

Report 99.662
2 December 1999
File: E/1/4/1

Report to Policy and Finance Committee
from Ted Maguire, Council Secretary

Triennial Regional Constituency Review

1. Purpose

To appoint a Subcommittee for the purpose of conducting the triennial review the number of regional constituencies, their boundaries and membership.

2. Background

2.1 Legislative Requirements

The requirement to carry out a review of membership and constituencies is contained in Section 101H of the Local Government Act 1974. Subsection (2) states:

“(2) Every regional council shall, in the year immediately preceding any year in which a triennial general election of the Council is to be held,determine by resolution and in a manner which complies with Section 101L of this Act, -

(a) The proposed number of constituencies; and

*(b) The proposed name and the proposed boundaries of each constituencies;
and*

(c) The number of members proposed to be elected by the electors of each constituency.”

Every resolution establishing constituencies must be accompanied by a description of the proposed constituencies so that they are readily identifiable to the public. There is a further requirement that where any change to the basis of elected membership, or to constituency boundaries that applied at the last triennial general is proposed, the resolution shall include an explanation of the reasons for the proposed change. Unlike territorial authorities, regional councils cannot decide to hold elections at large.

2.2 Boundaries and Numbers of Constituencies

Section 101L sets out the matters that the Council must take into consideration in determining the number and boundaries of constituencies. These are:

- (a) That the number of boundaries of constituencies will provide effective representation of communities of interest within the region; and*
- (b) That the constituencies' boundaries coincide with the boundaries of current statistical meshblock areas determined by the Department of Statistics and used for Parliamentary electoral purposes; and*
- (c) That so far as is practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or boundaries of wards.*

In determining the number of members to be elected from any constituency the Council must ensure that the electors of the constituency receive fair representation having regard to:

- the population of every constituency within the region and;

if the circumstances so require:

- the rateable values; or
- areas; or
- other relevant characteristics of the various constituencies or wards.

2.3. Determining Communities of Interest

When determining communities of interest for purposes other than for regional constituencies a number of other factors have been used. These include where people work, shop, go to school or travel to for recreation.

This Council has adopted the approach that the most appropriate way to determine communities of interest for regional constituencies is in terms of the services and functions of the Regional Council. Those functions considered appropriate are:

- transport planning
- whole catchment management
- biosecurities
- conservation forestry/bulk water

The Subcommittee will need to examine the different communities of interest within the region and how they should be represented on the Council. As far as practicable this Council must use territorial authority or ward boundaries the outcome of territorial authority triennial reviews can have a significant impact on the options available to this Council. During the last review the Local Government Commission's decision to disestablish the Tawa Ward prevented the Commission from considering a Tawa/Porirua regional constituency. It should be noted that the Commission found that the Porirua constituency is over-represented and

recommended that the Council “consider this situation very carefully” prior to the 2001 elections.

2.4 Statutory Cap on Regional Council Membership

Section 101C of the Local Government Act 1974, imposes an arbitrary limit of 14 Councillors on the elected membership of regional councils. This Council has taken the stance that this limit should not apply to the Wellington Regional Council with its extensive operational responsibilities. By setting an arbitrary limit of 14 Councillors, Section 101C creates pressure to amalgamate previously separate constituencies and therefore raises serious issues to do with communities of interest, the size of constituencies and equality of representation.

The Local Government Act 1974, recognises the unique operational responsibilities of the Wellington Regional Council by requiring that there is a clear separation in the committee structure between regulatory and operational functions. To ensure this separation it is Council policy that no Councillor serving on the committee dealing with Bulk Water matters also serves on the Environment Committee. If practicable it is therefore highly desirable that each constituency elects at least two Councillors to enable one to participate exclusively in regulatory matters with another to concentrate in other areas of the Council’s responsibility. There is no such change.

This separation, imposes limitations on the composition of committees and means that a reduction in the total number of Councillors would also create difficulties in terms of the ability to form a quorum. However, for the purposes of this review the Wellington Regional Council must work within the statutory maximum.

During the last review in 1997 the Council was mindful that the introduction of a LATE to operate the Water business, the Long Term Financial Strategy and possible future statutory changes to the Council’s functions might have an impact on the level of Councillor involvement in the day-to-day affairs of the Council. It was decided that it would be appropriate for the incoming Council to consider reducing the overall size of the Council if the role of Councillors changes materially during three year period between reviews.

3. Comment

3.1 Review Timetable

A proposed timetable for the conduct of the review is at **Attachment 1**. It is envisaged that informal consultation will take place with the territorial authorities prior to public notification of the review.

3.2 Terms of Reference

It is suggested that the Constituency Review Subcommittee be established consisting of at least one Councillor from each constituency. For the previous review in 1997 Wellington City was divided into two constituencies and both were represented on the Subcommittee. The Terms of Reference should be as follows:

Membership

To consist of at least one councillor from each constituency

Quorum:3 Councillors

Specific Responsibilities

To undertake the triennial review of the Council's membership and constituency boundaries.

In that review to consider the recommendations of the previous Council and the Local Government Commission.

To consider a draft Discussion Document and recommend its adoption by Council for public consultation.

To conduct hearings and consider public submissions.

To recommend to the Policy and Finance Committee the final adoption of the triennial constituency and membership review.

4. Communications

Due to the importance of the constituency review it is proposed to issue a press release to draw the public's attention to the fact that the review is underway. Meeting of the Subcommittee will be publicly advertised.

The review process itself requires a period of formal public consultation through the Special Consultative Procedure in the Local Government Act. This provides another opportunity to explain the constituency review to the public and highlight the opportunity for community input.

5. Recommendation

That the Committee recommend to Council:

- (1) *That a Constituency Review Subcommittee be appointed for the purpose of conducting the triennial review of Council membership and constituency boundaries.*
- (2) *That the Subcommittee Terms of Reference, as set out in paragraph 3.2 of this Report, be approved.*
- (3) *That the Subcommittee consist of at least one Councillor from each constituency.*

TED MAGUIRE
Council Secretary

Chairman's Recommendation

- (1) *That the following Councillors be appointed as members of the Constituency Review Subcommittee:*

<i>Councillor Turver</i>	<i>Kapiti constituency</i>
<i>Councillor Shields</i>	<i>Porirua constituency</i>
<i>Councillors Gibson and McQueen</i>	<i>Wellington constituency</i>
<i>Councillor Allen</i>	<i>Lower Hutt constituency</i>
<i>Councillor Macaskill</i>	<i>Upper Hutt constituency</i>
<i>Councillor Long</i>	<i>Wairarapa constituency</i>
- (2) *That Councillor Gibson chair the Subcommittee.*

SA MACASKILL
Chairman

