

Safekids New Zealand Submission on the Local Government (Auckland Law) Reform Bill (2009)

February 2010

Overview

Safekids NZ suggests changes to the Local Government (Auckland Law) Reform Bill (2009) to reduce the numbers of children killed and hospitalised from accidents (unintentional injuries).

This Bill provides an opportunity to include child health and safety as a strategic priority in the overall functions of the Auckland Council and its subsidiary organisations. Children, it is argued, are a special case for consideration.

The intention is for the Act to empower the Auckland Council to more efficiently and effectively ensure sensible child safety measures are enacted and maintained across its departments and subsidiary organisations.

The prevention of unintentional child injury (child safety) involves the provision of services that fall outside the usual scope of social service agencies; these include the provision of safe roads and footpaths, parks, open spaces and waterways, buildings and spatial planning.

Over a third of all child death in New Zealand (34%) is due to unintentional causes. These include: motor vehicle crashes; children who are pedestrians and cyclists; driveway run overs; drowning in swimming pools, waterways and storm-water drains; burns and falls (Child & Youth Mortality Review Committee, 2006, 2009)

Safekids NZ suggests the Local Government Select Committee recommends that the Local Government (Auckland Law) Reform Bill (2009) is amended to include the following:

➤ **Transport (Part 4):**

A statutory requirement for the Auckland Council and Transport Agency to build and maintain safe roads and develop plans to address safety issues for all Auckland road users, including children.

➤ **Water and Waste Water Services (Part 5):**

This section includes a statement that water services are to be provided and maintained with consideration for public safety and the prevention of drowning.

➤ **Spatial Plan (Part 6):**

A requirement for child safety and wellbeing to be considered in the development of the Spatial Plan for Auckland; this would set the precedent for proactively planning for educational services, safe routes to schools, safe driveways, cycle ways, walkways, children's parks and the provision of amenities that will benefit the health of children.

1. Introduction

The Local Government (Auckland Law) Reform Bill (2009) is an opportunity to ensure Auckland local government contributes to maintaining and improving child and youth health. This Bill provides an efficient and effective way for Government to require the Auckland Council (and its subsidiary organisations) to consider how they can best help to maintain the safety and well being of children during the delivery of services.

- 1.1. In New Zealand over sixty children (on average) are killed in unexpected, traumatic and / or violent circumstances each year.** Motor vehicle crashes contribute the largest single cause of mortality; remaining causes include drowning (in pools; waterways or baths); fire; poisoning; crushing injuries or children falling to their death. Many more children are hospitalised.^{1,2}
- 1.2. New Zealand's current performance in child safety could be improved.** The Children's Commissioners Briefing to the Incoming Government (2008) states "The UN Committee on the Rights of the Child has called on New Zealand to build on our base of child health"... ***"Despite some progress our efforts appear piece meal. What is needed is a more strategic and integrated approach*** to increase the numbers of New Zealand's children who will grow up able to take their place in the community as fully contributing members of our economy and society" (page 14).³
- 1.3. Safekids New Zealand is the child injury prevention service** of Starship Children's Health and a member of Safe Kids Worldwide. Safekids raises public awareness of child injury issues nationally and works to facilitate the adoption of policies and programmes that will improve child safety.

Safekids NZ works with local government to promote understanding of the role councils can play in reducing child death and injury.
- 1.4. Major causes of accidental child death and hospitalisation involve the management of resources and circumstances the Auckland Council can influence.** Through the addition of a few words the Auckland Council can be empowered to provide for the well being and safety of children in a way that is distinct from the provisions they will be required to make for other, competing priorities. This includes planning to prevent child pedestrian injury on local roads; reducing cycle crashes; reducing the number of driveway run overs; preventing drowning in home swimming pools, waterways and storm water drains; and preventing burns and fatal falls.
- 1.5. Child safety measures are included in statute in other countries. The USA Federal Government SAFETEA-LU Transportation Act (2005)** required State Governments (in all 50 states and the District of Columbia) to provide infrastructure improvements such as bike lanes, footpaths and safe crossings, education and promotion to make it safer for children to walk and bicycle to school. In 2009 a second Bill (H.R. 4021) was introduced to Congress to expand the programme to High Schools. This Bill is currently being processed through its Congressional Committee.^{4, 5}
- 1.6. Safekids NZ recommends changes to the Local Government (Auckland Law) Reform Bill (2009) in the Parts dealing with transport; water; and the spatial plan.**

2. Transport (Part 4)

Safekids NZ suggests the Local Government (Auckland Law) Reform Bill (2009) requires the Auckland Council to create an Auckland Regional Land Transport Safety Strategy. This would be implemented by the Auckland Transport Agency as part of the Regional Land Transport Programme and is recommended because;

- 2.1. Road crashes cost the Auckland region an estimated \$1 billion per year** in medical costs, lost productivity, and are a significant cause of death. These costs exclude the economic cost of traffic delay caused by road crashes.⁶
- 2.2. There is no primary legislation that requires Road Controlling Authorities to build and maintain safe roads.** The Land Transport Management Act (2003) contains references to the need to provide for safety, but only by implication. Making a statutory reference to this function will clarify responsibilities and accountability.^{7 8}
- 2.3. The Auckland Transport Agency could be required, through an additional section in the Local Government (Auckland Law) Reform Bill,** to build and maintain safe roads and develop plans to address safety issues for all road users, including children.
- 2.4. Auckland transport safety issues differ from those identified nationally.** The National Road Safety Strategic consultation documents (*Safer Journeys 2020*) considered motorcyclists as a higher safety priority than cycling and walking. However in Auckland City pedestrians and cyclists represented 26 per cent of fatal and serious crashes, while motorcyclists were 18 per cent.⁹
- 2.5. Auckland's transport safety spending priorities differ from national transport safety spending priorities.** The National Land Transport Programme (regional) allocated 35 per cent of its road safety engineering funds for state highways, compared with 16 per cent funding for local road safety engineering. In 2008 the cost of Auckland City urban and local road trauma was estimated at \$678.7 million. Auckland City area state highways/motorways trauma cost an estimated \$228.6 million.¹⁰
- 2.6. New Zealand has a history of poor performance for child road safety.** Between 1996 and 2000, New Zealand was rated as the third worst performer within 30 OECD countries for the total traffic fatality rate among children. Only Portugal and South Korea were reported as performing more poorly (2004).¹¹
- 2.7. Education services are of major strategic and economic importance for Auckland.** Research shows child death and injury occurs more frequently while children are travelling on journeys to and from school.¹² It is important and more efficient, therefore, to identify this within the Act and to require best practice safety management of school traffic infrastructure and amenities at the highest strategic level.¹³
- 2.8. Road safety interventions are effective at preventing the death and injury of children** while they are pedestrians and cyclists. Proven interventions include safe footpaths, speed reduction, separated cycle ways and crossings. The "Walk and Wise" programme in the UK resulted in an estimated reduction of 36 per cent in target group casualties.¹⁴

School travel plans at ten schools in Auckland city have been evaluated. Crash data from 'before and after' was compared. It showed that following school travel planning:

- pedestrian and cycle crashes (total) reduced by 11 per cent
- child pedestrian and cycle crashes reduced by 48 per cent
- child as a percentage of total crashes reduced from 31 per cent to 18 per cent
- a total reduction in social cost of \$15.7million
- this occurred as 6 per cent less of all school attendees were driven to school¹⁵

2.9. Road safety Interventions are achieving reductions in local child injury.

Table one shows the number of children (0 to 14 years old) hospitalised overnight or longer because of an injury received while they were pedestrians, showing a reduction of numbers that is most likely to be related to ongoing child safety interventions implemented by the Council.¹⁶

Hospitalisation of child pedestrians in motor vehicle traffic crashes; Unintentional intent; both genders; 0 to 14 year olds Auckland City (2000 to 2008)

Year of Discharge	Number of Discharges	Crude Rate (per 100,000 persons)
2000	26	34.8
2001	27	36.0
2002	24	30.8
2003	21	26.4
2004	10	12.6
2005	13	16.4
2006	13	16.5
2007	8	10.2
2008	8	10.2
TOTAL	150	21.4

Crude rates: rates are not calculated for counts of fewer than 5 injury discharges; those discharges as a result of readmission for an existing injury; discharges for a *length of stay* in hospital of less than 24 hours; discharges where there was not a primary diagnosis of injury; cases of patients who died in hospital

2.10. The USA Federal Government SAFETEA-LU Transportation Act (2005) required State Governments (in all 50 states and the District of Columbia) to provide infrastructure improvements such as bike lanes, footpaths and safe crossings, education and promotion to make it safer for children to walk and bicycle to school. In 2010 a second Bill (H.R. 4021), expanding the programme, is currently being processed through Congressional Committee.¹⁷

3. Water supply and waste water services (Part 5)

Child drowning prevention measures used by local government water services depend upon service specifications and the level of investment provided. Open water culverts and storm water drains are managed through a budget that must be prioritised against all other asset management schedules. This includes the funding of service levels such as the speed of the Council's response to water hazards (flooded storm water drains), the degree and quality of barrier landscaping and the installation of fences, bridges and warning signs on urban waterways.

3.1. Safekids NZ suggests child safety be included as a statement within Part 5, Clause 49. See bold text as below:

"49 Obligations on Auckland water organisations

(1) An Auckland water organisation –

- (a) must manage its operations efficiently with a view to keeping charges for water supply and wastewater services at the minimum levels consistent with the effective conduct of its undertakings and the maintenance of the long term integrity of its assets; and
- (b) **with consideration for child safety and the prevention of drowning;** and
- (c) must not pay any dividend or distribute any surplus in any way, directly or indirectly, to any owner or shareholder; and
- (d) is not required to comply with section 68 (b) of the Local Government Act 2002.

3.2. **Drowning deaths of children younger than five years of age are preventable** when children are protected by simple environmental safeguards and supervision. When such measures lapse, or are not in place, young children drown in rivers; at beaches; in swimming pools; baths; buckets and while boating. Open, unattended storm water systems and drains also present a risk of drowning.^{18, 19}

3.3. **The use of a barrier between a water hazard and places small children access is the most effective intervention to prevent drowning.** The introduction of the Fencing of Swimming Pools Act (1987) has seen a significant reduction in child drowning in New Zealand. Effective environmental barriers protect children from water hazards the public may be unaware of, and in situations where constant supervision is impractical.

3.4. **Safekids NZ also supports children having easy and affordable access to public swimming pools.** For older children it is likely that learning to swim coupled with ongoing caregiver supervision will contribute to lower rates of drowning.²⁰

4. Spatial Planning for Auckland (Part 6)

Spatial Planning for Auckland is about the future. Children are our future.

4.1. **Safekids New Zealand requests Part 6 of the Local Government (Auckland Law) Reform Act (2009) requires the Spatial Plan to take into account the health and wellbeing of children.** This is to empower

the Auckland Council to provide for the needs of children in a way that is distinct from the provisions they will ordinarily make for all other 'competing policy goals' (Part 6; section (3) (k)). See bold section below:

“66 Spatial Plan for Auckland

“(1) The Council must prepare and adopt a spatial plan for Auckland.

“(2) The purpose of the spatial plan is to provide an effective and broad long term strategy for growth and development in Auckland.

“(3) The functions of the spatial plan are –

“(a) to set out the long term (20-30 year) strategic direction (including broad objectives) for Auckland and its communities; and ... and

“(k) **while taking into consideration the health and wellbeing of Auckland’s children**; to integrate otherwise competing policy goals and provide opportunities for coherent and combined decision making about investment and regulation in Auckland and...

- 4.2. There is nothing within the Resource Management Act (1999) that prohibits the safety of children to be considered within District Plans**, yet children’s interests struggle to be prioritised and to date child safety has not been included. For example; District Plan Changes that prioritise streetscape amenity (and require property owners to have long driveways) have been passed despite research showing long driveways increase the risk of child death from driveway run-overs.^{21 22}
- 4.3. Requiring the Spatial Plan to specifically take into account the health and wellbeing of children would** improve city planning. For example, the city could pro-actively plan the location of schools in relation to roading projects, provide an opportunity for the inclusion of separated cycle-ways and require long term land use planning to consider the provision of facilities such as public pools, walkways and local parks.

5. Conclusion

Unintentional child death and injuries often occur from causes outside the usual delivery of social services that are undertaken by government.

The Local Government (Auckland Law) Reform Bill (2009) is an opportunity to ensure the provision of Local Government services within Auckland can more efficiently and effectively contribute to improving and maintaining child health.

Prepared by:
Julie Chambers
Senior Advisor
Safekids New Zealand

References

- ¹ Child & Youth Mortality Review Committee; Te Ropu Arotake Auau Mate o te Hunga Tamariki, Taiohi; *Fifth Report to the Minister of Health Reporting mortality 2002-2008* Ministry of Health 2009. (page 41)Table 1.2
- ² Craig E, Jackson C, Han DY, NZCYES Steering Committee, *Monitoring the health of New Zealand children and young people: Indicator handbook*. 2007 Auckland: Paediatric Society of New Zealand, Child and Youth Epidemiology Society.
- ³ Kiro C, *Manaakitia A Tatou Tamariki Children's Commissioner Briefing for Incoming Minister* Office of the Children's Commissioner November 2008 (Page 14).
- ⁴ US Government; the *Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users* (Public Law 109-59; **SAFETEA-LU**) was a funding and authorization bill that governed United States federal surface transportation spending. It was signed into law by President George W. Bush on August 10, 2005; it expired 2009 and was replaced - Accessed in <http://www.tfhrc.gov/pubrds/09mar/01.htm> February 2010.
- ⁵ US Government *To expand the safe routes to school program to high schools* **H.R. 4021** Accessed in <http://thomas.loc.gov/> Thomas Library of Congress February 2010.
- ⁶ Auckland City Council (Meharry A, Covacich C) *Safer Journeys Submission to Ministry of Transport; Report to Transport Committee* 15 September 2009 Accessed in www.aucklandcity.govt.nz/council/members/committeemeetings/transport/m20091001.asp February 2010.
- ⁷ New Zealand Government *Land Transport Management Act* (2003) Accessed in <http://www.legislation.govt.nz/default.aspx> February 2010.
- ⁸ Breen J Consulting *Review of the Road Safety to 2010 Strategy* New Zealand Government; (Land Transport New Zealand) Final report Contract No. 170/04 2004
- ⁹ Auckland City Council (Meharry A, Covacich C) *Safer Journeys Submission to Ministry of Transport; Report to Transport Committee* 15 September 2009 Accessed in www.aucklandcity.govt.nz/council/members/committeemeetings/transport/m20091001.asp February 2010.
- ¹⁰ *Ibid.*
- ¹¹ Mackie H "*I want to ride my bike*": overcoming barriers to cycling to intermediate schools NZTA research report 380. August 2009 (Page 20).
- ¹² Newbury C, Hsiao K, Dansey R, Hamill J *Paediatric pedestrian trauma: The danger after school* Journal of Pediatric Health 2008
- ¹³ New Zealand Government *Local Government (Auckland Law Reform) Bill Explanatory Notes* (2009) Accessed <http://www.legislation.govt.nz/bill/searchquick.aspx> February 2010.
- ¹⁴ Peden M, Oyegbyte K, et al. (Eds) *World report on child injury prevention* World health Organisation / UNICEF (2008).

¹⁵ Auckland City Council (Meharry A, Covacich C) *Safer Journeys Submission to Ministry of Transport; Report to Transport Committee* 15 September 2009 Accessed in www.aucklandcity.govt.nz/council/members/committeemeetings/transport/m20091001.asp February 2010.

¹⁶ Otago University Injury Prevention Research Unit data table accessed in <http://ipru3.otago.ac.nz/niqs/Morbidity.php> February 2010.

¹⁷ US Government *To expand the safe routes to school program to high schools* **H.R. 4021** Accessed in <http://thomas.loc.gov/> Thomas Library of Congress February 2010.

¹⁸ Child & Youth Mortality Review Committee; Te Ropu Arotake Auau Mate o te Hunga Tamariki, Taiohi; *Fifth Report to the Minister of Health Reporting mortality 2002-2008* Ministry of Health 2009.

¹⁹ Thompson W *Waitakere Councillors still in dark over Aisling's drain death* New Zealand Herald; Monday Nov 16, 2009.

²⁰ Child & Youth Mortality Review Committee; Te Ropu Arotake Auau Mate o te Hunga Tamariki, Taiohi; *Fifth Report to the Minister of Health Reporting mortality 2002-2008* Ministry of Health 2009.

²¹ Roberts I, Norton R, Jackson R, "Driveway-related child pedestrian injuries: a case controlled study". *Pediatrics* 1995; 95 (3): 405 – 408.

²² Murphy F, White S & Morreau P, (2002). *Driveway Related Motor Vehicle Injuries in the Paediatric Population: A Preventable Tragedy*. The New Zealand Medical Journal, Vol 115 No 1160