

Legislative requirements and statutory framework for local authority representation reviews

The Local Electoral Act 2001 (LEA) provides the legislative framework for the Council's representation review. The Council must also be aware of relevant provisions in the Local Government Act 2002 (LGA) when making decisions.

1. Local Electoral Act 2001

The Council is required, under section 19I of the LEA, to review and determine, at least once every six years, the representation arrangements for the election of its members.

The review requires the Council to decide:

- a. The proposed number of constituencies; and
- b. The proposed name and boundaries of each constituency; and
- c. The number of members proposed to be elected by the electors of each constituency.

There is no option of 'at large' elections for the Council. Each constituency must elect at least one member (section 19E of the LEA).

2. Local Government Act 2002

In preparing for and carrying out representation reviews, the Council must bear in mind these principles set out in section 14 of the LGA:

(1)(b) A local authority should make itself aware of, and should have regard to, the views of all of its communities; and

(1)(c) When making a decision, a local authority should take account of –

- (i) The diversity of the community, and the community's interests within its district or region; and*
- (ii) The interests of future as well as current communities; and*
- (iii) The likely impact of any decision on each aspect of well-being referred to in section 10.*

3. Further considerations

Finally, Council decision-making should be consistent with administrative law principles and in accordance with law (i.e. give reasons for the decisions made), reasonable (final decisions made in light of submissions received) and fair.

Further information on the legislative requirements, together with identifying factors and considerations for local authorities to take into account when identifying reviews of their representation arrangements, are discussed in the Local Government Commission's *Guidelines to assist local authorities in undertaking representation reviews* which can be accessed at http://www.lgc.govt.nz/lgcwebsite.nsf/wpg_URL/Guidelines-Representation-Reviews-Index!OpenDocument.