

Report to the Constituency Review Subcommittee
from Lloyd Bezett, Policy Analyst

Triennial Regional Constituency and Membership Review - Overview

1. Purpose

To review the number of regional constituencies, their boundaries and membership.

2. Background

2.1 *Legislative Requirements*

The requirement to carry out a review of constituencies and membership is contained in Section 101H of the Local Government Act 1974. Subsection (2) states:

“(2) Every regional council shall, in the year immediately preceding any year in which a triennial general election of the Council is to be held,determine by resolution and in a manner which complies with Section 101L of this Act, -

(a) The proposed number of constituencies; and

*(b) The proposed name and the proposed boundaries of each constituencies;
and*

(c) The number of members proposed to be elected by the electors of each constituency.”

Every resolution establishing constituencies must be accompanied by a description of the proposed constituencies so that they are readily identifiable to the public. There is a further requirement that where any change to the basis of elected membership, or to constituency boundaries that applied at the last triennial general is proposed, the resolution shall include an explanation of the reasons for the proposed change.

2.2 *Boundaries and Numbers of Constituencies*

Section 101L sets out the matters that the Council must take into consideration in determining the number and boundaries of constituencies. These are:

- (a) That the number of boundaries of constituencies will provide effective representation of communities of interest within the region; and*
- (b) That the constituencies' boundaries coincide with the boundaries of current statistical meshblock areas determined by the Department of Statistics and used for Parliamentary electoral purposes; and*
- (c) That so far as is practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or boundaries of wards.*

In determining the number of members to be elected from any constituency the Council must ensure that the electors of the constituency receive fair representation having regard to:

- the population of every constituency within the region and;

if the circumstances so require:

- the rateable values; or
- areas; or
- other relevant characteristics of the various constituencies or wards.

2.3 *Historic Background*

Attachment 1 shows the boundaries of regional constituencies since 1989, when the present regional council was set up, and the number of elected members. The attachment also includes the member to population ratios over that period.

In 1989, when this Council was created by Order-in-Council, the Local Government Commission determined that the Council would have 19 elected members across seven constituencies. The Reorganisation order formed two constituencies in Wellington City. Other constituencies largely match those at present.

In 1992 the then Minister of Local Government, Hon Warren Cooper, promoted the Local Government Amendment Act 1992 set a maximum membership of 14. The Act also reduced the number of WRC constituencies to six by combining the two Wellington constituencies.

In 1994 the Council conducted its first Triennial Review and returned to two Wellington constituencies to promote more effective representation. A Council of 14 elected members was (the maximum) retained for operational reasons.

1997 saw the Council endorse its previous review. However the Council's decision was appealed to the Local Government Commission on grounds that the member to population ratios in the two Wellington constituencies were too dissimilar. The

Commission determined that this was not “fair representation” and created a single Wellington constituency.

2.4 *Population of Constituencies and Wellington Regional Council Membership*

Below is a table illustrating the current ratios of Councillors to population for each constituency.

TABLE 1

Current Population of Constituencies and Wellington Regional Council Membership

Constituency	Population*	Members	Ratio
KAPITI COAST	41,200	1	1:41,200
PORIRUA	47,600	2	1:23,800
WELLINGTON	166,800	5	1:33,360
LOWER HUTT	98,200	3	1:32,733
UPPER HUTT	37,300	1	1:37,300
WAIRARAPA	<u>38,260</u>	<u>2</u>	<u>1:19,130</u>
TOTAL	429,360	14	1:30,669
* 1999 Estimate of Resident Population, Department of Statistics			

3 **Comment**

3.1 *Decisions to be Made*

The Local Government Act, and advice from the Local Government Commission, makes it clear that the Triennial Review of constituencies and membership is divided into the following three parts;

- i) Communities of Interest
- ii) Constituency boundaries to achieve effective representation
Ensuring that the constituencies adopted allow each of the identified communities of interest to be represented.
- iii) The number and distribution of elected members to achieve fair representation.
Ensuring that the number and distribution of elected members is such that vote of electors in all constituencies are of equal value.

As the above decisions must be sequential, each is the subject of a separate report.

In past, there has been dissatisfaction in Upper Hutt and Kapiti Coast with the number of representatives those constituencies (one each) have on the Wellington Regional Council. The legislation and past determinations by the Local Government Commission make it very clear that the review must first determine communities of interest and then the level of representation, within the statutory maximum, that each

constituency should receive. This means that the review cannot address the concerns of Upper Hutt and Kapiti Coast in isolation.

Also, should the result of the review be challenged before the Local Government Commission, or ultimately the High Court, failure to follow the prescribed process may lead to the Council's actions being found to be unsound.

3.2 Consultation

Prior to the Subcommittee reporting its recommendations to the Council, it is suggested that the Subcommittee Chairperson and local constituency members discuss the preliminary conclusions with local Mayors and other stakeholders. This would assure the Subcommittee of considering all relevant information in coming to a position and help identify any possible objections.

Following to Council's consideration and adoption of the Review a period of statutory consultation will be undertaken during which the Council's decision is open for objections. The Council will then consider any objections and either accept or reject them. Objectors may then appeal to the Local Government Commission or, if the original proposal is changed counter-objections can be made.

Attachment 2 shows a proposed timetable for the Review, including informal consultation with local Mayors and other stakeholders as necessary.

4. Recommendation

That the Subcommittee receive the Report and endorse the suggested approach.

Report prepared by:

Approved by:

LLOYD BEZETT
Policy Analyst Council Secretariat

TED MAGUIRE
Council Secretary