

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

Determining Fair Representation

1. Purpose

To consider the number and distribution of elected members to achieve fair representation.

2. Background

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.

3. Number of Elected Members

3.1 *Statutory Cap on Regional Council Membership*

Section 101C of the Local Government Act 1974, imposes an arbitrary limit of 14 Councillors on the elected membership of regional councils. By setting an arbitrary limit of 14 Councillors, Section 101C creates pressure to amalgamate previously separate constituencies and therefore raises serious issues to do with community of interest, the size of constituencies and equality of representation.

The Local Government Act 1974, recognises the unique operational responsibilities of the Wellington Regional Council by requiring that there is a clear separation in the committee structure between regulatory and operational functions. To ensure this separation it is Council policy that no Councillor serving on the Utility Services

Committee also serves on the Environment Committee. It is therefore highly desirable that each constituency elects at least two Councillors to enable one to participate exclusively in regulatory matters with another to concentrate in other areas of the Council's responsibility.

This separation, imposes limitations on the composition of committees and means that a reduction in the total number of Councillors would also create difficulties in terms of the ability to form a quorum. The Local Government Commission in 1998 recognised that a reduction of Council numbers would *pose some problems with the efficient management of the Region*.

3.2 *Future Possibilities*

During the 1997 triennial review the Council recognised that two major developments may have an impact on the workload of Council and committees and therefore the number of elected members on the WRC. These are:

- the creation of Local Authority Trading Enterprises (LATES) for the delivery of the Council's trading activities, eg. bulk water, plantation forestry; and
- the implementation of the Long Term Financial Strategy (LTFS).

Should trading activities be transferred into LATES, the supervision and operation of those undertakings would be transferred to Boards of Directors. The statutory requirement to keep service delivery and regulatory committee membership separate would have less importance but we would still have to consider responsibilities such as Rivers and Regional Parks. In these circumstances it is probable that the Council's shareholder responsibilities would be managed by the Policy and Finance Committee: there would be little need for a Utility Services Committee. The previous desirability of having two elected members from each constituency would also cease to be relevant and the Council's membership could be reduced. The Council has subsequently decided that the Bulk Water function should not be transferred into a company structure.

Against the expectations of Councillors, the formation of a strategic direction for the Council ten years into the future has increased, rather than decreased, the workload on Councillors.

3.3 *Constituency Data*

Having identified the communities of interest, the next step is to determine how these interests can be fairly represented in the Council. The Local Government Act 1974 states that:

In determining the number of members to be elected by a constituency, the Council shall ensure that electors receive fair representation having regard to the population of every constituency and where appropriate, the rateable values, areas, or other relevant characteristics.

It is therefore essential that the Council have accurate data on the population, equalised capital value and land area of each proposed constituency. **Table 1** (page 3) includes this information, along with other information referred to later in the paper.

3.3 *Determining Levels of Representation*

In determining the membership of the *former* Wellington Regional Council in 1986, the Local Government Commission adopted a formula to reflect the distinct inequalities that exist in terms of population, the equalised capital value of property and land area within the Wellington Region

The formula adopted by the Local Government Commission gave weighting to these variables as follows:

- Population 60 percent
- Net Equalised Capital Value 30 percent
- Land area 10 percent

From 1995 the Council has examined a number of different weightings including that adopted by the Local Government Commission. **Attachment 1** shows the effects of a number of other weighting on a 14 member Council. It is suggested that the most appropriate weightings, having regard to the relative importance of the variables and the qualities that exist within the region, are as follows:

- Population 90 percent
- Net Equalised Capital Value 5 percent
- Land area 5 percent

It should be noted that when deciding the number and boundaries of constituencies, the only criterion to be met within the terms of section 101L(1) of the Local Government Act is the provision of effective representation for the various communities of interest within the Region. This can be achieved by any constituency encompassing one or more regional communities of interest.

TABLE 1 - CONSTITUENCY DATA

Constituencies	Population (1999)		NECV (1 September 1998)		Area		Application of 90:5:5 Formula			
	Total	% or region	Total (\$ 000)	% of region	Total (hectares)	% of region	Pop. x 0.9 (a)	NECV x 0.05 (b)	Area x 0.05 (c)	Total (a + b + c)
Kapiti	41,200	9.60	3,379,225	9.31	72,045	8.86	8.386	0.465	0.443	9.294
Porirua	47,600	11.09	2,425,887	6.68	17,542	2.16	9.978	0.334	0.108	10.420
Wellington	166,800	38.85	18,766,000	51.68	29,142	3.58	34.964	2.584	0.179	37.687
Lower Hutt	98,200	22.87	6,612,542	18.21	37,857	4.66	20.584	0.911	0.233	21.728
Upper Hutt	37,300	8.69	2,145,542	5.91	55,431	6.82	7.982	0.295	0.341	8.619
Wairarapa	38,260	8.91	2,980,242	8.21	600,988	73.92	8.020	0.410	3.696	12.126
TOTAL	429,360	100.00	36,309,438	100.00	813,005	100.00	NA	NA	NA	100.00

Note. 1999 population figures are estimates prepared by Statistics New Zealand as at 30 June 1999. While this information is published on the Statistics New Zealand website, on the advice of the Local Government Commission, the Council has written to the Chief Statistician seeking a formal certificate.

An explanation of how the formula is applied is at **Attachment 2**.

Table 2 shows the impact using the 90:5:5 formula has on the existing constituencies for a Council of varying sizes.

TABLE 2

**Membership : 90:5:5 Formula
Status Quo**

Constituency	No. of Councillors				
	10	11	12	13	14
Kapiti	0.930 (1)	1.022 (1)	1.115 (1)	1.208 (1)	1.301 (1)
Porirua	1.042 (1)	1.146 (1)	1.250 (1)	1.355 (1)	1.459 (2)
Wellington	3.769 (4)	4.146 (4)	4.522 (5)	4.899 (5)	5.276 (5)
Lower Hutt	2.173 (2)	2.390 (3)	2.607 (3)	2.825 (3)	3.042 (3)
Upper Hutt	0.862 (1)	0.948 (1)	1.034 (1)	1.120 (1)	1.207 (1)
Wairarapa	1.213 (1)	1.334 (1)	1.455 (1)	1.576 (2)	1.698 (2)

The Subcommittee should be aware that, when applying a mathematical formula, such a calculation is only a guide to a level of fairness to be achieved when considering the factors listed in the Act.

As further assistance to the Subcommittee information can be provided about member to population ration for the various options.

4. Recommendations

That the Report be received for the purposes of discussion.

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