution of power from the Central Government to Local Government and local communities. In a similar vein, Meehan (2003) contends that governance covers a range of new arrangements and practices including: fragmentation or sharing of public power between different tiers of governments; formulation and implementation of policies away from the state; and reliance on partnerships, networks, consultation and dialogue that are central to the 'Third Way'¹ thinking about policy design and delivery.

¹ The Third Way is a term that has been used to describe the initiatives of governments in the West in the late 1990s to renew civil society and foster social

A growing body of literature suggests that communitarian practices in New Zealand are inherent in the system of local governance (Burke, 2004; Cheyne, 2002; Chile, 2006; Richardson, 2005; Reid, 2002). The development of such communitarian practices has been influenced by political, economic and social factors which have strong historical roots in the evolution of local governance. The socio economic conditions of the 1980s and early 1990s instigated the development of the "Third Way" ideology in which local community engagement in Local Government planning and policy making became relevant (Chatterjee 1999; Thomas & Memon, 2007). The development of local governance in the 1990's was also influenced by participatory models in Western liberal democracies (Thomas & Memon, 2007). The move from central government control was also a result of the growing acknowledgement in the late nineties that a one-size-fits-all national approach to public policy was no longer appropriate for New Zealand (Thomas & Memon, 2005). The standardised approach to the design and delivery of social services was no longer appropriate when communities were fragmented and diverse and began to be defined in geographic terms (Le Heron & Pawson, 1996; McKinlay, 1999a). Devolution to lower levels of government was expected to result in greater efficiency (Sharp, 2002). Sharp argues that power concentrated at a national level places the regulator in the position of a monopolist while devolving decision making down to local units of government gives local interest groups relatively more power. Local Government is considered a sphere of government accountable to the local level as well as a check on the power of the Central Government (Richardson, 2004).

In 1999 New Zealand's Labour–Alliance coalition embarked upon a comprehensive review of Local Government with the aim of empowering local communities and promoting collaboration between local communities, local authorities, Central Government and other stakeholders in planning and policy matters (Thomas & Memon, 2007). Local Government reforms were introduced in order to reduce the extent of Central Government intervention and to allow for more public participation in policy

inclusiveness involving public participation in the policy process (Thomas & Memon, 2005). The Third Way seeks to revitalise the community, balance the authority of the Central Government and promote democratic accountability at the local level (Thomas & Memon, 2007). Fundamental to the politics of the Third Way is the fostering of an active civil society (Giddens, 1998).

development processes of their Local Governments (Thomas & Memon, 2007). Communitarian and participatory democracy discourses dominated the reform agenda (Thomas & Memon 2007; Department of Internal Affairs, 2001). One of the underlying objectives of the review was to promote increased participation of local communities in Local Government to protect the right of local people to be involved in making decisions that affect their lives. The idea is to increase the scope of local communities to identify their own priorities, and to develop and pursue different visions for their futures, rather than the "one size fits all" approach implicit approach to local governance (DIA, 2001).

The reforms culminated in the enactment of the current Local Government Act 2002. According to Mitchell & Slater (2003), the Local Government Act 2002 (henceforth referred to as the LGA) provides broadly-based powers and greater flexibility for local authorities to respond effectively to the diverse needs and well-being of their communities. The emphasis was away from local authorities as autonomous and discrete deliverers of services and towards being responsive, collaborative facilitators of community priorities. The reforms to the Local Government Act aim to provide more decision making powers to local communities in matters that affect them.

A significant theme that emerged during these reforms is the sustainable development of local communities. The emphasis on sustainable development in the reforms was mainly due to New Zealand's commitment to international declarations on sustainable development, in particular environmental sustainability. New Zealand has participated in major international conferences (such as the Stockholm Conference 1972; Earth's Summit Rio De Janeiro 1992; Johannesburg Earth's Summit, 2002; Earth's Summit the Copenhagen Summit, 2009). Key outcomes of the international conferences include: the Rio Declaration 1992; Agenda 21 1992; the Bruntland Report 1987; the Earth Charter 1997; Johannesburg Declaration 2002; the Copenhagen Accord and the United Nations Declaration on the Rights of Indigenous Peoples. Local Government reforms undertaken by the Central Government in the 1990's were in response to New Zealand's commitments to the international declarations (Knight, 2000; MFE, 1995; 1996; Hughes, 2000).

Supplementing the LGA in the direction of sustainable development is the Resource Management Act 1991 (henceforth referred to as RMA) which places significant emphasis on environmental sustainability. The RMA has been internationally recognised as a groundbreaking environmental legislation for promoting sustainable development planning approaches (Knight, 2000;

Freeman, 2004). The RMA provides the legal structure underpinning environmental management and policy and creates opportunities for local authorities and communities to find effective and efficient ways of achieving environmental standards that suit their local environment (Sharp, 2002). Both the LGA and RMA continue to have significant influence in the development of local governance in New Zealand. Interpretation of the acts would provide an understanding of the ideologies that make up local governance in New Zealand.

METHODOLOGY AND THEORETICAL FRAMEWORK

The interpretation starts with a set of key themes that form a theoretical framework. The key themes were derived from literature review and classified into three broad categories - communitarian, sustainability development and accountability. The themes are the pre-understandings (Gadamer, 1975) of the researcher and form the perspective from which the researcher is approaching the interpretation of the statutes. Interpretation involves reading the statutes (the text) and identifying communitarian, sustainability and accountability themes that are intrinsic to the system of local governance as defined by the statutes. In other words, the researcher is not reading the statutes with an empty mind but is influenced by the conceptual framework. At the same time the researcher attempts to synthesise the pre-understandings with the statutes to develop meanings that are "hidden" in the text. The synthesis also allows for validations of the conceptual framework against the local government statutes.

The interpretation in this study starts by exploring, via literature review, the relationship between communitarian ideology, sustainability paradigms and a holistic conception of accountability. The purpose is to develop a theoretical framework which serves as a basis for the interpretation of the local government statutes. Communitarian theory emphasises the centrality of community and communal values and upholds the community as the key focus of analysis and the centre of value systems (Frazer, 1998). Generally, communitarians recognise a sense of community in which people are bound by shared values, meanings, traditions, purposes, and obligations and the pursuit of the common good (Etzioni, 1995, 1996; Taylor, 1989; MacIntyre, 1984). Modern day communities can be characterised by diversity consisting of members with different and overlapping interests (Taylor, 2003). Even under such diversity, people also have some shared values and goals that bind them as a community (Etzioni, 1998). The ethical stance underpinning the communitarian theory places

community interest and values before individual self-interest (MacIntyre, 1984; Miller, 1995; Fraser 1998) and directs the attention of individuals towards collaborative action for the common good (Cuthill, 2002; Midgley & Ochoa-Arias, 1999). According to Lovett (1998), the concept of common good refers to something which is of common interest and valued for its service to a community. Maintaining the common good requires the cooperative efforts of the members (Velasquez et al 2008). An example of a common good is the natural environment, such as a clean Lake (Lovett, 1998). Agenda 21's emphasis on environmental sustainability assumes the natural environment as the common good for international, national, regional and local communities (United Nations Department of Economic and Social Affairs, 2004).

Common good is determined by the form of sustainability preferred by a community. A weak form of sustainability considers economic growth as a priority above environmental and social considerations ((Solow, 1993; Hartwick, 1990). This is based on the assumption that environmental and social problems can always be solved if the economy is sound. Widavsky (1994) states that "A cleaner environment is, in a significant way, a function of economic efficiency" (p.462). In contrast, a strong form of sustainability considers environmental considerations as the main priority and recognises the economy and human society as constrained by the natural systems of our planet (Pearce, Anil, Barbier, 1990; Pearce & Turner, 1990). Under this approach society and economic development are totally constrained by the environment. The form of sustainability adopted in local governance will affect accountability relationships between a local authority and its local community. To understand the relationship, a communitarian conception of accountability (Lehman, 1999) has been incorporated in the pre-understanding.

Lehman's (1999) communitarian model of accountability assumes the existence of accountability relationships in the public sphere involving the community, state and corporations. In that relationship, information is provided to the community on the environmental and social impacts of corporate activities. Under the communitarian model, the community and state work together in the public sphere to make corporations accountable for their activities and to act in the public interest. The state works in conjunction with the community to develop an active and critically aware society and to create a democratic discussion. The role of the state in the accountability relationship is to provide

regulations and foster public debate and discussion to assess corporate effects on society and nature and to monitor, regulate and improve the quality of information provided to the community. The communitarian approach is consistent with the recommendations of Agenda 21 of implementing sustainable development at grass roots level through collaboration between Local Government and local community.

The themes comprising the theoretical framework that were used for analysis of the RMA and LGA are the concept of community, the concept common good defined in terms of sustainable development and a holistic conception of accountability. The interpretive analysis of the RMA and LGA, in the sections that follow, draws from these concepts to provide insights on a communitarian approach to accountability for sustainable development.

ANALYSIS OF RESOURCE MANAGEMENT ACT (RMA)

The RMA provides the legal structure for environmental management and policy and creates opportunities for local authorities and communities to find effective and efficient ways of achieving environmental standards that suit their local environment (Sharp, 2002). Environmental sustainability is the primary focus of the RMA with emphasis on intrinsic values, preservation and sustainable management of natural and physical resources (section 5, RMA). The basic philosophy underpinning the definition of sustainable management in the RMA is drawn from the Brundtland Report "Our Common Future" (WCED, 1987)². Sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety (section 5). Key considerations in sustainable management include: safeguarding the life-supporting capacity of air, water, soil, and ecosystems; sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and avoiding, remedying, or mitigating any adverse effects of activities on the environment.

Section 6 of the Act recognises the protection of natural and physical resources including: the preservation of coastal and marine environments,

wetlands, lakes and rivers and their margins from inappropriate subdivision, use and development (section 6a); the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development (section 6 b); the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna (section 6 c); and recognition of the relationship of indigenous cultures and traditions with their ancestral lands, water, and sacred sites (section 6 e).

Section 7 of the Act emphasises the concept of guardianship and stewardship of natural and physical resources, implying the responsibility of all persons involved in managing the use, development and protection of natural and physical resources. The RMA imposes several restrictions on the use of natural and physical resources, such as restrictions on the use of land (sections 9 & 10), subdivision of land (section 11), the use of coastal marine areas (section 12), use of beds of lakes and rivers (section 13), the use of water (section 14), and discharge of contaminants into water, land and air (section 15). The use of the natural and physical resources is subject to compliance with regional plans or resource consents granted by a regional council.

The responsibilities of central and local governments in protecting the environment are stated in Part IV. Local authorities in particular are required to be the principal providers of information on the environment to the public (section 35). The RMA states that during the preparation of a proposed policy statement or plan, the local authority concerned shall consult the Maori community and anyone who will be affected by the policy or plan (First Schedule Part 1 section 3).

Processes to allow the community to participate in policy making for environmental protection are provided in the RMA (sections 39 – 42; clause 6 First Schedule). This includes processes for making regional and district plans and policies to protect the environment (sections 46 -54). Details of policy process in which the public can participate are provided in section 96. Submission and hearing processes are endorsed by the RMA to allow communities to have say on activities that affect the natural environment. Section 96 allows any person to make a submission to a consent authority about an application for resource consent to carry out an activity that affects the natural environment. Clause 6 Part 1 of the First Schedule provides opportunities for any person to make submission to the Regional Council on a proposed policy statement or plan that is publicly notified under Clause 5 of the First Schedule. The RMA also allows for public hearing processes to discuss the concerns of the community

² Sustainable development is defined in WCED (1987) as development which meets the needs of the present without compromising the ability of future generations to meet their own needs.

that are expressed in the submissions. On the basis of the facts and arguments presented at the hearing, local authorities approve or reject a proposed plan or activity. A copy of the decision is sent to all submitters, allowing them the opportunity of appealing against the council's decision in the Environment Court. Section 120 provides the right of appeal to the submitters. The Environment Court, also known as the Planning Tribunal, is a specialist court set up under the RMA and consists of Environment Judges and Environment Commissioners.

Social sustainability is reflected in the definition of sustainable management as enabling people and communities to provide for their social, economic and cultural well being and for their health and safety (section 5). The meaning of environment as defined in the RMA includes peoples and communities and all natural and physical resources, amenity values, social, economic, aesthetic and cultural conditions which affect the environment as a whole and which are affected by the environment (Part 1 section 2, RMA). Such a scope clearly encompasses social as well as biophysical values and is equally concerned with the improvement of social well-being as with the protection of natural and physical resources (Grundy, 1993). Social sustainability is also inferred in section 6 (e). The section acknowledges the relationship of Maori, their culture and traditions with their ancestral lands, water and sites. Section 7 (c) recognises the maintenance and enhancement of amenity values. Section 7 (e) recognises the protection of the heritage values of sites, buildings and places. Section 8 recognises the principles of the Treaty of Waitangi. In general the RMA requires these aspects of social sustainability to be taken into account in managing natural and physical resources.

Cultural sustainability is implied in the importance given to the values of the indigenous Maori community. Cultural aspects are covered in the RMA through recognition and providing consideration for the guardianship, customary authority, values and practices of the Maori community in the use, development and protection of natural and physical resources (section 7, RMA). The RMA recognises the guardianship of the Maori community over the natural resources and its customary authority over identified areas. Recognition is also given to the role of the indigenous Maori community in environmental management. The protection of the natural environment and Maori guardianship, culture and tradition are considered matters of national importance (section 6 part II). All persons exercising functions and powers under it, in relation to

managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi³ (section 8 RMA). However, the RMA places cultural sustainability subservient to environmental sustainability. The close affinity between Maori culture and the natural environment is captured in the RMA and makes legislation of environmental management easier without causing offence to the indigenous community.

Economic sustainability is inferred in the definition of sustainable management as the use, development and protection of natural and physical resources within the ecological and social constraints imposed by the RMA. Other than meagre references to social and economic sustainability, the primary focus of the RMA is the protection of natural and physical resources with a view to providing for the needs of the present generation and conserving the potential of the resources for future generations. By implication, sustainable management of the environment is not to be compromised by social or economic goals. Clearly, environmental sustainability is the dominant ideology that pervades the RMA. Hence, accountability for sustainable development is to be provided in terms of environmental sustainability with the community at large being responsible for environmental sustainability or strong form of sustainability. The environmental agenda for community deliberation and decision making appears to define accountability for sustainable development in terms of environmental sustainability.

ANALYSIS OF LOCAL GOVERNMENT ACT (LGA)

The LGA is premised on the principles of communitarian ideology and participatory democracy. These ideologies were predominant features the Local Government reforms agenda of the 1990s that led to the LGA (Department of Internal Affairs, 2001). According to Richardson (2005) "Communitarianism is seen in the language of citizen empowerment, community consultation and community well-being employed in the Act" (p. 177). The purpose of Local Government is to enable democratic local decision making and action by, and on behalf of, communities to promote the social, economic and cultural well being of communities in the present and for the future (Local Government Act 2002, section 10). This objective is to be achieved through participatory and democratic planning and

³ The Treaty of Waitangi is an agreement reached in 1840 between representatives of the British Crown and representatives of the Maori communities (King, 2003).

decision making processes involving collaboration between local authorities and their communities (sections 14 and 39). To empower local communities, the LGA requires local authorities to provide for effective, open, and transparent governance structures and processes (section 14). The Act recognises the diversity of New Zealand's communities. When making a decision, a local authority is required to take account of the views, interests and diversity of its present and future community (section 14 (1) (c)). As part of the participative and inclusive democratic process, the LGA also requires local authorities to provide opportunities for the Maori community to contribute to their decision-making processes (section 14 (1) (d)).

The concept of sustainable development is emphasised throughout the LGA and is associated with community priorities. The Act recommends that local authorities take a sustainable development approach to ensure prudent stewardship and the efficient and effective use of resources in the interest of their district and regional communities (section 14 (1) (g)). The sustainable development approach emphasises the social, economic and cultural well-being of their communities (section 14 (1) (h) (i)) as well as protection of the quality of the environment (section 14 (1) (h) (ii)). The approach applies not only to existing communities but to the reasonably foreseeable needs of future generations (section 14 (1) (h) (iii)).

Communitarian theory manifests in the LGA through provisions that emphasises the centrality of district and regional communities in Local Government. The primary focus of the LGA is community priorities and communal processes for community participation in Local Government planning and decision making. The emphasis on the community indicates that a communitarian approach to local governance has a statutory recognition in New Zealand. The communitarian themes in the LGA are highlighted in the following sections.

Meaning of Community in Local Government Context

Local communities in New Zealand are characterised by their economy, demography, land area and the resource management issues that they face (Thornley, 2007). District communities can be considered as people and their community groups residing within a district, in other words a local district community is comprised of residents in a local district and groups and businesses operating in that district. The communities can be unique and differ from one another in terms of their social, economic, environmental and cultural attributes. Throughout many parts of the LGA (in particular sections 3, Parts 2 and 6, and Schedules 10 and 11) the term

'community' is used in a broad sense and refers to the geographic community of interest or population of a local district or region (Brookers, 2007). Several districts in New Zealand have adopted the concept of community having common values and shared understanding. The Manukau City Council in New Zealand defined community as, "a group of individuals who are united by shared characteristics, interests and values" (as cited in Drage, 2002, p. 84). The Waitakere City Council defined a community as "any group who has an interest in the sustainability of the City" (Burke, 2004, p. 11). The report on Future Options to Christchurch City Council, 1999 defined communities of interest as: "...loosely structured communities where people living in a large area feel connected through a shared understanding of geographic, social, cultural, economic or political factors. Communities of interest, therefore, can be large and potentially powerful social phenomenon which, despite artificial divisions or boundaries, persist because of some shared physical and/ or cultural associations.(as cited in Drage, 2002, p.84)

Community Priorities

The LGA states community priorities (or community outcomes) in terms of social, economic or cultural well-being of current and future communities for which the protection of the natural environment is a crucial aspect (section 5). The community priorities represent the different elements of sustainable development and the weighting or emphasis given to the different elements is influenced by the community values and environmental, economic and social issues facing a community (Lawrence & Arunachalam, 2006). The significance of community priorities in Local Government affairs has been reiterated throughout the LGA. Community priorities are incorporated in the statement of the purpose of Local Government (section 10) and implicated in the role of the local authority (section 11). The overarching principles governing the role of local authorities are focused on community priorities (section 14).

Community priorities are crucial considerations in planning and decision making by local authorities (section 77). Once identified, community priorities inform and guide the planning of activities of a local authority (section 91 (2) (e)). Community priorities are the primary components of the Long-Term Council Community Plan (LTCCP), which is the main planning document of local authorities (section 93). The linkage of the LTCCP to the Annual Plan of a local authority makes community priorities primary areas of emphasis in the annual plan (section 95).

The importance of community priorities is also emphasised in the decision making processes of local authorities. Local authorities are required to consider

the impact of their decisions on community priorities (section 77). In the course of making decisions, a local authority is required to identify practicable options for the achievement of the objectives of a decision (section 77 (1) (a)). More importantly, a local authority is required to assess the impact of those options on community priorities, that is, the extent to which community priorities would be promoted by the options (section 77 (1) (b) (ii)).

Community priorities are also subject matters of accountability in the local governance of a district. A local authority is required to monitor and report on the progress made in achieving the priorities (sections 92 & 98). The priorities provide a scope to measure progress towards the achievement of sustainable development in a district and to promote the better co-ordination and application of community resources (section 91 (2) (c) & (d)).

Communal Processes

The centrality of the community is also emphasised in the LGA through requirements for processes that provide for community participation in Local Government planning and decision making. The processes include: identifying community outcomes (section 91); consultation, submission and hearing processes (sections 82, 83, 84, 85 & 86); and participation of the indigenous community (section 81).

Under section 91 (1), every local authority must, not less than once every six years, carry out a process to identify community priorities for the intermediate and long-term future of its district or region. The LGA does not prescribe any particular process for identifying community outcomes but allows a local authority to decide for itself the process used to facilitate the identification of community outcomes (section 91 (3)). However, a local authority is required to take all practical steps to identify groups and organisations capable of influencing the identification or promotion of community outcomes (section 91 (3) (a) (i)) and to secure their agreement on the processes for identifying the outcomes (section 91 (3) (a) (ii)). A local authority is required to ensure that the processes encourage the public to contribute to identifying community outcomes (section 91 (3) (b)). According to Burke (2004), the processes enable local authorities to meet the requirement of the LGA for democratic local decision-making.

In the course of its decision making, a local authority is required to consider the views and preferences of persons likely to be affected by, or to have an interest in, the decision (section 78 (1)). The community views must be considered at various stages of the

decision making processes, including: the stage at which problems and objectives related to a particular matter are defined (section 78 (2)(a)); the stage at which practicable options for the achievement of the objectives are identified (section 78 (2)(b)); the stage at which the impacts of those options are assessed and decisions proposals developed (section 78 (2)(c)); and the stage at which the decision proposals are adopted (section 78 (2)(d)). In general, decision making under the LGA is guided by the principles of consultation stated in section 82. The overarching principle is that a local authority is required to have regard to the nature and significance of the decision and its likely impact from the perspective of persons who may be affected or have an interest in the decision matter. For this purpose, a local authority is required to invite, encourage and provide reasonable opportunities to persons, who will be affected by or have an interest in the decision matter, to present their views to the local authority (section 82 (1)(b) & (d)). These persons are to be provided with reasonable access to relevant information in a manner and format that is appropriate to the preferences and needs of those persons (section 82 (1)(a)). The views presented should be received with an open mind (section 82 (1)(e)). Persons who present views to the local authority should receive clear information regarding the purpose of consultation and the scope of the decisions to be taken by the local authority (section 82 (1)(c)). They are also to be informed regarding the relevant decisions that have been adopted and the reasons for those decisions.

The submission and public hearing processes are other means by which local communities in New Zealand can participate in planning and decision making. Section 83 of the LGA allows for submission and hearing processes in relation to proposals for: the Long Term Community Council Plan (LTCCP), and Annual Plan; review or amendment of bylaws; any other plans or policies. Through the submission process, communities can have a say in relation to proposed changes in the plans and policy statements of local authorities.

In recognition of the Central Government's commitments to the Treaty of Waitangi, the LGA sets out certain principles and requirements for local authorities to provide opportunities for Maori communities to participate in Local Government decision-making processes (sections 4 & 14). The Treaty of Waitangi creates obligations for local authorities in relation to facilitation of indigenous community involvement in decision making processes. Under section 81, a local authority is required to establish and maintain processes that

enable these obligations to be met. A local authority is required to provide relevant information to the Maori community to develop its capacity to participate in the decision making processes (section 81 (c)). In making any decision in relation to land or water bodies, a local authority is required to take into account the relationship of the indigenous community, their culture and traditions with their ancestral land, water sites and vegetation (section 77(1)(c)). One of the principles of consultation, under section 82, is that a local authority put in place processes for consulting the Maori community.

Through the communal processes, the LGA aims to promote symmetry of power and non-authoritarian attributes in Local Government planning and decision making. This is reflected in the provisions that allow individuals in a local community to participate as equal citizens in deciding on outcomes that affect them and that allow for open evaluation. The fundamental objective of these processes is to give consideration to community outcomes (section 77) as well as to the views and preferences of persons likely to be affected by, or to have interest in, a decision (section 78). As such, these processes reflect a communitarian approach to decision making which enables the negotiation of common values and bonds (Thomas & Memon (2007). Sharing in the decision-making process is expected to create common values and bonds (Thomas & Memon, 2005; 2007). The communitarian approach is consistent with the recommendation in Agenda 21 for implementing sustainable development at grass roots level through collaboration between Local Government and local community (Agenda 21, Chapter 31). Such processes reflect responsive communitarian ideology which recognises that communities have multiple and not wholly compatible needs (Schilcher, 1999; Etzioni, 2001; Reese, 2001). By recognising the diversity of local communities, the LGA caters for responsive communitarianism (Etzioni, 2001; Reese, 2001). A responsive community tries to avoid any authoritarianism and oppressiveness against the individual (Reese, 2001). It attempts to combine universal principles of sustainability with particularistic values of communities and creates a dialectic which generates new possibilities and ways of being in the community.

THEORY DEVELOPMENT: ACCOUNTABILITY FOR SUSTAINABLE DEVELOPMENT

The foregoing interpretive analysis of the RMA and LGA suggests that communitarian and sustainability ideologies are intrinsic to the system of local governance in New Zealand. The LGA captures the essence of the "Third Way" ideology by requiring local authorities to work in partnership with their local communities in planning and policy processes

in order to promote the economic, social, environmental and cultural well-being of their local communities (Local Government Act 2002 No, 84). According to Freeman (2004), participation and collaboration in New Zealand local governance is entrenched in planning where local authorities work with local district communities (including indigenous Maori communities), politicians, local businesses and national government (Freeman, 2004). The planning process is intended to transform ideals promulgated at international and national levels into practical strategies at local level. The third way approach to local governance is driven by the communitarian ideology. The emphasis on communal processes and the economic, social and environmental priorities of the promulgate communitarian practices in local districts. With such emphasis, several features of the communitarian approach to accountability emerge from within the context of the local governance. The features are discussed below.

Accountability for the Common Good

The meaning of common good can be defined in terms of community priorities (social, economic, environmental and cultural well-being of communities) with a major emphasis on environmental sustainability or strong form of sustainability. The definition links communitarian ideology with sustainability. The RMA and LGA emphasize the natural environment as the common good and environmental sustainability as the primary purpose of local governance. The legislations create a common identity, in terms of environmental sustainability, among a community of people despite differences they may have in other respects. The intention of the Local Government legislations is supported by Grundy's (1993) argument that sustainable development provides a legitimate interpretation of the common good and represents an evolving paradigm to promote the sustainable utilization of natural and physical resources and to improve environmental outcomes resulting from resource use.

The emphasis on community priorities assumes that individuals derive their values from their communities and that ethical values are not located in the individual but in the community to which the individual belongs (Fraser, 1998). The common good, stated in terms of community priorities, portrays a socially constructed phenomenon, identified through public dialogue that draws on the diversity of interests in a community. For establishing such a common good, deliberation on the part of the community involves critical enquiry into the impacts of human activities on the natural environment (Lehman, 1999). The natural environment is a hyper-good which requires the community's deliberation (Taylor, 1989) and

constitutes the subject matter of accountability in a community. The content of information reported to the community and the subsequent community deliberations that take place depend on how the common good is defined.

Responsibility for the Common Good

Accountability can be linked to responsibility (Boven, 2007; Gray, et al., 1996; Mulgan, 2000) and, in particular, mutual responsibility requires empowered local citizens to work collaboratively towards the common good (Cuthill, 2002). Under the LGA, responsibility towards the common good involves: responsibility to undertake certain actions; responsibility to refrain from undertaking certain actions; and the responsibility to provide an account of those actions. The responsibilities of local authorities include: consultation to obtain the views of individuals when preparing strategic plans for their localities; preparation and dissemination of information to communities to empower and enable participation in planning and decision making processes; preparation and public dissemination of strategic plans; facilitating submissions from communities on the strategic plans; and providing due consideration to the submissions before approving the strategic plans.

Under the LGA, the role of the individual in a community is to participate in collaborative planning and decision making for the common good. The responsibility of the individual implies an inward sense of moral obligation for the common good or accountability to inner self or personal conscience (Corbett, 1996, Day & Klein, 1987). The LGA promotes this internal sense of individual responsibility by providing opportunities for the community to participate in various processes which are aimed at protecting the common good of the community, stated as the economic, environmental, social and cultural well-being of the community. The implication is that the whole community is made responsible through participation in communal processes and through the internal sense of individual responsibility. The LGA draws on the individual sense of internal responsibility in order to promote a communitarian approach to responsibility.

Responsiveness

Painter-Morland's (2006) theory of relational responsiveness becomes meaningful in the context of the LGA. The LGA provides for the mutual responsiveness of various parties and allows them to act collectively, through narration and discussion, in decision making and problem solving. Under the LGA, the collaboration between local authorities and local communities is intended to promote a

democratic dialogue. This dialectical process aims to ensure local authority officials respond to the needs of the community. Such responsiveness of public officials to the needs of the general public is conceptualised by some scholars as a form of accountability (Hughes, 2003; Corbett, 1996).

Under the LGA, emphasis on community priorities means individuals in a community are not to be unencumbered by personal biasness and social pressures. Individuals in a community are not to be isolated decision makers but to act and interact in participative planning and decision making. This kind of moral accountability requires self-reflection as an individual and as a collective to ensure that some congruence exists between the values and priorities of the individual and those of the collective (Painter-Morland, 2006). Through the process of responsiveness and self-reflection, moral obligations and duties are continually redefined as individuals in a community participate in planning and decision making processes and respond to other parties in the community.

Communal Processes as a Venue for Dialectical Dimension of Accountability

The communal processes recommended in the RMA and LGA promote the idea of open communication and critical deliberation between informed participants to establish validity and to achieve consensus on issues of common concern. The dialectical dimension of accountability (Mulgan, 2004) can be considered as becoming operational and acquiring meaning in the context of the communal processes. The community is given opportunities to discuss how a particular state of affairs came about, create awareness and determine responsibilities towards the common good (or community priorities). The communal processes are intended to address the diversity of interest that exists in a community including those of indigenous people. The moral attributes of such dialogue are based on respect and mutual understandings and on cooperative relationships in the community

The communal processes open the venue for questioning, assessing and critical enquiry by some parties and answering, explaining and justifying by others. In other words, the communal processes facilitate the dialectical dimension of accountability (Mulgan, 2004). A range of possible interactions is facilitated by the communal processes. First is the dialogue between the general public and local authority officials. People can pose questions and express their views while the officials explain and justify matters related to proposed policy decisions and strategies. Second, the responsibility to facilitate

communal processes and consult the communities carries with it the accountability of local authorities for carrying out these processes in accordance with the provisions of the LGA. A local authority is accountable to the community for the processes undertaken for consultation. Local authorities are required to provide information on the processes undertaken in consulting the community. Such reporting opens up the venue for further dialogue on the authenticity of processes undertaken. Third, the processes allow for interaction between different groups in the community and provide for questioning assumptions, sharing information about existing conditions and building understanding of the challenges of the future without blaming one another. During the processes, private entities can be made accountable or answerable for the impacts of their activities on community priorities. The onus to prove that their activities are socially legitimate rests on these entities. The communitarian thinking is that if organisations do not operate within the boundaries of what the community considers appropriate behaviour, the community may act to remove the organisation's rights to continue operations (Deegan & Rankin, 1997).

The dialectical processes provide for collective accountability where individuals in a community become accountable to each other through a democratic dialogue (Bohman, 1996; Drysek, 2000). People reason together publicly about common issues in a transparent dialectical process which calls everyone to contribute, explain and justify their values, views and behaviour, and everyone has responsibility towards the common good. The processes provide the possibility of 360 degree accountability (Behn, 2002) to become operational. Under the notion of 360 degree accountability, choices in relation to accountability (Francis, 1991) become more defined. The community needs to make choices in relation to the subject matter of accountability (what the community is seeking accountability for), accountability relationships (who are the parties involved in the various dimensions of accountability), and the timing of accountability (when are the different dimensions of accountability to take place). Community outcomes stated broadly in sustainability terms (economic, social, environmental and cultural well-being) need further deliberation in the community to rank these priorities (Lawrence & Arunachalam, 2006). The processes indicate: the intention to make all parties accountable for the impacts of their activities on community priorities; the intention to develop an active and critically aware community; and the desire to create open and transparent democratic discussion. The processes can stimulate a sense of mutual responsibility which requires individuals in a

community to take responsibility for protecting the common good (Tam, 1998). The overall implication is that the communal processes resemble the dialectical dimension of accountability.

Mechanisms for Monitoring Community Priorities

Weber (2003) defines accountability as a set of mechanisms designed to control behaviour, ensure promises are kept, duties are performed, and compliance is forthcoming. Local Government legislations in New Zealand provide mechanisms such as the LTCCP and annual plan to control and streamline activities in local districts with community priorities. Mitchell and Slater (2003) regard the LTCCP as the key accountability and planning document for local authority activity. The LTCCP provides a long-term focus for the decisions and activities of local authorities and emphasise the sustainability and well-being of local communities (Thornley, 2007).

Under section 93 of LGA, every local authority is required to have a LTCCP at all times that covers a period of not less than 10 consecutive financial years but may be amended from time to time in accordance with the special consultative procedure. The LTCCP states what measures will be used to assess progress towards the achievement of community priorities (Schedule 10 Part 1 (1) (f)); and how the local authority will monitor and, not less than once in every 3 years, report on the community's progress towards achieving community outcomes (Schedule 10 Part 1 (1) (g)). The LTCCP contains information on how the activities of the local authority contribute to community outcomes (Schedule 10 Part 1 (2) (1) (b)), and outline any significant negative effects that any activity has on the social, economic, environmental, or cultural well-being of the local community (Schedule 10 Part 1 (1) (c)). Matters related to the Maori community are also addressed in the LTCCP. Under Schedule 10 part 1 Subsection 5, a LTCCP must set out any steps that the local authority intends to take to foster the development of Maori capacity to contribute to the decision-making processes of the local authority. The LTCCP can be considered as the basis for the accountability of a local authority to its community and a mechanism for a communitarian approach to accountability for community priorities.

Reporting and Information Sharing in a Community

Under the local government legislations, the meaning of environmental and social reporting is extended to the provision of information to communities. The LGA emphasises the provision of information on the sustainable development of communities, that is, the environmental, social, economic and cultural well-

being of communities, while the RMA emphasises environmental sustainability and reporting on the environmental impact assessment of activities. The primary purpose of providing information is to enable communities to deliberate on issues of common concern and participate in local government planning and decision making.

The LGA sets out the processes for information sharing and reporting to local communities. First, relevant information is to be provided when a local authority undertakes consultation in relation to any decision that affects the community (section 82 (1) (a)). In relation to this, a local authority is also required to provide information on the decisions and the reasons for those decisions (section 82 (1) (f)). Second, information is to be provided to the public when a local authority uses a special consultative procedure in relation to: adoption of a LTCCP (section 84); adoption of an annual plan (section 85); adoption, review or amendment of bylaws (section 86); and adoption of a policy proposal (section 87). Primary areas of emphasis are: information on community priorities; processes used to identify and pursue community outcomes; the impact of a proposal on the present and future well-being of communities; and the impact of a proposal on the culture and traditions of the indigenous community. Third, in relation to the special consultative procedures, the local authority is also required to give public notice that a consultation is being undertaken, invite written submissions on the proposal, and receive and make available all written submissions to the public (section 83). Fourth, a local authority is required to monitor and, at least once every three years, report on the progress made by the community of its district or region in achieving the community priorities (section 92 (1)). In relation to the procedures for monitoring and reporting, a local authority is required to secure the agreement of the local community (section 92 (2)). Finally, a local authority is required to prepare and make publicly available an annual report for each financial year (section 98 (1)). The purposes of the annual report are: to compare the actual activities and the actual performance of the local authority in the year with the intended activities and the intended level of performance as set out in respect of the year in the long-term council community plan and the annual plan (section 98 (2) (a)); to promote the local authority's accountability to the community for the decisions made throughout the year by the local authority (section 98 (2) (b)). Information to be reported in the annual reports includes, among others: the activities of the local authority and the community outcomes to which the activities

primarily contribute (Schedule 10 Part 3 (15) (a & b)); the results of any measurement undertaken towards the achievement of the community priorities (Schedule 10 Part 3 (15) (c)); and the effects of any activity on the social, economic, environmental or cultural well-being of the community (Schedule 10 Part 3 (15) (d)).

Under the RMA, provision of information to communities is mainly in relation to: formulating district and regional plans and policies (sections 59 – 77); review and amendments of district and regional plans and policies (sections 78 – 79); administration of resource consents (sections 87 – 95); and, administration of submissions on resource consents and proposals for district and regional plans and policies (sections 96 – 98). These processes aim to monitor the state of the natural environment (sections 35) and to promote the sustainable management of natural and physical resources (section 5). The overarching principles behind the provision of information are found in section 35. Under section 35, every local authority is required to gather information, undertake research and make available information which is relevant to the administration of policy statements and plans, the monitoring of resource consents, and current issues relating to the environment of the area. This enables the public to be better informed of their duties and of the functions, powers and duties of the local authority, and to participate effectively under this Act. Environmental Impact Assessment (Europa, 2004) provides primary information required under the RMA. Local authorities, when preparing policy statements and plans, must state the anticipated environmental results.

The First Schedule of the RMA provides, among other matters, guidelines for the provision of information to communities in relation to making and reviewing plans and policies and the related submission processes. In particular, a local authority is required to make publicly available: information on a proposed policy or plan (First Schedule Part 1 section 5); information regarding submissions received on the proposed policy or plan (First Schedule Part 1 section 6); information on the hearing of the submissions (First Schedule Part 1 section 8); and decisions that were made in relation to the submissions (First Schedule Part 1 section 11). The Second Schedule of the RMA supplements the First Schedule and provides details on matters that may be provided in proposed policy statements and plans. The main emphasis of the reports is on: the use, development or protection of any natural and physical resources (Second Schedule Part 1 (1); the

use, development or protection of coastal marine areas (Second Schedule Part 1 (2); and the effects of any use, development, or protection of physical and natural uses and coastal marine areas on the community [Second Schedule Part 1 (4)].

Another type of information required to be reported to communities under the RMA is information on applications for resource consents. Resource consent means consent to do something that otherwise would contravene restrictions imposed by the RMA on the use of land, subdivision of land, the use of beds of lakes and rivers, the use of water, and the discharge of contaminants into the environment (section 87). The primary emphasis is on information related to environmental impact assessment. Every application for resource consent must provide an assessment of environmental effects (section 88). Matters to be included in the environmental impact assessment report are outlined in the Fourth Schedule of the RMA. A local authority has a responsibility to publicly notify the information provided in the application for resource consent, including the environmental impact assessment (section 93). The provision of such information allows the community to make submissions on any applications for resource consents (section 96).

The LGA and RMA together form the legislative framework for reporting to communities. Although the dissemination of information is mainly facilitated by local authorities, the community as a whole is involved in providing information through the various submission and hearings processes and through any application for resource consents. Through the collaboration between local authorities and the community, environmental and social reporting acquires a new dimension. It is a holistic and democratic process where anyone can provide information and create awareness in the community. The scope of reporting and information sharing envisaged in the legislations is beyond the scope covered in contemporary corporate social reporting (CSR) practices. Under such practices, corporations hold the privileged position of reporting entities (Lehman, 1999) and they manage reporting practices to suit their profit motives (Amaeshi & Adi, 2006). The Local Government legislations provide a communitarian approach to environmental and social accounting (Lehman, 1999), by including the community in the accountability process.

CONCLUSION

Central and Local Government authorities in New Zealand have introduced Local Government reforms to empower community participation in local governance. A primary feature of the Local Government reforms is the introduction of processes for collaboration between local authorities and local

communities in planning and policy making. The primary aim is to promote community priorities and enhance the capacity of local communities to participate in decisions that affect their lives. The reforms provide a framework for a communitarian approach to local governance and sustainable development of local districts. The three ideologies – communitarianism, local governance and sustainability – are underlying fundamentals of the Local government legislations. The synthesis and interrelatedness of these ideologies are encapsulated in the provisions of the legislations. Democratic participation and collaboration between communities and their local authorities aiming to promote community priorities are crucial themes of the LGA. Community priorities are stated pervasively in the LGA in terms of sustainable development, that is, environmental, economic, social, and cultural well-being of the community while the primary emphasis in the RMA is environmental sustainability. The LGA promotes community participation in local governance for the purpose of enhancing the community priorities. The emphasis in the legislations is in accordance with the recommendations of Agenda 21 for collaboration between local communities and local authorities for the development Local Agenda 21 (Wilson et al., 2000) to fit the unique characteristics of the local community (Knight, 2000 & Hughes, 2000).

The interpretation of the RMA and LGA is purely from the perspectives of communitarian, sustainable development and accountability ideologies. The interpretation is context driven and the meaning of a communitarian approach to accountability for sustainable development is on the basis of a set of pre-understandings which the interpreter assumed at the start of the interpretive process. The interpretation suggests that a communitarian approach to accountability acquires meaning within the context of the local governance system prescribed by the RMA and the LGA. Features of the communitarian approach include: mutual and joint accountability for the common good; the dialectical dimension of accountability; reporting and information sharing in the community; and mechanisms for monitoring community priorities. Directions for future research can consider the operation of the communitarian approach in local districts in New Zealand.

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