

# A Human Rights-Based Approach to the Discourses Governing Active Recreation in New Zealand

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# ATTESTATION OF AUTHORSHIP

I hereby declare that this submission is my own work and that, to the best of my knowledge and belief, it contains no material previously published or written by another person (except where explicitly defined in the acknowledgements), nor material which to a substantial extent has been submitted for the award of any other degree or diploma of a university or other institution of higher learning.

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# ABSTRACT

Public policy is an ever changing field with practitioners struggling to find the best ways to develop and implement their policies. Auckland City Council's *Community Services and Recreation Department* is no different. Faced with a rapidly expanding and diverse population, which is also increasingly sedentary and unhealthy, the department wished to explore an approach which would encapsulate and help to solve the issues that they are facing (McDermott, 2009; Rowe, 2008; Royal Commission on Auckland Governance, 2009).

A human rights-based approach to public policy development was identified as being part of the answer to Auckland City Council's active recreation challenges. Auckland University of Technology's Institute of Public Policy were contracted to undertake research into this public policy approach, that is increasingly used internationally. Could this be implemented in New Zealand?

It is acknowledged that a human rights-based approach to public policy development and implementation can help to promote accountability, empowers and it also involves people in the decision making process and ensures that individuals are not discriminated against (Department of Health, 2007). While a human rights-based approach ensures that international obligations are adhered to, the flow-on effect of implementing a human rights-based approach includes having community 'buy-in' to a project or proposal, by making public policy more 'person centred' (Department of Health, 2007).

Key informant interviews were undertaken in 2009; these highlighted how human rights approaches are currently being implemented in New Zealand, although not necessarily in a methodical or consistent manner. Document analysis was also conducted on key policy documents within New Zealand and the United Kingdom using discourse analysis and a human rights lens.

In conclusion it was found that the implementation of a human rights-based approach in Auckland City would help to address the issues presented, such as population changes and inactivity and also help to increase participation amongst non-participants. SPARC's focus has moved towards organised sport, children and youth participation and on elite athletes. Local authorities in New Zealand need to act to ensure that the mental, social, health and economic well-being of their communities is preserved and enhanced through active recreation. Taking a human rights-based approach to active recreation policy development would contribute towards achieving these outcomes.



# CHAPTER 1 - INTRODUCTION

Having been an elected North Shore City Councillor (2001-2004) and soon after been re-elected in a by-election to the Birkenhead Northcote Community Board, it was natural that I was interested in researching Local Government policy development for my MPhil. Auckland City Council's Sport and Recreation Department had approached the AUT's Institute of Public Policy to undertake research on active recreation and how public policy could help to increase the activity levels of Aucklanders. I was invited to join this research team to complete a thesis contributing to this research.

Auckland's population is becoming increasingly diverse. Thirty-seven percent of people living within the region have been born overseas, and 44.4% of the population identify with a minority or ethnic grouping (Ministry of Social Development, 2009; Statistics New Zealand, 2009b). This potentially creates language, social or religious barriers which can affect an individual's participation in active recreation.

Under the Local Government Act 2002 Auckland City Council has a duty to implement the four 'well-beings' which are: "the social, economic, environmental and cultural well-being of the communities" (*Local Government Act*, 2002, section 10(b)). The provision of active recreation opportunities contributes to local authorities implementation of the four 'well-beings'.

Faced with these challenges, meetings were held with the sport and recreation policy team from Auckland City Council. This team included a senior manager who had previously been working in the United Kingdom and had found that a human rights based-approach was beginning to be implemented there and he thought that this could be the right approach to tackle the active recreation challenges facing Auckland City. My background in New Zealand local government decision-making

was supported with experience of having worked in the United Kingdom for three years in public affairs, often liaising with the Department of Culture, Media and Sport Therefore this research project was a perfect fit for me.

However there were limitations and challenges in undertaking the research and preparing this thesis. This research therefore sought to understand how a human rights approach was being utilised in the United Kingdom and how this could be used in New Zealand. Additionally, it was important to understand how a human rights approach would affect policy development around active recreation and whether this would help to increase participation. Comparing and contrasting two large policy areas (human rights and active recreation) within the United Kingdom and New Zealand within the confines of a Master's thesis was challenging.

In order to overcome some of these challenges, during the course of this research, meetings and workshops were held with the team from Auckland City Council. This provided discipline by requiring updates on the progress and preliminary results, and also ensured that there was input and feedback from the very people who would use this research. During 2009 and 2010 there were personnel change within the team at Auckland City Council; this was mostly due to the transition within local government in the Auckland region. The restructuring of Auckland local government also meant that the research, while still focussing on Auckland City Council, was also applicable to the new Auckland Council. As an elected Community Board member during the course of this research, I was also interested in how this research could be used and implemented by the new Auckland Council and by the new Local Boards.

Critical discourse analysis was chosen as the approach in this exploratory research. Discourse analysis focuses on identifying the political influences within language (Mills, 2004) and was used to analyse documents which influence public policy decision making in active recreation in New Zealand and comparing and contrasting them to those influencing public policy within the United Kingdom. Additionally, these documents were analysed using a human rights lens. Key informants in local government, sport and human rights were also identified and

interviewed. These insightful interviews were then assessed using discourse analysis with a human rights lens.

The intended audience for this thesis are those in the field of public policy, particularly within the sport and active recreation sectors and those with an interest in human rights-based approaches. However, the main audience for this research is Auckland City Council.

Considering the background to this research and the intended audience, the focus question for this research was: *How effective are the power structures governing human rights approaches in active recreation in New Zealand, as demonstrated through discourse?*

With this focus question in mind, the specific goals of this research were:

- to understand how a human rights-based approach is being used within the United Kingdom;
- to understand how human rights currently affect decision-making within New Zealand;
- to understand the current policy development processes and issues in active recreation in the United Kingdom and also in New Zealand, specifically within Auckland;
- to analyse the political influences surrounding active recreation policy development in New Zealand and contrast this with policy development within the United Kingdom; and,
- to determine whether or not a formalised human rights-based approach to policy development would improve participation in active recreation within Auckland.

The focus question and goals of this research strongly influenced the structure of the thesis.

## 1.1 Structure of the thesis

Chapter 1 of this thesis seeks to provide the context within which this research was undertaken, including the challenges posed and an overview of the specific research goals.

Chapter 2 consists of a literature review. The literature review seeks to understand the background to human rights and the history and issues surrounding human rights. It then goes on to explore human rights-based approaches and how they have been developed. In order to provide context for the United Kingdom and New Zealand elements of the research, I have also undertaken a review of the literature of human rights in those two countries which explores the history of human rights in those countries and the issues and challenges facing human rights in the respective countries. It then outlines how the United Kingdom and New Zealand are currently implementing human rights-based approaches. The review then progresses to analyse the health issues surrounding inactivity and lack of physical exercise, including the community benefits of active recreation prior to examining the issues surrounding active recreation in New Zealand and the United Kingdom. Finally, the literature review examines the links between active recreation and a human rights approach.

Chapter 3 outlines the methodology used in undertaking this research and also demonstrates the thought process behind the methods chosen (key informant interviews and document analysis) and explains how the analysis was undertaken. Chapter 4 outlines the results of the analysis undertaken on documentation that affects public policy development in active recreation in New Zealand which compares and contrasts this to documentation in the United Kingdom. Chapter 5 discusses and reports the findings of the key informant interviews and the analysis of these interviews when examined using discourse analysis along with a human rights lens. Chapter 6 consists of the conclusion of the research and offers recommendations.

# CHAPTER 2 - LITERATURE REVIEW

## 2.1 Introduction

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This chapter explores the current literature and understanding of human rights and human rights-based approaches both internationally and nationally (within New Zealand and the United Kingdom) and attempts to understand how human rights can affect health outcomes, particularly in relation to active recreation. Firstly, current literature and theories in human rights are explored followed by a review of the literature surrounding human rights-based approaches. The implementation of human rights legislation within the United Kingdom and New Zealand is then examined followed by examining the issues surrounding human rights-based approaches in the two countries. The literature surrounding health implications of active recreation are then detailed with a review of the development and implementation of policy pertaining to active recreation and sport within the United Kingdom and New Zealand. In the following chapters this review provides a detailed background of the public policy history, theories and issues from which to understand the document and interview analysis.

## 2.2 Human Rights

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In order to examine human rights-based approaches it is important to understand human rights and the development of human rights at an international level. Human rights are essentially the rights held by each individual because they are human. The needs of humanity has led to the establishment of an international framework of human rights (Donnelly, 2003). Human rights are universal in application and inalienable, meaning in theory that no government can take them away (MFAT, 2003). The foundational principles of human rights can be found across all cultures; these principles were brought together and formalised in the United Nations Universal Declaration of Human Rights (“UDHR” or “Declaration”)

(United Nations, 1948). As Donnelly (2003, pg. 15) points out: “Human rights are at once a utopian ideal and a realistic practice for implementing that ideal”.

The Universal Declaration of Human Rights was signed in 1948 after the atrocities of WWII. The declaration was designed to protect the dignity and equality of all human beings. It specifies the minimum conditions necessary for a dignified life worthy of a human being (Donnelly, 2003; Nations, 1948; United Nations, 1948). The Declaration protects the freedom of individuals and protects individuals from such atrocities as slavery and torture; it also allows for all individuals to be treated fairly in the eyes of the law and for people not to be discriminated against on the basis of race, religion or gender (United Nations, 1948). The Declaration has been extended since 1948 in further international treaties (MFAT, 2003). As Benhabib (2008) points out the Universal Declaration of Human Rights is now the closest document to an international law. “Although the UDHR is not a legally binding instrument (i.e. it does not create legal obligations for States), it has over time been widely accepted as a universal agreement on fundamental human rights norms that duty bearers are expected to respect, protect and fulfil. It therefore carries significant moral weight, and a number of its provisions now constitute customary international law” (OHCHR & UN Non-Governmental Liaison Service, 2008, pg. 3).

Donnelly also points out that: “rights are actually put to use, and thus important enough to talk about, only when they are at issue, when their enjoyment is questioned, threatened, or denied” (2003, p. 8). Yet, human rights have become a central feature of our social and political reality with the concept of human dignity being accepted by almost all states; however human rights are not necessarily advanced or implemented equally by all states. Human rights have emerged through learned social experiences, particularly through the sufferings of human beings; therefore international human rights reflect a process of social learning (Donnelly, 2003).

Donnelly also points out that “The Universal Declaration, like any list of human rights, specifies minimum conditions for a dignified life, a life worthy of a human being” (2003, p. 15). Since the Declaration came into effect further international

covenants have been signed in order to further protect human rights and encourage governments to expand beyond the “minimum conditions for a dignified life” for their citizens. This has taken place by way of an iterative approach which continues to discuss and debate the full extent of rights in a democratic manner, meaning that rights are constantly evolving and the meaning is enhanced and transformed (Benhabib, 2008). Through such an iterative process further international covenants have been developed expanding on the UDHR.

Examples of further international covenants include: the Convention on the Elimination of All Forms of Discrimination Against Women (United Nations, 1979) which helps to ensure that states not only eliminate discrimination but promote equality of women with men (MFAT, 2003); the United Nations Convention of the Rights of the Child (United Nations, 1990) which works towards ensuring that the best interests of the child shall be held paramount and that the views of the child shall be respected; the Convention on the Rights of People with Disabilities (United Nations, 2006) which declares that disabled people should have access to the same rights as everybody else and be treated with dignity (MFAT, 2003; United Nations, 2006). The Convention on the Rights of People with Disabilities was the first comprehensive human rights treaty of the 21<sup>st</sup> Century and has the record of having the highest number of signatories in history to a UN Convention on its opening day. There is also the Convention on the Rights of Indigenous People (United Nations, 2007) which covers land issues and access to natural resources.

According to Karel Vasak (1982) there have been three generations of historical evolution in human rights: civil and political; economic, social and cultural; and, fraternity or solidarity. The first generation of rights were civil and political rights which were to prevent the state from interfering in the day to day lives of its citizens, these rights represent the main political changes following the Second World War. The International Covenant on Civil and Political Rights (“ICCPR”) were adopted in 1966 (United Nations, 1966a). The ICCPR included discrimination provisions which were “immediately enforceable” (for example: Articles 4, 20, 24, and 26). This means that states which signed up to the ICCPR were immediately required to enforce those discrimination provisions. This is different from other

forms of international legislation which require states to work towards full implementation.

The second generation of rights are the economic, social and cultural rights. These are represented through the International Covenant on Economic Social and Cultural Rights ("ICESCR") (United Nations, 1966). The ICESCR was adopted in 1966 and came into force in 1976; the covenant commits its members to granting economic, social and cultural rights to its individual citizens. For example, labour rights, rights to education, health, family life, participation in cultural life and an adequate standard of living. The ICESCR is achieved progressively as economic resources allow; states are expected to continuously work to improve economic, social and cultural rights. Vasak (1982) describes this 'second generation' of rights as being 'positive' or 'distributive' as they rely on governments being proactive in helping their citizens rather than stopping governments from negatively interfering with their citizens.

Third generation rights are those of fraternity or solidarity through which states cooperate to improve the lives of their entire populations through collective rights. These rights cross state boundaries and could help to deal with regional issues such as HIV/Aids, corruption and global warming (Dickerson, 2002). This 'third-generation' of human rights was, according to some, instituted by the United Nations through its Declaration to the Right to Development (United Nations, 1986). This Declaration helped to establish the principle that all human beings should be enabled to participate in a process of social, economic and political development (Dean, 2007). According to Dean (2007, p. 3) "this new generation of rights incorporated demands for peace, a healthy environment and self-determination". However, there is now some ambiguity over whether these are rights to be demanded by individuals of nation states or of poorer nations of the richer countries (Dean, 2007).

The ICESCR (United Nations, 1966b) rights are incredibly important when considering human rights-based approaches to policy development. The ICESCR (United Nations, 1966b) requires States to "take steps" to realise the rights



contained within the Covenant. States must also progress these rights in a linear fashion; while the rights may not be able to be implemented straight away States are obliged to try and implement them whenever possible. States must take steps to ensure that the maximum amount of resources possible are used for the realisation of these rights. This means that states with less resource or funding will not implement the rights at the same speed as those states which are better able to resource and fund the rights, for example, through a welfare system. This amounts to a direction to states to give ESCR rights a high priority when allocating resources (Geiringer & Palmer, 2007). The difference between the different types of human rights is captured by Maurice Cranston: "Political rights can be readily secured by legislation. The economic and social rights can rarely, if ever, be secured by legislation alone" (1964, p. 34).

The Office of the High Commissioner for Human Rights ("OHCHR") provides expertise and support to different human rights monitoring mechanisms within the United Nations system. These include the UN Charter-based bodies, including the Human Rights Council, and bodies created under the international human rights treaties which consist of independent experts who monitor State parties' compliance with their treaty obligations (OHCHR, 2010b). Each human rights covenant has a committee which oversees the implementation of those rights. These committees have their own monitoring systems in place and require regular reports from states which outline how particular rights are being implemented. For example, the Committee on Economic, Social and Cultural Rights requires states to report initially on how the rights are being implemented within two years of ratification and every five years thereafter. The Committee examines each report and addresses its concerns and recommendations to the state party in the form of "concluding observations" (OHCHR, 2010a).

In 2006 a Universal Periodic Review process was formed to monitor human rights obligations undertaken by countries. This process involves a review of the human rights records of all 192 UN Member States once every four years and provides states with the opportunity to declare what improvements to human rights they have made. There is also a complaints procedure which allows individuals or

organisations to bring complaints about human rights violations to the Human Rights Council.

The background and overview of the international approaches to human rights forms the context within which human rights-based approaches to policy development have been formed and developed over the years.

## 2.3 Human Rights-Based Approaches

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Rights are indivisible, interdependent and interrelated. While within the United Nations there has been a history of championing human rights, it wasn't until late in the twentieth century that human rights-based approaches began to gain traction within policy development at a United Nations level (Frankovitz, 2006). In the UN's *Programme for Reform* (1997) the UN Secretary-General called on the entire UN system to mainstream Human Rights into their activities and programmes. In the second phase of the reform agenda, *An Agenda for Further Change* (2001b), called upon UN Agencies to make human rights a cross-cutting priority for the UN system.

Since the 1997 Programme for Reform, UN Agencies have led the way in adopting human rights-based approaches within their organisations and programmes. However, it wasn't until 2003 that a common understanding of the approach was developed for UN Agencies. The Common Understanding outlines how all programmes should further the realisation of human rights as laid down within the Universal Declaration. It states that "the aim of all activities is to contribute to the realisation of one or several human rights" (Stamford Inter-agency Workshop, 2003, p. 1). The Common Understanding also stressed that while the use of a human rights-based approach requires the use of good programming practices, the application of 'good programming practices' does not in itself constitute a human rights-based approach.

Prior to 1997 the United Nations sought to fulfil the basic needs of people. However, the mindset in the UN has changed in such a way that UN Agencies now seek to fulfil the *rights* of people (Frankovitz, 2006). The difference between the two approaches is that while unfulfilled needs lead to dissatisfaction, rights that are not respected lead to violations. Violations of rights can then be rectified through the legal system within states or through complaints to the Human Rights Council and redressed through these means; while basic needs would not necessarily be fulfilled.

Egypt is an example of how the United Nations have implemented a human rights-based approach. UNICEF has opened drop-in centres for vulnerable women to help reduce their risk of contracting HIV and improve their general standard of living by providing access to clean water, sewerage and electrical power within their communities (Perkins, 2009).

Another example of where a human rights approach has been used at a national governmental level is in Angola. After 27 years of civil war there were concerns that HIV/AIDS would spread as fast in Angola as it had in neighbouring African countries (Flechner, 2005). At the first Extraordinary meeting of the General Assembly of the United Nations to be dedicated to the HIV/AIDS epidemic a Declaration of Commitment on HIV/AIDS (United Nations, 2001a) was passed. This Declaration outlines a number of ways in which states have promised to dedicate attention and resources to combating the spread of HIV/AIDS and protecting those who have HIV/AIDS or are at risk of contracting the disease. This provided Angola with the tools to help combat the spread of the epidemic by introducing a number of targets for the implementation of new legislation (Flechner, 2005). Angola was involved in the development of a regional 'Code on HIV/AIDS and Employment in the Southern African Development Community'. Following on from this the Angolan government introduced a 'Regulation on HIV/AIDS, Employment, and Professional Training' which provided protections for people living with HIV/AIDS against any form of "discrimination in the workplace or the job application process, in addition to guarantees of social security, health coverage, and disability pay when justified on medical grounds" (Flechner, 2005, p. 632). A broader HIV/AIDS law was passed in Angola in 2005; this undertook to consider the following areas as fundamental in the fight against the epidemic: "information, education, treatment, research of the illness, protection of the population, and respect for the rights and responsibilities of people infected with HIV and suffering from AIDS" (Flechner, 2005, p. 633).

Human rights-based approaches entail a reciprocal relationship between 'rights holders' and 'duty bearers'. In a human rights-based approach every human being

is recognised as both a person and a rights holder. Duty bearers, usually governments, have the responsibility to respect, protect, and guarantee the rights of rights holders.



**Figure 1. Rights holders and duty bearers** (Theis, 2003, pg. 2)

Governments have the responsibility to respect, protect and fulfil every right. But as Francis Butler (2004, p. 5) points out: “human rights principles on their own cannot relieve poverty and social exclusion but they can be used to reduce the degradation and discrimination that accompany them”. This observation was evident in the example of how a human rights approach has been used to combat HIV/AIDS in Angola.

While human rights-based approaches are most commonly used at an international or national level, and particularly in relation to developing countries, the principles behind implementing these approaches are becoming more common at a national level within the developed world.

For example, Taylor outlines how a human rights approach used in the Winnipeg School Division in Canada helped to stop homophobic bullying in schools (Taylor, 2006). The human rights approach used in this case was one which systemically linked homophobia to human rights. The Board of the School Division moved the debate surrounding homophobia from that of a moral debate to that of a human rights issue in order to fully combat the issue of homophobic bullying in the classroom. The division implemented a workshop for all existing and incoming employees called 'Human rights/anti-homophobia', this placed homophobia within a legal and anti-harrassment context. Anti-homophobia resources were then developed for the school libraries and teachers. While there are criticisms that this groundwork needs to be further developed (Taylor, 2006, p. 170), the Winipeg School Division provides an example of how a human rights approach can be used at a local and community level.

### **2.3.1 The Capability Approach**

Amartya Sen's capability approach outlines the difficulties found when capabilities, which can broadly be seen as human freedoms, meet human rights. He argues that this is because 'opportunity' and 'process' are two separate aspects of freedom that do not necessarily corelate (Sen, 2005). Sen therefore argues for equality of opportunity. "The capability approach can help to identify the possibility that two persons can have very different substantial opportunities even when they have exactly the same set of means" (Sen, 2005, pg. 154). This is due to the different resources required by individuals to meet their human freedoms. Even with exactly the same income and other primary goods a disabled person is still disadvantaged (Sen, 2005). For example, a disabled person may require extra resources such as wheel chairs, ramps etc. to achieve the same things as an able bodied person (Clark, 2005).

### **2.3.2 Substantive Equality**

"Substantive equality recognises that entitlements, opportunities and access are not equally distributed throughout the community and there may be barriers to service provision resulting in unequal outcomes for particular groups" (Equal Opportunity Commission, 2006, pg. 1). It recognises that applying equal rules to

unequal groups can have unequal results. As Kilgour states: “A ‘one size fits all’ approach does not work when addressing systemic and pervasive inequality” (2007, pg. 760).

The Western Australia government has implemented a substantive equality framework in order to combat systemic racism (Substantive Equality Unit, 2004a). This framework outlines how the public sector can help to eliminate racism and promote sensitivity to the different needs of groups. To do achieve this the public sector will:

- *Assess how policies, programs and practices affect Indigenous people and ethnic minorities;*
- *Monitor the implementation of policies and programs and make sure they meet the diverse needs of the people of Western Australia*
- *Ensure that staff are equipped with the knowledge and skills to address issues of systemic racism;*
- *Recognise and appraise organisational progress towards achieving substantive equality* (Substantive Equality Unit, 2004a, pg. 7).

The Framework then outlines five levels which agencies need to achieve. It is envisaged to be an “unfolding and cumulative program of planning, implementation and review” (Substantive Equality Unit, 2004b, pg. 7).

This demonstrates how governments can implement human rights-based approaches in a variety of ways and that there is not one ‘right’ way of implementing it. Different aspects of human rights can be the focus of the approach depending on the needs of the community; in Canada the Winipeg School Division focussed on anti-homophobia while in Western Australia the focus was on combating racial discrimination.

## 2.4 Human Rights in the United Kingdom

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In order to understand how human rights approaches have been implemented in various communities and in different policy areas within the United Kingdom (“UK”) it is important to understand human rights legislation and processes within the UK and the issues surrounding this legislation. The UK Human Rights Act (1998) provides the source for legally enforceable human rights in the United Kingdom. The Act came into force in 2000 and incorporated the rights guaranteed under the European Convention on Human Rights, which was ratified by the UK in 1951. The European Convention on Human Rights (“ECHR”) (European Union, 1950) is a regional convention aimed at ratifying and implementing the Universal Declaration on Human Rights, particularly the civil and political rights, at a regional level (Butler, 2004).

The ECHR (European Union, 1950) is a treaty of the forty-five member countries of the Council of Europe; the rights protected by the ECHR are the right to life, liberty, fair hearing, private and family life, freedom of thought, conscience and religion, free expression, association, freedom from degrading treatment, education and freedom from discrimination. Some of the ECHR rights are ‘absolute’ while others are ‘qualified’ and may be restricted on specified grounds. In addition, individuals are entitled to apply to the European Court of Human Rights on the grounds that member states have failed to comply with the convention (Butler, 2004).

Through the Human Rights Act 1998 the UK extended legal liability for human rights from central government through to all ‘public authorities’ including local authorities, health trusts, schools, courts, police and non-statutory bodies exercising ‘public functions’. This extension resulted in what has been described as miscommunication leading to fear of the Human Rights Act (Butler, 2004).

However, soon after the Human Rights Act came into force it began to be portrayed as destroying democracy and encouraging selfishness (Cooper, 2003). The media began reporting on lay magistrates resigning from their posts due to the Human Rights Act making the job impossible (Millward, 2001), and that the ‘Human



Rights Act could free 20 most notorious killers' (Johnston, 2001). These scare stories continued in the media until there was a general perception amongst some people that the:

*expansion of rights has led to both a paralysis of the public service and to a rapid and terrible deterioration in the character of the population — not of everyone, of course, but of substantial numbers of people (Dalrymple, 2004).*

Issues surrounding human rights within the UK have focussed on concerns that organisations, companies and individuals may be found to breach the Human Rights Act (1998) and therefore face costly litigation. This has been perpetuated through confusion surrounding the implementation of the Act, the media's portrayal of the Act, as well as a political campaign by the Conservative Party.

In 2004 the Human Rights Act 1998 came under political attack from the Conservative Party for allegedly contributing to a 'compensation culture' and benefiting the 'wrong people'. The Conservative Party then announced that they had set up a commission to investigate the workings of the Act with a view to amending or repealing it (Butler, 2004). In 2006, David Cameron, leader of the Conservative Party, announced a plan to replace the Human Rights Act with a US-style Bill of Rights which would be based on British values (BBC, 2006). However, this plan was criticised at the time and the Conservative Party have since concentrated their human rights policies on international human rights and have established the Conservative Human Rights Group in order to do this.

In its 6<sup>th</sup> Report published in 2003, the Joint Committee on Human Rights (Croft, 2003) confirmed that the Act was undergoing criticism in the media and stated that: "too often human rights are looked upon as something from which the state needs to defend itself, rather than to promote as its core ethical values." The report concluded that there was little political will to implement the HRA and that political will needed to be rekindled. It recommended that there needed to be structures for mainstreaming human rights at the centre of government and that human rights need to be established as part of a comprehensive performance assessment in

local government. It also recommended the establishment of a Human Rights Commission to provide a driving force to the implementation of the Act and a more credible 'human rights culture' for public authorities.

In 2004 the Labour Government announced the establishment of the Equality and Human Rights Commission (EHRC). This Commission was eventually established and launched in 2007 after much consultation. The EHRC is a non-departmental public body made up from the Commission for Racial Equality, the Disability Rights Commission and the Equal Opportunities Commission. It has been provided with the ability to enforce human rights laws and takes on cases for individuals "especially where there are strategic opportunities to push the boundaries of the law. Where there are chances to create legal precedents or to clarify and improve the law, the commission will seek to do so" (Equality and Human Rights Commission, 2010). The Commission can also launch inquiries and formal investigations where there is an equality dimension to the case.

However, despite these attempts to mainstream the Human Rights Act, in early 2009 Jack Straw, Secretary of State for Justice, gave the keynote speech at annual conference of the British Institute of Human Rights, where he spoke of the still ongoing debate in the media about the validity of the Act:

*I firmly believe that the Human Rights Act will stand as one of this government's greatest achievements, and I think that the history books, if not necessarily the headlines, will record this (Straw, 2009).*

He went on to speak of how the Act had an 'image problem' and described the reason as being 'myth and misreporting' combined with some public authorities making mistakes. "It is a feature of rights based legislation that it is more visible in the breach than in the observance" (Straw, 2009).

#### **2.4.1 The Equalities Act 2010**

In 2008 the UK Government began consulting on a new Equalities Bill. One of the main drivers was that: "there are currently nine major pieces of discrimination legislation, around 100 statutory instruments setting out connected rules and

regulations and more than 2,500 pages of guidance and statutory codes of practice” (Government Equalities Office, 2008, pg. 6). The Equalities Bill would be written in plain English so that it was easily understood by all. The Equalities Bill would not only simplify the legislation around equalities but also seek to strengthen it. The Equality’s Bill became an Act of Parliament on the 8<sup>th</sup> April 2010.

Some of what the Equality Act seeks to achieve is outlined below:

- to place a new duty on public bodies to consider socio-economic disadvantage when making strategic decisions;
- extend the circumstances in which a person is protected against discrimination;
- to allow an employer or service provider or other organisation to take positive action so as to enable existing or potential employees or customers to overcome or minimise a disadvantage arising from a protected characteristic; and,
- extend the permission for political parties to use women-only shortlists for election candidates to 2030 (United Kingdom Parliament, 2010).

There are also ongoing economic benefits of equality. As Harriet Harman MP, introduced the Equality Bill: “equality is not just the birthright of every individual, but necessary for the economy: a competitive economy is one that draws on everyone’s talents and abilities and is not blinkered by prejudice” (Keter, 2009, pg. 3).

The new Equality Duty on the public sector will “require public bodies to consider how their policies, programmes and services affect different disadvantaged groups in the community” (Government Equalities Office, 2008, pg. 13). This in many ways is the government endorsing a human rights approach through the public service.

However, critics of the Act contended that it “fails to address the disability pay gap, especially in the Civil Service, gives employment tribunals too many powers in areas where they are not best placed to judge, contains disproportionate and

bureaucratic proposals on the gender pay gap which will impose unnecessary costs on business whilst failing to solve the problem” (Keter, 2009, pg. 3).

The political issues and problems surrounding the implementation of human rights legislation in the UK provide an interesting insight and context for the formation of human rights approaches in UK policy development.

## **2.5 Human Rights-Based Approaches in the United Kingdom**

After the implementation of the Human Rights Act and the ECHR the UK Government decided to set an example by implementing a pro-active approach in order to achieve the aims of the legislation. This did not just entail the establishment of the Equality and Human Rights Commission, but also sought to demonstrate the fundamental nature of human rights through the public sectors' approach to human rights. One of the purposes of the Human Rights Act 1998 was to assist public authorities in improving public services (Butler, 2005). However, traditionally human rights materials used by public authorities were focussed on keeping the organisations out of court (Department of Health, 2007).

It was envisaged that a human rights approach would help to put the user of public services at the heart of their design and delivery. This would help to encourage recognition that people are entitled to be treated fairly, with dignity and respect (Butler, 2005). Human rights would be used as a standard against which public services are designed and delivered. The design of public services using a rights-based approach would ensure the following human rights principles were included (Department of Health, 2007):

- Fairness
- Respect
- Equality
- Dignity
- Autonomy

When governments and organisations begin to implement a human rights-based approach to policies and practices, the governments and organisations become more 'person centred' (Department of Health, 2007). People become not only the focus and central element of the policies and practices but they are involved in the decision-making process. When governments include diverse groups in decision-making and service delivery, governments are better able to understand the complexity of the issues involved. It also serves to ensure that trust and

understanding is built between governments/agencies and the general public. This foundation of trust can be invaluable when difficult decisions need to be made. The agency gains new perspectives that test their assumptions and serve as a reality check (Rogers & Robinson, 2004). Engaging rights-holders within the development of public policy thus becomes a mutually beneficial exercise.

In 2004 the Labour Government's aim for incorporating human rights into its work was summed up by John Reid, Secretary of State, in this way:

*Instead of a state that sees people as passive and uniform, our aim is to expand and support individual choice, to balance rights with responsibilities, to design policies and services that meet individual needs and that are shaped and enhanced by the people themselves, as individuals, in families and in communities (Reid, 2004).*

Following on from this statement the Government not only created the Equality and Human Rights Commission but brought into place policies and frameworks to help bring human rights to the centre of policy-making.

#### **2.5.1 Department for Constitutional Affairs (DCA) Guidance**

In 2006 the UK Government committed to extending human rights throughout the public service with the publication of a guide to human rights for public authorities (DCA, 2006). This provided guidance and information for people working at all levels within public authorities on how the Human Rights Act 1998 (*Human Rights Act*, 1998) affected them and their work. This guidance helped to ensure that the principles of public service are underpinned by human rights values.

The DCA Guidance (2006) explains how public authorities are able to balance the rights of individuals against the rights of the community as a whole, and explains the difference between absolute, limited and qualified rights. The guidance explains how human rights are relevant for public authorities, and provides civil servants with a user friendly, yet generic, way to comprehend how to incorporate human rights into their work.

### 2.5.2 Human Rights in Healthcare Framework

The Department of Health through the National Health Service (NHS), has been leading the way in implementing human rights-based approaches. The NHS is responsible for free public healthcare within the UK. This healthcare is generally provided at a local level by NHS Trusts. While it may appear daunting to implement an entire new policy approach, Frances Butler (2005, p. 41) pointed out: “a human rights approach may often involve a refinement in the process of decision-making rather than a radical overhaul of all procedures.”

In 2007 the Department of Health launched a framework which outlined how a human rights based approach would be used throughout the NHS. The purpose of the framework is to help NHS Trusts to place human rights at the heart of healthcare throughout the UK. It was felt that a lack of respect for people’s human rights was bad for their health, and that a more person-centred approach to health care would be better. This would help to ensure that individuals receive fair, dignified and equitable treatment within the healthcare system, and would contribute to building a wider culture of respect (Department of Health, 2007).

The framework provides guidance on the Human Rights Act 1998 (*Human Rights Act*, 1998) and practical advice and case study examples on what human rights-based approaches look like in action. The framework is aimed at those in strategic positions, particularly in policy development, but also at those who deliver services directly to the public as well as voluntary and community organisations which work with the Trusts.

An example of where a human rights approach has been used within the NHS is Southwark Health and Social Care (Department of Health, 2007). Southwark Health and Social Care is an integrated structure between Southwark PCT (Health) and the London Borough of Southwark’s Social Services Department. Southwark Council had been carrying out work on human rights in other areas; this had included training across a number of departments such as social services, housing and education. Implementing a human rights based approach was seen to be in keeping with the work already being undertaken by Southwark Council and was a

good opportunity to link existing equality and diversity work with human rights. With a diverse population encompassing over 100 spoken languages and varying health needs, a human rights approach was considered to be a key driver in meeting the challenges of this diversity. Southwark worked, through training, to develop a 'human rights' mindset in its work through commissioning, service provision and the delivery of health services. The Council then worked towards ensuring that the protection of human rights became part of its organisational thinking and then developed a performance management framework which linked the projects goals with critical success factors and key performance indicators (Department of Health, 2007, p. 54).

According to the UK Department of Health (2007, p. 4) "human rights based approaches are about putting human rights at the heart of policy and planning, ensuring accountability, empowering and involving people and non-discrimination". A human rights-based approach to the development of public policy ensures that the human rights principles of fairness, respect, equality, dignity and autonomy are fully ingrained within the policies. A human rights-based approach requires policy makers to ensure that every element within the policy encompasses the principles, and also puts them into practice.

This demonstrates that the UK Government have been supportive of a human rights approach to the development and implementation of public policy. They have been driving it through in terms of health policy but also through providing guidance and support to public authorities wishing to implement such an approach.



## 2.6 Human Rights in New Zealand

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In order to compare New Zealand's human rights approaches with that of the UK, it is important to understand and explore the background of human rights in New Zealand. New Zealand's involvement with the UN Charter began with Prime Minister Peter Fraser being included in the British War Cabinet discussions on the Atlantic Charter, where he contributed to the language around labour standards and social security (MFAT, 2003). Traditionally New Zealand has been at the forefront of humanitarian liberalism, through establishment of the Maori seats in 1867, the granting of full suffrage in 1893, through to the provision of economic wellbeing in the welfare state, in particular in the period after 1935.

New Zealand's laws and legislative systems have meant that in some cases only minor modifications to legislation has been necessary to comply with United Nations human rights covenants. New Zealand's commitment to welfare rights has meant that no specific legislative action has been required in order to implement the rights conferred through the International Covenant on Economic, Social and Cultural Rights (MFAT, 2003; United Nations, 1966b).

However, while there has not been a general need to change legislation, the New Zealand Parliament decided to indicate its commitment to its international obligations. There are two main pieces of legislation that specifically promote and protect human rights: the Human Rights Act 1993, and the New Zealand Bill of Rights Act 1990.

New Zealand institutions established to specifically deal with human rights include the Human Rights Commission, the Race Relations Commissioner, the Commissioner for Children, and the Health and Disability Commissioner. The Human Rights Commission was established in 1977 to deal with complaints of sex, race and religious discrimination. In 1993 its remit was broadened to "provide better protection of human rights in New Zealand in general accordance with UN Covenants or Conventions on Human Rights" (MFAT, 2003, p. 82). In 2001 its remit was broadened again to provide specific functions to develop a national plan

of action for the promotion and protection of human rights in New Zealand, this has included rights under the Treaty of Waitangi and rights for disabled people.

The Race Relations Commissioner was established in 1971 to deal with discrimination on racial grounds and works within the Human Rights Commission. The Commissioner for Children was established in 1989 with broad ranging functions aimed at promoting and ensuring the welfare of children and young people. The Health and Disability Commissioner was established in 1994 and is responsible for promoting and protecting the rights of health and disability service consumers through public education and the resolution of complaints (MFAT, 2003). The Equal Employment Opportunities Unit at the Human Rights Commission was established in 2003 with the aim of giving all people in New Zealand equal employment opportunities and access to decent and productive work (Mintrom & True, 2005).

In addition to these institutions the rules governing the Cabinet decision-making process require that Cabinet, and papers presented to Cabinet take account of the Bill of Rights Act 1990, the Human Rights Act 1993, the Privacy Act 1993, and the Treaty of Waitangi, as well as consider New Zealand's international obligations (Geiringer & Palmer, 2007).

The Treaty of Waitangi is unique to New Zealand and it has profound significance on human rights and race relations in New Zealand. For example, "Articles 1 and 3 of the Treaty of Waitangi can be seen as giving people the right to live as equal citizens in New Zealand. Article 2 affirms the right of Māori to live as Māori" (New Zealand Human Rights Commission, 2004, pg. 6). The Treaty of Waitangi, in many ways, dovetails with New Zealand's international obligations and provides added protection to New Zealand's indigenous peoples.

New Zealand signed the Declaration of the Rights of Indigenous People's (United Nations, 2007) on the 20 April 2010. Prime Minister John Key explained New Zealand's position on the convention as follows:

*While the declaration is non-binding, it both affirms accepted rights and establishes future aspirations. My objective is to build better relationships between Maori and the Crown, and I believe that supporting the declaration is a small but significant step in that direction (Key, 2010, pg. 1).*

The signing of the Declaration on Indigenous Rights is another step in New Zealand's human rights journey. New Zealand's international obligations and national legislation and practices forms the background to how human rights approaches have been implemented in New Zealand.

## 2.7 Human Rights-Based Approaches in New Zealand

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The implementation and development of human rights-based approaches in New Zealand, like New Zealand's history of human rights legislation, has been markedly different from that of the United Kingdom. According to Geiringer and Palmer (2007, p. 13): "a rights-based approach to the development of social policy is required of the New Zealand government as a matter of binding international law". While much of New Zealand's social policy could be described as sitting within a right's-based approach Geiringer and Palmer (2007) argue that the Government should incorporate rights based analysis into policy development in order to enhance its richness.

As stated previously, all Cabinet papers must reference the Bill of Rights Act (*Bill of Rights Act 1990*, 1990) and the Human Rights Act (*Human Rights Act 1993*) and demonstrate how the proposed policies take into account these Acts. In addition, all papers submitted to the Cabinet's Social Development Committee must include gender implications and where appropriate a disability perspective (Geiringer & Palmer, 2007). Under the Bill of Rights Act 1990 (*Bill of Rights Act 1990*, 1990), the Attorney General must draw the House of Representatives attention to any inconsistencies between proposed legislation and the Bill of Rights<sup>1</sup>.

Geiringer and Palmer (2007) argue that these systems of policy making focus primarily on what the policy or regulations 'do' rather than 'fail to do'; therefore they focus on preventing the state from interfering with or infringing on human rights, rather than promote positive state action to ensure greater realisation of rights. In comparison to the approaches being developed and implemented in the United Kingdom, the New Zealand Government instead focuses on a checklist to ensure compliance with human rights obligations, rather than promoting positive state action. While a checklist can help to ensure that rights are not infringed upon it is important to develop a human rights 'mindset' in order to promote positive action.

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<sup>1</sup> For example, see Attorney General's report under the Bill of Rights Act 1990 on the Social Assistance (Future Focus) Bill (Attorney General, 2010)

In comparison with the UK Department of Health's Human Rights Framework (Department of Health, 2007), the New Zealand Human Rights Commission has established its own human rights approach which has been adapted from international standards specifically for New Zealand.

This approach requires:

- *linking of decision-making at every level to human rights standards set out in the relevant human rights Covenants and Conventions*
- *identification of all relevant human rights involved, and a balancing of rights, where necessary, prioritising those of the most vulnerable people, to maximise respect for all rights and rights-holders*
- *an emphasis on the participation of individuals and groups in decision making that affects them*
- *non-discrimination among individuals and groups through equal enjoyment of rights and obligations by all*
- *empowerment of individuals and groups by their use of rights as leverage for action and to legitimise their voice in decision-making*
- *accountability for actions and decisions, which enables individuals and groups to complain about decisions that affect them adversely (New Zealand Human Rights Commission, 2009, p. 7).*

This human rights approach is easily adapted to all areas of policy development in New Zealand. The Human Rights Commission has recognised the ongoing public benefits of such an approach and is encouraging government departments, agencies and local government to lead the way in implementing a human rights approach in public policy development. While it may appear daunting to implement an entire new policy approach, as Frances Butler (2005, p. 41) points out: "a human rights approach may often involve a refinement in the process of decision-making rather than a radical overhaul of all procedures". With New Zealand's background in leading the way in human rights issues, implementing a human rights approach would require a "refinement in the process" of policy development.

## 2.8 Active Recreation

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In order to explore the possibilities of implementing a human rights approach in the development of public policy around active recreation, it is important to understand how active recreation affects individuals and communities. According to the New Zealand Ministry of Health (1999), physical activity can reduce the risk of, or improve outcomes for a number of health conditions including coronary heart disease, obesity, strokes, diabetes, cancer, depression, hypertension, osteoporosis, stress and some respiratory conditions. “Physical activity also reduces the impact of aging and improves quality of life, and life expectancy (Carr, 2001, pg. 2).

There is a global trend towards people being less physically active (World Health Organisation, 2004). This is a result of changes in the workplace, technology and lifestyles. The World Health Report 2002 outlines how in most countries a few major factors account for much of the morbidity and mortality, these include: obesity, physical inactivity and inadequate intake of fruit and vegetables (World Health Organisation, 2002). Yet “the right to health is a fundamental part of our human rights and of our understanding of a life in dignity” (World Health Organisation, 2008, pg. 1).

In July 1996 the US Surgeon General stated that: “people of all ages can improve the quality of their lives through a lifelong practice of moderate intensity physical activity” (US Department of Health and Human Sciences, 1996). Shortly after, this was endorsed by the Director General of the World Health Organisation (Minister of Health and Minister of Sport Fitness and Leisure, 1999). The results of these two reports is a world-wide consensus that regular exercise is as important, if not more important than infrequent, but more intense exercise. More importantly, frequent short bursts of exercise is achievable for everyone meaning that healthier lifestyles and a better quality of life is attainable and possible for the entire population. In 2004 the World Health Organisation published its Global Strategy on Diet, Physical Activity and Health in which it urges member states to develop, implement and evaluate actions that promote individual and community health through healthy diet

and physical activity (2004, p. 4). Research has also shown that there can be psychological benefits of active recreation and physical activity, including physical activity being mood-enhancing and have anti-depressant, anti-anxiety affects (Byrne & Byrne, 1993).

These are some of the reasons why the US Surgeon General and the World Health Organisation released their report claiming that healthier lifestyles are obtainable by everyone through increasing the amount of physical activity. The US Surgeon General declared that moderate physical exercise can be achieved through everyday activity such as mowing the lawn, going for a brisk walk or raking leaves (US Department of Health and Human Sciences, 1996).

According to the World Health Organisation:

*Governments have a central role, in cooperation with other stakeholders, to create an environment that empowers and encourages behaviour changes by individuals, families and communities, to make positive, life-enhancing decisions on health, diets and patterns of physical activity (2004, p. 9).*

WHO encourages governments to promote physical activity which is linked to both physical and mental health, longevity and most importantly a better quality of life (Lloyd & Auld, 2001; Ramsay, 2005; Rodriguez, Latkova, & Sun, 2007; World Health Organisation, 2004).

### **2.8.1 Community Benefits of Active Recreation**

The benefits of exercise and active recreation extend beyond physical health, for example, the academic performance of students involved in daily physical activity is equal to or better than the performance of those who are not active (Physical Activity Taskforce, 1998). There are also ongoing benefits, as Vanessa Wiseman explains (Campbell & Simmonds, 2003, p. 20): “If young people develop a healthy lifestyle early on, the potential for ill health later in life and consequent costs to society are lessened. A healthy young person is going to attend school more regularly and consequently be more able to achieve”. However, it is equally

important that children also have the ability to relax, learn and express their creativity through active recreation. In addition seemingly unorganised “physical activity play” is beneficial for children as it is important not only for physical development but also for aspects of social organisation and social skills (Pellegrini & Smith, 1998). Physical activity has also been linked to the development of a more self-reliant, cohesive society and helps to reduce antisocial behaviour (Physical Activity Taskforce, 1998).

In addition, activity theory, which was developed by Havinghurst (1961) and further developed by Lemon et al. (1972), suggests a positive relationship between activity and an individual’s life satisfaction (Rodriguez et al., 2007). “According to the activity theory, the greater the frequency and intimacy of activity, the greater the life satisfaction” (Rodriguez et al., 2007, p. 164). Researchers have through various studies shown that physical activity and exercise correlates with satisfaction and quality of life (Rodriguez et al., 2007). It is interesting to note that in a study by Lloyd and Auld (2001), ‘people centred’ leisure activities were the best indicator of quality of life. This is because leisure activities which involve other people have a follow on effect of having social interaction which makes the activity more enjoyable (Leung & Lee, 2004).

In 1986 the *Ottawa Charter for Health Promotion* linked the health benefits of physical activity with the societal benefits in the following way:

*Our societies are complex and interrelated. Health cannot be separated from other goals. The inextricable links between people and their environment constitutes the basis for a socio-ecological approach to health (World Health Organisation, 1986, pg. 2).*

Active recreation therefore has a wider range of benefits than purely health benefits. According to Sport Scotland (2003, pg. 7): “participating in sport can improve the quality of life of individuals and communities, promote social inclusion, improve health, counter anti-social behaviour, raise individual self-esteem and confidence, and widen horizons”.



*Health promotion works through concrete and effective community action in setting priorities, making decisions, planning strategies and implementing them to achieve better health. At the heart of this process is the empowerment of communities - their ownership and control of their own endeavours and destinies (World Health Organisation, 1986, pg. 3).*

Additionally, other potential positive benefits from sport and active recreation is the possible reduction in crime and anti-social behaviour (Cameron & MacDougall, 2000), and the ongoing financial benefits for the community (Willox, 1994). According to Coalter et. al. (2000, pg. 1): “among many of the least active and least healthy groups, the promotion of a more active lifestyle may be a more useful strategy than only offering traditional sports”.

## 2.9 Active Recreation in New Zealand

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New Zealand and New Zealanders face similar health issues due to lack of physical activity as identified in international research and literature. In order to combat those issues at a national level, in 1999 the New Zealand Minister for Health and Minister for Sport, Fitness and Leisure released a Joint Policy Statement on Physical Activity which endorsed the conclusions of the US Surgeon General and the Director General of the World Health Organisation (Minister of Health and Minister of Sport Fitness and Leisure). This joint statement supported “a national physical activity strategy promoting the significant health benefits obtained from 30 minutes of moderate-intensity physical activity on all or most days of the week” (Minister of Health and Minister of Sport Fitness and Leisure, 1999, p. 3). This would be an easily achievable objective for individuals with wide-ranging health and social benefits.

Historically sports clubs have dominated physical activity and sport recreation in New Zealand and have tended to dominate the public land available for physical activity (Patterson, 1999). Shane M. Thompson writes in Patterson (1999) that sports clubs were traditionally a male dominated environment where women tended to only be involved in organising social events at the club and fundraising. However, he points out that there have been gradual changes within the club environment: “these clubs with their traditional monopoly on large tracts of public land and clubhouse facilities have also welcomed amalgamation with women’s netball clubs which have had exceedingly little access to these areas in the past” (Patterson, 1999, pg. 88).

The promotion of physical activity within New Zealand is now lead by Sport and Recreation New Zealand (“SPARC”). SPARC is the Government organisation which is responsible for monitoring and promoting physical activity within New Zealand. It has been in existence for over seven years and was established through the Sport and Recreation New Zealand Act (New Zealand Government, 2002).

Under Part 2 of the Act SPARC was established to:

- a) develop and implement national policies and strategies for physical recreation and sport;*
- b) allocate funds to organisations and regional bodies in line with its policies and strategies;*
- c) promote and advocate the importance of participation in physical activity by all New Zealanders for their health and well-being;*
- d) promote and disseminate research relevant to physical recreation and sport;*
- e) provide advice to the Minister on issues relating to physical recreation and sport;*
- f) promote and support the development and implementation of physical recreation and sport in a way that is culturally appropriate to Māori;*
- g) encourage participation in physical recreation and sport by Pacific peoples, women, older New Zealanders, and people with disabilities;*
- h) recognise the role of physical recreation and sport in the rehabilitation of people with disabilities;*
- i) facilitate the resolution of disputes between persons or organisations involved in physical recreation and sport;*
- j) work with schools, regional, central, and local government, and physical recreation and sports organisations to ensure the maintenance and development of the physical and organisational infrastructure for physical recreation and sport;*
- k) work with health, education, and other agencies to promote greater participation in physical recreation and sport through policy development, advocacy, and support, in line with the objectives of the New Zealand health strategy;*
- l) provide advice and support for organisations working in physical recreation and sport at national, regional, and local levels;*
- m) facilitate co-ordination between national, regional, and local physical recreation and sport organisations; and,*
- n) represent the Government's policy interests in physical recreation and sport internationally (New Zealand Government, 2002, part 2).*

SPARC therefore has wide-ranging powers in order to help increase participation and promote the benefits of active recreation in New Zealand. With the establishment of SPARC all sectors of New Zealand's sporting environment from active recreation through to professional sports are thereby catered for through one central body. The legislation also shows that the benefits of active recreation are equally as important to New Zealand as structured formal sports.

### **2.9.1 Local Government and Active Recreation**

While SPARC coordinates activity at a national level, local government plays an important part in the provision of active recreation in New Zealand at a community level. In 2002 the Local Government Act ('LGA') (*Local Government Act*, 2002) was brought in to modernise local government within New Zealand. It brings into place specific requirements for strategic planning at a local level with the aim of establishing priorities within diverse communities. Local councils must now undertake Long Term Council-Community Plans which make local authorities accountable to their communities (Local Futures Research Project, 2006). The focus of the LGA (*Local Government Act*, 2002) is on community well-being rather than needs, demonstrating a shift away from the traditional functions of rates, roads, rats and rubbish.

The LGA 2002 identifies four 'well-beings' which councils are required to promote: "the social, economic, environmental and cultural well-being of the communities" (*Local Government Act*, 2002, section 10b). Each of these well-beings is deeply connected with each other. Council's have the ability to impact on social-wellbeing in their respective areas both directly and indirectly. This can be through "economic development, transport, urban design and development, environmental planning, parks and open spaces, and Resource Management Act administration" (Rowe, 2008, p. 135).

As Rowe (2008) points out: a growing economy is likely to create jobs which provides incomes for individuals and families. Incomes correlate to health status and a more qualified workforce has a greater level of productivity; in addition the quality of the physical environment impacts on health status and cultural well-being has been shown to improve the social and economic well-being of disadvantaged groups. Stakeholders submitting to the Royal Commission on Auckland Governance felt that there had been a greater involvement of councils in social issues and an improvement in the identification of social well-being outcomes due to the requirements of the LGA 2002 (Rowe, 2008).

As the Auckland Regional Public Health Service pointed out in its submission to the Royal Commission on Auckland Governance: “Local authorities through their role as place shapers and service enablers, have considerable influence over the extent to which a particular suburb or city becomes an obesogenic environment” (Briggs, 2008, p. 7).

Indeed, studies have shown that there is a connection between physical activity levels and the physical environment. It has also been pointed out that “current obesity trends suggest that existing education and treatment strategies alone are not potent or sustainable enough to stem the obesity epidemic and that environmental change will certainly be necessary” (Allender et al., 2009, p. 1). For example, aesthetics, density, mixed land use, the provision of parks and reserves along with street connectivity all play a role in encouraging people to be more active (Badland & Schofield, 2005; Jones, Hillsdon, & Coombes, 2009; Kemperman & Timmermans, 2008). “Emerging evidence suggests that park and recreation characteristics, including the presence of trails/paths, sport facilities, and playgrounds, and user perceptions of adequate maintenance, aesthetics, and safety are associated with greater use and physical activity” (Mowen & Baker, 2009, p. 238).

Interestingly, some studies undertaken overseas have shown that in areas of deprivation the physical activity levels of populations are lower. While this may result from inequities in the provision of parks and reserves, a study conducted in Bristol, England by Jones, Hillsdon & Coombes (2009) suggests that it is more likely to be a *perception* of a lack of facilities and a feeling that access to facilities and open spaces was difficult amongst people living in areas of deprivation. Whereas the study showed that open spaces such as parks and reserves tended to be just as close if not closer for those in areas of deprivation than those in more affluent areas. Additionally, people living in deprived neighbourhoods were more likely to report that parks and reserves felt unsafe (Jones et al., 2009).

*Our findings suggest that interventions to encourage higher physical activity via greenspaces may be better addressing the expressed needs of local communities and issues of greenspace type, quality, and safety rather than simply providing more greenspaces per se (Jones et al., 2009, p . 504).*

However, in research undertaken in the United States by Mowen & Baker (2009), the proximity of greenspaces was deemed to be important when getting young people active. “Youth who lived in close proximity to 1 or more parks were 2 to 3 times more likely to engage in at least 1 walking trip over the course of 2 days. In another study, each park within a 1-mile radius of an adolescent girl's home was associated with an increase of 17 minutes per day of moderate-to-vigorous physical activity” (Mowen & Baker, 2009, pg. 238).

According to Briggs (2008, p. 7): “the physical and social environment of countries like New Zealand has been called ‘obesogenic’ (Egger & Swinburn, 1997), i.e. it tends to increase the likelihood of people becoming obese. Obesogenic environments exist wherever avoiding physical activity and eating a poor diet are the easier options”. Local government therefore has a role to play in ensuring that the physical and social environment encourages physical activity. So when developing policy to help prevent obesity and encourage more people to become active policy makers should seek to “alter the environment to make increased levels of physical activity and decreased levels of sedentariness the easy choices for the population<sup>2</sup>” (Sacks, Swinburn, & Lawrence, 2008, p. 4). According to Sacks et al. (2008) these policies would include local government policy decision-making around infrastructure and planning (e.g. the walking environment), transport (e.g. public transport) and sport and recreation (e.g. facilities and green space).

It has been acknowledged that a “reliance on education and treatment strategies alone is unlikely to be sufficiently effective or sustainable to stem the obesity epidemic” (Sacks et al., 2008, p. 1). However, a study undertaken by Forsyth et al. (2008) found that Local Authorities may need to look beyond changing the residential environment and may need to supplement and encourage physical

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<sup>2</sup> Italics added

activity through such methods as education campaigns and public health strategies. This education, which could involve the promotion of active recreation facilities and parks, could also help to encourage those from deprived areas to become more active through being more aware of the facilities that are available (Jones et al., 2009).

### **2.9.2 The Auckland Region**

In order to assess the physical activity needs and issues within Auckland it is necessary to analyse the trends affecting the region. The Auckland Region stretches from the very south of Papakura to the north of Rodney. It is made up of both rural farming land and intensive inner city development. According to the report by the Royal Commission on Auckland Governance the most popular assets of the Auckland Region are the employment opportunities, vibrancy of the big city and its surrounding environment, beaches, parks, the weather, open space, trees, and the Hauraki Gulf (2009). The biggest dislikes were traffic congestion and the lack of good public transport, with crime and urban expansion also mentioned as concerns (Royal Commission on Auckland Governance, 2009, p. 53).

Auckland is economically significant to the rest of New Zealand as it is the country's "major international gateway, bringing in immigrants, tourists to travel throughout the country, and trading exports and imports, both those produced in Auckland and the specialist output of regional economies" (Royal Commission on Auckland Governance, 2009, p. 51).

In March 2009, the Royal Commission on Auckland Governance recommended the establishment of one Auckland Council covering the Auckland Region (Royal Commission on Auckland Governance, 2009). According to the Royal Commission restructuring of local government within the Auckland Region is important as "governance arrangements affect the capacity to plan and make strategic investments on an integrated, region-wide basis, and the ability to solve the larger and longer-term challenges effectively" (2009, p. 3 & 4).

In July 2009, the Government announced plans to create one Auckland Council with a number of Local Boards and Council Controlled Organisations. This deviated somewhat from the Royal Commission's report, however it was claimed that: "the intent of these reforms is to reduce local government inefficiencies and weak, fragmented regional government in greater Auckland, to create a prosperous, world-class city to benefit Auckland and ultimately New Zealand" (*Local Government (Auckland Council) Bill*, 2009, pg. 2). Therefore the significant changes to the governance of the Auckland Region will have long term effects on public policy and the local community.

Auckland's population is incredibly diverse. In 2009, 63.6% of the regional population identified with European ethnic groups, 18.9% with Asian, 14.4% with Pacific peoples, and 11.1% with Māori (Ministry of Social Development, 2009; Statistics New Zealand, 2009b). As of the 2006 census, the Auckland Region is home to 137,133 people who identified themselves as being of Māori descent in comparison to 565,329 people within New Zealand identifying themselves as Māori (Statistics New Zealand, 2009b). In addition, 37% of people living in the Auckland Region were born overseas, compared with 22.9% for New Zealand as a whole (Statistics New Zealand, 2009b). This needs to be accounted for when looking at potential language or social barriers as well as cultural and religious differences.

The median age of people living within the Auckland Region at the 2006 census is 33.9 years; for New Zealand as a whole, the median age is 35.9 years (Statistics New Zealand, 2009b). This demonstrates a slightly younger population within the Auckland Region. However, according to Statistics New Zealand (2009a, p. 49): "the population of the Auckland region aged 65 years and over (65+) will more than double between 2006 and 2031". This shows that the Auckland Region will need to provide for a rapidly ageing population.

In terms of families and households, 18.9% of families in Auckland Region are one-parent-with-children families, compared with 18.1% of families for New Zealand as a whole (Statistics New Zealand, 2009b). The average household size in the Auckland Region is 2.9 people, compared with an average of 2.7 people for all of



New Zealand. Access to quality, stable, and affordable housing is an important determinant of social well-being for all age groups. Nationally, the Auckland Region ranks the highest for household crowding at 16%. However, there is significant variation across the region with only 5% in Rodney and up to 25% in Manukau. Additionally, a breakdown of the figures shows that the figures are highest for Pacific Communities and Maori (Royal Commission on Auckland Governance, 2009, p. 78).

Auckland is New Zealand's most ethnically diverse region and is distinctive for its mix of peoples. In addition, it is expected that with Auckland's projected population growth that ethnic groups, particularly Asian and Pacific peoples, will increase the quickest as a result of migration and third and fourth generation births in New Zealand (Royal Commission on Auckland Governance, 2009).

*As a result of increasing diversity, the needs and expectations of the population will become more complex and localised. Particular combinations of cultural influences and affiliations, differences in demography (age structure, fertility, and life expectancy) and socio-economic status among ethnic groups result in different needs for publicly provided goods and services (Royal Commission on Auckland Governance, 2009, p. 62).*

The Auckland Region ranks in the lowest quintile for voter turnout in territorial authority elections (Ministry of Social Development, 2009). It is low by national and international standards and is approximately half that of general election turnout, which was 81% in 2005. In the 2007 local elections, turnout across the Auckland Region was 38% (Royal Commission on Auckland Governance, 2009).

According to 'The Role of Local Government in Achieving Social Well-Being for the Auckland Region': "Maori, Pacific peoples, other ethnic groups, children and young people, older people, those with disabilities, and those with low incomes represent the majority of Auckland's citizens, yet their particular needs and interests can slip out of focus in the usual planning priority processes" (Rowe, 2008, p. 135).

Within the Auckland region, higher deprivation is often concentrated in particular areas, mainly in Manukau and Auckland Cities, with 30% of Aucklanders (almost 400,000 people) living in areas with higher deprivation (Royal Commission on Auckland Governance, 2009, p. 74). As pointed out by Rowe (2008, p. 178) “what is most striking about social well-being in Auckland is the spatial distribution of advantage and disadvantage. Local authorities are uniquely placed to understand, articulate and deal with this issue – they, of all structures, are well placed to see communities ‘in the round’”.

### 2.9.3 Auckland City

Narrowing the focus down to the area covered by the Auckland City Council, it is possible to see unique issues affecting the local population will influence active recreation levels. According to Estimates of Future Trends Affecting Auckland City (Infometrics Ltd., 2008) the population of Auckland City (the geographic area covered by the Auckland City Council) will grow to 500,000 by 2022 and could possibly reach that number as early as 2016. Additionally, Auckland City is becoming increasingly diverse; at the 2006 Census 24% of Auckland City’s population identified themselves as Asian compared with 54% European and 13% Pacific peoples (McDermott, 2008). By 2026 44% of the City’s population will identify themselves as Asian compared with 41% as European (Infometrics Ltd., 2008). The median age of Auckland residents, which in 2010 is 33.3, will continue to rise, reaching 39.0 by 2031 (Infometrics Ltd., 2008, p. 5). According to Infometrics (2008) the ageing population will contribute to a slowing economy and employment growth rate.

With an increased population there comes an increased demand for housing; it is projected that Auckland City will need an additional 80,000 households (McDermott, 2008). When looking at the pre-amalgamation Auckland City Council area and social wellbeing indicators, a higher proportion of the population (16.5% in 2006) within Auckland City live in crowded housing in comparison to all other districts apart from Manukau City (Royal Commission on Auckland Governance, 2009). With the projected increase in population this problem could intensify.

Deprivation and overcrowding within areas can result in less participation in physical activity and therefore greater health risks (Jones et al., 2009).

#### **2.9.4 Active Recreation in Auckland City**

The Auckland Regional Physical Activity Sport Strategy (“ARPASS”) has stated that “physical activity and sport need to be recognised as one of the priorities for the Auckland region” (Visitor Solutions, 2007, pg. 18). There are a number of factors which will influence active recreation within the Auckland region and specifically within Auckland City over the next few decades which will ultimately drive a need for a change within the recreation sector. By 2050 it is expected that Auckland’s population will reach two million representing 41% of New Zealand’s population (McDermott, 2009). While Auckland has a young population compared to the rest of New Zealand (Statistics New Zealand, 2009b), it is also an ageing population (Royal Commission on Auckland Governance, 2009).

As can be seen from Table 1, Auckland City has the highest percentage of the population which can be categorised as ‘inactive’. In comparison to the rest of the region and national population Auckland does well on having a population which undertakes ‘some activity’, but Auckland falls short when it comes to achieving the guidelines of undertaking 30 minutes of moderate intensity physical activity on most, if not on all, days of the week (Royal Commission on Auckland Governance, 2009).

	<b>North Harbour</b>	<b>Auckland</b>	<b>Waitakere</b>	<b>Counties- Manukau</b>	<b>National</b>
<b>Achieved the guidelines</b>	42.5	44	54.3	51	48.2
<b>Some activity</b>	45.8	40.3	35.7	35	39.1
<b>Inactive</b>	11.7	15.7	9.9	14	12.7

**Table 1: Adult compliance (% of population) with national physical activity guidelines in 2008** (Royal Commission on Auckland Governance, 2009, figure 9.15)

When looking at the types of physical activity that are popular within the different areas of the Auckland Region, preferences differ depending on the characteristics of the local population (Royal Commission on Auckland Governance, 2009). For example, in Manukau, where the Council provides free access to public swimming pools, swimming was the second most popular sport, while in Auckland City pilates/yoga and tennis were identified as popular activities. Gender differences were also identified in sports preferences in Auckland. With men fishing, football, golf and tennis were identified as popular activities; in comparison, women identified dance, pilates/yoga, netball and aerobics (SPARC, 2009e).

According to SPARC (2009f, p. 3): “adults from Pacific and Asian ethnic groups were significantly less likely to participate while New Zealand European adults were significantly more likely to participate in three or more activities”. Additionally, adults from Asian and other ethnic groups were also less likely to have participated in organised sport or have been involved as volunteers. Women are less likely to have participated in competitive sports or events, been members of a sports club or to have achieved the national physical activity guideline (SPARC, 2009f).

Deprivation within areas can result in less participation in physical activity and therefore greater health risks (Jones et al., 2009). As shown in statistics above, parts of Auckland City have issues with overcrowding and the economic downturn will have had an impact on unemployment numbers within the City (Royal Commission on Auckland Governance, 2009).

According to the Ministry of Social Development (2008, p. 6): “Auckland’s young people have low participation rates in sports and recreation, which can contribute to obesity and diabetes. Auckland has the lowest rate of 5 to 17 year-olds taking part in at least 2.5 hours of sport and leisure activities a week”. Clayton Cosgrove, ex-Minister for Sport, stated in 2008 that “there are changing working patterns, such as more young people working after school or on weekends, which means that the traditional delivery of sport and recreation services may no longer be appropriate or match peoples’ lifestyles” (Cosgrove, 2008).

The Ministry of Health says that: “Local councils in particular play a very important role in terms of providing safe and accessible environments for physical activity (e.g., swimming pools, parks, cycleways, skateboard parks, street lighting, etc)” (Ministry of Health). With the projected changes within Auckland City’s population and the changing working patterns, and work-life balance, the local council will need to find new ways to combat the problems associated with a decrease in physical activity and balance this with their requirements under the Local Government Act 2002 (*Local Government Act*, 2002) to promote social well-being.

*Maintaining the health of Auckland’s growing, ageing, and increasingly ethnically and socio-economically diverse population is challenging. Broadly speaking the city’s older, younger, Māori, Pacific, and new immigrants have a disproportionate number of health ailments (Royal Commission on Auckland Governance, 2009, p. 75).*

Auckland City Council’s own outcomes for its recreation centres is based around participation, sport development, social interaction and community based (Auckland City Council, 2007b). To this end it defines recreation centres as being: “facilities consisting of a stadium or sports hall catering for indoor sport and physical activity. Recreation centres also provide a range of complementary facilities which could include a fitness centre, child minding amenities, multi-use rooms, squash courts, youth space, dance studio, sauna and/or café” (Auckland City Council, 2007b, pg. 5). From this definition it can be supposed that the recreation centres are there to facilitate and promote physical activity and healthy living for those of all age groups and needs. By providing child-care facilities and venues for social interaction the recreation centres become focussed on the *recreational* aspects of physical activity.

#### **2.9.5 Barriers to Physical Activity and Active Recreation in New Zealand**

Sport and Recreation New Zealand (SPARC) has identified a number of obstacles to active recreation within New Zealand including a lack of time, lack of energy, and lack of support (Sullivan, Oakden, Young, Butcher, & Lawson, 2003). In a survey conducted in 2003 SPARC found that people tended to fall into one of six categories:

1. Others oriented
2. Those who see little benefit in active recreation and think that they are ok as they are
3. Lowest belief in benefits and least motivated
4. Lack of time as main barrier to physical activity
5. Support seekers
6. Those who enjoy physical activity.

Those who are “others orientated” have many perceived barriers to being physically inactive, for example, cost, facilities being far away, safety, no-one to work out with, lack of energy, they can’t stick to a routine, they have health problems, or they don’t get enough encouragement (SPARC, 2003). “Support seekers” need encouragement from others to become physically active. 65% of those who say that they do not receive enough encouragement are women. In terms of perceived barriers for “support seekers”, they are a lack of time, energy, commitment and any associated cost (e.g. for gym clothes) (SPARC, 2003). As Ramsay (2005, p. 169) puts it: “many who need work are deprived of work and many who need leisure are deprived of leisure”. As SPARC (2003) has found: 22% of “support seekers” suffer from depression or a mood disorder while 27% of those who are “others orientated” are obese.

SPARC are working with the Human Rights Commission to put in place policies that allow equal opportunities within sports and active recreation in the hope of encouraging more people to get active. However, this appears to be focused on providing opportunities to those people with a disability rather than equal opportunities for everyone.

The Social Report 2009 by the Ministry of Social Development stated that (p. 90): “While the majority of New Zealanders were satisfied with their leisure time, those aged 25–34 years (68 per cent), 35–44 years (68 per cent) and 45–54 years (70 per cent) were less satisfied overall. These age groups tend to have larger work and family commitments than other groups, which may impinge on the time

available for leisure. In comparison, those aged 15–24 years and those aged 55–64 years were more likely to report being satisfied with their leisure time, with total satisfaction levels of 78 per cent and 77 per cent respectively. People aged 65 years and over reported the highest levels of overall satisfaction with their leisure time (90 per cent)”. This suggests that a work life balance is difficult to achieve for certain age groups and therefore time for active recreation is limited.

Additionally, while local government plays an important role in encouraging people to become physically active through the provision of recreational space and facilities and through transport and infrastructure, a survey undertaken by Bullen and Lyne (2006) found that only 59% of New Zealand’s Territorial Local Authorities (“TLA’s”) (who responded to the survey) had a plan or policy for promoting physical activity. This shows that there is a real discrepancy between the needs of local communities in the form of physical activity space and facilities and encouragement to become more active and what is being provided for or thought of by local authorities. While the survey demonstrated that 82% reported policies and plans for open spaces (82%), parks (95%) and recreational facilities (89%), there was no or little correlation between the provision of these plans and policies and the encouragement of active recreation and physical activity through an overarching strategy.

However, in Auckland City where there are policies and strategies for promoting and increasing physical activity, there are still barriers to participation. Auckland City Council’s Recreation Centre Plan (2007b) demonstrates that there are challenges to increasing participation which are unique in New Zealand to Auckland. These include; population growth and ethnic diversity and socio-economic backgrounds (Auckland City Council, 2007b; Infometrics Ltd., 2008; Ministry of Social Development, 2009; Royal Commission on Auckland Governance, 2009; Statistics New Zealand, 2009a). However, other barriers to participation highlighted by Auckland City Council (Auckland City Council, 2007b), include the following:

- *Urban intensification is reducing private recreation space.*
- *People want to participate in high quality facilities and activities of their choice, at times and locations convenient to their lifestyle.*
- *Employment patterns are changing. Many people are working over a six or seven day week, have increased workloads, longer working hours and longer commuting times.*
- *Physical activity levels in Auckland are lower than the national average.*
- *Recreation competes with other leisure and entertainment pursuits.*
- *There is increasing demand for casual, less organised recreation activities.*
- *Some people perceive recreation as a luxury activity which can be undertaken when they have available income and time (2007b, pg. 10).*

In a more recent study looking specifically at the City Centre, six barriers to participation were identified as being common to all stakeholders:

- *Not being aware of a location in the city centre to do the activity*
- *The activity costs too much*
- *No time, other commitments*
- *Having to sign lengthy memberships or commit to a team*
- *No one to go to or do the activity with*
- *Times or opening hours not being suitable (Longdill, 2009, pg. 45).*

From the research being undertaken both nationally and within Auckland it appears that there are common themes and reasons why participation rates remain low, these also align with international research into barriers to physical activity, and for the purposes of this research it is interesting to note that they align with those barriers identified within the United Kingdom (Jones et al., 2009; Sport Scotland, 2003; World Health Organisation, 2004).



## 2.10 Active Recreation in the United Kingdom

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The United Kingdom is facing similar health issues as New Zealand in regards to having a largely inactive population. In 2009 only 40% of men and 28% of women in England meet Government recommendations of at least 30 min of moderate intensity physical activity five days a week (Craig & Mindell, 2008; Jones et al., 2009). In his foreword to the Smith Institute report: *Sport, Active Recreation and Social Inclusion*, the Rt. Hon. Richard Caborn MP wrote:

*We are facing a timebomb in the state of our health. A recent National Audit Office report suggests that obesity costs the UK economy £2 billion each year and the NHS £500 million. Instances of diabetes in young children have grown alarmingly and promise to store up problems for generations to come. Sport and exercise can help reverse these trends (Campbell & Simmonds, 2003, p. 2).*

Several Government Departments have responsibility for sport, active recreation and the associated health benefits. The Department of Culture, Media and Sport (“DCMS”) tends to focus on sport at a national level and is heavily involved in the preparation for the 2012 London Olympics (Department of Culture Media and Sport, 2008). The Department for Communities and Local Government (“DCLG”) is involved in policy making for sport, active recreation and leisure where it particularly relates to developing communities and the provision of parks and leisure facilities at local government level. The Department of Health is involved in the promotion of the health benefits of sport and physical activity.

The establishment of DCMS, bringing sport under the culture umbrella, was a government response to the changing climate in the governance and operation of sport. The bringing together of sport and culture is intended to make use of sports’ potential to be used as a regeneration tool at the local level. Sport and Culture have also been brought together “in the hope of deriving social and economic advantage, as well as being increasingly expected to meet ever more stringent performance management requirements” (Coaffee, 2008, p. 377).

The focus of DCMS has been drawn towards the 2012 Olympics and the possibilities that it entails. Coaffee (2008) points out that over the past decade the government has placed an increased amount of importance on national sporting achievements and the hosting of international events. He says: “the relationship between sport and urban policy has grown in importance as both the economic and social benefits of hosting major sporting events, and creating sustainable communities, liveable places and healthier populations have increasingly permeated a variety of regeneration agendas and funding regimes at local, regional and national levels despite concerns over evidencing impacts” (Coaffee, 2008, p. 379).

There are other examples where Local Government is influenced through DCMS policy in regards to sport and active recreation. For example, the Department of Culture, Media and Sport has developed a new policy where it is encouraging local authorities to offer free swimming to the over 60s and under 16's through a new £140 million cross government fund that will also rejuvenate and maintain pools across England (Department of Culture Media and Sport, 2010).

Historically, in the latter half of the twentieth century recreation and leisure underwent changes in focus, orientation and perception. According to Les Haywood (1994), in the 1970s there was a focus on the building and provision of leisure centres for the general public to use. These were facilities which provided structured and systematic recreational activities for their users. By the late 1970s to early 1980s the policy focus of leisure centres shifted to becoming more group-focused, ensuring maximum participation and began to encourage under-users (Haywood, 1994). However, by the late 1980s there was more of a community focus within leisure policy development with priority placed on the decentralisation of leisure facilities, partnership with the community and helping the disadvantaged (Haywood, 1994). This community focus has remained and been increasingly enhanced and widened beyond purely leisure centres.

In 2002 the Government published a strategy titled: Game Plan: a strategy for delivering Government's sport and physical activity objectives. This strategy

outlined the priorities for the Government which included: increasing and improving grassroots participation improving international sporting success rates and support of major sporting events, and organisational reform to improve delivery (Department for Culture Media and Sport, 2002). The strategy would be implemented through funding of £2 billion per annum, however, further regulations and restrictions on sports governing and other bodies which handle the funds would be put in place.

Increasing participation in sport is a priority for the Government, with recent policy stating that sports “governing bodies will be challenged to expand participation and provide more quality coaching for more people” (Department of Culture Media and Sport, 2008, p. 1). Andy Burnham MP, the Secretary of State for Culture, Media and Sport stated that: “I want people of all backgrounds and ability levels to experience the joy and friendship that competitive sport brings” (Department of Culture Media and Sport, 2008, p. 2). Additionally, in 2008-2009 £496 million was spent on sport and active recreation in England by local authorities (Department for Communities and Local Government, 2009).

In regards to sport and active recreation at a domestic level, Sport England, the government agency responsible for developing a community sports system within England, has a strong focus on equality and human rights within sports. They have introduced an Equality Standard in Sport which will “assist organisations in developing structures and processes, assessing performance and ensuring continuous improvement in equality” (Sport England, 2004, pg. 4). The Equality Standard was developed because, even though sporting organisations maintained they had an open-door approach to participation, “research shows that many sports have low participation levels by women and girls, ethnic minority groups, disabled people and, in some cases, young people, and these groups are therefore under-represented” (Sport England, 2004, pg. 5).

The Equality Standard is a standard which sporting organisations and clubs must seek to achieve and be assessed on. The standard consists of four levels: the foundation level, preliminary level, intermediate level, and advanced level. Each of

these levels consist of key objectives and outcomes within the standard which must be met by the organisation or club before being awarded that particular equality standard and before being able to move onto the next level (Sport England, 2004). The Equality Standard is particularly important considering that “young white males are most likely to take part in sport and physical activity, and the most disadvantaged groups least likely” (Department for Culture Media and Sport, 2002, pg. 13).

However, while 141 sporting groups, organisations and trusts have signed up to the Equality Standard, so far only three organisations have achieved the intermediate stage and no organisations have achieved the advanced standard (Equality Standard, 2010). The Equality Standard is just one example of where human rights approaches are being used in the development of sport and active recreation policy, other examples will be explored in the following section.

## 2.11 Human Rights and Active Recreation

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Most research on human rights and sports and active recreation focussed predominantly on professional athletes. Guilianotti and McArdle (2006) focus on issues such as anti-doping and the use of drugs, the protection of child athletes, free speech and the Olympic Games. However, having a human rights-based approach to sport and active recreation is slowly gaining traction within research.

According to Kidd and Donnelly (2000) the aspirations for democracy and liberation evoked by the banner of human rights cannot be achieved without human rights in sports. They argue that this is both in terms of the human rights of elite athletes and a more basic right to participate in sport and physical activity. However, they contend that while there were discourses often surrounding sport, such as that of 'fair play' and 'level playing field', few of the initial proponents of modern sports ever intended them to be universal and inclusive. They stress that sports were developed for the socialisation and pleasure of 'imperial upper-class males' (Kidd & Donnelly, 2000).

Kidd and Donnelly (2000) also discuss the history of human rights as it relates to sports. While there had been a focus on individual human rights in sports, such as the athletes' right to participate, there had been a policy shift towards the rights of groups within sports, such as the rights of women, disabled people and those from a lower socio-economic background. In particular they note the different approach to rights that these groups have.

For example, in Canada to improve the opportunities for women within sports the focus has shifted from 'equality' to 'equity'. This change in discourse has resulted in women not merely having equality of access but recognition that women have different needs and interests to men.

*If the individual is to find work, be encouraged to take leisure, and to strike an appropriate balance between the two, society must help; and if society is to provide work, enable leisure, and uphold the balance, then policies and structures must enable, monitor and enforce this (Ramsay, 2005, p. 175).*

SPARC have also been working with the Human Rights Commission to put in place policies that allow equal opportunities within sports and active recreation in the hope of encouraging more people to get active. This focus was on providing opportunities to those people with a disability rather than equal opportunities for everyone. The Disability Advisory Group was disestablished by the Government in early 2009.

It is in this context that analysis into policy documentation has been undertaken in this research to determine the links between human rights approaches and policy development in sports and active recreation in New Zealand and the United Kingdom.

# CHAPTER 3 – RESEARCH DESIGN

## 3.1 Introduction

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The development of public policy is strongly reliant on the language used in order for the policy to be implemented properly. The development of policy is inherently political as there are competing ideas and interests which determine the outcome of policy. Therefore this research uses a discourse analysis approach in order to fully understand how the language surrounding human rights and human rights-based approaches influences public policy in New Zealand. This chapter outlines how this approach has been implemented into the research into a human rights-based approach to active recreation, including how it has been applied to the analysis of policy documents and key informant interviews.

## 3.2 Discourse Analysis

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Discourse analysis draws heavily from a number of research paradigms of which constructionism and interpretivism are the most important. According to Sarantakos constructionism “focuses on the firm belief that there is in practice neither objective reality nor objective truth” (2005, pg. 37), therefore research focuses on the construction of meanings which emerge out of people’s interaction with the world. In interpretivism “the researcher does not just play back to the participants what they have told her/him, but interprets the significance of their self-understandings in ways the participants may not have been able to see” (Grant & Giddings, 2002, pg. 16). Discourse analysis can also be placed under the critical paradigm, which aims to facilitate a critique of social reality and empower people to change social reality by suggesting possible solutions (Sarantakos, 2005). Researchers using discourse analysis often use the following questions: how are speech and words used? And how is the text associated with power? (Sarantakos, 2005).

The focus question in my research was:

***How effective are the power structures governing human rights approaches in active recreation in New Zealand, as demonstrated through discourse?***

In considering the nature of power and its dynamic, this research drew from the work of Foucault. Foucault's examination of the categorisation of people resulting from forms of power which turns individuals into subjects saw that he was primarily interested in researching and identifying power relationships within society. His prime aim was to research the ways in which human beings have been classified and transformed into subjects, these subjects could then be examined and studied (Markula & Pringle, 2006). According to Foucault one of the definitions of discourse is "the general domain of all statements'... that is all utterances or texts which have meaning and which have some effects in the real world count as discourse" (Mills, 2004, pg. 6).

While initial western human rights paradigms focus on the rights of the individual, Kidd and Donnelly (2000) demonstrated how the human rights has expanded from focusing on individuals to focussing on groups within society. The political dynamics behind how this is occurring and the reasons for the shift in the focus of human rights, can be illustrated through using discourse analysis based on Foucauldian analyses.

According to Markula and Pringle (2006) individuals, groups, corporations and states do not arrive at their position because they have power, but they become influential through their tactical use of 'discourses'. As Mills explains:

*Foucault examines the way that some discourses have authors whilst for others the concept of authorship is almost irrelevant; a legal document is not authored, since its authority springs from the institution, the government who sanctions it, rather than from the individuals who wrote and edited it (2004, pg. 65).*



Using a discourse analysis lens to examine New Zealand central and local government policy documents relating to human rights within active recreation, would help to identify the tactical discourses and map the power structure and rationale behind current policy. McGrath concluded that:

*Public sector documents and plans have the ability to contain concealed and contested meanings. These documents also have the ability to (re)inscribe particular views and ideologies as well as (re)position, or constrain, groups of people into preferred identities (2009, p. 478).*

Discourse analysis deals with socially constructed frameworks of meaning within the language used and therefore attempts to find and highlight any concealed or contested meanings. Allen and Harden (2001, pg. 163) wrote that discourse analysis “calls into question how the narratives or stories that individuals recount are imbricated within rational plays of power, and concomitantly how subjects reauthorize their own positions”.

Researchers using discourse analysis as a methodology, study linguistic repertoires in order to provide an insight into the background rules and principles of the speaker or author of the text (Sarantakos, 2005). This is achieved through studying the structure and traits of the language used in order to identify patterns and recurring themes. This research therefore focuses on capturing ways in which variations occur.

*Analysing and de-constructing the language within public documents provides the opportunity to identify and reveal ‘hidden’ assumptions which produce continued stigmatization of groups within society (McGrath, 2009, pg. 484).*

Comparative analysis enables the comparing and contrasting of the discourse surrounding the implementation of human rights and a human rights-based approach in policy surrounding sport and active recreation in the United Kingdom and in New Zealand. The purpose of this is to identify the key differences between the power structures behind the development of these policies and help to identify how Auckland City Council might modify its discourse in order to achieve a human

rights-based approach to active recreation. Fairclough clearly understands the importance of power on society:

*Discourse is shaped by relations of power and ideologies, and the constructive effects discourse has upon social identities, social relations and systems of knowledge and belief, neither of which is normally apparent to discourse participants (Fairclough, 1992, pg. 12).*

Critical discourse analysts are concerned with “the way in which this type of interaction displays the complexity of the workings of power relations within the society as a whole” (Mills, 2004, pg. 136). Critical discourse analysis has come under criticism for being simplistic as it assumes that powerful participants dominate the discourse (Mills, 2004). However, as Van Dijk (1993, pg. 250) points out while more attention can be paid to ‘top-down’ relations of dominance rather than to ‘bottom-up’ relations of resistance, compliance and acceptance, this does not mean that we see power and dominance merely as unilaterally ‘imposed’ on others. On the contrary, in many situations, and sometimes paradoxically, power and even power abuse may seem ‘jointly produced’, for example, when dominated groups are persuaded, by whatever means, that dominance is ‘natural’ or otherwise ‘legitimate’. This is why some critical discourse analysts prefer to focus on the elites and their discursive strategies.

According to Van Dijk critical discourse analysts focus on the “role of discourse in the (re)production and challenge of dominance. Dominance is defined here as the exercise of social power by elites, institutions or groups, that result in social inequality, including political, cultural, class, ethnic, racial and gender inequality” (1993, pg. 249).

Critical discourse analysts’ work is ultimately political. Their aim is change through critical understanding. Their perspective is that of those who suffer most from dominance and inequality. Their critical targets are the “power elites that enact, sustain, legitimate, condone or ignore social inequality and injustice” (van Dijk, 1993, pg. 252).

### 3.3 A Human Rights Lens

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A human rights lens has been used in conjunction with critical discourse analysis as this thesis examines a human rights-based approach to the development of public policy. According to van Dijk:

*critical discourse analysis is specifically interested in power abuse, that is, in breaches of laws, rules and principles of democracy, equality and justice by those who wield power (1993, pg. 254).*

Therefore critical discourse analysis is an apt methodology for examining public policy documents with a human rights lens. Whilst analysing the data gathered constant reference was made to the human rights principles of fairness, respect, equality, dignity and autonomy. The results of the analysis have been structured under the following headings:

- Putting human rights at the heart of policy and planning
- Ensuring accountability
- Participation
- Non-discrimination and attention to vulnerable groups
- Empowerment

This has allowed for analysis of the ideologies and influences governing public policy around active recreation in New Zealand and the comparison with the United Kingdom from a human rights viewpoint.

### 3.4 Method

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The research conducted is non-emergent in that all data was collected before conducting in-depth analysis. This allowed for structured comparative analysis of primary documents and also provided the ability to compare the discourse, within the primary documents, with transcripts of the key informant interviews.

The research involved a two-fold approach. Key informant interviews were conducted and, separately, comparative analysis of texts which influence policy in active recreation both within New Zealand and the United Kingdom. The use of these two distinct methods helped to better inform the conclusions reached within this thesis.

### **3.4.1 Primary Document Analysis**

Primary documents were identified for analysis through the literature review. These were policy documents and texts which have influenced policy decision-making at local government level in regards to active recreation.

Texts were chosen from both the United Kingdom and New Zealand. It was important to have policy texts from New Zealand in order to understand the current power structures governing human rights and active recreation. The New Zealand texts selected have influenced policy decision-making at Auckland City Council or have the potential to do so. An Auckland City Council produced policy document was also selected.

It was also important to compare the power structures within New Zealand with those operating internationally. This provided a useful comparison particularly if the foreign territory had implemented or was starting to implement a human rights-based approach to active recreation.

The United Kingdom was chosen as the comparison country for the following reasons:

1. The United Kingdom use a system of government, the Westminster System, which is similar to that used in New Zealand. This means that policy development at central and local government in the United Kingdom is comparable to policy development within New Zealand; and,
2. Sport England, the sport's governing body within England has begun to implement human rights-based policies and initiatives such as the Equality Standard (Sport England, 2004).

According to Sarantakos (2005) the discourse analysis researcher will begin by reading the text thoroughly and identifying interpretive repertoires and the context of these repertoires. The researcher may then isolate examples showing similarities within the text, differences or variations. The researcher will go on to examine the variations to identify how many different repertoires are being used and the consequences of the use of the various repertoires (Sarantakos, 2005). This is a process which was used in the document analysis for this thesis with the addition of using a human rights lens.

#### **3.4.2 Key Informant Interviews**

Key informant interviews were conducted with experts in the field of human rights, sport and active recreation as well as elected members within local government. Experts in both fields help to formulate policy within New Zealand. Approval from AUT's Ethics Committee was obtained in order to conduct these interviews; a copy of the ethics application, sample information sheet and consent forms is contained within the appendices.

The purpose of the interviews was two-fold:

1. to gain a greater understanding of the role of human rights within active recreation in New Zealand; and,
2. to analyse the discourse, language used, in order to understand the power structures governing sport/active recreation and human rights-based approaches within New Zealand.

Purposive sampling was used as well as snow-ball sampling to select interviewees. Key informants were identified through the literature review. Experts were also be identified through conversations with other experts or people within the relative policy areas (Davidson & Tolich, 1999). Unfortunately not all experts identified were available for interviewing.

Unstructured interviews were undertaken as they provided a better opportunity to identify the power structures governing a human rights-based approach to active recreation. An unstructured approach allowed for a better flow of ideas from the interviewee which provided a more genuine discourse and use of language. Once interviews were completed they were transcribed; these transcripts were provided to the interviewees to for feedback and correction in order to help ensure accuracy.

Within discourse analysis the relationship between the researcher and the participant can generally be described as a researcher/researched relationship. According to Grant and Giddings (2002, pg. 21) “the researchers goal is to explore the way power works systematically through the categories and subject positions produced by discourses, and to deconstruct their naturalness”. This is the approach that was undertaken whilst analysing the interview transcripts.

# CHAPTER 4 - DOCUMENT ANALYSIS

## 4.1 Introduction

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This chapter outlines the research undertaken in analysing documents influencing active recreation policy. The analysis is in the context of the literature review which examined how human rights approaches were being implemented in public policy in New Zealand and the UK, as well as looking at the issues and barriers to participation in active recreation. As outlined in Chapter 2, discourse analysis was utilised and the documents were also analysed using a human rights 'lens'.

## 4.2 SPARC Strategic Plan 2009-2015

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In 2010 the promotion of physical activity within New Zealand is lead by Sport and Recreation New Zealand ("SPARC"). SPARC is the Government organisation which is responsible for monitoring and promoting physical activity within New Zealand. SPARC's policies and strategies strongly influence local government policies. Therefore, it is important to examine the discourse within these strategies to understand local government policy development.

The SPARC Strategic Plan 2009-2015 ("Strategy") is the first sport and recreation strategy put out under the National Government which took office in November 2008. It is a 20 page plan which outlines the new government's priorities in the sport and recreation sector and announces changes to the SPARC organisation. These priorities include:

- Increased school-based initiatives
- Improved resourcing of high performance sports
- Strengthened grassroots sports delivery such as sports clubs

- Strengthening access to and opportunities for physical recreation in all its forms
- Developing the capability of partner organisations (SPARC, 2009d, p. ii)

The introduction explains that there is a challenging economic environment in which SPARC needs to work. It also demonstrates the move away from the previous government's policy objectives by saying: "Over the last seven years, we have been drawn into the wider physical activity and health space. This plan refocuses on our core business to ensure we more effectively meet the sport and recreation needs of New Zealanders" (SPARC, 2009d, p. ii).

The plan is divided into three parts: SPARC's strategy; how the strategy will be delivered, and the context for the plan.

#### **4.2.1 Analysis**

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While recreation is included within the strategy, it appears that the main focus has moved away from recuperative playful leisure (Ramsay, 2005) to more structured and organised sport. SPARC's priorities are having more children and young people participating in organised sport, and staying involved in sports teams once they have left school; having half a million more adult New Zealanders participating at least once a week in sport and recreation, plus a further one million volunteering; and ensuring that New Zealand wins more medals at the Olympic Games and that top sports teams win their respective world cups.

Sports clubs and organised sport have strongly influenced the development of the SPARC strategy. Not only are they consistently referred to, but the strategy is geared towards developing and supporting sports at all levels. In particular, SPARC is keen to have more children and young people dedicate their time to sports, both within school and outside of the school environment (SPARC, 2009d, p. 8). This is further highlighted in its promotion of grassroots sport where SPARC wants to see stronger links between school and club sports.



The SPARC Strategy was followed by the announcement of the new Kiwisport initiative. Kiwisport aims to encourage school age pupils to play sport and foster links between school sports and sports clubs with the aim of ensuring that there is a smooth transition from school sports to club sports. There will be \$45 million provided to schools in the four years from 2009 and “\$37 million to go into a regional partnership fund for initiatives involving clubs, schools and community groups to support sport for school-aged children” (Key, 2009, pg. 1).

However, there has been criticism of the Kiwisport’s initiative. Dr Toomath, spokesperson from Fight the Obesity Epidemic, was quoted in the New Zealand Herald as saying: “Money has been stripped from Healthy Eating - Healthy Action programmes to fund Kiwisport” (Field, 2009, pg. 1). Labour Party Health Spokesperson Ruth Dyson was also quoted as saying: “In reality the money has come from cuts to obesity, diabetes, smoking cessation and cardiovascular programmes. The Health Minister seems to think that kicking a ball around will help the one in five New Zealand children who are overweight or the one in 12 who are obese” (Field, 2009, pg. 1). Prime Minister John Key explains the source of funding as being: “provided by the Ministers of Health, Education, and Sport & Recreation identifying savings from social marketing campaigns, websites, and tagged funding programmes” (Key, 2009, pg. 1) The Kiwisport initiative will be run in conjunction with SPARC and is one way in which SPARC refocuses on its core business (SPARC, 2009d).

The SPARC Strategy is couched in economic and business terms, such as “delivering results” (SPARC, 2009d, pg. 4) and refocusing “on our core business” (2009d, pg. ii) as opposed to focussing on the physical/mental well-being and social benefits. The strategy goes on to say “we want a healthy, sustainable and co-ordinated recreation sector, delivering quality opportunities that get more New Zealanders participating” (2009d, pg. 4). The term “sector” reinforces the corporate and organised view of recreation, seeing it as an ‘industry’ which requires co-ordination. Additionally, SPARC states that investment will be targeted towards those organisations which are ‘investment fit’ (SPARC, 2009d, pg. 6).

The layout of the plan reinforces its corporate approach. The terminology used demonstrates that the audience for the strategy does not include all New Zealanders, but rather it is intended to be read by policy-developers and those within the corporate sector. The Strategy does not use any photos or illustrations, but rather relies on its layout in order to be 'user-friendly'.

In SPARC's key priorities, active recreation is portrayed as a priority through the following bullet-point: "under the Sport and Recreation Act 2002, strengthening access to and opportunities for physical recreation in all its forms, including the outdoors" (SPARC, 2009d, pg. ii). This is the only priority that refers to a specific statute. In the Sport and Recreation Act 2002 (New Zealand Government, 2002) the term 'physical recreation and sport' is used consistently throughout Part 2, Section 8 of the Act which outlines the functions of SPARC. This demonstrates that 'physical recreation' is just as important as 'sport', yet out of SPARC's five priorities three are aimed at sport, one is aimed at physical recreation (and cites the Act) and the last is aimed at SPARC's partners (SPARC, 2009d). So while the Sport and Recreation Act 2002 balances the importance between both 'physical recreation' and 'sport', this is not reflected in SPARC's priorities.

Additionally, the Sport and Recreation Act 2002 has a strong emphasis on participation of all New Zealanders in physical recreation and sport for their "health and wellbeing". The Act also emphasises the importance of encouraging the participation of minority groups such as Māori, Pacific peoples, women, older New Zealanders and people with disabilities (New Zealand Government, 2002). Yet SPARC's priorities do not mention 'all New Zealanders', and minority groups are not mentioned at all within the priorities. Instead the emphasis is on high-performance and grassroots sport.

Outdoor recreation is portrayed as an organised means of recreation; the SPARC Strategy discusses 'training' and 'leaders' in outdoor recreation as well as 'volunteers' (2009d, p. 12). This conveys a sense of needing to belong, and the need to commit time, and perhaps funding, to a particular activity. This is despite

SPARC identifying funding, time commitments and social issues as being barriers to participation in sport and recreation (SPARC, 2003).

The SPARC Strategy also states: “For us, SPARC’s core business does not include physical activities such as gardening, taking the stairs or doing housework – these are important for New Zealanders, but they are not a priority for us” (2009d, pg. 16). But it is also important to remember that, internationally, unstructured active recreation is not only gardening and housework, it also includes walking, running, cycling, volleyball, and playing on a playground (Pellegrini & Smith, 1998; US Department of Health and Human Sciences, 1996). In addition, the World Health Organisation, defines physical activity “as any bodily movement produced by skeletal muscles that requires energy expenditure” (World Health Organisation, 2010). By specifically identifying housework and gardening, SPARC’s assessment demonstrates a clear gender division in physical activities as studies show that women undertake most of the housework (Bianchi, Milkie, Sayer, & Robinson, 2000).

#### **4.2.3 Human Rights Principles**

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The principles of putting human rights at the heart of policy and planning; ensuring accountability; empowerment; participation and involvement; and, non-discrimination and attention to vulnerable groups (Department of Health, 2007; New Zealand Human Rights Commission, 2009) have been used to further analyse *SPARC’s Strategic Plan: 2009-2015* (2009d).

##### **Putting Human Rights at the heart of policy and planning**

Separate from the Strategy, SPARC is working with the Human Rights Commission to put in place policies which allow equal opportunities within sports and active recreation in the hope of encouraging more people to get active. However, this appears to be focused on providing opportunities to those people with a disability rather than equal opportunities for everyone. For example SPARC’s *No Exceptions Investment 2009-2012* (2009b) arose out of SPARC’s previous *No Exceptions Strategy* (SPARC, 2005). The *No Exceptions Strategy* was

“intended to guide the strategies and actions of all agencies involved in the provision of physical recreation and sport opportunities for disabled people” (2005, pg. 2). It was also “intended to provide leadership and strategic coordination in the sector” (2005, pg. 2). The *No Exceptions Investment 2009-2012* has an emphasis on:

- *more disabled New Zealanders active in sport and physical recreation;*
- *more New Zealanders participating in the support and delivery of sport and recreation to disabled New Zealanders (building capacity); and*
- *promoting access to sport and recreation and the achievements of disabled New Zealanders, to encourage participation by more disabled New Zealanders (SPARC, 2009a).*

Despite this, the work with the Human Rights Commission is not mentioned within SPARC’s Strategic Plan. In fact, the word ‘rights’ is only used in relation to “broadcasting rights” (SPARC, 2009d, pg. 19).

When outlining how SPARC intends to encourage sport and recreation for all, the Strategy says: “consistent with the functions in section 8 of the Sport and Recreation Act 2002, we will also continue to encourage participation in recreation and sport by Pacific peoples, women, older New Zealanders and people with disabilities” (2009d, pg. 18). SPARC does not find it necessary to cite legislation when discussing its other aims within the Strategy and while SPARC is required to do this under the Act, encouraging the participation of all New Zealanders is not specifically mentioned as a priority on page ii of the Strategic Plan.

### **Ensuring Accountability**

The Strategy discusses accountability in terms of financial accountability. It invests money on behalf of the government and therefore expects accountability for that money and results. SPARC states that: “we will hold ourselves to greater account for what we do with sport and recreation investment by tightening our own monitoring and measurement and asking our partners to do the same. Through

this, we will be clear about what outcomes are expected for government money” (SPARC, 2009d, pg. 6).

Health and social benefits of physical activity are not included in the main goals outlined on page 2 of the SPARC Strategy, instead the focus is the number of people involved in sport and physical activity (SPARC, 2009d). Instead success will be measured through numbers; for example the number of children playing sport, the number of volunteers involved, and the number of times New Zealand teams win in international sports. As Piggins et al (2009, pg. 93) comments “while SPARC policy assumes that evidence reflects a measurable reality, the organization also actively ‘manages’ and simultaneously produces the understandings of sport and recreation”. If, as Piggins et al. (2009) claims, SPARC manages and produces the understandings of sport and recreation in New Zealand, then this understanding will become increasingly focused on numbers of people participating rather than the outcomes of such participation, for example the health benefits.

### Empowerment

In SPARC’s Strategy there is no mention of consultation or participation in decision-making, in fact the word ‘consult’ does not appear anywhere within the Strategy. Local Government, as a provider of active recreation facilities, is committed to community wellbeing and required to undertake consultation with the community through the annual plan and Long Term Council Community Plan (“LTCCP”) processes (*Local Government Act*, 2002). This means that Local Authorities will undertake public consultation while ‘grassroots’ sports and recreation services may not.

Yet it is important for people to be empowered and part of the decision making process in order to ensure that money is spent in the correct areas and on the right resources. The creation of a sports field in an area where the community wants a swimming pool (or vice versa) can lead to public resentment (Department of Health, 2007), or even worse, a facility which is underutilised. Consultation not only helps users of recreation services but also the providers. Both parties can learn and improve from the consultation process (Rogers & Robinson, 2004).

## Participation

The focus within the Strategy is on the participation of children and young people and professional athletes. While SPARC is working to encourage people to join sports clubs and organisations this does not necessarily suit the physical activity need and lifestyles of all New Zealanders. The focus on encouraging children and young people to play organised sport can also discount the wider implications on the family unit and community. The need for parents to organise domestic lives around sports for children and young people can have significant effects on people's work-life balance (Worrall, 2007). While children and young people may benefit from the physical activity, the emphasis on organised sports may result in parents, grandparents and/or siblings needing to incorporate the extra transportation time and costs into their daily activities. In a study undertaken by Jill Worrall (2007), participant grandparents commented that age affected their energy levels and fitness.

*In response to an open ended question about the nature of their social lives, more than half the respondents (53.31%) stated that they had no social activities at all since taking custody of the children... A significant number of grandparents stated that the only forms of socialisation they engaged in were the activities of the children, such as school and sporting activities (Worrall, 2007, pg. 169).*

Through SPARC's focus on school sports and sport clubs, SPARC may have narrowed the physical activity choices for children and young people. Not all secondary schools are able to cater for all types of organised sports or develop links with a wide variety of sporting clubs. The focus on sports clubs and organisations, and the need to belong, does not work for everyone (Sullivan et al., 2003). Active recreation serves as a form of stress relief and the requirement to set aside time and money in order to play sports can be contrary to this, and in fact be a barrier to participation (Sullivan et al., 2003).

## Non discrimination and attention to vulnerable groups

In its Strategy, SPARC states that it aims to be fully inclusive in terms of the participation of all New Zealanders: "We want to encourage providers to develop initiatives for New Zealanders to participate and perform in sport and recreation at

all levels, irrespective of their age race, gender, disability, religion, beliefs, sexual orientation or social background” (SPARC, 2009d, p. 16). Yet this does not appear to be a main element or focus for SPARC’s work stream over the next few years.

### 4.3 SPARC Outdoor Recreation Strategy 2009-2015

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One of the ways in which the success of the SPARC Strategic Plan 2009-2015 (SPARC, 2009d) will be measured, in terms of recreation, is through the implementation of the actions in the SPARC Outdoor Recreation Strategy (SPARC, 2009c). The Outdoor Recreation Strategy (“Recreation Strategy”) was published in August 2009. The Recreation Strategy was developed after a review of the outdoor recreation sector which took place in 2007. The findings were released in 2008 (SPARC, 2008a).

The Recreation Strategy identifies outdoor recreation as including “a range of leisure, recreation, cultural and sporting activities which are undertaken in natural, heritage, rural and open space” (SPARC, 2009c, p. 3). It states that outdoor recreation does not include sporting activities, indoor activities or activities which do not have a physical component (2009c, p. 3).

The vision of the Recreation Strategy is to have “New Zealanders participate regularly in outdoor recreation because they understand and value its contribution to their quality of life” (SPARC, 2009c, p. 4). SPARC identifies, that in order to achieve this aim, there needs to be: people wanting to participate in outdoor recreation with the skills and knowledge to do so; organisations which are effective in helping people to participate, and access to a range of places and opportunities (2009c). Key challenges identified within the Recreation Strategy are those of: leadership; delivery of outdoor recreation activities and opportunities; developing skills and knowledge; and, ensuring ongoing access to outdoor recreation (SPARC, 2009c, p. 6).

The SPARC Recreation Strategy 2009-2015 is a 16 page document which is divided into three outcome areas:

- Outcome One: A more capable and effective delivery system for outdoor recreation;



- Outcome Two: Access to high quality natural areas across the full spectrum of outdoor recreation opportunities; and,
- Outcome Three: More New Zealanders with the skills and knowledge to participate and lead in outdoor recreation (SPARC, 2009c).

Within these outcome areas the Recreation Strategy outlines the issues involved and SPARC's priorities. It then goes into detail as to how the outcomes will be achieved.

#### 4.3.1 Analysis

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As previously stated the Recreation Strategy was based on the outcomes of SPARC's Outdoor Recreation Review (SPARC, 2008a). For the Outdoor Recreation Review, "SPARC engaged extensively with the sector enabling a large number of outdoor recreation providers and facilitators to provide input, including representatives from:

- *backcountry commercial and club based organisations;*
- *outdoor education centres;*
- *tertiary education organisations and schools; and*
- *local government, particularly recreation planners, reserve and facility asset managers, and senior local government managers (SPARC, 2008a, p. 7).*

In the summary of position papers received by SPARC only the views and opinions of clubs, associations, organisations and government bodies have been represented (SPARC, 2008b). Individuals, members of the public, community representatives and non-participants do not appear to have taken part in the review of outdoor recreation.

In keeping with the SPARC Strategic Plan 2009-2015 (SPARC, 2009d), discourse within the Outdoor Recreation Strategy (SPARC, 2009c) mirrors that of a corporate business plan and uses language and terms which would be more familiar to people who work in the recreation industry, corporate sector or government sector. Language and terms used include "strengthening capability" (SPARC, 2009c, p. 6),

“smart investment” (pg 9), and “sector coordination” (2009c, p. 8); this language may inadvertently exclude some audiences.

In the Outdoor Recreation Strategy local government is only mentioned once (SPARC, 2009c, p. 10). Local government is the key stakeholder and decision maker when discussing urban planning and the problems facing the encouragement and enjoyment of active recreation by an increasingly diverse Auckland community (Rowe, 2008). However, the focus in the strategy is on organisations which are mostly commercial providers of outdoor recreation. Additionally, Outcome Two (SPARC, 2009c, p. 10) of the strategy discusses the coordination of land-use planning and management which is strongly influenced by local government decision making. Yet, the focus is on promoting partnerships to coordinate planning and “ensuring that outdoor recreation interests are considered... at national and community level” (SPARC, 2009c, p. 11) without local government being identified as the main decision-maker in community planning.

#### **4.3.2 Human Rights Principles**

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The HRBA principles of putting human rights at the heart of policy and planning; ensuring accountability; empowerment; participation and involvement; and, non-discrimination and attention to vulnerable groups (Department of Health, 2007; New Zealand Human Rights Commission, 2009) have been used to further analyse *SPARC’s Outdoor Recreation Strategy 2009-2015* (2009c).

##### **Putting Human Rights at the heart of policy and planning**

Human rights are not mentioned within the Recreation Strategy. However there is an emphasis on increasing participation in outdoor recreation activities. It is identified that outdoor recreation helps to define communities and enhances individuals’ quality of life. For example, the Recreation Strategy recognises that outdoor recreation contributes to New Zealand’s “health and wellbeing, and social, education, cultural, environment and economic outcomes” (SPARC, 2009c, pg. 4).

## **Ensuring accountability**

In terms of reviewing the progress of the Outdoor Recreation Strategy, SPARC has proposed that the Sir Edmund Hillary Outdoor Recreation Council will be the lead organisation and act as an advisory body for SPARC. The Hillary Council will monitor the progress of the Outdoor Recreation Strategy and report regularly to the SPARC Board.

A published table (SPARC, 2009c) identifies those organisations which have responsibility for leading/influencing, enabling, investing and providing. While this table incorporates, SPARC, Hillary Council, Department of Conservation, the tourism sector, education sector, NGO's, and territorial authorities it does not demonstrate how participants and non-participants can influence the programme or provide feedback.

## **Empowerment**

Consultation on a discussion document, preceding the Outdoor Recreation Strategy, took place with government agencies and sector stakeholders. However, while the strategy is attempting to encourage greater participation in outdoor recreation, non-participants appear not to have been approached or consulted on the best ways to encourage them to participate.

## **Participation**

When discussing managing access to the natural environment the SPARC Outdoor Recreation Strategy wishes to ensure that “all interested groups including tourism and recreation providers, conservation groups, iwi, participants and other resource managers” (2009c, pg. 10) are consulted. SPARC continues on to argue that: “Participatory processes around planning are essential to ensure that solutions can be found that optimise the benefits for all concerned” (2009c, pg. 10).

SPARC also recognises that “many New Zealanders want to participate in activities at a time and venue that suits, without the need to join a club or formal group” (2009c, pg. 12). SPARC goes on to recognise that:

*A person's involvement in outdoor recreation varies throughout his/her life depending on work and life/family pressures and commitments, and health and disability reasons. The changing nature of our population structure, the increasing demand for outdoor recreation activities that are "close to home and done in a day" and more people opting to recreate informally must all be considered when looking to reduce the barriers to participation in outdoor recreation (SPARC, 2009c, pg. 12).*

This demonstrates commitment to increasing participation for all New Zealanders. The statement also shows an understanding of the types of barriers that New Zealanders may face when participating in outdoor recreation.

### **Non discrimination and attention to vulnerable groups**

In defining outdoor recreation SPARC includes 'cultural' activities and acknowledges the cultural significance of New Zealand's outdoor landscape. Although the strategy mentions young people, there is no mention of encouraging or working with minority groups and ethnicities to increase participation in outdoor recreation, other than young people. Disabled people are only mentioned once within the strategy: "a person's involvement in outdoor recreation varies throughout his/her life depending on work and life/family pressures and commitments, and health and disability reasons" (SPARC, 2009c, pg. 12).

## 4.4 Active Auckland: Auckland City Council's Recreation Plan

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Having analysed central government's approach to active recreation policy in New Zealand it is important to look at policy which specifically affects the promotion and provision of active recreation in Auckland region. *Active Auckland* is Auckland City Council's recreation plan (Auckland City Council, 2007a). It was written by the Arts Community and Recreation Policy Group within the Council and was developed through a process of research along with consultation with stakeholders (2007a, p. 21). The Plan is a 21 page document which introduces the reasons behind the need for a recreation plan. The reasons identified include discussion about the benefits of recreation in improving health and wellbeing, building individual self-esteem and self-image, encouraging social interaction, contributing to strong families, bringing communities together, developing community pride, generating economic activity, reducing health care costs and improving individuals quality of life (2007a, p. 2).

The plan explains its strategic context and outlines where it sits within the Council's wider strategy. It discusses the Council's current role in providing sport and recreation to the city; for example leisure centres, parks, cycleways, promotion of events (2007a, p. 5). The plan also provides examples of the key partners with whom the Council works in the field of recreation provision such as Sport Auckland, SPARC, ARPASS, government agencies, sports clubs and other organisations.

The plan considers the challenges facing getting Aucklanders to become more physically active. It outlines the challenges related to population growth and the need to ensure that the "provision of sport and physical activity keeps pace with the demand" (2007a, p. 6). It also discusses diversity and the need to ensure that there is a wide range of recreation opportunities; a changing urban form means that recreation space needs to be provided so that it becomes part of everyday life and is accessible across the city; and the challenge of low levels of physical activity. These challenges are in keeping with those outlined in SPARC's Obstacles to Action research (Sullivan et al., 2003).

The framework of the plan is divided into separate goals, namely:

- Opportunities to be active
- Places to be active
- Encouraging people to be active
- Working together to be active

Each of these goals includes an outline explaining the issue the goal is trying to address and why it is important. This is followed by a list of approximately ten things that the Council will do to try and achieve the aims of the goals, each of these items is given a priority of either 'high' (within 3 years), 'medium' (within 6 years), 'low' (within 10 years) or 'ongoing'. The Council's performance is monitored in different ways for each goal.

#### **4.4.1 Analysis – Active Auckland**

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The publication, Active Auckland: Auckland City Council's Recreation Plan (2007a) is a very marketing-savvy, polished product. The use of glossy pages and photographs show that the Council is portraying a professional and corporate image. This image continues into the text which is very authoritative in tone and uses language which will be more familiar to people who have worked in industry, government sector or in economics. For example, the plan uses terms such as "best practice", "key partners", "performance goals" and "strategic direction". The use of this language demonstrates that the Recreation Plan is primarily intended for a professional audience rather than for the general public.

The use of photos within the plan conveys that the Council wished to produce a 'public-friendly' document. However, the photos selected appear to reinforce a reliance on sports clubs and groups. Many of the photos show groups of people wearing uniforms. There are children playing rugby, doing gymnastics in a leisure centre, people playing volleyball, running marathons, sailing and taking part in cultural events. Even a group of people hiking through the bush are wearing

uniforms (2007a, p. 10) and three people cycling (on page 7) are all wearing specially made cycling gear. This conveys to the reader a sense of 'them and us'. While there is the occasional photo of couples walking and a photo of children washing a car the overall effect is to convey to the reader that in order to be active one must join a group, wear a uniform, and have the correct equipment.

When analysing the terminology throughout *'Active Auckland'*, the plan constantly relies on using the phrase "sport and physical activity". The term "sport and physical activity" are used instead of the term "active recreation", despite this being a recreation plan. There are very few mentions of either the word "recreation" or "leisure" apart from in the beginning passages, in the rationale for the plan and in outlining the benefits. For example, in the rationale for the Active Auckland Strategy it says: "there is a wide range of individual health benefits from participating in recreation" it goes on to say: "participating in recreation helps to refresh the mind, contributing to improved mental health and enhancing overall health and wellbeing" (Auckland City Council, 2007a, pg. 2). 'Recreation' is also credited with reducing negative social behaviour, providing opportunities for social interaction, contributing to strong families, bringing communities together, generating economic activity and reducing healthcare costs.

According to the Oxford English Dictionary, 'recreation' means "enjoyable leisure activity" (Pearsall, 1999, pg. 1198) while 'leisure' means "time spent in or free for relaxation or enjoyment" (Pearsall, 1999, pg. 812). The key term which links these two words together is "enjoy" (enjoyable and enjoyment). However, within the actual goals that the Council is working towards, the word 'recreation' is conspicuous by its near absence. The word is not used other than when it is followed by the word 'centre' or 'facility' in the context of describing a building rather than activity.

#### 4.4.2 Human Rights Principles

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The human rights principles of empowerment, fairness, equality, dignity and autonomy have been used to further analyse *Active Auckland: Auckland City Council's recreation plan*.

##### **Accountability**

Active Auckland does not mention seeking feedback from the Council and Community Boards or through the LTCCP process. When it comes to the monitoring of the Council's achievement of its goals, other organisations such as SPARC and the Auckland Recreation Forum will be responsible for measuring the Council's performance.

Performance monitoring is outlined on page 19 of Active Auckland (Auckland City Council, 2007a). The evaluation process is purely quantitative and relies solely on the number of Aucklanders participating in sport and physical activity, demonstrated through the SPARC national survey; reviews against the performance measures, demonstrated through SPARC and Auckland City Council research; and, achieving the actions and projects listed in the implementation plan through monitoring.

Individuals are not provided with a voice to feedback to the Council what has been working and what has not been working in terms of the goals. Instead the Council will rely on the 'outputs' of the plan, i.e. the number participating in sport and physical activity.

##### **Participation**

Goal 1 (2) of Active Auckland says that the Council will "identify the sport and physical activity preferences of Aucklanders of different lifestages, abilities, cultural diversity and communicate these preferences to providers of facilities and opportunities" (2007a, p. 11). The Active Auckland strategy does not identify how it will identify the physical activity preferences of Aucklanders. Additionally the



strategy does not seek to understand the ways in which the Council can encourage non-participants to become active.

In addition Goal 1 (3) (Auckland City Council, 2007a, p. 11) is a high priority goal to provide innovative opportunities to increase participation and “cater for diverse needs and interests” through the delivery of AkActive<sup>3</sup>. While diverse needs and interests need to be catered for there is no clear process of how these needs and interests will be identified by AkActive or Auckland City Council.

New and emerging sports will be supported if there is demonstrable “demand” for them (Auckland City Council, 2007a). Again there is no mention or detail of how individuals or groups can demonstrate such a demand. For example, does the demonstration of demand require a set number of participants?

### **Non-discrimination and attention to vulnerable groups**

There is no mention of differences in gender and preference for active recreation on this basis. While different “lifestages” and “abilities” are mentioned gender is largely ignored within the Active Auckland strategy. There is a basic question which continues to be asked in relation to gender and sports: are there equal resources allocated to men and women? (Bell-Altenstad & Vail, 1995; Washington & Karen, 2001). However, by not mentioning gender differences Auckland City Council is either ignoring the issue or most likely, believing that the plan takes this issue into account without the need to be specific. Additionally, specific barriers faced by women, who are for example, housewives, solo parents, or of a different ethnicity, religion or culture are not addressed within the Active Auckland strategy.

One of the guiding principles of Active Auckland is that it will take into account the diverse make up of the community including people of different abilities. Auckland City Council has a Disability Framework for Action which is consistent with the New Zealand Disability Strategy (Minister for Disability Issues, 2001). Auckland City Council’s Disability Strategy is “linked to a number of Auckland City’s strategic priorities such as building strong and healthy communities, recognising and

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<sup>3</sup> <http://www.aucklandcity.govt.nz/whatson/sports/akactive/default.asp>

supporting diversity, and effective governance” (Auckland City Council, 2010, pg. 1). However, while the Active Auckland strategy may have taken account of the Council’s Disability Framework for Action, the Disability Framework is not mentioned, demonstrating that there is no clear connection between the two council strategies.

When it comes to physical activity there are a number of barriers to participation which can be related to human dignity, such as social barriers, including obesity. While there is mention of identifying the different “preferences” of individuals within the plan (Goal 1, 2) there is virtually no recognition of social barriers as an impediment to active recreation or how these barriers can be breached. According to SPARC’s Obstacles to Action (Sullivan et al., 2003) 22% of people that it identified as ‘support seekers’ suffered from depression or a mood disorder. ‘Support seekers’ also feel that they need encouragement, therefore the competitive ‘them and us’ environment of the sports field or club may be off-putting to this group.

### **Empowerment**

There is no mention of submissions, consultation or the annual plan and LTCCP process. While the plan focuses on encouraging people to participate in sport and physical activity, it does not advise people how to get involved with or be part of the decision making process or any review process.

In terms of sport and active recreation individuals should be provided with the ability to make their own decisions about their physical activity. Throughout Active Auckland there is consistent reference to other organisations such as SPARC, sports clubs, community groups and volunteers. Individuals who are not members of clubs, groups or other organisations need to be catered for. While the Council does intend to do this through the provision of open space as outlined under Goal 2 of the plan in addition to helping to provide “activity-friendly” environments (Auckland City Council, 2007a) there could be a greater emphasis on individuals needs.

## 4.5 Sport England Strategy 2008-2011

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It is interesting to compare the national sport and recreation strategies of New Zealand and the United Kingdom. The Sport England Strategy 2008-2011 aims to “address the fundamental challenges facing sport, and particularly community sport, in England” (Sport England, 2008, pg. 1) and to create a “world leading community sport system in England” (Sport England, 2008, pg. 8). The Sport England Strategy was developed in response to London winning the bid for the 2012 Olympic and Paralympic Games.

The Sport England Strategy 2008-2011 is a 38 page document which encompasses the key challenges facing community sport, Sport England’s Vision and Outcomes, how the organisation will operate, the key programmes Sport England will run, and it’s funding and governance arrangements.

The Sport England Strategy is committed to delivering:

- *1m people doing more sport by 2012-13*
- *A reduction in post-16 drop-off in at least five sports by 25% by 2012-13*
- *A quantifiable increase in satisfaction*
- *Improved talent development systems in at least 25 sports*
- *A major contribution to the delivery of the Five Hour Sport Offer engaging more 5-19 year olds in sport (Sport England, 2008, pg. 9).*

### 4.6.1 Analysis

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Sport England Strategy 2008-2011 is a well structured document whose main target audience are the National Governing Bodies (“NGB’s”) of sports, Local Authorities and Government Departments. The Sport England Strategy takes a corporate approach to its performance measures through using Key Performance Indicators, which are widely used within the private sector.

The focus for Sport England is on sport and sports clubs, “the sports club is core to people’s experience of sport – coaching, facilities and competition all centre around

the sport structure” (Sport England, 2008, pg. 11). The sport NGBs have been identified as being key partners for delivering the outcomes identified in the strategy, and through promoting physical activity as a platform for people to become involved in sports and sport clubs, the Sport England Strategy demonstrates its focus is primarily on the club and organised sports environment.

In contrast to SPARC’s strategy the Sport England Strategy consistently refers to ‘community sport’ (with the word ‘community’ mentioned 78 times throughout the strategy); this is in relation to getting more people involved in the sporting environment at a grassroots level either as participants or volunteers.

#### **4.6.2 Human Rights Principles**

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The HRBA principles of putting human rights at the heart of policy and planning; ensuring accountability; empowerment; participation and involvement; and, non-discrimination and attention to vulnerable groups (Department of Health, 2007; New Zealand Human Rights Commission, 2009) have been used to further analyse *Sport England Strategy 2008 – 2011* (Sport England, 2008).

##### **Putting Human Rights at the heart of policy and planning**

Equality is a major theme running through the Sport England strategy. The focus on equality will help Sport England to achieve its aim in increasing participation by 1 million people by 2012-13 but is also incorporated within its aims to tackle the drop-off in sports participation and in developing talent (Sport England, 2008). Ways in which Sport England will increase participation is through focusing on girl’s and women’s sports, disability sport and reaching out to diverse communities. There is also a focus on children and young people’s participation. The Sport England strategy also discusses the possibility of clubs providing more opportunities in order to fit in with modern lifestyles (Sport England, 2008).

##### **Ensuring Accountability**

The Sport England Strategy includes a section on accountability with Sport England having overall responsibility for the delivery of outcomes within the

strategy (Sport England, 2008). A sub-committee will also be formed to advise on decisions regarding the funding of National Governing Bodies.

*For NGBs, developing the girl's and women's game, disability sport, and reaching out to diverse communities, is not an optional extra but a vital part of what they will be required to do. If any sport does not wish to accept this challenge, funding will be switched to those that do (Sport England, 2008, pg. 4).*

Sport England has in this statement introduced a financial penalty for sport National Governing Bodies to ensure that not only do they not discriminate, but also ensure that they positively strive to be inclusive. Equality bodies will also be used to help NGBs and National Partners to improve diversity across community sport (Sport England, 2008).

## **Participation**

Sport England will invest £480 million through 46 governing bodies in order to achieve its objectives (Sport England, 2009h). Unfortunately, by focussing on sporting National Governing Bodies in its funding allocation, Sport England could be excluding some minor sports or sports groups and clubs which do not belong to an NGB. The main criteria for selecting these NGB's was that they:

- were an Olympic or Paralympic sport; or,
- were already designated as a development sport by Sport England; or,
- had more than 75,000 people in England participating in that sport (Active People) (Sport England, 2009h).

While Sport England's Strategy attempts to raise participation rates in community sports and amongst volunteers, the funding priorities released at the end of 2009 in response to the strategy show that human rights principles are not necessarily at the heart of policy and planning. Of the £481,552,950 funding spent by Sport England in achieving its strategy for the period of 2009-2013 the majority went to athletics (£20,447,169), badminton (£20,800,000), cricket (£38,003,357), cycling (£24,288,000), football (£25,635,000), netball (£17,658,116), rugby league

(£29,408,341), rugby union (£31,219,004), swimming (£20,875,000) and tennis (£26,800,000) with an additional £60,000,000 going to the Football Foundation (Sport England, 2009i, pg. 1).

However, according to Sport England's own participation surveys the sports which received the most funding are largely male dominated (Sport England, 2009a, 2009b, 2009d, 2009e, 2009f, 2009g). For example, football has approximately 2 million male participants but only 150,000 female participants, yet it received approximately £85,635,000 in funding (Sport England, 2009f, 2009i). But, dance exercise, which has a significantly higher proportion of women than men participating only received £741,552 in funding (Sport England, 2009c, 2009i).

However there are other ways in which Sport England has attempted to increase participation. For example, it has established a Five Hour Sport Offer for children and young people which aims to encourage more 5-19 year olds to participate in sports through a variety of programmes (Sport England, 2008).

### **Non-discrimination and attention to vulnerable groups**

Equality, a key theme of Sport England's strategy and Sport England's commitment to equality, is outlined in a section under its Governance Arrangements. While this section outlines Sport England's commitment to equality it also outlines some of the practical steps that it will take to ensure that its equality agenda is implemented. For example: "There will also be a review of the Equality Standard to move from the current form-based approach to one which has more impact on actual behaviour" (Sport England, 2008, pg. 35). This demonstrates how Sport England is moving towards genuine 'on the ground' changes to improve equality of access to sports. Additionally, "Sport England will seek out opportunities to work with community groups capable of delivering 'break through' with different parts of the population" (Sport England, 2008, pg. 35), this shows that Sport England understands that there may be less traditional ways of encouraging participants from less engaged sectors of the population.

One of the programmes which Sport England is promoting is the 'Playground to Podium', designed to deliver "49 county-based Athlete Assessment and Development Centres, to be held a minimum of three times a year" (Sport England, 2008, pg. 17). This aims to ensure a transition between community sport and performance/elite sport for disabled athletes. The Key Performance Indicator would include having 5,000 participants directed to high quality coaching opportunities, 2,000 adults introduced to high quality coaching and 8,500 young disabled people having assessment and further development, each within a specific timeframe (Sport England, 2008).

### **Empowerment**

The Sport England strategy was developed after an open public consultation period in January to April 2008. However, when measuring the strategy's success, Sport England will rely on surveys for its methodology, for example the Active People survey. There appears to be no other consultation or feedback mechanism.

## 4.6 A Sporting Future for London

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A Sporting Future for London (Mayor of London, 2009b) is a strategy that has been developed through the Mayor of London's office to ensure that the 2012 London Olympic Games have a lasting legacy and help to increase participation in sport and active recreation in London.

It is a 46 page document which details how the Mayor's office and the Greater London Authority ("GLA") will help to coordinate plans across London to improve infrastructure and promote greater participation in sport and physical activity. The hope is that the "Games would be use as a catalyst to drive up participation across the country and help to tackle issues such as obesity, ill health and crime" (Mayor of London, 2009b, pg. 9).

The strategy is divided into four sections: introduction, the current picture, delivering the Mayor's commitment, and London's legacy goals. The legacy goals are:

1. Get more people active
2. Transform the sporting infrastructure
3. Build capacity and skills
4. Maximise the benefits of sport to our society (Mayor of London, 2009b).

This document was chosen for analysis as the new structure of the Auckland Council is very similar to that of the Greater London Authority with the local authorities underneath it. While the Greater London Authority undertakes policy decisions for London and can help to fund and coordinate projects, much of the day to day running of London is left to the local authorities (Mayor of London, 2009b). This strategy demonstrates how a regional authority can coordinate a policy approach to increasing participation.

London is an incredibly diverse and increasing population with areas of wealth and deprivation (Mayor of London, 2009b). While London is a much larger city than



Auckland, these population and demographic issues are ones which are very similar to those which Auckland is now facing (Rowe, 2008).

#### 4.5.1 Analysis

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'A Sporting Future for London' is a very well-structured reader-friendly document. It uses 'plain English' to describe the current state of sport and active recreation in greater London and the Mayor's vision for the future. Additionally the strategy has a number of examples throughout of current activities and initiatives taking place to demonstrate what is possible and the type of community-focussed activities that it supports. For example, Judo is used as an example of a sport which is suited for high-intensity urban areas, such as inner city London, as it can be undertaken in small spaces such as community halls (Mayor of London, 2009b).

The emphasis is on participation and encouraging those who are currently inactive to get active through providing and supporting a wider range of activities at community level and through reinforcing and working with what is already in place. Such is the emphasis on participation that the word 'participation' appears 42 times throughout the document. In addition the word 'community' is used 41 times throughout the document.

While the word's 'community' and 'participation' are used throughout alongside examples of community sports and active recreation groups, this is also illustrated and reinforced with pictures and photographs. For example, there is an elderly couple pictured ballroom dancing, women in a swimming pool, children on bikes, disabled people playing basketball, and special needs children swimming. Only in a few photos has it been shown any need for special equipment or uniforms; for example, children undertaking karate, and people playing soccer. The majority of photos show people of all ages and ethnicities enjoying their activities without any need for uniforms. The ideas behind informal physical activity appear to be re-emphasised through the illustrations in this strategy.

The development of this strategy has been grounded in current knowledge around sport and active recreation with studies and research on the impact of sport and active recreation on crime, educational achievement, community development, health and self-esteem being cited. This strategy also works to bring together strategies from a number of different organisations. Instead of creating an entirely new approach it works to compliment what is already taking place: “This document is a call to work in partnership and give added impetus to ongoing work” (Mayor of London, 2009b, pg. 10). In order to achieve these partnership goals and to succeed in a coordinated approach the strategy establishes a new London Community Sports Board to be chaired by the Mayor’s Commissioner for Sport and have representatives from each of the local authorities, Sport England and other key stakeholders.

#### **4.5.2 Human Rights Principles**

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The HRBA principles of putting human rights at the heart of policy and planning; ensuring accountability; empowerment; participation and involvement; and, non-discrimination and attention to vulnerable groups (Department of Health, 2007; New Zealand Human Rights Commission, 2009) have been used to further analyse *A Sporting Future for London* (Mayor of London, 2009b).

##### **Putting Human Rights at the heart of policy and planning**

While ‘human rights’ is not a term which is used in this strategy, it is clear that there has been an effort to put human rights principles at the heart of policy and planning. Participation, inclusion, accountability, non-discrimination and attention to vulnerable groups and empowerment are all themes which are running through this strategy.

The strategy shows that the Mayor of London has been careful to ensure that as many organisations representing people from different backgrounds had been involved in the development of the strategy. For example, consultation took place with Women’s Sport and Fitness Foundation, Youth Sport Trust, Community Sport and Physical Activity Networks, and the London Sports Forum for Disabled People

as well as national sporting bodies. However, they “also held meetings with a range of stakeholders from the public, private and voluntary sectors, with non-sporting groups and have attended forums with a focus on equality” (Mayor of London, 2009b, pg. 39). This again demonstrates that the Mayor of London’s aim is to increase active recreation participation amongst those who are inactive, and by holding workshops with non-sporting groups it was possible to get input and information for the strategy as to how to make active recreation more appealing to the inactive.

Not only were many groups consulted but they had genuine input into the strategy. For example, the strategy states that its goals and objectives are in line with the Youth Sports Trust. In addition the plans developed by the Department of Culture, Media and Sport in relation to the Olympic Games are cited with the strategy intending to work in with them (Mayor of London, 2009b). Throughout the strategy a number of external non-GLA organisations and programmes are mentioned with the Mayor’s intention being to compliment these existing programmes and provide additional support and resources (Mayor of London, 2009b).

This strategy puts human rights principles at its heart through consultation with groups representing different sectors of London society and the focus on equality of access and enabling communities to encourage inactive people to become more active.

### **Ensuring Accountability**

As well as the extensive consultation that took place during the preparation of the strategy, as described above, which included consulting with over 400 people from over 150 organisations, accountability is ensured throughout the strategy in a variety of ways (Mayor of London, 2009b).

Once the games are over the Mayor “will work towards ensuring that the aim of 90 per cent community usage of the park facilities” is met (Mayor of London, 2009b, pg. 26). This will be undertaken through “his influence with the new Olympic Park Legacy company and his role on the Olympic Board” (2009b, pg. 26). By stating

this in the strategy it demonstrates that the Mayor will be directly accountable for securing community usage of the park facilities after the games. By being directly accountable it means that voters could, if he is unsuccessful, hold him to account during the election process.

The strategy outlines the next steps for implementation which includes who will be responsible for delivering the planned outcomes. For example, the next stage of implementing the strategy will be to identify key delivery partners, with proven track records, who can implement the strategic priorities. These “delivery partners will report directly to the London Community Sports Board and will be required to ensure ongoing monitoring and evaluation of the tasks they are to undertake” (Mayor of London, 2009b, pg. 17).

### **Participation**

The focus of the strategy is on getting the less active more active. It is envisaged that the Olympic Games would produce creative ways to get more people involved. Programmes to be funded by the Greater London Authority will be required to attract a pre-determined percentage of previously inactive people. The Mayor has also said that he will use his influence to lobby other funding bodies to incorporate this principle in their own funding requirements (Mayor of London, 2009b).

In order to increase participation rates, the Mayor has made a commitment to fund alternative and less traditional sports such as dance, skateboarding and BMX biking (Mayor of London, 2009b). An example provided is that of Dare2Dance which targets young women to take part in street dancing. There will also be investment in facilities which will help to increase participation, a particular example is the mobile swimming pools which “provide extremely convenient and cost-effective opportunities for people of all ages to learn to swim and to swim recreationally” (Mayor of London, 2009b, pg. 27). The mobile swimming pools can be located in school halls and gyms in at-need areas for a short period of time.

The strategy also focuses on disseminating information to target groups, for example, the strategy has a section on the use of new media. The Mayor will give

his support to the Active London website<sup>4</sup>: which provides a database of sports clubs, facilities and events across London. In addition, social media is being looked at as a means of “disseminating target information to specific groups of people and for building participation networks” (Mayor of London, 2009b, pg. 18). This is a way to reach out to as many people within the London area as possible and provide them with the knowledge of how they can become more physically active in their local area.

### **Non-discrimination and attention to vulnerable groups**

“The Mayor is committed to ensuring that every Londoner has an equal opportunity to participate in sport and physical activity” (Mayor of London, 2009b, pg. 21). There is a particular emphasis on encouraging people in lower socio-economic groups, young women aged 14-24, older people, black and minority ethnic people, disabled people, lesbian, gay, bisexual and trans people, as these groups have low rates of participation in London.

Tackling inequality of access is a major focus of the strategy. “It is expected that all organisations that the Mayor works with show what steps they are taking to ensure equality of access and opportunity” (Mayor of London, 2009b, pg. 21). Organisations which can demonstrate that they have initiatives in place to help remove barriers and can motivate hard to reach groups in the community will be especially welcomed under the strategy. Street athletics targeted at deprived areas to attract disengaged and disaffected young people is an example of a form of recreation that reaches such demographics.

There is also an emphasis in ensuring that people with disabilities are able to, and are encouraged to participate. For example, the strategy seeks to ensure that the Sport England design guide on access for disabled people is applied to all new facilities in London. The London Community Sports Board will also establish a target for increasing participation amongst disabled people, and a London 2012 Equality and Diversity Forum has been established (Mayor of London, 2009b).

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<sup>4</sup> <http://www.pro-activelondon.org/>

In addition, this strategy will support and work in with the Mayor's 'Equal Life Chances for All' equality framework which will "work with the GLA group and more widely with London councils, the public, private, voluntary and community sectors to provide practical solutions that effectively tackle inequality" (Mayor of London, 2009a, pg. 2).

### **Empowerment**

Through ensuring that funding for groups that encourage the inactive and minority groups to become more active, the Mayor is helping to empower those communities to help themselves. For example, the Panathalon Challenge which "focuses only on the most profoundly disabled children and young people in special schools" (Mayor of London, 2009b, pg. 22), the Big Dance and the Green Gyms programme.

In addition the Mayor states that "we will be flexible in our approach and regularly review and update what we do to reflect the changing picture across the UK and London" (Mayor of London, 2009b, pg. 10). This implies that communities may have the opportunity for feedback on the programme. The Mayor will also encourage local authorities to undertake a needs and evidence based approach to community sport development and that local strategies and assessments should be completed prior to the end of 2012.

## **4.7 Discussion**

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The Greater London Authority are using the 2012 London Olympics as a catalyst for implementing a number of human rights-based initiatives and through a focus on community and encouraging non-participants to become more active and get involved in physical recreation. Through its focus on equality of access and community engagement the Mayor of London, Boris Johnson, has implemented a human rights-based approach to the development of public policy around active recreation, even if it is not called that by name.

In contrast, SPARC, the main driver and influencer of sport and active recreation public policy in New Zealand, has begun to focus more on the participation of children and young people, structured sporting environments and elite athletes. While this change in policy direction from SPARC came after Auckland City Council published its policy document *Active Auckland* it leaves the wider issues pertaining to non-participation in active recreation and physical activity to local authorities to address through their obligations under the Local Government Act 2002.

A key theme which emerged through the use of discourse analysis was around the language employed in the documents studied. The New Zealand policy documents in particular, used language which could act as a barrier and exclude some readers. For example, whilst it might be familiar terminology for public servants, corporate executives or those in an economic field, the language, layout and images used are not necessarily familiar to the members of a social netball team.

While London's Mayor works to identify ways in which to encourage non-participants and people who aren't currently physically active to become physically active, the strategies in New Zealand centre around fostering traditional sports models and facilities.

While Auckland City Council does not currently undertake a human rights-based approach while developing public policy, it would not require huge changes in order to achieve such an approach. As Francis Butler says: "a human rights approach may often involve a refinement in the process of decision-making rather than a radical overhaul of all procedures" (2005, pg. 41). Instead a human rights-based approach could be achieved through using a 'human rights lens' when modifying the language used, including a focus on 'non-participants'. As in London, a balance could be achieved between individual needs for active recreation and the need to support organised sport.

# CHAPTER 5 - INTERVIEW ANALYSIS

## 5.1 Introduction

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Key informant interviews were conducted with David Rutherford, Chair of Special Olympics New Zealand; Ken Baguley, Auckland City Councillor and Chair of Auckland Rugby Union; Rosslyn Noonan, Chief Human Rights Commissioner; and Peter Tennant, Mayor of New Plymouth.

David Rutherford has been involved with the New Zealand Special Olympics since 2004 when he was contacted by the board to help for a few months. Rutherford described the situation in the following way: “At that point they were in danger of losing their accreditation from Special Olympics and were technically insolvent”<sup>5</sup>.

Peter Tennent is a third term Mayor of New Plymouth District Council and has been an elected member since 1995. As Mayor of New Plymouth he has served on the core group of the Mayors Taskforce for Jobs since 2001 and is involved with Sister Cities New Zealand<sup>6</sup>.

Rosslyn Noonan<sup>7</sup> Chief Human Rights Commissioner explains the role of the Commissioners in this way:

*The Commission has statutory responsibilities set out in the Human Rights Act and in fulfilling those responsibilities and functions it can't be directed by the Minister or by Government. The Government appoints three full-time and up to five part-time commissioners. Once appointed they receive a warrant from the Governor General which is one of the elements of independence. So we are not appointed by the Minister of Justice or by the Cabinet, effectively we are appointed under warrant by the Governor General.*

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<sup>5</sup> David Rutherford, Chair of Special Olympics New Zealand was interviewed for this research on the 4<sup>th</sup> September 2009. Unless otherwise referenced, all quotes or comments attributed to David arose from this interview.

<sup>6</sup> Peter Tennent, Mayor of New Plymouth District Council, was interviewed on the 21<sup>st</sup> August 2009. Unless otherwise referenced, all quotes or comments attributed to Peter arose from this interview.

<sup>7</sup> Rosslyn Noonan, Chair of the Human Rights Commission, was interviewed on the 20<sup>th</sup> August 2009. Unless otherwise referenced, all quotes or comments attributed to Rosslyn arose from this interview.



Noonan goes on to explain her own role within the Commission in the following way:

*I am the Chief Commissioner and that means that I chair the meetings of the commission and the act requires, the commission as a whole, the board as a whole has responsibility for developing strategic directions for the commission. The Chief Commissioner, as well as chairing meetings has responsibility for then ensuring that the work done by the commission meets the strategic directions set by the commission. Also, I allocate responsibilities to different commissioners.*

Auckland City Councillor Ken Baguely<sup>8</sup> explained how he was asked to put himself forward for election:

*I'd like to think that I got asked to go in there; I guess there's a little bit of political exposure as I was the chair of Auckland Rugby. You wouldn't want to blow that up too much but there was a little bit of name recognition... And from what people had said to encourage me to go forward was that at least I had been exposed to the outside world and that I wasn't really political, I had experience of employing people and being chairman of a board and running a small business. So I guess those were the reasons why people felt I could contribute.*

From this statement it can be ascertained that Baguely's business and management skills were highly regarded by those requesting that he stand for the Auckland City Council. But for the purposes of including him as an interviewee in this research, it was also his background in sports and active recreation which were of interest. He explains this background in the following way:

*I came to Auckland from the Waikato so when I first came to Auckland I swam and played waterpolo for Auckland I was part of North Piha surf club and Onehunga swimming club and then played rugby for university. I've been involved with the university rugby club since I came in '62 or '63. I've had a lifetime involvement with the university which meant that I was a player through all the grades and then ended up an administrator in every position and ended up coaching for the best part of ten years. So I went through to coaching the premiers where we won the yellow shield and then became an NSU selector or really manager. I became involved in taking an NSU side to the student world cup in Italy so then*

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<sup>8</sup> Ken Baguely, Auckland City Councillor was interviewed on the 29<sup>th</sup> July 2009. Unless otherwise referenced, all quotes or comments attributed to Ken arose from this interview.

*progressed to the Auckland Rugby Union first as a student delegate and then became a chairman of clubs and then have been chairman of the Rugby Union for the last 7, 8 years and because of that it also put me on the Eden Park Board of control. I also was a director of the Blues franchise which is a combination of Auckland North Harbour and Northland.*

## 5.2 Analysis

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Analysis of the interviews is undertaken in a similar manner to that used during the document analysis. A human rights lens is used to examine the discourses provided by the interviewees. However, in many cases the interviewees have been left to speak for themselves when discussing human rights, local government and active recreation. The spectrum of interviewees also allows for a dynamic exchange on these issues when analysed under the headings of: human rights based approach, active recreation and human rights, participation, empowerment, non-discrimination and attention to vulnerable groups and accountability.

## 5.3 Human Rights Based Approach

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The interviewees all spoke about human rights and demonstrated understanding of the issues around human rights approaches. Therefore human rights ran as a theme throughout the interviews.

For example, David Rutherford spoke about the intrinsic relationship between individuals and human rights: “there is an American justice who at the end of the Second World War made the comment that liberty lies in the hearts of people not in constitutions, laws and treaties. I think that this is certainly true in New Zealand where in our community the people who get it don’t need the UN Declaration or laws or policies, they just get on with the job”.

Human rights approaches were also discussed and Rutherford explained the difficulty in introducing a human rights approach and the need to change people’s attitudes towards becoming more inclusive. He says: “We supported and were involved in the formulation of the UN treaty on disability and we are hugely

committed to the human rights conventions and things like that, but in what we do we know we have to change attitudes one by one. So it is very much at that local individual level that we work”.

Rosslyn Noonan explains how the Human Rights Commission can be involved at a national level in the Government decision-making process:

*Increasingly in recent years both government ministers and government agencies have sought to consult us early on in the policy and legislative development process and we encourage that because it is much easier, and I'll come to how we develop the human rights approach, but what we say is that for human rights to be taken into account they need to be explicit and considered at the beginning of the policy development process. Often, once things get to the parliamentary stage, once they are in public arena, then of course it is much harder to get changes at that stage.*

When asked about whether a human rights approach was being implemented in New Zealand Rosslyn Noonan acknowledged that the Commission itself has been evolving its understanding of its role in implementing a human rights based approach. She explained that:

*As we have broadened our recognition that we have responsibility for the whole human rights frameworks including the economic, social and cultural rights, and that requires sound empirical analysis as well as legal analysis. So we have been involving ourselves in how this works and looking at applying it in our own work. But over the last year we have really started quite a strong emphasis on central government agencies developing and incorporating a human rights approach.*

Noonan goes on to observe that: “we are seeing more consideration of human rights but it is very patchy and not comprehensive”. When asked about the human rights framework which the Commission developed and included in its statement of intent, Rosslyn Noonan explained that a review was conducted in 2004 into how well human rights were recognised and respected in New Zealand. She explains that since the review the Commission has modified the language to make it appropriate to New Zealand.

*The international example that we drew on just refers to individuals and we talk about individuals and groups because it is not just individuals. So we have slightly tweaked the language, not hugely, but in ways that makes it appropriate to New Zealand, it also reflects our growing experience of what is required to actually make a difference.*

### **Active Recreation and Human Rights**

One of the first things which Peter Tennent<sup>9</sup> spoke about was the award which New Plymouth won from the United Nations Liveable Communities. He said: “In the medium size city bracket in the United Nations Liveable Communities award, the UN backed this as the community which has the asset which makes the most positive difference anywhere on this planet, that is the coastal walkway around New Plymouth”. The award highlighted the community aspect of the walkway along with the active recreation benefits. Peter went on to say: “the third thing we won the award for was the sustainable community, which shows that it is not the mayor that makes things happen, it is not his great council that makes things happen, it is actually the community”. Using this example, Mayor Tennent links the local community and active recreation with the United Nations and human rights principles of participation.

David Rutherford described how participation in the Special Olympics has grown: “In terms of penetration we now serve 11% of the total population of people with intellectual disability in New Zealand. Only Ireland is ahead of us in the world and by comparison Australia is sitting at about 2%. In that same period from 2004 - 2008 Special Olympics internationally grew from 1 million athletes to 3.1 million athletes”.

Freedom of association is an important human right for David Rutherford. According to Rutherford, Special Olympics New Zealand doesn't have a strong relationship with national sporting bodies or even regional sporting bodies

*But we tend to have very strong relationships where we need them from local sporting clubs and organisations we get a lot of support where we need them from them, for example with power lifting and swimming and*

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<sup>9</sup> Peter Tennent, Mayor of New Plymouth District Council was interviewed on the 21<sup>st</sup> August 2009. Unless otherwise referenced, all quotes or comments attributed to Peter arose from this interview.

*athletics. When it's working at its best our athletes and coaches are moving seamlessly from say a mainstream power lifting environment to a Special Olympics power lifting environment. It's just like Maori rugby and mainstream rugby; you can play on Saturday and Sunday if you want to!*

David Rutherford spoke about freedom of association and gave the following example of passing on this lesson to young people at his local rugby club:

*What really hit home for me was on ANZAC Day, because I'm the chairman of the local rugby club as well, we tried explaining to the kids in the junior club a bit of a history of the jerseys that they play in. In WWII when there were only about one hundred club members twenty-seven of them died and the other is that in the Wahine storm some of the first people into the water were sixteen and seventeen year olds wearing their Eastbourne jerseys. So the kids wear their rugby jerseys on ANZAC Day to remember those people and the Councillor who was speaking made the point that one of the most important freedoms that those soldiers fought and died for was the freedom of association. And that's what we did every Saturday and we should never take it for granted. Because I think that's the danger in societies like ours.*

This statement demonstrates how international human rights commitments can be part of the local grassroots sporting environment. Rutherford's comments also reflect the very personal nature of human rights and how human rights can become more relevant to individuals when related to at a local level through use of the words 'we' and 'me'. This was also demonstrated through the remembrance of rugby club members who died during WWII and the young men who helped during the rescue efforts in the Wahine disaster.

Peter Tennent explained how younger generations are often surprised by inequalities in recent history and find it difficult to understand:

*In terms of human rights, I have to say that my children cannot understand when I explain to them that it wasn't that long ago, we owned a hotel, and a man and a woman waitressing were paid two separate sets of pay. Men got paid one set and women got paid the other. Why? It wasn't based on performance, no. Men got paid more than women because women were supposed to stay at home and have babies and men worked. They can't understand it.*

Again this personalises human rights and Tennant brings it to an individual level through using examples from his own family and personal experience.

Rosslyn Noonan stressed during the interview that her expertise lay in human rights and not in active recreation; however, she did offer these thoughts on the link between human rights and active recreation:

*In the broader sense active recreation is an element of participating in society and it is clearly linked to health and broader well-being outcomes. I think that it is also a factor in building connections and social cohesion.*

Ken Baguely concentrated on the health benefits of active recreation and how this has an economic impact:

*There's a downstream effect that if you make everybody healthy then there's less demand on the health system. I guess you don't really think about those sorts of things if you're involved in coaching a rugby team and getting them fit. You don't think that there will be less of an impact on the health system; it is a by-product of what you are doing.*

Interestingly, Cr. Baguely also discussed the difficulties posed when politicians are required to decide on what to spend ratepayer's money. He says: "if you spend any money on making that green field available for sport, any kind of sport, you get the political angle of, well, 'if you are spending that money on sport why aren't you spending it on arts?' There is always political conflict between the dollar that's spent on sport and the dollar that's spent on arts and culture." This highlights a possible conflict between the participatory rights of communities with different recreational interests and the difficulties faced by elected members when faced with those choices.

### **Participation**

The elected representatives identified motivation as a barrier to people becoming more active. Peter Tennent discusses youth participation in New Plymouth:

*In terms of young people there are a number of things happening here which has made a huge difference. You don't see a whole lot of graffiti in this town; a lot of it is about getting youngsters off their couches and enjoying life because this is the best place to live so you might as well enjoy it.*

The need to get people out of bed or off the couch is echoed by Auckland City Councillor Ken Baguely who saw personal attitude as the main barrier to activity:

*People are not getting off their ass fundamentally and I see that in myself. I should be swimming two or three times a week if I'm going to take this thing seriously but it's just the motivation and you've got other things to do with your life. It's a long dark winter and not getting out of bed or going home for a glass of wine and to watch TV is a lot easier. But there are plenty of opportunities and facilities for people to use. But what motivates them? Well it's a personal thing in my view.*

This lack of motivation has partially been addressed to a certain extent by the Special Olympics. David Rutherford explains: "A Statistics New Zealand 2006 survey identified that sport and recreation was the biggest barrier to inclusion for students in mainstream schools in New Zealand. We can solve that problem and have solved it. In some parts of New Zealand there are 100% of students involved in our programmes".

One of the main benefits and motivations of being involved in the Special Olympics, according to David Rutherford is "fun and friendship", which demonstrates the wider appeal for participating in sport. He says:

*One of the good things about being part of the international Special Olympics is that they do a lot of research, into a) what are the motivations and b) what are the benefits? And over 90% of the reason that our athletes are involved in the sport is fun and friendship. That's what tends to get forgotten by perhaps the over focus on the high performance or entertainment end.*

Rosslyn Noonan also spoke about the potential barriers through over-concentration on the high performance end of sport:

*I think there is an issue around the professionalization of sport which I'm not sure we've quite got the balance right, but I think there is a sense amongst some children and young people that if you can't be the best then there is no point in doing it. So I think there are issues around how we obviously don't want to discourage people who are going to be brilliant, we want to encourage brilliance and reaching for the stars, but also that needs to be alongside being number one is not the only appropriate and terrific goal. There are other outcomes which are also valid and important.*

'Fun and friendship' can also be a motivating factor in other areas of active recreation. For example, when talking about the New Plymouth walkway, Mayor Peter Tennent says: "The walkway is less about getting people fit and more about community interaction... If you get on the walkway and go for a walk, everybody will acknowledge you and they will smile and they might not know you from a bar of soap. We don't get grumpy people on our walkway".

Peter Tennent also stressed the importance of events in motivating people to become active. He used cycle sales in Taranaki to illustrate his point:

*We are a community that loves winning awards. There are only 100,000 folk in Taranaki and I think there are 3,000 bicycles per annum sold on average over the past five years. If you look at participation in active recreation, the two cycle shops in Taranaki never registered for winning the award for selling the most number of bicycles per year. The Triathlon World Cup came here four years ago and every year since the Triathlon World Cup came here the two shops in town are now first and second in New Zealand for selling the most number of bicycles.*

This statement links the effect that a major event has on a small community in terms of economic development, increase in participation and bringing together a community through 'winning awards'. He goes on to say:

*It's not just about the council providing a well-funded community development department, it's about events, it's about infrastructure, it's about encouragement, it's about applauding the effort of our young leaders.*

The use of 'encouragement' and 'applauding the effort of our young leaders' demonstrates an understanding of how to get non-participants active; as lack of



encouragement was cited as one of the obstacles to action identified by SPARC (SPARC, 2003).

Peter Tennent also discussed the correlation between the level of participation and proximity to facilities:

*I know my youngsters say their swimming coach used to moan all the time when they would turn up, because most of the kids would turn up five minutes late because they've come from ballet lessons or they go to swimming squad and they have to leave five minutes early because they're off to piano lessons or whatever the devil it is. We tend to be jack of all trades and master of nothing.*

Tennent compared this situation of easy access to facilities within a small town to reduced accessibility in Auckland:

*In Auckland you might have to drive an hour and a half to get to swimming by the time you can, so you do two hours committed swimming training and then an hour and a half home, or maybe twenty minutes home, and so he could make Olympic champions but down here he's just making people who are well rounded. As a parent that is cool, there are a lot of opportunities, there aren't the gridlocks that there are in some other communities, so it is a lot easier for, particularly our young people to participate.*

The lack of gridlock and an 'hour and a half' drive to get to facilities would not only be a benefit to the young people involved but also to the parents and the rest of the family who are required to support the young person's participation (Worrall, 2007).

Ken Baguely agreed that location and transport is indeed an issue in Auckland but how this might change with new Auckland Council:

*You have to accept that not every suburb is going to have each of these facilities but if you've got it within a quarter hour, twenty minute drive then that's as good as we can practically ever achieve. So rationalise the facilities, keep them evenly spread across the whole city is going to be something that under the greater Auckland is going to be interesting when we've got people campaigning for a swimming pool in Avondale, and the same in Otahuhu, but in Avondale's case if we get people*

*looking across the border into Waitakere there's a fantastic pool out in Henderson. Is that too far away? I don't know.*

With the absolute caveat that she was not an expert on active recreation issues, Rosslyn Noonan echoed the concerns raised by Peter Tennent that from her observations from the position as Chief Human Rights Commissioner, there are currently a number of barriers to participation. There are social and economic issues for lots of people, and when you look across a community like Auckland, low income families and parents might be doing two or three jobs part-time or casual jobs to make ends meet:

*When I look at the labour market more generally to the extent to which all of the issues which, and I don't like this phrase, but all of the work-life balance issues in the labour market, and there are issues in that context, with the expectations on people with long hours and in families where both parents or adult members will be in full-time employment. I look at women in particular with family responsibilities, and they are in full-time employment, they have responsibilities towards young children and older family members who are perhaps elderly, frail, disabled or unwell, where is the time for them to, as it were, participate in society beyond their family and employment responsibilities? How do we make sure and organise things to make sure that is possible? I think that is a fundamental issue.*

In 2005 the Human Rights Commission published a report on accessible public transport (Human Rights Commission, 2005). Rosslyn Noonan explained how, by making public transport more accessible for people with disabilities, it has benefits the wider public in terms of participation. Noonan considered that accessible public transport is crucial for disabled people, elderly people, and poorer people to be able to participate fully in their community:

*It is a critical component in, if you like, the fundamental human right to be able to participate fully to the extent that you choose in society. Whether that is about education, getting to school, work, the local shops, getting to the local park, to be able to run around or go for a walk, it is incredibly vital.*

Noonan further explains how policy makers in local authorities can help to ensure accessibility right from the very beginning of a project. One issue that was highlighted was the concept of universal design:

*So that means instead of designing something and then thinking ‘what do we need to do to make it accessible?’ for disabled people, from the very beginning you consider what is required to ensure that the very thing you are developing is designed to be accessible.*

### **Empowerment**

Rosslyn Noonan defined empowerment in a human rights approach as ensuring that “people are able to use human rights responsibilities and standards as a way of giving them a legitimate voice so that they are recognised as having a legitimate place in the process”.

As an example of giving people a “legitimate voice” David Rutherford tells the following story about the valued input of an intellectually disabled athlete on the Special Olympics New Zealand Board in getting the board to consider the athletes particular viewpoint, when considering changing the way in which Special Olympics sports teams were run in Canterbury:

*Volunteer administrators in Canterbury wanted to divide the Christchurch based club of over 300 athletes into four to make it more manageable. The management of Special Olympics New Zealand assisted them in thinking that through. They made a presentation to the board, to which the board was on the cusp, including me, of accepting as it seemed to make perfect sense. But at the end of every meeting I always go around the table and Tony, who’s our athlete representative, was the last person and she said “I think you are forgetting the friendships” and you could have cut the air with the knife. Because this is what we are about and we were about to destroy the relationships of ten years plus of basketball teams and other teams. This is one of many examples if you like that has proved to me that so called intellectual intelligence is not the be all and end all when it comes to making decisions about things and the level of emotional intelligence that the athletes we work with bring to the table is extraordinary.*

David Rutherford explains how being involved in the Special Olympics can empower the individuals involved through demonstrating to them their own

capabilities: “the aim of what we are doing, and there are two big aims, one is to change the opinion of the athlete of what they are capable of, and secondly to change the attitude of those around them, first their families but also the wider community, of the potential of our athletes”.

Interestingly, Ken Baguely describes the difficulties faced by those people lobbying for more ratepayers money to be spent on sports and active recreation. He says that there is generally a contest for funds between sports and active recreation versus arts and culture. He explains that “the arts and cultural type things will tend to have people who speak better for their cause. I think in the end you have to have both but you need to recognise that a bit of it is the competition for the dollar”. Cr. Baguely provided the following example:

*So we are putting up a bit for the Q Theatre, and the people who like theatre think that's where the council should be spending its money because it's going to teach a whole lot of little ballerinas and dancers and everything else. And that's all commendable but we don't get the same enthusiasm for investing in perhaps, say swimming pools, and athletic tracks or artificial surfaces to ensure that you can use playing fields for competitive sport on a more regular basis.*

Therefore sports and active recreation may miss out on funds and resources due to not having people who “speak better for their cause”. He goes on to describe how the residents of Otahuhu may have missed out on funding for a new swimming pool due to this lack of empowerment in the decision-making process:

*...they are desperate to get a swimming pool. It would be a \$15-20million cost which would represent 4-5% of rates for all of Auckland and is probably going to set up an ongoing cost in the region of \$4 million per year. So you've got to say that given the number of, and Polynesians have a poor record of learning how to swim, which is ironic, so you would think that the council should be giving that a high priority. But instead of that there is a limit on the amount of money that we've got so for the current term spending \$30million on Q Theatre has taken a higher priority. Q Theatre is the end result of ten years of campaigning by the people who run Q Theatre.*

This suggests that empowering the people of Otahuhu to take part in the decision making process may have helped to gain the council's support for the building of a new swimming pool. It also demonstrates that the people behind the Q Theatre were possibly better able to speak for their cause, navigate the council decision-making processes and remain consistent in their lobbying efforts.

However, he also goes on to say:

*If people pay more then they appreciate it, if it's a rugby club or tennis club and they get stuck in and raise the money, and perhaps the council provides them with the land for a peppercorn rental, but they raise the money for their own club room and get stuck in and build it. Then they look at it and say 'Yes I helped to build that thing'. In the end the community takes far more pride in a facility and are far more inclined to use it than if the council just comes along and presents them with a facility.*

This would suggest that Cr. Baguely would be in favour of communities, such as those in Otahuhu attempting to provide their own facilities. While this may work in some areas, it does not take into account any potential cultural, socio-economic or work-life barriers preventing the community from taking part (SPARC, 2003; Waring & Fouché, 2007).

### **Non-discrimination and attention to vulnerable groups**

David Rutherford explains how the participatory model of Special Olympics may be influencing SPARC:

*SPARC is now looking at the Special Olympics sports model and saying 'well these are probably more applicable to the main-stream'. The traditional sports model is actually designed through a pyramid model, or call it what you will, to eliminate the less-abled as defined by that sport, it could be people with disability but it could also be people without disability. Our model is really very different.*

The Special Olympics model, as described by David Rutherford, involves pitting athletes against athletes of similar ability and not having a system of heats, and semi-finals. He considered that the aim of what Special Olympics are doing is to

change the opinion of the athlete of what they are capable of, and secondly to change the attitude of those around them.

*So if we run a race, we won't run a set of races to eliminate, say through quarter finals, semi finals etc to find one winner, we will run ten races and give ten gold medals. We hold records of every training and competition of every athlete so we simply divide it on their performance times, for example if it is a running race then into groups of eight and then those eight would run against each other.*

Special Olympic's international research shows that the only difference between Special Olympic's athletes and other athletes is that Special Olympic's athletes want to win more.

Ken Baguely agrees that minority groups should be encouraged to participate but has a slightly different viewpoint, he says that when funding, facilities or events are provided to target minority groups:

*what you get is, the reverse in a way, is minority groups reinforce the fact that they are a minority group as they insist on getting funded separately from the mainstream as they are not comfortable with fitting into the mainstream. So the extent to which the council should accommodate that, I personally think they should be encouraged, but encouraged to join the mainstream, not encouraged to stay as a minority group. To be fair it's not a major issue, anyone can go and walk on a park, anyone can go and ride on a cycleway and anyone can go to a swimming pool. Anyone can go anywhere in Auckland.*

Peter Tennent as Mayor of New Plymouth and through his role with the Mayor's Taskforce for Jobs was aware of the discrimination that sometimes occurred around unemployment and the effect this could have on families. He said:

*I love the fact that in this community right through summer there were free concerts called the festival of lights, there are hundreds and hundreds of acts at either end of the street, and every night, whether dad has a job or not, you can go along with your family to walk through the park and have free concerts every night of the summer.*

Peter Tennent described how his Council is working to eliminate discrimination against people with disabilities. He has established a Disabilities Sub-committee and acknowledges the difficulties faced by the Council:

*it is very easy for an architect to design the doors at a public toilet, but it's not until you've sat in a wheelchair and you can't open the damn door, or you can get in but not out or you can get out but not in... So you need that interaction to find out what works, you need that communication.*

Interaction and communication are therefore seen by Mayor Tennent as being an invaluable tool in tackling discrimination.

Similarly, Rosslyn Noonan talked about how the Human Rights Commission works with local authorities to help ensure that minority groups are represented:

*We have quite a bit to do with local authorities. Particularly in recent years the two areas we have had most to do with them have been in relation to the role in which local authorities play in helping to build social cohesion between the different groups that often make up the communities. So encouraging local authorities to ensure that, well obviously there is Maori participation but there might also be Pacific and new migrant groups, particularly if you look around Auckland and that they give voice to disabled people.*

## **Accountability**

According to David Rutherford people with intellectual disabilities often interact with about fifteen government departments and Special Olympics New Zealand is no different. Rutherford states that there has been failure by “the Ministry of Health, to deal with very basic health issues faced by this population; issues that the National Health Committee identified in 2003 as systemic neglect”. Rutherford goes on to say:

*we can prove because we have health screens just about every year that huge numbers, over 50% of individuals with disability that we screen, can't hear properly and this is entirely treatable. Often it is simply a matter of de-waxing ears. And yet it just goes on. And often they pour millions and millions of dollars into education and other mainstream*

*activities for students, and we can demonstrate to them, and others have demonstrated to them, that they can't hear the education they are being given.*

This statement expresses frustration at the Government for not taking into account what the National Health Committee has previously identified as 'systemic neglect' but also through not acting on the information gathered during the screens and research undertaken by Special Olympics New Zealand. There also appears to be frustration at the Government departments not working together, however Rutherford goes on to say:

*the recent response from the government has been to create, and this is quite new, a ministerial committee headed by Tariana Turia, but with Bill English, Tony Ryall, Ann Tolley all those ministers on it to try and deal with this problem. It is a little bit like the interconnectedness of things problem; the state divides itself up and tries to pretend it is a different committee instead of the same committee with a different colour.*

David Rutherford was inspired by the success of the Irish and the success of the Special Olympics in Ireland:

*they get about 18% of the population actively involved. It has been driven by massive state investment from both the British and the Irish Governments, because Special Olympics in Ireland is an island of Ireland thing. So Special Olympics in Ireland gets about €3.6million a year; that compares with the investment by SPARC of about \$600,000 per year. The interesting thing about the Irish governance side of things is that it is done through the Ministry of Justice. This is because it is seen as addressing a human rights issue, not a sports issue.*

The comparison between how the Special Olympics is treated by the governments of the UK and Ireland and the government of New Zealand is interesting both in terms of how the organisation is financially supported but also in the way that they are viewed. In New Zealand the government places the Special Olympics programme under a 'sports' category while the Irish government views the Special Olympics programme as being required to fulfil a human rights obligation. It is this combination of a human rights focus and subsequent funding implications and



support received by Special Olympics in Ireland, leading to an increase in participation which Rutherford found “inspiring”.

Peter Tennent spoke of what is needed within the council organisation to help ensure that good decisions are made:

*For stuff to happen, it's very fine for me to have a vision and for people coming into my office and for my council to collectively have a vision, but you need good officers to follow it through, you need good information in front of you that will help to make decisions. Most things cost money. Most things need to be practical to be achieved. Fortunately I've got some beauties, some real thinkers who work well.*

In order for visions to become reality ‘good information’ is necessary. However, Tennent also says that really good decision making is when ideas come from the community. For example:

*What we did have was some people who came to us and said that there was a demand for roller hockey in New Zealand. They were so passionate that they built this, and you look at the New Zealand teams now, they are just about three-quarters from New Plymouth. There are thousands of kids that play roller hockey now but it was driven. It wasn't some harebrained scheme from me and my mates around the table; it was the community that said we want this.*

Having the community involved from the start, and having the idea come from the community has helped to ensure that the project is a success. Mayor Tennent suggests that it is more likely for a project to be successful with the communities support and input. However there are exceptions:

*When the Pukeruke Library Museum in town was being built, I was deputy mayor at the time and I had stood for mayor so I was polling everybody. 94% of people hated that project with a passion, with a passion. Within one month of Pukereke opening it had a 99% approval rating. So what you do, you have to do well. And sometimes you have to have a bit of fortitude. Nobody likes spending money and there will always be a lobby against spending money. But a community needs heart too and expectations are higher.*

This demonstrates the accountability of elected representatives when making decisions. According to this statement, when the public is not convinced that a project is a priority or will be an asset, it is especially important for the project to be done well. Additionally, sometimes ratepayer's money needs to be spent in order to provide the community with a 'heart'.

Ken Baguely offers a different point of view on having community buy-in and ownership. He offers the example of the College Rifles Rugby Union and Sports Club, which is a community club that owns the ground:

*I think they've spent about \$2million introducing an all weather artificial surface to play rugby on, and it's got granules and things and it is very successful. The Council put in about \$600,000. So you look at that and you think 'well at least there the Council didn't have to buy the land'. You've got a rugby club with a whole lot of administration already set up. They are flat-tack promoting their club, they love their club. They've got a netball club, rugby club... the council contribution of \$600,000 so they could do the surface is probably a good result. They are out there on a day to day basis looking after it. Whereas if you go to a swimming pool the council is having to look after it there is no community ownership. That's the debate".*

Peter Tennent has devised a system for the councillors in New Plymouth to help ensure that there is a councillor who is accountable for each issue or subject matter in which the council is active. Here he explains the system where all Councillors have portfolios and they meet on the first Monday of each month to discuss the issues in their portfolios:

*there are two people per portfolio, so those people who have a portfolio on stadia will report back on issues there. And the report might say that there are no issues that month. One of the portfolios is the disabled; one of the portfolios is international relations. They've all got multiple portfolios and they will all give a report in-depth or nothing happening or they will speak to it at the meeting. And it is one way to keep us all involved and give us ownership.*

This system allows the councillors to take 'ownership' of issues or projects while not excluding their fellow councillors. They can take the lead in community development, but through the portfolio meetings can gain feedback, new ideas and

support. This also allows other councillors to feel part of that issue or project even if it is not in their portfolio. By having two people per portfolio it also encourages elected representatives to work together.

Auckland City Council has a different system for decision-making and Cr. Baguely explains how decisions around the governance of committees was first decided upon:

*We (Citizens and Ratepayers) won eleven seats and I guess the Mayor was on the centre-right so that was twelve out of twenty so we knew we had a majority. So David Hay became the deputy mayor and he said that leaves ten people. So instead of having a multitude of committees that the previous council had C&R said that we would have five committees and then you will all have to be either a chairman or deputy chairman. At that point I said: 'well I'm new to this game so I'm happy to go wherever you want'. One of the experienced councillors put her hand up and said 'Transport would be ideal for Ken. It's been a bit of a shambles and needs a strong chairman'. So I became the chairman of transport and then had to go on to a second committee because of my interest in sport.*

Auckland City Council has traditionally been governed by either the centre-right through a group called 'Citizens and Ratepayers' or through a left-wing grouping of Labour Party, Alliance Party, and the Green Party called 'City Vision' (Orsman, 2004). While Mayor Peter Tennent attempts to encourage an inclusive council in terms of decision making, in Auckland City Council, public policy is dominated by one of the 'groups' on the Council. Baguely makes reference to being part of a 'grouping' by talking about how "we won eleven seats". Additionally, it wasn't the Council or the Mayor who decided how many committees there should be, instead "C&R said that we would have five committees".

The Human Rights Commission has a similar structure to that used in New Plymouth which Rosslyn Noonan explains in the following way:

*It's different from being on a board, the traditional role of a board is to set the policy and then the executive director or chief executive and staff implement the policy, but these institutions are new and I see them as being a new and evolving element of the state structure and so*

*commissioners, the part-time commissioners their major focus is on setting the overall strategy of the commission and dealing with policy matters, but the three full-time commissioners, there's the Chief Commissioner, the Race Relations Commissioner and the Equal Opportunities Commissioner, we undertake a lot of activity and work programmes alongside staff and working with staff. I can also allocate certain activities to the part-time commissioners.*

The Human Rights Commission also works with local authorities in terms of equal opportunities employment. Rosslyn Noonan explains the work taking place in the following way:

*The second area that we have had increasing engagement with (local authorities) has been around equal employment opportunities and the good employer responsibilities. Our Equal Opportunities Commissioner has for example this year provided guidance on good employer responsibilities and a number of local authorities have taken those up.*

However, in order to ensure that public policy at both central and local government level takes human rights into account, Rosslyn Noonan would like to see that an explicit statement is made in the law: “that ‘human rights are central to good governance’ and therefore there is a duty on government agencies and local government to take them into account in the development of policy and programmes”.

## 5.3 Discussion

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Analysis of these interviews while using a ‘human rights lens’ has demonstrated that human rights language and concepts are being used at both a local level as well as national level within New Zealand. Whilst, this is hardly surprising given the inclusion of the Chief Human Rights Commissioner, Rosslyn Noonan provides valuable insight into the workings of the Human Rights Commission and the difficulties that it can face in implementing a human rights approach at local government and national government level.

The contrasting viewpoints of Mayor Peter Tennent and Councillor Ken Baguely demonstrate the vastly different ways in which the approach to decision-making

can be undertaken at a local government level in New Zealand. While one Council is run by a group which determines the number of committees and the Chairperson of each committee, the other Council has a far more participatory form of decision-making with each Councillor being responsible for a policy area.

Additionally, there is disagreement on how to increase participation. While both Mayor Tennent and Cllr Baguely agree that people need to 'get off the couch' in order to get fit and get active, Cllr Baguely takes the approach that it is a matter of personal responsibility whereas Mayor Tennent, sees it as the responsibility of the Council and community to encourage participation through demonstrating that getting active is an enjoyable experience. This is a viewpoint which is shared by David Rutherford who cites "fun and friendship" as being the main driver in participation in the Special Olympics programme.

While the interviews demonstrated that human rights principles were being implemented within New Zealand they also highlighted areas where more work needed to be undertaken. One of the principle drivers of a human-rights based approach is through the structure of an organisation, in a top-down approach (Department of Health, 2007; New Zealand Human Rights Commission, 2009). Education around the benefits of implementing a human-rights approach may be needed in some local government organisations. This would be necessary to ensure that elected members and senior management supported and promoted the implementation of a human rights-based approach.

Themes which came out of the interviews included issues around work-life balance and proximity to facilities, and the difficulties faced by minority and vulnerable groups in terms of having their needs understood and represented. Communities may also need to feel empowered in order to fully take part in the decision-making process. An inability to articulate a viewpoint should not be detrimental to a community.

Yet an explicit statement in the law, as outlined by Rosslyn Noonan, would ensure that the power structures in both central and local government were effective in

taking into account human rights principles and practices while developing public policy. This would allow groups and individuals to expect and demand their human rights be taken account of in public policy development and ensure that full participation takes place in any decision-making.

## CHAPTER 6 - CONCLUSION

The implementation of a human rights-based approach to public policy development in New Zealand local government is both desirable and achievable. International trends in public policy are towards adopting a human rights approach (Department of Health, 2007; Frankovitz, 2006; Mayor of London, 2009a; Taylor, 2006). New Zealand needs to remain at the forefront of this public policy development in order to meet its international human rights obligations and also to ensure that the principles of human rights are accessed by all New Zealanders.

New Zealand has traditionally been seen to be at the forefront of human rights. However, the results of the document analysis and key informant interviews within this research demonstrate that human rights approaches are not being implemented consistently throughout New Zealand. More specifically a human rights approach is not being consistently implemented within public policy affecting active recreation.

Inactivity and a lack of physical exercise pose a major health risk to New Zealanders and is increasingly becoming a burden on the health system. Local Government in New Zealand has an obligation to improve the social wellbeing of its communities. As individual's health and wellbeing is invariably tied to the wellbeing of communities it is vital that local authorities act to increase the physical activity levels of the communities which they represent (Rodriguez et al., 2007; World Health Organisation, 2004). Local authorities can achieve this aim through using a human rights approach when developing active recreation policies.

Auckland City has an opportunity to lead the way within New Zealand through implementing a human rights-based approach to active recreation. With the local government restructuring in Auckland there is an opportunity to implement a consistent approach to active recreation policy development across the region,

encompassing all of the communities within it. While the Council should aim to implement this policy approach throughout its many services, active recreation is a logical place to start. There are many well-being benefits stemming from a healthy, active community including health benefits, community cohesion, reducing anti-social behaviour, improved educational achievement, economic well-being, increased productivity, and most importantly a better quality of life. A human rights-based approach to active recreation would ensure that all sections of the Auckland community including, ethnic minorities, the disabled, women, young people, and older people were considered and involved in the policy development process.

However, public policy approaches to active recreation can significantly differ within New Zealand. The insertion in legislation of a guiding statement such as “human rights are central to good governance”, as suggested by the Chief Human Rights Commissioner, would help to provide consistency in the decision-making process throughout the country. It would also provide New Zealanders with the ability to fully participate in decision-making processes and give individuals the right to demand the principles of fairness, respect, equality, dignity and autonomy are upheld. Additionally, in order for government departments and agencies to implement this approach in a consistent manner, it would be important for a framework such as the one produced by the UK’s Department of Health, be developed specifically for New Zealand (Department of Health, 2007).

Yet as was outlined in the UK’s Department of Health’s Framework, and by the Mayor of London, it is important to also have a ‘top-down’ approach to the implementation of rights-based policy development within organisations. The governance system implemented by Peter Tennent in New Plymouth, with Councillors provided with portfolios, provides a positive model which could assist the implementation of a rights-based approach. Having more than one Councillor per portfolio also helped to ensure that no-one could claim ‘ownership’ over a particular issue or proposal. This also could help to prevent the type of factionalism which was described by Ken Baguely as taking place at Auckland City Council.



## 6.1 Key recommendations

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The work currently being undertaken by the New Zealand Human Rights Commission and the policies being implemented in the United Kingdom by the Mayor of London strongly influenced the recommendations of this thesis. Therefore there are recommendations for implementing a human rights-based approach to policy development in New Zealand, recommendations pertaining to active recreation and recommendations specifically for Auckland City.

### 6.1.1 Human Rights-Based Approaches

The New Zealand Human Rights Commission has published its own version of a Human Rights-Based Approach (New Zealand Human Rights Commission, 2009), which is specifically tailored for New Zealand. However, this approach has not been fully integrated into New Zealand local government decision making, or decision-making across government departments. In interviewing the Chief Commissioner of the Human Rights Commission, Rosslyn Noonan, she suggested a legislated requirement might be one way to ensure that local government took into account human rights in its decision-making would be through legislation.

The key recommendations of this research pertaining to the implementation of a rights-based approach at a national level are:

1. a statement such as, that “human rights are central to good governance” is included in legislation in order to ensure that there is a duty on government agencies and local government to take human rights into account in the development of public policy;
2. that a national framework for the implementation of a human rights-based approach is developed and implemented throughout government departments and agencies; and,
3. that special attention is paid to the layout, language and accompanying pictures and diagrams used within national public policy documents so that they do not inadvertently exclude members of the public.

### **6.1.2 Active Recreation in New Zealand**

While SPARC states within its Strategic Plan that it aims to be fully inclusive in terms of the participation of all New Zealanders, the organisations main focus appears to be on organised sport and elite athletes. This is in contrast with the United Kingdom where there is an emphasis on putting ‘community’ back into sport and active recreation. By not having an inclusive approach to active recreation policy development, and through focusing on elite athletes, participation rates are unlikely to increase. Therefore the flow on health and community benefits of active recreation may not be achieved.

There should be a clear balance between the needs of organised sport, elite athletes and the needs of the rest of the community. This balance has been achieved in the UK through the policy development in ‘A Sporting Future for London’ which provides a balance to the London Olympics, an event focussed on elite athletes; this approach should be emulated in New Zealand policy.

Key recommendations are as follows:

1. that SPARC implements a human rights-based approach to the development of its policies including future Strategic Plans;
2. that SPARC specifically consider New Zealand’s changing demographics and work/life balance; and,
3. that SPARC emphasises the importance of encouraging non-participants to become active, develops policies to specifically tackle this problem and works with local authorities to achieve that goal.

### **6.1.3 Active Recreation in Auckland City**

The Mayor of London has implemented a version of a human rights-based approach through focusing on equality of access and encouraging non-participants to participate in their communities by getting active. A similar approach could easily be implemented within Auckland City by adjusting the discourse used in its public policy development and publications as well as through widening the focus of its active recreation policy to include non-participants. Additionally, an important part of public policy development is involving people who are going to be affected by

the public policy decisions in the decision-making process right from the beginning. Community support and involvement is essential.

Key recommendations for Auckland City are as follows:

1. that a human rights-based approach is incorporated into the decision-making around active recreation in the Auckland Council;
2. that the governance structures including the elected representatives of the Auckland Council are informed of the benefits of implementing a human rights-based approach in public policy development; and,
3. that a new strategy for active recreation in Auckland be developed using a human rights-based approach and taking into account the work being undertaken by the Mayor of London in increasing participation and equality.

As a next step in this research project, Auckland City Council should examine the effects of people's work-life balance into their ability to participate in the decision-making process as well as into the effects on their participation in active recreation. Additionally I note that Auckland City Council is now conducting research into cultural diversity in sport and the participation of migrants, refugees and ethnic minorities in sport. While this research is commendable, it is important that Auckland City Council takes a consistent approach and recognises the health and community benefits of active recreation in their research.

By utilising a human rights-based approach policy developers will positively adjust the discourse used in their policies. The implementation of these recommendations would help to make sure that New Zealand fulfils its international human rights obligations and ensure that Auckland City is fully inclusive in its approach. Most importantly the implementation of a human rights approach will help to achieve the aim of greater participation in active recreation leading to healthier, happier communities.

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# LIST OF ACRONYMS

**ARPASS** – Auckland Regional Physical Activity Sport Strategy

**AUT** – Auckland University of Technology

**DCA** – Department for Constitutional Affairs

**DCLG** – The UK’s Department for Communities and Local Government

**DCMS** – UK Department of Culture, Media and Sport

**ECHR** – European Convention on Human Rights

**EHRC** – The UK Equality and Human Rights Commission

**ESCR** – Economic, Social and Cultural Rights

**EU** – European Union

**GLA** – Greater London Authority

**HRA** – The UK Human Rights Act 1998

**HRBA** – Human rights-based approach

**ICCPR** – International Covenant on Civil and Political Rights

**ICESCR** – International Covenant on Economic, Social and Cultural Rights

**LGA** – New Zealand Local Government Act 2002

**LTCCP** – Long Term Council Community Plan

**MFAT** – Ministry of Foreign Affairs and Trade

**NGB** – National Governing Body

**NGO** – Non-Governmental Organisation

**NHS** – National Health Service

**NZ** – New Zealand

**OHCHR** – Office of the High Commissioner for Human Rights

**PCT** – Primary Care Trust

**SPARC** – Sport and Recreation New Zealand

**TLA** – Territorial Local Authority

**UDHR** – Universal Declaration of Human Rights

**UK** – United Kingdom

**UN** – United Nations

**UNICEF** – United Nations Children’s Fund

**US or USA** – United States of America

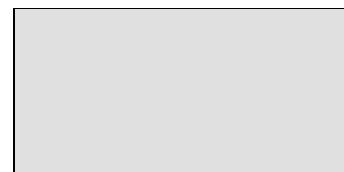
**WHO** – World Health Organisation

# APPENDIX 1 – ETHICS APPLICATION

**Auckland University of Technology Ethics  
Committee (AUTEC)**

**EA1**

**APPLICATION FOR ETHICS APPROVAL FOR RESEARCH  
PROJECTS**



*Please read the notes at the end of the form before submitting this application.*

## General Information

### Project Title

*If you will be using a different title in documents to that being used as your working title, please provide both, clearly indicating which title will be used for what purpose.*

A human rights-based approach to the discourses governing active recreation in New Zealand

### Applicant Name and Qualifications

*When the researcher is a student (including staff who are AUT students), the applicant is the principal supervisor. When the researcher is an AUT staff member undertaking research as part of employment or a staff member undertaking research as part of an external qualification, the applicant is the researcher. Staff should refer to Section 11.4 of Applying for Ethics Approval: Guidelines and Procedures to check requirements for ethics approval where they are studying at another institution.*

Professor Marilyn Waring

### Applicant's School/Department/Academic Group/Centre

Institute of Public Policy

### Applicant's Faculty

### Student Details

*Please complete this section only if the research is being undertaken by a student as part of an AUT qualification.*

#### Student Name(s):

Wendy Paula Kirsty Gillon

#### Student ID Number(s):

0838018

#### Completed Qualification(s):

Bachelor of Arts (University of Auckland)



## Certificate in Qualitative Research Methods (Auckland University of Technology)

### E-mail address:

[paula\\_gillon@yahoo.com](mailto:paula_gillon@yahoo.com)

### School/Department/Academic Group/Centre

Department of Humanities

### Faculty

Institute of Public Policy

### Name of the qualification for which this research is being undertaken:

Master of Philosophy

### Research Output

*Please state whether your research will result in a thesis or dissertation or a research paper or is part of coursework requirements.*

Thesis

### Details of Other Researchers or Investigators

*Please complete this section only if other researchers, investigators or organisations are involved in this project. Please also specify the role any other researcher(s), investigator(s) or organisation(s) will have in the research.*

#### Individual Researcher(s) or Investigator(s)

*Please provide the name of each researcher or investigator and the institution in which they research.*

N/A

### Research or Investigator Organisations

*Please provide the name of each organisation and the city in which the organisation is located.*

N/A

### Are you applying concurrently to another ethics committee?

*If your answer is yes, please provide full details, including the meeting date, and attach copies of the full application and approval letter if it has been approved.*

No

## Declaration

The information supplied is, to the best of my knowledge and belief, accurate. I have read the current Guidelines, published by the Auckland University of Technology Ethics Committee, and clearly understand my obligations and the rights of the participant, particularly with regard to informed consent.

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Signature of Applicant

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Date

*(In the case of student applications the signature must be that of the Supervisor)*

---

Signature of Student

---

Date

*(If the research is a student project, both the signature of the Supervisor, as the applicant, and the student are required)*

## Authorising Signature

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Signature of Head

---

Name of  
Faculty/Programme/School/Centre

---

Date

## General Project Information

### Project Duration

#### Approximate Start Date of Primary Data Collection

1 June 2009

#### Approximate Finish Date of Complete Project

31 December 2009

### Are funds being obtained specifically for this project?

*If your answer is yes, then you must complete section G of this Application Form.*

The Institute of Public Policy has entered into a contractual agreement with Auckland City Council to undertake research into active recreation in Auckland City and how this can be improved for future generations. This thesis forms part of this research project.

## Types of persons participating as participants

Please indicate clearly every one of the following categories that applies to those participating in your research.

### Researcher's students

N/A

### Adults (20 years and above)

Approximately 5 – 8 adults

### Legal minors (16 to 20 years old)

N/A

### Legal minors (under 16 years old)

N/A

### Members of vulnerable groups

e.g. persons with impairments, limited understanding, etc. If your answer is yes, please provide a full description.

N/A

### Hospital patients

N/A

### Prisoners

N/A

### Does this research involve use of human remains, tissue or body fluids which does not require submission to a Regional Ethics Committee?

e.g. finger pricks, urine samples, etc. (please refer to section 13 of the ATEC Guidelines). If your answer is yes, please provide full details of all arrangements, including details of agreements for treatment, etc.

No

### Does this research involve potentially hazardous substances?

e.g. radioactive materials (please refer to section 15 of the ATEC Guidelines). If your answer is yes, please provide full details.

No

## Research Instruments

### Does the research include the use of a written or electronic questionnaire or survey?

If your answer is yes, please attach to this application form a copy of the finalised questionnaire or survey in the format that it will be presented to participants.

No

### Does the research involve the use of focus groups or interviews?

If the answer is yes, please indicate how the data will be recorded (e.g. audiotape, videotape, note-taking). When interviews or focus groups are being recorded, you will need to make sure there is provision for explicit consent on the Consent Form and attach to this Application Form examples of indicative questions or the full interview or focus group schedule.

The research involves the use of unstructured key informant interviews. These interviews will be recorded through the use of a dictaphone.

### Does the research involve the use of observation?

If the answer is 'Yes', please attach to this application a copy of the observation protocol that will be used.

No

**Does the research involve the use of other research instruments such as performance tests?**

*If the answer is yes, please attach to this application a copy of the protocols for the instruments and the instruments that will be used to record results.*

No

**Who will be transcribing or recording the data?**

*If someone other than the researcher will be transcribing the interview or focus group records or taking the notes, you need to provide a confidentiality agreement with this Application Form.*

The transcribing of the interviews will be undertaken by the researcher.

**How does the design and practice of this research implement each of the three principles of the Treaty of Waitangi (Partnership, Participation and Protection) in the relationships between the researcher and other participants?**

*Please refer to Section 2.5 of AUTC's Applying for Ethics Approval: Guidelines and Procedures (accessible in the Ethics Knowledge Base online via <http://www.aut.ac.nz/about/ethics>) and to the relevant Frequently Asked Questions section in the Ethics Knowledge Base.*

I will demonstrate commitment to the principles of the Treaty of Waitangi/Te Tiriti O Waitangi, in particular the three key principles of partnership, participation and protection.

I will endeavour to encourage a mutual respect and benefit through ensuring that all participants are fully aware of why the research is being undertaken, the benefits to the wider community of the research and why they are important to the research project. I will seek to achieve this through the Information Sheet that will be sent to them and will also be available to discuss or clarify anything further.

Participants will not be asked to inform or influence the nature of the research, its aims, or its methodology. Participants will be taking part in a semi-structured interview in which they will be requested to share information and their opinion on active recreation policy development and the role that human rights can play in that. Participants will be provided with a copy of the transcript of their interview to approve prior to it being analysed. While participants do not have a formal role in the outcome of the research it is likely that, as experts in the research field, they will be interested in the final results.

I will endeavour to protect the participants from any deceit or harm by being open about the nature of the research through the Information Sheet available to them and by requesting their consent for the interviews to take place. I intend to disclose the identity of the participants within my thesis and will therefore require them to sign a consent form allowing this. Any imbalances in the power relationship between the researcher and the participants will be managed in a way that ensures that the participants are fully informed of how the research is being conducted, that they are in an environment where they feel comfortable during the interview. The principle of protection is especially particularly important when I am disseminating the information and I will ensure that knowledge is shared in a responsible manner and in a way which is sensitive to both my partners (Auckland City Council and the Institute of Public Policy) and the participants.

**Does this research target Maori participants?**

No this research does not target Maori participants. Active recreation is important both for individuals and for society. It contributes to a healthy individual both in terms of stress relief and in terms of physical health. A human rights-based approach to active recreation policy development within Auckland City is likely to be beneficial for a wide range of communities and individuals. While this research does not specifically target Maori participants it is however envisaged that the outcomes of this research will also prove to be beneficial for Auckland's Maori community.

**If 'Yes', what consultation has been undertaken when designing the research?**

*Please identify the group(s) with whom consultation has occurred and provide evidence of their support and any impact this consultation had on the design of the research. Researchers are advised to read the Health Research Council's Guidelines for researchers on health research involving Maori, available via the Ethics Knowledge Base.*

N/A

**Does this research target participants of particular cultures or social groups?**

*Please refer to Section 2.5 of AUTEK's Applying for Ethics Approval: Guidelines and Procedures (accessible in the Ethics Knowledge Base online via <http://www.aut.ac.nz/about/ethics>) and to the relevant Frequently Asked Questions section in the Ethics Knowledge Base.*

No this research does not target participants of particular cultures or social groups. While this research does not specifically target participants of particular cultures or social groups it is envisaged that a human rights-based approach to active recreation policy development would be beneficial to a wide range of cultures and social groups within Auckland City.

**If 'Yes' please identify which cultures or social groups are being targeted and how their cultures or social groups are being considered in the research design.**

N/A

**If your answer to B.9 was 'Yes', what consultation has occurred with these cultures or social groups in the design of the research?**

*Please identify the group(s) with whom consultation has occurred and provide evidence of their support and any impact this consultation had on the design of the research.*

N/A

**Is there a need for translation or interpreting?**

*If your answer is 'Yes', please provide copies of any translations with this application and any Confidentiality Agreement required for translators or interpreters.*

No

**Project Details**

*Please describe the project details in language which is, as far as possible, free from jargon and comprehensible to lay people.*

**Aim of project:**

*Please explain the broad scope and purpose of the project and state concisely how the type of information being sought will achieve the project's aims. Please give the specific hypothesis(es), if any, to be tested.*

The aim of this project is:

- to analyse the discourse surrounding the development of public policy relating to sport and recreation within New Zealand, which affects Auckland City Council, with a view to understanding the underlying power structures;
- to compare and contrast the discourse surrounding a human rights-based approach to sport and active recreation within the United Kingdom to that of New Zealand; and,
- to identify how public policy discourse needs to change in order to implement a human rights-based approach to active recreation within Auckland City.

It is my intention to undertake key informant interviews with experts in the field of human rights as well as experts in sport and active recreation. Experts in both fields help to formulate policy within New Zealand. The purpose of the interviews will be two-fold:

1. to gain a greater understanding of the role of human rights within active recreation in New Zealand; and,
2. to analyse the discourse, language used, in order to understand the power structures governing sport/active recreation and human rights-based approaches within New Zealand.

### **Why are you proposing this research?**

*(ie what are its potential benefits to participants, researcher, wider community, etc?)*

The population within Auckland City will change dramatically over the next few decades and this will ultimately lead to a change within active recreation policy development. In other countries, such as the United Kingdom, public policy is becoming more focussed on human rights and a human rights-based approach in policy development is becoming the norm. Human rights-based approaches are seen to be beneficial for the wider community.

It is envisaged that this research will benefit members of the Auckland public if a change in discourse within policy development allows for a human rights-based approach to be adopted by Auckland City Council. The use of a human rights-based approach within the development of public policy could provide the impetus to modernise active recreation and help to counteract rising health costs associated with a lack of physical activity by ensuring that people of all ages, ethnicities, gender and ability were able to remain physically active.

### **Background:**

*Please provide sufficient information, including relevant references, to place the project in perspective and to allow the project's significance to be assessed. Where appropriate, provide one or two references to the applicant's (or supervisor's) own published work in the relevant field.*

Active recreation is important both for individuals and for society. It contributes to a healthy individual both in terms of stress relief and in terms of physical health. It is argued that recreation helps to renew basic human capacities (Ramsay, 2005). Ensuring that individuals have adequate leisure, recuperation and 'play' time are

vital for the economy and society as a whole as fully rested and healthy individuals have the ability to contribute more to the economy through being focused at work and therefore 'producing' more (Ramsay, 2005). Therefore, for the purpose of this research it is assumed that active recreation is a vital, and desirable, element within a healthy society.

Auckland City has been chosen as a focus of the inquiry due to a number of factors. The population within Auckland City will change dramatically over the next few decades and this will ultimately drive a need for change within the recreation sector. Clayton Cosgrove, ex-Minister for Sport, recently explained that "there are changing working patterns, such as more young people working after school or on weekends, which means that the traditional delivery of sport and recreation services may no longer be appropriate or match peoples' lifestyles" (Cosgrove, 2008).

Estimates of Future Trends Affecting Auckland City (Infometrics, 2008) demonstrate that by 2020 New Zealand, and in particular the Auckland Region, will have undergone extensive changes in its population in terms of age, ethnicity, economy and lifestyle. According to these estimates the population of Auckland City will grow to 500,000 by 2022 and could possibly reach that number as early as 2016. By 2026 44% of the City's population will identify themselves as Asian compared with 41% as European. The median age of Auckland residents, currently 33.3, will continue to rise, reaching 39.0 by 2031 (Infometrics, 2008, p.5). According to Infometrics (2008) the ageing population will contribute to a slowing economy and employment growth rate. Therefore policy developed within active recreation needs to adapt to the changing demographics.

The Universal Declaration on Human Rights sets in stone such individual freedoms as 'life, liberty and security of person' and 'equality before the law' (United Nations, 1948). The Declaration also sets out the right to participate 'in the cultural life of the community, to enjoy the arts, and to share in scientific advancement and its benefits' (United Nations, 1948). Human rights-based approaches to policy have been developed through various United Nations organisations (Frankovitz, 2006). While within the United Nations there has been a history of championing human rights, it wasn't until late in the twentieth century that human rights-based approaches began to gain traction within policy development at a United Nations level (Frankovitz, 2006).

According to Kidd and Donnelly (2000) the aspirations for democracy and liberation evoked by the banner of human rights cannot be achieved without human rights in sports. They argue that this is both in terms of the human rights of elite athletes and a more basic right to participate in sport and physical activity. However, they contend that while the discourses, such as that of 'fair play' and 'level playing field', often surround sport, few of the initial proponents of modern sports ever intended them to be universal and inclusive. They argue that sports were developed for the socialisation and pleasure of 'imperial upper-class males' (Kidd & Donnelly, 2000).

Kidd and Donnelly (2000) also discuss the history of human rights as it relates to sports. While there had been a focus on individual human rights in sports, such as

the athletes' right to participate, there has been a policy shift towards considering the rights of groups within sports, such as women, disabled people and those of a lower socio-economic background. In particular they stress the different approach to rights that these groups have, for example, in Canada to improve the opportunities for women within sports the focus has shifted from 'equality' to 'equity'. This change in discourse has resulted in women not merely having equality of access but recognition that women have different needs and interests to men.

While human rights-based approaches are used at an international level, the principles behind implementing these approaches are becoming more common at a national level. For example, in recent research, Erooga (2008) discusses the merits of using human rights-based approaches when dealing with policy decision-making regarding sex-offenders within the United States of America ('USA'). She argues that in some states within the USA there is such an emotive reaction to the issue of sex offending by the media and policy-makers that legislation has been passed which has the effect of taking away the offenders human rights. Erooga (2008) suggests a human rights-based approach would be the most morally and practically effective way of safeguarding the community.

In research on human rights and sports and active recreation the focus has predominantly been on professional athletes. For example, Guilianotti and McArdle (2006) focus on issues such as anti-doping and the use of drugs, the protection of child athletes, free speech and the Olympic Games. However, having a human rights-based approach to sport and active recreation is slowly gaining traction within research.

In regards to sport and active recreation at a domestic level, Sport England, the government agency responsible for developing a community sports system within England, has a strong focus on equality and human rights within sports. They have introduced an Equality Standard in Sport which aims to "contribute to the ongoing modernisation of sports organisations in terms of their structures, policies and operational practice. In addition, the Standard will enhance the quality of services to members and participants." (Sport England, 2009)

In New Zealand, sport is used as a way to promote health in both individuals and the wider community. For example, there is a programme for the positive resettlement of refugees through the Refugees in Sports Initiative run by the Human Rights Commission in conjunction with Counties Manukau. Also, in the 2008 Equal Employment Opportunities survey on women's participation, those working within the sports industry were included for the first time, marking recognition of the importance of sport within the national identity (Human Rights Commission, 2008).

Sport and Recreation New Zealand (SPARC) has identified a number of obstacles to active recreation within New Zealand including a lack of time, lack of energy, and lack of support (Sullivan et al., 2003). SPARC are also working with the Human Rights Commission to put in place policies that allow equal opportunities within sports and active recreation in the hope of encouraging more people to get



active. However, this appears to be focused on providing opportunities to those people with a disability rather than equal opportunities for everyone.

Therefore, while there is a lot of research on the various elements which will be examined within this thesis, there is currently a lack of research on human rights-based approaches to active recreation in New Zealand.

#### **Procedure:**

**Explain the philosophical and/or methodological approach taken to obtaining information and/or testing the hypothesis(es).**

The development of public policy is strongly reliant on the language used in order for the policy to be implemented correctly. In particular a human rights-based approach focuses on the language used within the policy and requires policy-makers to be inclusive and refer to human rights principles. The development of policy is inherently political as there are competing ideas and interests which determine the outcome of policy. Therefore in order to fully understand how the language surrounding human rights and human rights-based approaches influences public policy in New Zealand this research will achieve the best results through the use of discourse analysis. My focus question will be: How effective are the power structures governing active recreation in New Zealand, as demonstrated through discourse? Therefore the focus of my inquiry fits in with discourse analysis.

Discourse analysis deals with socially constructed frameworks of meaning within the language used. Allen and Harden (2001, p. 163) say that discourse analysis “calls into question how the narratives or stories that individuals recount are imbricated within rational plays of power, and concomitantly how subjects reauthorize their own positions”. Therefore researchers using discourse analysis as a methodology will study linguistic repertoires in order to provide an insight into the background rules and principles of the speaker or author of the text (Sarantakos, 2005). This is achieved through studying the structure and traits of the language used in order to identify patterns and recurring themes. I will therefore focus on capturing ways in which variations occur.

Comparative discourse analysis will allow me to compare and contrast the discourse surrounding the implementation of human rights and a human rights-based approach in policy surrounding sport and active recreation in the United Kingdom and in New Zealand. This will allow me to identify the key differences between the power structures behind the implementation of these policies and help to identify how Auckland City Council can modify its discourse in order to achieve a human rights-based approach to active recreation.

This research proposal will draw from the work of Foucault. Foucault was primarily interested in researching and identifying power relationships within society. His prime research aim had been to research the ways in which human beings have been classified and transformed into subjects which can then be studied (Markula & Pringle, 2006). Foucault’s examination of the categorisation of people resulting from forms of power which turns individuals into subjects makes Foucauldian discourse analysis the most appropriate methodology for this research.

While human rights focus on the rights of the individual, Kidd and Donnelly (2000) demonstrate how human rights have developed over the years from focusing on individuals to focussing on groups within society. The political dynamics behind how this is occurring and the reasons for the shift in focus of human rights can be identified through using discourse analysis based on Foucauldian analyses.

**State in practical terms what research procedures or methods will be used.**

The research conducted will be non-emergent in that all data will be collected before conducting in-depth analysis. This will allow for structured comparative analysis of primary documents and will also provide me with the ability to compare the discourse within the primary documents with transcripts of the key informant interviews.

This research will involve a two-fold approach. I will be conducting key informant interviews and, separately, I will also be conducting comparative analysis of texts which influence policy on active recreation both within New Zealand and the United Kingdom. It is envisaged that the use of these two distinct methods will help to better inform any conclusions reached within my thesis.

**State how information will be gathered and processed.**

It is my intention to undertake key informant interviews using purposive sampling of experts in the field of human rights as well as experts in sport and active recreation. Experts in both fields help to formulate policy within New Zealand. These interviews will be unstructured.

Once interviews have been completed they will then be transcribed. These transcripts will be provided to the interviewees to help ensure accuracy.

It is my intention that while transcribing may not all take place at once that analysis of the interview transcripts will be undertaken at the same time. As, in discourse analysis, what is not said is as important as what is said, as well as the terminologies and language used, I believe that it is important to analyse the interviews and compare the results at the same time. This means that I will be analysing and comparing the policy texts from the United Kingdom and New Zealand separately to the analysis of the interview transcripts.

**State how your data will be analysed.**

The discourse analysis researcher begins by reading the text thoroughly and identifying interpretive repertoires and the context of these repertoires (Sarantakos, 2005). The researcher may then isolate examples showing similarities within the text, differences or variations. The researcher will go on to examine the variations to identify how many different repertoires are being used and the consequences of the use of the various repertoires (Sarantakos, 2005). I intend to follow this process within my analysis

**Provide the statistical or methodological justification for this.**

According to Grant and Giddings (2002, p. 21) “the researchers goal is to explore the way power works systematically through the categories and subject positions produced by discourses, and to deconstruct their naturalness”. This is the approach that I will be undertaking when analysing the interview transcripts.

## **References**

*Please include the references for your responses to this section in the standard format used in your discipline.*

Allen, D. & Hardin, P. K. (2001). Discourse analysis and the epidemiology of meaning. *Nursing Philosophy*, 2: 163-176.

Allen, D. & Hardin, P. K. (2001). Discourse analysis and the epidemiology of meaning. *Nursing Philosophy*, 2: 163-176.

Cosgrove, Clayton. 2008. *Cosgrove speech to open the Sport and Recreation Sector Conference 2008*. Auckland.

Erooga, M. (2008). A human rights-based approach to sex offender management: The key to effective public protection?. *Journal of Sexual Aggression*, 14:3, 171-183

Frankovitz, A. (2006). *The human rights-based approach and the United Nations system*. UNESCO: Paris.

Grant, B. M. & Giddings, L. S. (2002). Making sense of methodologies: A paradigm framework for the novice researcher. *Contemporary Nurse*, 13(1), 10-28.

Human Rights Commission. (2008). *New Zealand census of women's participation*. Human Rights Commission: Wellington.

Infometrics Ltd. 2008. *Estimates of future trends affecting Auckland City*. Infometrics: Auckland.

Kidd, B. and Donnelly, P. (2000). Human rights in sports. *International Review for the Sociology of Sport*, 35/2(2000), 131-148.

Markula, P. and Pringle, R. (2006). *Foucault, sport and exercise: power, knowledge and transforming the self*. Routledge: Oxon.

Ramsay, H. (2005). *Reclaiming leisure: art, sport and philosophy*. Palgrave MacMillan: Basingstoke.

Sarantakos, S. (2005). *Social research*, (3<sup>rd</sup> ed.). New York: Palgrave MacMillan.

Sport England. (2009).

[http://www.sportengland.org/index/get\\_resources/equality\\_standard\\_for\\_sport.htm](http://www.sportengland.org/index/get_resources/equality_standard_for_sport.htm)

Sullivan, C., Oakden, J., Young, J., Butcher, H., & Lawson, R. (2003). *Obstacles to action: a study of New Zealander's physical activity and nutrition*. AC Nielsen: Wellington.

United Nations. (1948). *Declaration of human rights*. United Nations: Geneva.

## Participants

### Who are the participants?

It is my intention to undertake key informant interviews with a purposive sample experts in the field of human rights as well as experts in sport and active recreation. Experts in both fields help to formulate policy within New Zealand.

### What criteria are to be used in recruiting the participants?

I will be choosing participants who are experts in their respective fields and who have experience of policy development.

### What criteria are to be used for selecting participants from those recruited?

Participants will be experts in their particular fields, and this will be determined either by their position or previous position within a particular organisation. Alternatively they will be selected due to their academic expertise in their relevant field.

### Are there any potential participants who will be excluded?

*If your answer is yes, please detail the criteria for exclusion.*

N/A

### Are there any potential conflicts of interest or possible coercive influences in the professional, social, or cultural relationships between the researcher and the participants (e.g. dependent relationships such as teacher/student; parent/child; employer/employee; pastor/congregation etc.)?

No

*If your answer was 'Yes', please identify the nature of the relationships concerned and provide full information about the processes being incorporated into the research design to mitigate any adverse affects that may arise from them.*

N/A

### How many participants will be selected?

Between 5 and 8 participants will be selected

### What is the reason for selecting this number?

This number of participants will ensure that I will have be able to interview a wide-variety of experts and at the same time provide a richness of data to analyse.

*Provide a statistical justification where applicable, if you have not already provided one in C.4 5. above.*

Using discourse analysis it is as important to focus on the language being used by the experts as much as the content and information that they are providing.

### Is there a control group?

*If your answer is yes, please describe and state how many are in the control group.*

No

### Describe in detail the recruitment methods to be used.

*If you will be recruiting by advertisement or email, please attach a copy to this Application Form*

Participants will be recruited by way of a written letter. Participants contact details will be acquired through public databases such as the phone book.

**How will information about the project be given to participants?**

*(e.g. in writing, verbally). A copy of information to be given to prospective participants is to be attached to this Application Form. If written information is to be provided to participants, you are advised to use the Information Sheet exemplar.*

Written information will be provided to all participants through the use of an information sheet.

**Will the participants have difficulty giving informed consent on their own behalf?**

*Consider physical or mental condition, age, language, legal status, or other barriers. If the answer is yes, please provide full details.*

No

**If participants are not competent to give fully informed consent, who will consent on their behalf?**

N/A

**Will these participants be asked to provide assent to participation?**

*If the answer is yes, please attach a copy of the assent form which will be used. Please note that assent is not the same as consent (please refer to the Glossary in Appendix A of the AUTECH Guidelines and Procedures.*

N/A

**Will consent of participants be gained in writing?**

*If the answer is yes, please attach a copy of the Consent Form which will be used. If the answer is No, please provide the reasons for this.*

Yes

**Will the participants remain anonymous to the researcher?**

*Please note that anonymity and confidentiality are different. If the answer is yes, please state how, otherwise, if the answer is no, please describe how participant privacy issues and confidentiality of information will be preserved.*

No

**In the final report will there be any possibility that individuals or groups could be identified?**

*If the answer is yes, please explain how and why this will happen.*

Yes individuals will be named in the final report if consent is provided.

**Will feedback or findings be disseminated to participants (individuals or groups)?**

*If the answer is yes, please explain how this will occur and ensure that this information is included in the Information Sheet.*

A full copy of the thesis will be available online. A link to the thesis will be provided to participants so that they are able to download a full copy.

**Will the findings of this study be of particular interest to specific cultures or social groups?**

*If your answer is 'Yes', please identify how the findings will be made available to them.*

The findings of this study will be of particular interest to the people of Auckland City. It is my intention to provide Auckland City Council with a copy of the thesis.

Through examining the discourse and power structures behind the development of policy in active recreation this research intends to highlight how this discourse can change to become more focused on human rights in an attempt to ensure that everyone is able to participate in active recreation. This research is significant as it has the potential to steer the direction of future policy governing active recreation in Auckland City and beyond.

## Other Project Details

### Where will the project be conducted?

*Please provide the name/s of the Institution/s, town/s, city or cities, region or country that best answers this question.*

It is anticipated that the interviews will take place either within offices at the Institute of Public Policy at AUT or in the interviewees own offices.

### Who is in charge of data collection?

The researcher

### Who will interact with the participants?

The researcher

### What ethical risks are involved for participants in the proposed research?

*Please consider the possibility of moral, physical, psychological or emotional risks to participants, including issues of confidentiality and privacy. Researchers are urged to consider this issue from the perspective of the participants, and not only from the perspective of someone familiar with the subject matter and research practices involved.*

It is not envisaged that there will be any ethical risks for the participants, either moral, physical, psychological or emotional. The interview questions will focus on issues within their particular field of expertise, such as policy development within local government, human rights and active recreation and sport.

### Are the participants likely to experience any discomfort, embarrassment (physical, psychological, social) or incapacity as a result of the research's procedures?

Participants are not likely to experience any discomfort, embarrassment or incapacity as a result of the research's procedures.

### If there are risks, please identify their probability and describe how they will be mitigated.

*Please describe how these will be minimised or mitigated (e.g. participants do not need to answer a question that they find embarrassing or they may terminate an interview or there may be a qualified counsellor present in the interview or the findings will be reported in a way that ensures that participants cannot be individually identified, etc.) Possible risks and their mitigation should be fully described in the Information Sheets for participants.*

N/A

### If the participants are likely to experience any discomfort, embarrassment, or incapacity, what provision for counselling has been made, either with AUT Counselling (who also provide an online service) or with other counselling professionals (this is to be at no charge to the participants)?

*Please refer to section 2.3 of AUTEK's Applying for Ethics Approval: Guidelines and Procedures in the Ethics Knowledge Base. If the answer is No, please explain the arrangements which have been made to have qualified personnel available to deal with unexpected adverse physical or psychological consequences?*

N/A

**What risks are involved for the researcher(s) in the proposed project (such as physical, social, psychological, or safety risks)?**

*If this project will involve interviewing participants in private homes, undertaking research overseas, or going into similarly vulnerable situations, then a Researcher Safety protocol should be designed and appended to this application.*

No risks for the researcher are anticipated

**Will there be any other physical hazards introduced to AUT staff and/or students through the duration of this project?**

*If the answer is yes, please provide details of management controls which will be in place to either eliminate or minimise harm from these hazards (e.g. a hazardous substance management plan).*

No

**Is deception of participants involved at any stage of the research?**

*If the answer is yes, please provide full details of and rationale for the deception. Please refer to Section 2.4 of AUTECH's Applying for Ethics Approval: Guidelines and Procedures when considering this question.*

I will not be undertaking any covert research. It is also highly unlikely that there will be any psychological harm resulting from this research as I will be interviewing experts who will be fully aware of subject and are likely to already have their opinions and views on public record.

**How much time will participants have to give to the project?**

The interviews are estimated to last for 45 minutes to an hour.

**Will any information on the participants be obtained from third parties?**

*If the answer is yes, please provide full details. This includes use of third parties, such as employers, in recruitment.*

No

**Will any identifiable information on the participants be given to third parties?**

*If the answer is Yes, please provide full details.*

Participants will be identified within the thesis and will be required to sign a consent form.

**Provide details of any payment, gift or koha and, where applicable, level of payment to be made to participants.**

*Please refer to Section 2.1 of the AUTECH's Applying for Ethics Approval: Guidelines and Procedures and Appendix A of that document for AUTECH's policy on Payment and Koha, especially in relation to recruitment.*

No payment, gift or koha will be made to participants.

## **Data and Consent Forms**

**Who will have access to the data?**

The researcher and supervisors.

**Are there plans for future use of the data beyond those already described?**

*The applicant's attention is drawn to the requirements of the Privacy Act 1993 (see Appendix I). If there are future plans for the use of the data, then this needs to be explained in the Information Sheets for participants.*

This data may be used in articles, reports or presentations stemming from this research.

**Where will the data be stored once the analysis is complete?**

*Please provide the exact storage location. AUTEK normally requires that the data be stored securely on AUT premises in a location separate from the consent forms. If you are proposing an alternative arrangement, please explain why.*

AUT North Shore Campus – Room AC313

**For how long will the data be stored after completion of analysis?**

*AUTEK normally requires that the data be stored securely for six years. If you are proposing an alternative arrangement, please explain why.*

Data will be stored securely for six years.

**Will the data be destroyed?**

*If the answer is yes, please describe how the destruction will be effected. If the answer is no, please provide the reason for this.*

The data will be destroyed after six years through an appropriate means such as shredding of the documents and CD-ROMs.

**Who will have access to the Consent Forms?**

The researcher and principal supervisor will have access to the consent forms.

**Where will the completed Consent Forms be stored?**

*Please provide the exact storage location. AUTEK normally requires that the Consent Forms be stored securely on AUT premises in a location separate from the data. If you are proposing an alternative arrangement, please explain why.*

AUT North Shore Campus – Room AC314

**For how long will the completed Consent Forms be stored?**

*AUTEK normally requires that the Consent Forms be stored securely for six years. If you are proposing an alternative arrangement, please explain why.*

Consent forms will be stored securely for six years.

**Will the Consent Forms be destroyed?**

*If the answer is yes, please describe how the destruction will be effected. If the answer is no, please provide the reason for this.*

After six years the consent forms will be destroyed through an appropriate means that will ensure the protection of the participants' details, e.g. through shredding.

**Material Resources****Has an application for financial support for this project been (or will be) made to a source external to AUT or is a source external to AUT providing (or will provide) financial support for this project?**

Auckland City Council has contracted the Institute of Public Policy to undertake research into active recreation in Auckland City and how improvements can be made for future generations. This thesis forms part of that research project.



**If the answer to G.1 was 'yes', please provide the name of the source, the amount of financial support involved, and clearly explain how the funder/s are involved in the design and management of the research.**

Auckland City Council has contracted the Institute of Public Policy to provide research on human rights-based approaches to active recreation as part of a larger project looking at active recreation within Auckland City. Auckland City Council has had input into the design and management of the research through a process of consultation and feedback. Regular meetings have also been arranged to advise and update Auckland City Council on the outcomes of the research.

**Has the application been (or will it be) submitted to an AUT Faculty Research Grants Committee or other AUT funding entity?**

*If the answer is yes, please provide details.*

No

**If the answer to G.2 was 'yes', please provide the name of the source, the amount of financial support involved, and clearly explain how the funder/s are involved in the design and management of the research.**

**Is funding already available, or is it awaiting decision?**

*Please provide full details.*

The Institute of Public Policy has entered into a contractual agreement with Auckland City Council to undertake research into active recreation in Auckland City and how this can be improved for future generations. This thesis forms part of this research project.

**Please provide full details about the financial interest, if any, in the outcome of the project of the researchers, investigators or research organisations mentioned in Part A of this application.**

There is no financial interest in the outcome of this project on the part of the researcher or Institute of Public Policy. Auckland City Council is funding research into active recreation through the Institute of Public Policy; this thesis makes up part of the entire research project. It is not anticipated that Auckland City Council, the Institute of Public Policy or the researcher will make any direct financial gains from the outcome of this research.

## **Other Information**

**Have you ever made any other related applications?**

*If the answer is yes, please provide the AUTEC application / approval number(s)*

No

## Checklist

*Please ensure all applicable sections of this form have been completed and all appropriate documentation is attached as incomplete applications will not be considered by AUTECH.*

Section A	General Information Completed	<input type="checkbox"/>
	Signatures/Declaration Completed	<input type="checkbox"/>
Section B	Project General Information Completed	<input type="checkbox"/>
Section C	Project Details Completed	<input type="checkbox"/>
Section D	Participant Details Completed	<input type="checkbox"/>
Section E	Other Project Details Completed	<input type="checkbox"/>
Section F	Data & Consent Forms Details Completed	<input type="checkbox"/>
Section G	Material Resources Completed	<input type="checkbox"/>
Section H	Other Information Completed	<input type="checkbox"/>

**Spelling and Grammar Check** (please note that a high standard of spelling and grammar is required in documents that are issued with AUTECH approval)

☐

### Attached Documents (where applicable)

Participant Information Sheet(s)	<input type="checkbox"/>
Consent Form(s)	<input type="checkbox"/>
Questionnaire(s)	<input type="checkbox"/>
Indicative Questions for Interviews or Focus Groups	<input type="checkbox"/>
Observation Protocols	<input type="checkbox"/>
Recording Protocols for Tests	<input type="checkbox"/>
Advertisement(s)	<input type="checkbox"/>
Hazardous Substance Management Plan	<input type="checkbox"/>
Any Confidentiality Agreement(s)	<input type="checkbox"/>
Other Documentation	<input type="checkbox"/>

*Before submitting this application, please note the following:*

- ❖ *If you think that your research may be of low ethical risk, use the EA8RA self assessment form to make sure that this is the correct form for your application;*
- ❖ *Incomplete or incorrectly formatted applications will not be considered by AUTECH;*
- ❖ *Please check online for the most recent version of this form before submitting your application;*
- ❖ *Please do not alter the formatting of this form or delete any sections. If a particular question is not applicable to your research, please state that as your response to that question;*

*This form needs to be submitted, along with all associated documents as follows:*

- ❖ *In printed form;*
- ❖ *With the required signatures in sections A.8 and A.9;*

- ❖ *Single sided;*
- ❖ *Using clips rather than staples;*
- ❖ *By 4 pm on the agenda closing date at:*

*The AUTEC Secretariat  
Room W0201, WO Building  
56 Wakefield Street, City Campus.*

- ❖ *The Internal Mail Code is D-89. If sending applications by Internal Mail, please ensure that they are posted at least two days earlier to allow for any delay that may occur.*

## APPENDIX 2 – INFORMATION SHEET

# Participant Information Sheet



### Date Information Sheet Produced:

24 April 2009

### Project Title

*A human rights-based approach to the discourses governing active recreation in New Zealand.*

### An Invitation

This is an invitation for you to participate within research on human rights-based approaches to active recreation within New Zealand. I am currently completing an MPhil in Public Policy on this topic, through the Institute of Public Policy, AUT, in which I am conducting a series of key informant interviews. In your position as xxxxxxxx I believe that you would have a lot to contribute towards my research in this area and would therefore be grateful for the opportunity to interview you. Participation within this project is voluntary and you may withdraw at any time without adverse consequences prior to the completion of data collection.

### What is the purpose of this research?

Active recreation is an important part of maintaining a healthy society. This research will examine how active recreation policy is currently developed at central and local government level and will explore how human rights are currently incorporated within policy development and whether a human rights-based approach would be appropriate for New Zealand.

Auckland City Council has contracted the Institute of Public Policy at the Auckland University of Technology to undertake a wide range of research into active recreation policy in order to understand how policy development needs to be modified to cater for future generations. While this research is being undertaken for Auckland City Council it is intended that any recommendations or outcomes could be applied throughout the Auckland region and New Zealand.

The intended audience for this thesis are those in the field of public policy, particularly within the sport and active recreation sectors as well as those with an interest in human rights-based approaches.

However, the main audience for this research is Auckland City Council. I intend to work with Auckland City Council and the Institute of Public Policy to determine the best way in which to disseminate the information.

**How was I chosen for this invitation?**

You were chosen for this invitation through your work and experience within xxxxxx. You were selected through the literature review that has taken place and may also have been recommended.

**What will happen in this research?**

I intend to interview you for up to an hour on this topic. This will be an unstructured interview which will allow for a greater flow of ideas. The interview will be tape-recorded and I may take notes during the interview. Once the interview has been transcribed you will be provided with a copy to help ensure accuracy in the transcription.

**What are the benefits?**

Your participation within the research will help to broaden understanding of, and the feasibility of, human rights-based approaches to active recreation within New Zealand.

**How will my privacy be protected?**

As you are an expert within your particular field it is my intention that your identity will not be kept confidential within the resulting thesis.

**What are the costs of participating in this research?**

The cost of participation will be in terms of the time spent on the interview. I will do my best to fit in with your schedule so that your participation in this research is not too disruptive.

**What opportunity do I have to consider this invitation?**

Participation within this research is voluntary. If, after considering this invitation, you would like to take part in this research then please contact me as soon as possible. In addition, I would be more than happy to provide you with further information about this research.

**How do I agree to participate in this research?**

If you agree to participate in this research then please fill out the attached consent form.

**Will I receive feedback on the results of this research?**

You will be provided with a link to a full copy of the thesis to which you will be able to download. In addition, I would be more than happy to discuss the results with you in further detail.

**What do I do if I have concerns about this research?**

Any concerns regarding the nature of this project should be notified in the first instance to the Project Supervisor, Marilyn Waring, [Marilyn.Waring@aut.ac.nz](mailto:Marilyn.Waring@aut.ac.nz), Ph 64 9 921 9661.

Concerns regarding the conduct of the research should be notified to the Executive Secretary, AUTEK, Madeline Banda, [madeline.banda@aut.ac.nz](mailto:madeline.banda@aut.ac.nz), 921 9999 ext 8044.

**Whom do I contact for further information about this research?**

*Researcher Contact Details:* Paula Gillon – [paula\\_gillon@yahoo.com](mailto:paula_gillon@yahoo.com)

Approved by the Auckland University of Technology Ethics Committee on *type the date final ethics approval was granted*, AUTEK Reference number *type the reference number*.

# APPENDIX 3 – CONSENT FORM

## Consent Form



***Project title: A human rights-based approach to the discourses governing active recreation in New Zealand***

***Project Supervisor: Prof. Marilyn Waring***

***Researcher: Paula Gillon***

- ☐ I have read and understood the information provided about this research project in the Information Sheet dated 24 April 2009.
- ☐ I have had an opportunity to ask questions and to have them answered.
- ☐ I understand that notes will be taken during the interviews and that they will also be audio-taped and transcribed.
- ☐ I understand that I may withdraw myself or any information that I have provided for this project at any time prior to completion of data collection, without being disadvantaged in any way.
- ☐ If I withdraw, I understand that all relevant information including tapes and transcripts, or parts thereof, will be destroyed.
- ☐ I agree to take part in this research.
- ☐ I wish to receive a copy of the report from the research (please tick one): Yes ☐ No ☐
- ☐ I agree to my identity and opinions being disclosed within this research.

Participant's signature: .....

Participant's name: .....

Participant's Contact Details (if appropriate):

.....  
.....  
.....  
.....

Date:

***Approved by the Auckland University of Technology Ethics Committee on 19 June 2009  
AUTECH Reference number 09/90***

*Note: The Participant should retain a copy of this form.*