

10 August 2000

Stuart Macaskill
Chairperson
Wellington Regional Council
P O Box 11 646
WELLINGTON

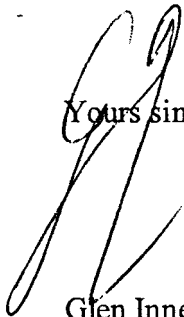
Dear Stuart

**WELLINGTON REGIONAL COUNCIL TRIENNIAL CONSTITUENCY AND
MEMBERSHIP REVIEW**

At its meeting held 3 August 2000, the Kapiti Coast District Council approved the enclosed submission as an objection to the Wellington Regional Council's proposals on membership and constituencies for the 200 1 triennium.

The Kapiti Coast District Council would appreciate the opportunity to appear in person at the hearings and set out our concerns.

Yours sincerely



Glen Innes
GENERAL MANAGER

KAPITI COAST DISTRICT COUNCIL - SUBMISSION ON THE WELLINGTON REGIONAL COUNCIL CONSTITUENCY REVIEW

BACKGROUND

1.1 Earlier this year the Wellington Regional Council established a Constituency Review Subcommittee to undertake the required review of constituency and membership for the 2001 elections.

1.2 The Committee's recommendations have, recently been adopted by the Wellington Regional Council and public objections have been called for which close on Monday 21 August, 2000.

1.3.1 The relevant resolution of Council is as follows:

- ii. *That the Council adopt the following 'six constituencies for the 2001 Local Authority Elections:*

| | | |
|--------------------------------|----------|--|
| <i>Kapiti Constituency</i> | <i>-</i> | <i>comprising Kapiti Coast District</i> |
| <i>Mana Constituency</i> | <i>-</i> | <i>comprising Porirua City</i> |
| <i>Wellington Constituency</i> | <i>-</i> | <i>comprising Wellington City</i> |
| <i>Lower Hutt Constituency</i> | <i>-</i> | <i>comprising Lower Hutt City</i> |
| <i>Upper Hutt Constituency</i> | <i>-</i> | <i>comprising Upper Hutt City</i> |
| <i>Wairarapa Constituency</i> | <i>-</i> | <i>comprising South Wairarapa District, Masterton District, Carterton District and part of Tararua District.</i> |

- iii. *That, in order to achieve 'fair representation': the Council adopt the following weightings as a means of determining the level of representation each constituency will receive:*

| | |
|------------------------------------|--------------------|
| <i>Population</i> | <i>80 per cent</i> |
| <i>Net Equalised Capital Value</i> | <i>10 per cent</i> |
| <i>Land Area</i> | <i>10 percent</i> |

- iv. *That the Council comprise 14 elected members and the number-of representatives elected by each constituency be as follows:*

| | |
|--------------------------------|----------|
| <i>Kapiti Constituency</i> | <i>1</i> |
| <i>Mana Constituency</i> | <i>2</i> |
| <i>Wellington Constituency</i> | <i>5</i> |
| <i>Lower Hutt Constituency</i> | <i>3</i> |
| <i>Upper Hutt Constituency</i> | <i>1</i> |
| <i>Wairarapa Constituency</i> | <i>2</i> |

- v. *That the decision of Council be publicly notified as required by statute and members of the public informed of their right to make submissions in writing to the Council.*

COUNCIL'S OBJECTION

The Kapiti Coast District Council wishes to object to the proposed membership and constituencies the Wellington Regional Council has proposed for the 2001 triennium.

The legislation requires Council to adopt constituencies and membership that provide effective representation of communities of interest.

We have no difficulty with the communities of interest identified by the Wellington Regional Council and their creation of six constituencies that follow territorial local authority boundaries.

We are a little surprised at the constituency comprising Porirua City is renamed as Mana, but no doubt that is a matter Porirua City will be commenting upon.

We note that the Council has moved in this review from its previous 90 per cent weighting given to population. The Local Government Commission said in its determination of the appeal to the Wellington Regional Council proposal in 1997, that:

“Population must remain the predominant factor, but different weightings, or even no weighting can be applied to all factors as appropriate in any given circumstances”.

The Council is therefore interested to know the background behind the change in weightings favoured by the Wellington Regional Council in conducting this review. To our mind, nothing has changed to move from the previous formula of 90 per cent population, 5 per cent rateable value and 5 per cent area.

So, if the constituencies are correctly identified, and if the allocation given to population, rateable value and area, is defensible, does the end result provide for effective representation of communities of interest?

The answer to that is clearly no, and the reason for that is not primarily the fault of the Wellington Regional Council. While territorial authorities can determine their membership anywhere between the range of a Mayor and six Councillors to a Mayor and thirty Councillors, Regional Councils are given no such flexibility. Since 1992 an amendment to the Local Government Act has set an arbitrary maximum of fourteen members for a Regional Council. There was no logic behind that restriction in 1992 and the situation has not changed eight years later.

The Regional Council's own officers have identified in an earlier report that:

“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”.

By this argument, since 1992, neither Upper Hutt or Kapiti Coast have enjoyed effective representation on the Wellington Regional Council. As the population in the Kapiti Constituency continues to grow, the anomaly grows wider. It needs to be noted that the theoretical result of applying the 80:10:10 formula gives the Porirua or Mana Constituency 1.3705 Councillors and the Kapiti Constituency 1.3315 Councillors. This small difference gets translated into two Councillors for the Mana Constituency and only one for the Kapiti Constituency. Kapiti's member to population ratio is therefore 41,200 whereas Porirua's is 23,800.

This is patently unfair. However, this Council has no desire to gain justice for our constituents at the expense of our neighbours to the south.

The practice of seconding members from the **under-represented** constituencies to various committees is very much a second best solution, and given the low profile and limited role of such members, cannot be said to provide for effective representation of communities of interest.

In this regard it is **worthwhile** quoting again from the **Local Government Commission** in considering the 1997 appeal. It said"

The Commission is prepared, on this occasion, to find that the over-representation of Porirua is still reasonably fair in the current circumstances of the Wellington region. However, it recommends the Council to consider the situation very carefully prior to the elections to be held in 2001."

We understand that the subcommittee did carefully consider creating a Tawa/Porirua Constituency. However, the resistance to **this** proposal from Tawa, led to the status quo again being favoured.

Clearly the status quo does not provide effective representation for the **Kapiti** Constituency. If present rates of population growth continue, in a future review it will be the **Mana** Constituency **that** loses effective representation if a member is transferred from **Mana** to Kapiti. This will be equally unsatisfactory to the **Mana** constituents.

The solution, it seems to this Council, is clear. The legislative anomaly limiting Regional-Councils to fourteen members must be corrected. While **this** artificial limitation remains, there will be no way that Regional Councils will be easily able to provide effective representation for all of their communities of interest.

Given the present law, however, the only way that fairness of representation can be achieved is to move to a smaller Council.

... Looking at the attached graph of the deviation in representation, a Council of ten members seems to work best.

If this is not favoured by the Regional Council on operational grounds, it is therefore obliged, in our view, to seek amending legislation to remove the fourteen member restriction.

CONCLUSIONS

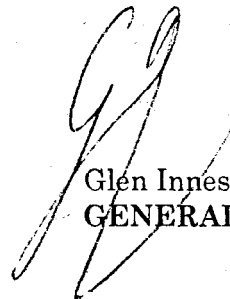
- 4.1. The Kapiti Coast District Council accepts that the communities of interest within the Wellington Region have been correctly identified by the Wellington Regional Council in its review.
- 4.2. It questions the reasons for moving from a 95:5:5 weighting formula for population, area and rateable value to 80:10:10, and would appreciate the underlying reasons for that change being explained.
- 4.3. The present allocation of membership does not provide effective representation for the Kapiti Constituency. There is a wide discrepancy in the member to population ratio between Kapiti and Upper Hutt at one end, and Porirua and Wairarapa at the other.
- 4.4. Effective representation of all the communities of interest will only be achieved if local government is successful in having the law changed to remove the arbitrary upper limit of fourteen members.
- 4.5. Fairer representation of all constituencies is achieved with a smaller Council of ten, but it is accepted that this may cause operational problems.

RECOMMENDATIONS

- 5.1. That the Wellington Regional Council accept the submission of the Kapiti Coast District Council that effective representation of its community of interest is not achieved by the current proposal, principally because of the artificial limitation on the number of members that a Regional Council may have.
- 5.2. That the Wellington Regional Council seek legislative amendment to have the maximum size of fourteen members for a Regional Council removed in order that effective representation of communities of interest can be effected at future reviews.
- 5.3. That the Wellington Regional Council consider again the feasibility of a ten member Council, pending legislative change-

Iride A McCloy
MAYOR

10 August 2000


Glen Innes
GENERAL MANAGER

DEVIATION

