



Report 09.114
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Committee Council
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Representation review in 2009 or 2012

1. Purpose

To enable the Council to make a decision on when to undertake its next review of the Council's representation arrangements.

2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002. The Local Electoral Act sets out the process for undertaking a representation review.

3. Background

3.1 Frequency of review

The Local Electoral Act 2001 (the Act) requires local authorities to undertake a review of their representation arrangements at least once every six years. As Greater Wellington undertook its first review under the Act in 2006, it has the option of undertaking a review this year for the 2010 elections. If the Council does not exercise this option it must undertake its next review by 2012, for the 2013 elections.

3.2 Requirements of the review

A representation review requires the Council to determine the following:

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

3.3 Effective and fair representation

In undertaking a representation review there are two key statutory considerations that apply.

First, the Council is required to ensure that its proposed constituency arrangements will provide effective representation of communities of interest in the region. Community of interest considerations can involve assessment of a wide range of factors, including demographic, socio-economic, physical, historical, cultural, recreational, educational, business, transport and communication linkages. In addition, the Council is required to ensure that, so far as is practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or wards.

Secondly, the Council must ensure that its representation proposal provides for fair representation of electors, through constituency and membership arrangements that provide for each elected member to represent a similar number of people.

3.4 Population based calculations for fair representation

The Act requires that each elected member must represent a population that is no more than ten percent greater or smaller than the population of the region divided by the total number of members. If the Council decides not to comply with this requirement it must refer its proposal to the Local Government Commission for determination.

Information obtained from Statistics New Zealand shows that the estimated resident population of the Wellington region as at 30 June 2008 was 473,800. Based on the Council's current membership of 13 Councillors the average population that each Councillor represents is 36,446, and the permitted range (+/-10%) is 32,802 to 40,090. The variation from the average for each of the Council's existing constituencies is shown in the table below.

Constituency	Estimated resident population as at 30 June 2008	Number of elected members	Population per elected member	Percentage variation from average representation (36,446)
Kapiti Coast	48,400	1	48,400	32.8%
Lower Hutt	101,700	3	33,900	7%
Porirua-Tawa	65,600	2	32,800	10%
Upper Hutt	40,200	1	40,200	10.3%
Wairarapa	39,700	1	39,700	8.9%
Wellington	178,200	5	35,640	2.2%

4. Representation review process

The statutory process for a representation review involves the following steps:

1. The Council resolves an initial representation proposal, and invites submissions on the proposal.
2. The Council considers the submissions received and resolves its final proposal. If no submissions were received then the initial proposal automatically becomes the Council's final proposal. If the final proposal does not meet the statutory requirements for fair representation then it must be referred to the Local Government Commission for determination.
3. If the Council received submissions and resolved a final proposal then persons who made submissions on the initial proposal may appeal to the Local Government Commission. Persons may also object to the Commission on the final proposal.
4. If appeals and/or objections are received then the Commission hears the parties and issues its determination. Determinations issued by the Commission may only be appealed on a point of law.

The statutory deadlines that apply to a representation review undertaken in 2009 are set out in Attachment 1.

5. Other considerations

5.1 Māori constituencies

The Act requires that when Māori constituencies are to be established, the local authority must undertake a representation review. The Council has not resolved to establish a Māori constituency and a petition demanding a poll on this matter has not been forthcoming.

5.2 Electoral system

If Single Transferable Vote (STV) were adopted as the electoral system for the next election, the Council might consider it desirable to undertake a representation review, on the basis that there is some evidence that suggests that STV works more effectively in multi-member constituencies. Council has recently twice considered matters relating to the electoral system and no decision has been made to change the electoral system. Also, no valid petition has been submitted by the statutory deadline that would require a binding poll to determine the electoral system for the 2010 elections; therefore, First Past the Post will be the electoral system applying to the Council's 2010 elections.

6. Communication

If the Council decides to undertake a representation review in 2009, appropriate public notice of the Council's initial representation proposal will be given.

7. Recommendations

That Council:

1. ***Receives the report.***
2. ***Notes the content of the report.***
3. ***Either***

Approves undertaking a representation review for the 2010 elections and establishes a subcommittee to consider the matter, hear submissions and make recommendations to Council.

or

Notes that the Council's next representation review will be undertaken in 2012, for the 2013 elections.

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Attachment 1: Statutory deadlines for a representation review in 2009

Statutory deadlines for a 2009 representation review

Certain statutory deadlines must be met by Council when carrying out a review on future representation arrangements.

If the Council decides to undertake a review in 2009 the first key deadline is 8 September 2009. This is the date by which a local authority is required to issue a public notice of its resolution in respect of its future representation arrangements.

The Council meeting preceding the 8 September deadline is scheduled for 18 August 2009. The statutory deadlines have been calculated from that date.

18 August 2009		Resolutions passed regarding future representation arrangements. (sections 19I and 19M of the Act)
1 September 2009 (must be within 14 days after the making of the resolution)		Public notice of Council resolution. (19M)
2 October 2009 (must be not less than one month)		Submissions on Council's proposals are due. (19M)
13 November 2009 (must be within 6 weeks)		Consider all submissions received, make amendments by resolution and give further public notice of proposals. (19N)
14 December 2009 (must be not earlier than one month and no later than 20 December)		Appeals or objections against Council's decision lodged. (19O and 19P)
By 15 January 2010		Appeals and objections forwarded to Local Government Commission. (19Q and 19V(4))
Before 11 April 2010		Local Government Commission to determine appeals and objections. (19R)