

Key requirements of the Local Electoral Act 2001

The Council's representation review is governed by the Local Electoral Act 2001, in particular sections 19A to 19Y.

The Act states that the Council must not have less than 6 nor more than 14 councillors in total. It also says that the Council must ensure that its representation arrangements are "fair" and "effective" (section 19V and 19U respectively).

Fair representation (section 19V)

Fair representation is based the population per councillor. The ratio of population per member for each proposed constituency must fall within +/- 10% of the average population per member for the Council as a whole.

The Council can depart from the population formula only where it is necessary to do so to meet the requirement for the effective representation of communities of interest.

Any proposal that falls outside of the population formula will be decided upon by the Local Government Commission.

If a specific community of interest (or grouping of communities of interest) is considered to be more effectively represented without complying with the +/- 10% rule then compliance with the rule may be relaxed for the balance of the region, particularly if continuing to apply the rule would create impediments to effective representation for the region overall. However, the rule would need to be applied to the extent practicable.

Effective representation (section 19U)

The Council must ensure that the number and boundaries of constituencies provide for effective representation of communities of interest within the region.

The following points could constitute effective representation:

- A community of interest should not be split
- Two or more communities of interest that share few commonalities of interest should not be grouped together
- The accessibility, size and configuration of an area should enable individual councillors to:
 - have reasonable access to its elected members and vice versa
 - represent the variety of views of the people in their constituency
 - be able to attend public meetings, have face to face meetings with the people in their constituency.

For example, large distances, especially where communities of interest are large and sparsely populated, could make it difficult for elected members to have a strong link with their constituents and promote democratic participation.

Community of interest (section 19U)

Community of interest is not defined by legislation. A community of interest is generally described as the area to which a group of people have a sense of belonging and to which they look for social, service and economic support. The people who live in the area may have certain characteristics in common. They may, for example, share:

- facilities (schools, business areas and recreational centres)
- physical and topographical features (coastline, mountain range, water catchment)
- transport and communication links.

For a regional council, communities of interest could be determined by regional council functions, including:

- Water catchments
- Pest management schemes
- Air sheds.

Constituency boundaries (19U)

- Constituency boundaries must coincide with current meshblock areas.
- Constituency boundaries, as far as practicable, must coincide with the boundaries of one or more Territorial Authorities or boundaries of wards.

As noted above, so far as is practicable, constituency boundaries must coincide with the boundaries of one or more TA districts or the boundaries of wards. It may not be practicable to do this because the boundaries of TAs may not necessarily reflect communities of interest from a regional perspective, nor might they enable the council to achieve fair representation.