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Committee **Policy, Finance and Strategy**
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Representation Review in 2003 or 2006?

1. Purpose

- (a) To decide whether Council should review its future representation arrangements in 2003 or 2006.
- (b) To briefly outline the key decisions and considerations involved in a representation review.

2. Background

2.1 Local Electoral Act 2001 (LEA)

The legislative framework governing local authorities' elections has changed significantly since the Council's last representation review in 2000. New legislation was enacted in 2001 and this was further amended by the Local Electoral Amendment Act 2002, No 85.

The key changes to the legislation that affect the representation review comprise:

- the frequency of representation reviews, from once every three years to once every six years
- the option to establish Maori constituencies
- population-based calculations to establish fair representation.

2.2 Frequency of Review

As a result of amendments to the LEA, representation reviews need only be undertaken at least every six years, rather than every three. Local authorities can choose to undertake their next review in either 2003 or 2006.

2.3 Requirements of the Review

A representation review requires Council to determine the following:

- proposed number of constituencies
- name and proposed boundaries of each constituency
- number of members for each constituency.

Council will also need to agree a process for considering submissions, which would include setting up a subcommittee.

Three key legislative requirements must be considered when determining future representation arrangements:

- identify communities of interest i.e. population changes, demography, infrastructure and geography
- determine effective representation for the identified communities of interest i.e. constituencies
- determine fair representation, having regard to the population of the region and every constituency.

2.4 Maori Constituencies

One of the most significant changes to the LEA is the option of separate representation for Maori. Maori constituencies may be established through one of the following mechanisms:

- Council resolution to establish Maori constituencies
- Council resolution to hold a poll and the region's electors voting to establish Maori constituencies
- five percent of the region's electors demanding a poll on the matter and voting to establish Maori constituencies.

Decisions on Maori constituencies made between now and 21 May 2006 will not take effect until the 2007 triennial elections.

2.4.1 Calculating Maori Constituencies

If Maori constituencies are to be established, the review must be carried out subject to the provisions of Schedule 1A of the LEA. These provisions outline how to determine the number of Maori constituency members, constituency boundaries and location.

A region can be broken into one or more Maori constituencies, depending on the Maori electoral population. Calculations using the current number of councillors and the Maori electoral population as at 2001 census, show that GWRC could choose to establish one Maori constituency with one elected member. **(Attachment 1)**

The number of members to be elected from general constituencies is determined by subtracting the number of Maori constituency members from the proposed total number of members of the regional council.

2.5 Population Based Calculations for Fair Representation

The number of members in each constituency must provide fair representation. Formulae based on the population of each constituency have been introduced to determine fair representation, both with and without Maori constituencies.

Calculations, based on Statistics New Zealand figures at 30 June 2002 and the current constituency boundaries and elected members, indicate varying degrees of under-representation in Kapiti, Porirua and Upper Hutt and over-representation in the Wairarapa. **(Attachment 1)**

In order to comply with the fair representation formula significant changes would need to be made to current representation arrangements. There would need to be changes to members and/or boundaries. If Council adopt an arrangement that does not comply with fair representation it would need to submit its reasons to the Local Government Commission, who would treat it as an appeal.

The LEA specifies that a regional council is exempt from complying with fair representation if the Commission agrees that it would not give effect to effective representation of communities of interest. Commission Guidelines states that community of interest considerations could only override fair representation where enhanced representation was required.

2.6 Territorial Authorities – Dates of Representation Reviews

Constituency boundaries, as far as practicable, must coincide with the boundaries of one or more territorial authorities or the boundaries of wards. It is therefore helpful to know when the region's eight territorial authorities are undertaking their reviews and what they may have planned, so that Council may consider this as part of its review.

Carterton District Council completed its review on 16 April 2003 and resolved to maintain the status quo. Kapiti Coast District Council and Masterton District Council are undertaking their review in 2003, while Porirua City Council will be delaying their review until 2006. Four territorial authorities are still undecided, although two of these have indicated that they are likely to delay their review until 2006. (**Attachment 2**)

3. Comment

There are several reasons why Council may prefer to undertake a representation review in 2006.

3.1 Review in 2006

3.1.1 Review Carried Out in Conjunction with Decision on Electoral System

Council decided last year that it would again consider the option of an STV electoral system for the 2007 elections. STV is a broadly proportional system that works best where there are between 3 and 9 members in a constituency. Electoral systems and arrangements concerning the number of members in each constituency and constituency boundaries are closely related and should, therefore, be considered together.

3.1.2 Decision on Maori Constituencies to Take Effect for 2007 Elections

Even if a decision is made now regarding Maori constituencies it will not come into force until the 2007 triennial elections. Therefore, Council may see no problem in delaying a review until 2006.

3.1.3 More Time for Comprehensive Review

Delaying the review until 2006 would provide the Council with ample time to contemplate all the possible representation scenarios and thoroughly consider all the issues that arise when reviewing representation arrangements.

3.2 Review in 2003

Councillors may feel that it is overwhelmingly important to emulate the principles of the LEA and ensure that any changes to the legislation are met over the next three years. In this case a review should be carried out in 2003.

If Council proceed with a review in 2003 it will need to decide on the future representation arrangement at its meeting on 5 August 2003. The statutory deadlines for public notices, submissions and appeals, which are part of the review process, are detailed in **Attachment 3**. This is a tight timeframe and it could be a challenge to the Council to meet the deadlines and still thoroughly consider all the issues.

3.3 Public Notice

The best practice guide put out by SOLGM recommends that public notice should be given once a Council decides when to undertake a representation review, even if the review will not be carried out until 2006.

If Council undertakes a review in 2003, public notice of Council's proposed arrangements must be given by 19 August. As this public notice is so close to the decision on when to undertake the review, there is no real need to publically notify the date of the review as well.

4. Recommendation

That the Policy, Finance and Strategy Committee recommend that Council either:

(a) Undertake a review of future representation arrangements in 2003 and establish a subcommittee to consider the matter, hear submissions, and make recommendations to Council.

OR

(b) Undertake a review on future representation arrangements in 2006 and give public notice of this decision.

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