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Report to Policy and Finance Committee
from Lloyd Bezett, Policy Analyst, Council Secretariat

2000 Regional Constituency Review - Consideration of Objections

1. Purpose

To consider submissions on the triennial review of membership and the basis of election and make a final determination in the matter.

2. Background

The Council, at its meeting on 4 July 2000, approved the recommendations of the Constituency Review Subcommittee concerning the review of the Council's membership and basis of elections for the 2001 Local Body Elections.

The Subcommittee was aware that historically considerable interest has been shown in the level of representation that each constituency receives. A series of informal meetings with most Mayors of the Region was therefore undertaken to ensure that the approach adopted was acceptable.

Once the Council approved the recommendations of the Subcommittee, a period of public consultation (in excess of one month) was undertaken. Copies of the public notice inviting submissions on the review (**Attachment 1**) were printed in *The Dominion*, *Evening Post* and *Wairarapa Times-Age* on Saturday, 8 July. Copies of the discussion document were sent to each territorial authority. Submissions closed on 21 August.

While copies of the discussion document were sent to each territorial authority there may have been confusion as to whether this complied with the formal notification requirements in the Local Government Act. The period for objections was therefore extended for councils that had not objected by 21 August.

Section 101J(3) of the Local Government Act 1974 requires that the Council consider all objections and publicly notify its decision within six week of the official closing date for objections (ie. before 2 October 2000).

3. Objections

The Council received seven objections to its proposal. While the statutory process for consideration of objections does not make provision for the right to be heard, a number of objectors expressed the wish to make oral representations to the Council. It has therefore been agreed that objectors be heard prior to the consideration of written objections. This is similar to the consideration of submissions on the Annual Plan.

Porirua City Council (Attachment 2)

Porirua City Council raises three objections to the Council's proposal:

- The naming of the constituency "Mana" is confusing and has little community support,
- Porirua City and the Tawa Community Board Area should be combined in a single constituency for the following reasons:
 - it would achieve more effective fair representation,
 - there exists a community of interest in the combined area,
 - the WRC should not be swayed by strong opposition from the Tawa Community Board and Tawa Residents and Ratepayers Assn, and
- "Mana" is not an appropriate name for a combined Porirua/Tawa Constituency – "Porirua-Tawa" is preferred.

Kapiti Coast District Council (Attachment 3)

The objection from Kapiti Coast District Council raises the following issues:

- One elected member does not provide for effective representation of Kapiti. KCDC suggests that this Council lobby Government for the removal of the statutory cap of 14 elected members,
- Given the 14 member cap, fair representation across all constituencies is best served by a 10 member Council. The fact that this may present some operational problems for the WRC is acknowledged, and
- That the Council's reasons for changing from weightings of 90:5:5 to 80:10:10 is unclear.

Richard Heedegen (Attachment 4)

Mr Heedegen considers that only population (60%) and land area (40%) should be used to determine fair representation and suggests a level of representation for each constituency based on these figures.

Michael Mellor (Attachment 5)

Mr Mellor has raised the following objections:

- That the number of Councillors for each constituency should be determined by rounding to the nearest whole number, rather than the Highest Remainder method adopted by the Council. This would result in a 13 member Council,
- The constituency representing Porirua City should be call “Porirua”,
- There should be two constituencies in the Wairarapa – Masterton and Wairarapa (comprising Carterton, South Wairarapa and part of Tararua District),
- The communities of interest determined by Wellington City Council should be adopted by the Regional Council to allow for more effective representation of a city which is not homogeneous. Mr Mellor suggested that Wellington City be represented by 5 elected members in either three or five constituencies.

Mr Mellor also makes a number of comments on the discussion document that was issued to the public and has suggested changes to assist people make objections.

Wellington Labour Local Bodies Committee (Attachment 6)

This objection considers that Wellington City should be divided into two constituencies to provide for more effective representation. It is argued that this would reduce the cost of standing for election thereby allowing capable candidates of limited means to come forward.

Upper Hutt City Council (Attachment 7)

The objection from Upper Hutt City Council expresses that Council’s dissatisfaction with Upper Hutt having only one representative on the Wellington Regional Council. It requests that a less mathematical and more detached approach be taken to achieving fair representation.

This submission mirrors the concerns raised by that Council during the reviews conducted in 1994 and 1997.

Hutt City Council (Attachment 8)

A pro forma objection has also been lodged by Hutt City Council. If any substantive issues are raised with the Council prior to the meeting on 19 September, these will be communicated to the meeting.

4. Comment

Many of the objections raised relate directly to policy judgements exercised by Councillors and will not be commented on. However, there are some issues on which officers should provide advice.

The frustration expressed by Upper Hutt City and Kapiti Coast District Councils over the level of representation is understandable. The Constituency Review Subcommittee

examined a number of alternative formulas when it assessed how to achieve “fair representation” - none of these would produce two elected members in Upper Hutt. Kapiti Coast would only achieve two representatives if weightings of 60:20:20 were adopted. An increase in representation could only be achieved by increasing the total number of elected members. This Council has long advocated an end to the statutory cap of 14 elected members and included this in its submission on a draft Local Government Electoral Bill. The Council will have another opportunity to raise this issue when the Bill is introduced into Parliament and put before a Select Committee.

At a seminar on the triennial review process held earlier this year, Barbara Durbin, a member of the Local Government Commission, clearly indicated that a council would have to make a very good case for population to be weighted at less than 80%. Barbara Durbin reminded the seminar that the purpose of the exercise is to represent ratepayers and, as far as possible, each vote should be of equal value.

The Highest Remainder system of allocating elected members, which is objected to by Mr Mellor, was adopted by the Council following an objection to “rounding” in 1994. In 1997 the Council’s review went to the Local Government Commission on appeal. The Commission, while endorsing no particular formula for deciding fair representation, did not question the use of the Highest Remainder system.

In 1997 the Local Government Commission considered that due to the inclusion of Tawa in Northern Ward of Wellington City “...the combination of Tawa and Porirua is no longer possible.” The Council sought legal advice on this issue and was advised that:

“...in proposing a constituency that coincides with a community boundary rather than a ward boundary the Council would not appear to be contravening the spirit of the Act.”

On the basis of this opinion officers advised that the combination of Tawa and Porirua could be considered, but that on appeal the Commission may take a contrary opinion.

5. Right of Objection

Any person or organisation which has lodged an objection may lodge a written appeal against the decision of the Council. Where the Council has modified its original proposal any person or organisation that has not previously objected can make a counter-objection to the modified proposal.

All appeals and counter-objections must be sent by the Council to the Local Government Commission for determination as soon as practicable. If there are no appeals or counter-objections within the specified period the proposal stands confirmed.

In addition to a public notice advising of the Council’s decision regarding objections, each submitter will be written to advising them of the Council’s decision and their right of appeal. If the proposal is amended then territorial authorities that have not appealed will be advised of their right to lodge a counter-objection.

6. Recommendation

That the Policy and Finance Committee:

- (1) *Consider all oral submissions;*
- (2) *Consider the attached submissions from Porirua, Upper Hutt and Hutt City Councils, Kapiti Coast District Council, Richard Heedegen, Michael Mellor and Wellington Labour Local Bodies Committee.*
- (3) *Recommend to Council:*
 - (i) *That the proposal for the triennial review of membership and basis of election, including any amendments as the result of submissions, be approved.*
 - (ii) *That public notice be given of its proposal, including any amendments, as required by section 101J(3)(b) of the Local Government Act 1974.*
 - (iii) *That persons and organisations have until Friday, 27 October 2000 to appeal or lay counter-objections to the Council's proposal.*

Report Prepared by:

Approved for submission:

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