

Report No.	18-73
Decision Required	

REPRESENTATION REVIEW SUBMISSIONS

1. PURPOSE

- 1.1. This report is to inform the Hearing Committee of the receipt of four submissions to the publicly advertised resolution of Council's preferred option for the 2018 Representation Review, to retain the existing representation arrangements without change (the status quo).
- 1.2. The report sets out the requirement to consider those submissions, the process to be followed from the Council considering the submissions, and the requirement to refer the Council's decision to the **Local Government Commission (LGC)** if it does not comply with the +/- 10% figure for representation of population to elected members.

2. RECOMMENDATION

That the Committee recommends that Council:

- a. **receives** the information contained in Report No. 18-73 and Annexes;
- b. **considers** the written submissions received, and oral submission made at the Long-term Plan hearing, in respect of the Council's decision for representation arrangements; and
- c. **recommends** to the Council, a final preferred proposal for adoption.

Or

resolves to adopt the status quo as Horizons Regional Council's final proposal for the 2018 Representation Review being carried out in accordance with Section 19N of the Local Electoral Act 2001.

3. FINANCIAL IMPACT

- 3.1. There is no impact on existing budgets as a result of this report.

4. COMMUNITY ENGAGEMENT

- 4.1. Consultation has been undertaken with the community through a dedicated webpage on the Horizons Regional Council website, public notification, social media and a press release, and referenced in the Long-term Plan consultation document.

5. SIGNIFICANT BUSINESS RISK IMPACT

- 5.1. Horizons has a legal obligation to complete a representation review in 2018 prior to a determination by the **Local Government Commission (LGC)** no later than April 2019, under the LEA. There could be a significant business risk if the organisation were found not to comply with the requirements of the LEA.

6. BACKGROUND

Part 1A of the **Local Electoral Act (LEA)** sets out the procedure that a Council must follow in determining representation arrangements for the election of the Regional Council. The process, in summary, requires:

- The adoption of an initial proposal which is publicly notified for submissions
- The hearing of any submissions received
- The adoption of a final proposal
- The publication of a public notice calling for objections (where the Council amends its initial proposal) or appeals (by persons or organisations that made a submission), with decisions on objections or appeals to made by the LGC
- Referral of the final decision of the Council to the LGC if any constituency does not comply with the +/- 10% fair representation criteria; ie, the difference between the average population per councillor, and the actual population each councillor represents should be less than 10 %.

6.1. On 27 March 2018, Council resolved to adopt the status quo of six constituencies represented by 12 councillors, with no alteration to the constituency boundaries. This decision became the initial proposal of the Council. A copy of the resolution is attached at **Annex A**.

6.2. The Council has publicly notified its decision, which enables any person or organisation to make submissions. All territorial authorities within the Region have been advised of the proposal, along with the LGC, Surveyor-General, Government statistician, and the Remuneration Authority, as required by the LEA.

6.3. It should be noted that the status quo does not comply with the requirement for every constituency to be within the +/- 10% ratio with regard to the population of the Region divided by the total number of elected members. Under the initial proposal as publicly advertised, the constituency compliance was as follows:

Population statistics for each constituency

Based on population estimates for 30 June 2017, supplied by Statistics NZ, and showing each constituency's compliance with section 19V(2) LEA 2001 fair representation criteria.

Constituency	Population	No. of Crs per constituency	Population per Cr ¹	Deviation from region average population per Cr	Percentage deviation from region average population per Cr
Ruapehu	12900	1	12900	-7125	-36%
Wanganui	44500	2	22250	+2225	+11%
Manawatu-Rangitikei	37400	2	18700	-1325	-7%
Palmerston North	87300	4	21825	+1800	+9%
Horowhenua-Kairanga	40300	2	20150	+125	-1%
Tararua	17800	1	17800	-2225	-11%
REGION (using Stats NZ est)	240300 ²	12	20025 ³		

¹ +10% is 22,028; -10% is 18,022

² This figure is slightly more than the sum of the estimate population for each constituency, as it has been rounded to the nearest 100 by Statistics NZ.

³ Rounded to the nearest 50, consistent with the convention used by Statistics NZ for figures in the range 10,000-19,999.

7. SUBMISSIONS

- 7.1. Four submissions have been received, one in support of the status quo proposal, and three opposing the status quo proposal. These are attached as **Annexes B, C, D and E**.
- 7.2. Two submitters, both seeking amendments to the proposal, have indicated that they wish to speak to the Committee. However, when contacted regarding a suitable speaking time, one found he was not available. The second was also presenting a submission at Horizons' Long-term Plan hearings and elected to present his submission on the representation review at the same time.
- 7.3. The submitter in support of the status quo proposal did not wish to speak to her submission.
- 7.4. The submissions will be considered by members of the Strategy and Policy Committee (Representation Review Arrangements), who will forward a recommendation for a final preferred proposal to Council at its meeting which follows the conclusion of the Representation Review meeting.

8. DISCUSSION

- 8.1. Council received full information about the statutory criteria for representation at its meeting on 27 March 2018. It is not intended to repeat that information in this report. However, officers can provide further information as required.
- 8.2. A summary of the four submissions and advice from officers responding to the points raised is attached as **Annex F**.

Appeals and Objections

- 8.3. Appeals – the LEA provides that any person or organisation that has made a submission on the initial proposal may lodge a written appeal against the final decision of the Council. The appeal must identify the matters to which the appeal relates, and may raise only those matters that were raised in the appellants' submissions.
- 8.4. Objections – if the Council amends its initial proposal, any person or organisation may lodge a written objection to the amended resolution. The objection must identify the matters the objection relates to.

Role of the Local Government Commission (LGC)

- 8.5. Should Horizons receive objections or appeals, these must be forwarded to the LGC with all reports, minutes, submissions, public notices and background papers. This must be completed as soon as practicable after the time for appeals and objections close, preferably by 31 August 2018. Where the LGC is required to consider appeals or objections, it may hold hearings with the parties involved.
- 8.6. Where Horizons Regional Council does not comply with the +/- 10% fair representation requirement, it must refer that decision to the LGC with the materials listed in paragraph 8.6 above.
- 8.7. In both cases, the LGC will determine whether to uphold the decision of the Council, or amend it. The LGC must complete its processes before 11 April 2019.

9. TIMELINE / NEXT STEPS

- 9.1. Once Council has deliberated and adopted a final decision, submitters will have the opportunity to appeal; any person can object if there is a change to the initial proposal. The final decision will be made by the Local Government Commission regardless of

whether we receive any appeals or objections, because it is unlikely the final proposal will be able to meet the LEA 'fair representation' requirement.

10. SIGNIFICANCE

10.1. While this may be regarded as a significant decision, it is not considered in the context of the Council's Policy on Significance and Engagement because the community engagement process is prescribed by legislation other than the Local Government Act 2002. This is not a significant decision according to the Council's Significance and Engagement Policy.

Craig Grant

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Pen Tucker

POLICY ANALYST

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ANNEXES

- A Council resolution of initial proposal
- B Submission of Adam Canning
- C Submission of Annette Main
- D Submission of Mark Chilcott
- E Submission of Rangitikei District Council
- F Summary of submissions and officers' advice