

Report to Wellington Regional Council
from Ted Maguire, Council Secretary

WATER FLUORIDATION PETITION

1. Purpose

To advise on the practicality and implications of holding a referendum on fluoridation at the October 2001 elections.

2. Background

On 10 July 2001 the Council received a petition to hold a referendum at the forthcoming elections to decide whether fluoridation of the Wellington Region's bulk water supply should continue. Officers have been asked to report on the practicality and desirability of holding such a referendum.

2.1 Petition

The petition (**tabled**), contains 1147 signatures. 1003 signatures are from people living in areas to which the Council supplies bulk water. The remaining 144 signatures are either from a person:

- (a) signing on behalf of others; or
- (b) living overseas, outside the Wellington Region or not in areas to which the Council supplies bulk water.

Due to the short timeframe, it has not been possible to check whether petitioners are eligible voters. It should also be noted that the preliminary electoral roll does not close until 31 August 2001.

2.2 Conduct of referendum – Local Electoral Act 2001

There are no Acts or Regulations that require the Council to hold a referendum on an issue such as water fluoridation.

Under section 30 of the recently enacted Local Electoral Act 2001 (LEA), the Council is required to hold a poll on the choice of electoral system (whether FPP or STV) if a valid demand from 5% of enrolled eligible voters is received. However, electors cannot require a council to hold a poll on an issue other than the electoral system.

2.2.1 *Council may direct the electoral officer to conduct a referendum*

The Council *may direct* the Electoral Officer to conduct a referendum on matters relating to Council services or policies (s9, LEA). A referendum is not binding unless the Council resolves otherwise (s9(7), LEA). Under section 9(2) the Council must determine:

- (a) whether the subject matter of the referendum affects all or part of the Region; and
- (b) must direct the electoral officer to conduct the referendum to all or the appropriate electors of the Region.

A referendum may be held in conjunction with an election or separately. If the referendum is held in conjunction with an election, it is deemed to be a poll and the requirements for public notification apply (s9(4), s52, LEA). The public notice would need to:

- (a) state the proposal or subject matter of the referendum; and
- (b) state whether the poll is to be binding or not; and
 - (i) in the case of a binding poll state the consequences of each possible result of the poll; or
 - (ii) in the case of a non-binding poll, state the intentions (if any) of the Regional Council in respect of the possible results of the poll.

(s54, LEA)

A poll may be notified together with the elections or separately (s52(3) LEA). The elections, to be held on 13 October, will be publicly notified on 21 July 2001. A poll on fluoridation would need to be publicly notified on or before **25 July 2001**.

3. **Comment**

3.1 **Area Affected**

While some of the petitioners gave addresses as elsewhere in the Wellington Region, the only part of the Region for which the WRC could conduct a referendum is the four cities where the Council is involved in bulk water supply.

3.2 **Practicality of Referendum**

Should Council resolve to direct the Electoral Officer to conduct the proposed referendum, the most practicable and cost effective option is to hold it in conjunction with the elections.

The additional costs associated with holding a poll with the elections would be approximately \$60,000. The cost of running the 2001 elections for the Regional Council will be about \$200,000. This figure is based on a formula where the Council meets a share of the territorial authorities' costs of running the elections, i.e. printing, posting, counting, etc. Additional costs for conducting a poll in conjunction with election would be considerably lower than a separate referendum, where the Council would have to meet all the costs; in excess of \$300,000 (based on 1998 figures).

Should Council determine to engage in a public information campaign in the metropolitan area (the four cities), costs are estimated to be in the order of \$200,000 (Report 01.524, para 6).

There is no budgetary provision for such expenditure.

3.2 **Implications of Referendum**

3.2.1 *Thresholds*

The Council may at any time decide whether to hold a referendum or poll on any of its services or policies. There are no legislative guidelines to assist councils in deciding whether to hold a poll. The desirability of holding a poll on fluoridation is therefore a matter for the political judgement of Council.

However, where there has been a request from the public to hold a poll, a relevant consideration is the extent of public support for the proposal. The most well known method for determining public demand for a referendum is through the application of legislative thresholds. The following thresholds to compulsory polls apply:

- (a) Poll of Electoral System – five per cent of all eligible electors of an area (Local Electoral Act 2001);
- (b) Poll to initiate a reorganisation proposal – ten per cent of the population of an area (s37ZO, Local Government Act 1974).
- (c) Citizens Initiated Referendum – ten per cent of eligible parliamentary electors (s18 Citizens Initiated Referenda Act 1993)

Such thresholds do not apply to the proposed poll. However, in view of the potential additional costs to the regional community, a comparison may be useful.

Only 1003 persons or 0.5% of 231,000 eligible voters in the four metropolitan areas receiving Council bulk water have signed the petition. To put this into context, a five per cent threshold would require approximately 11,500 signatures. Council should therefore consider whether this is sufficient proof of genuine public support for the proposed poll.

3.2.2 *Procedure to conduct a poll*

If Council decides to direct the Electoral Officer to conduct a poll at the October 2001 elections, the following matters need to be determined for inclusion in the public notice:

- (a) the proposal or subject matter of the referendum; and
- (b) whether the Electoral Officer is to conduct the poll in all or part of the region; and
- (c) decide whether:
 - (i) the poll shall be binding on the Council and state the consequences of each possible result of the poll, or
 - (ii) the poll not be binding on the Council and state the intentions (if any) in respect of the possible results of the poll.

4. Recommendation

That the report be received and the contents noted.

TED MAGUIRE
Council Secretary

Tabled Documents

1. Petition