



Report of the
**Local Government
Commission**

for the year ended
30 June 2000

*Presented to the House of Representatives Pursuant to
Clause 10 of Schedule 3A of the Local Government Act
1974.*

The Hon Sandra Lee
Minister of Local Government
Parliament Buildings
WELLINGTON

Minister,

We forward, in terms of clause 10 of Schedule 3A to the Local Government Act 1974, the report of the Local Government Commission to 30 June 2000.

Yours faithfully

The Local Government Commission
Sir Ross Jansen Chairman
Barbara Durbin Commissioner
Bruce Anderson Commissioner

THE LOCAL GOVERNMENT COMMISSION

The Local Government Commission is constituted under Part IIA of the Local Government Act 1974. The Act provides that the Commission shall consist of three members who shall be appointed by the Minister of Local Government.

The members of the 10th Commission are:

Sir Ross Jansen (Chairman), appointed to 31 March 2001.

Mrs Barbara Durbin, appointed to 31 March 2001.

Mr Bruce Anderson, appointed to 31 March 2001.

CONTENTS

	Page
THE LOCAL GOVERNMENT COMMISSION	3
INTRODUCTION	5
The 1999/2000 year in review	5
LOCAL GOVERNMENT REORGANISATION	5
Proposals for Restructuring local government in the Hawke's Bay Region	5
Proposal for the union of Banks Peninsula District and Christchurch City	6
BOUNDARY ALTERATION PROPOSALS	6
Canterbury and Otago Regions	6
Wairoa and Hastings Districts	6
TRIENNIAL REVIEWS OF MEMBERSHIP AND BASIS OF ELECTION	7
SPECIAL REVIEW OF THE MEMBERSHIP AND BASIS OF ELECTION OF THE RODNEY DISTRICT COUNCIL	7
LEGISLATION	7
THE COMING YEAR	7
ACKNOWLEDGEMENTS	8
APPENDIX	9
Duties and functions of the Commission	
CONTACT DETAILS	11

INTRODUCTION

The 1999/2000 year in review

During the 1999/2000 year the Commission issued two reorganisation schemes for the restructuring of local government, and made determinations on two appeals relating to proposals for boundary alterations.

The duties and functions of the Commission were broadened with the passage of two pieces of legislation.

With the enactment of the Local Government Amendment Act (No. 5) 1999 the Commission was given responsibility for considering objections regarding proposals for the transfer of ownership and administration of local authority land drainage and water race schemes, and for determining whether the transfer is to proceed.

Under the Museum of Transport and Technology Act 2000 the Commission is responsible for appointing an arbitrator when the Museum Board and the Museum's Electoral College cannot agree on an arbitrator to determine the amount of the Museum's levy.

In November 1999 the Commission launched its website—www.lgc.govt.nz—to provide another means by which the public can access information on the current activities of the Commission.

The Commission issued guidelines on the procedures for changing the structure of local government.

LOCAL GOVERNMENT REORGANISATION

Proposals for Restructuring of Local Government in the Hawke's Bay Region

On 11 August 1999 the Commission issued a final reorganisation scheme for the union of Hastings District and Napier City to form a Hawke's Bay District with effect from 14 October 2000.

Separate polls on the proposal were held in Hastings District and Napier City by way of postal ballot, which closed on 30 October 1999.

A majority of the electors of Hastings District who voted were in favour of the proposal, while a majority of the electors of Napier City who voted did not support the proposal. As a majority in favour of the proposal was not achieved in both districts, the final reorganisation scheme was not put into effect.

Proposal for union of Banks Peninsula District and Christchurch City

On 14 December 1999 the Commission issued a final reorganisation scheme for the union of Banks Peninsula District and Christchurch City to form a new Christchurch City with effect from the 2001 local elections.

Separate polls on the proposal were held in Banks Peninsula District and Christchurch City by way of postal ballot, which closed on 18 March 2000.

A majority of the electors of Banks Peninsula District who voted were in favour of the proposal, while a majority of the electors of Christchurch City who voted did not support the proposal. As a majority in favour of the proposal was not achieved in both districts, the final reorganisation scheme was not put into effect.

BOUNDARY ALTERATION PROPOSALS

Canterbury and Otago Regions

On 16 August 1999 the Commission confirmed the decision of the Canterbury Regional Council to not proceed with the Local Government (Waitaki River Valley) Reorganisation Scheme 1998. This scheme provided for the boundary between the Canterbury and Otago Regions to be altered so that the whole of the area of the Waitaki District would be included in the Otago Region.

The Commission's determination was not appealed.

On 4 March 1999 the Commission received a proposal from the Canterbury Regional Council to alter the boundary between the Canterbury and Otago Regions to a boundary following the southern boundary of the Waitaki River catchment. On 27 January 2000 the Canterbury Regional Council resolved to withdraw the proposal.

Wairoa and Hastings Districts

On 9 July 1999 the Commission confirmed the decision of the Wairoa District Council to not proceed with the Local Government (South of the Mohaka River) Reorganisation Scheme 1998. The scheme provided for the boundary between the Wairoa and Hastings Districts to be altered by transferring the area of the Wairoa District south of the Mohaka River to the Hastings District.

The Commission's determination was not appealed.

TRIENNIAL REVIEWS OF MEMBERSHIP AND BASIS OF ELECTION

During the 1999/2000 year local authorities commenced preparatory work for their reviews of membership and basis of election.

To assist local authorities in undertaking their reviews, the Commission issued three newsletters on matters relating to the review process.

In February 2000 Commissioner Barbara Durbin and the Commission's Chief Executive Officer, Donald Riezebos, gave addresses to a seminar organised by the Society of Local Government Managers on good practice in undertaking reviews of membership and basis of election.

The Commission also instituted a programme of monitoring the progress of local authorities in undertaking the reviews to assist it in planning its work programme for 2000/2001.

SPECIAL REVIEW OF THE MEMBERSHIP AND BASIS OF ELECTION OF THE RODNEY DISTRICT COUNCIL

Under the Local Government (Rodney District Council) Act 2000 the Commission is required to determine the electoral membership and basis of election of the Rodney District Council for the election of the Council to be held on 31 March 2001.

On 28 June 2000 the Commission issued a proposal for the District to be divided into three wards, electing a total of nine members and the Mayor. The Commission's proposal was open to public submissions until 25 August 2000.¹

LEGISLATION

The Commission notes that the Government has embarked on a comprehensive review of legislation relating to local government, including a review of the Local Government Act 1974. The Commission has previously expressed its concerns about elements of the legislation applying to the work of the Commission and is hopeful that the review will address the concerns.

1. The Commission received 66 submissions on its proposal. A hearing of submitters was held in Orewa on 6 and 7 September 2000. The Commission issued its final determination on 17 October 2000, providing for a Council of 12 members elected from three wards and the Mayor.

THE COMING YEAR

Much of the coming year will be focused on the determination of appeals arising from the reviews by local authorities of their membership and basis of election. The number and timing of appeals is difficult to predict. This creates difficulties for planning the work programme. However, the Commission is confident that the monitoring and information activities referred to above will assist it in dealing with the appeals received within the statutory timeframe.

ACKNOWLEDGEMENTS

The Commission thanks its staff for their assistance during the year. Thanks are also due to Land Information New Zealand, Statistics New Zealand and Terralink Ltd for their assistance to the Commission.

The Commission also wishes to thank the local authorities it has dealt with during the year for their co-operation and assistance.

APPENDIX

DUTIES AND FUNCTIONS OF THE LOCAL GOVERNMENT COMMISSION

Local Government Act

Under the Local Government Act 1974 the Commission has a number of roles. These are:

- (a) under section 37X, of its own motion or at the request of the Minister, to report on, and make recommendations to the Minister on matters relating to local government;
- (b) under section 37ZV, to determine the principal local authority to be responsible for preparing any draft reorganisation scheme for reorganisation proposals to alter the boundaries of a district or region, or to transfer a function from one local authority to another;
- (c) under Part IIBA, to hear and determine appeals in relation to any decision of a principal local authority affecting a draft reorganisation scheme to give effect to a proposal for the alteration of boundaries or the transfer of functions;
- (d) under Part IIBB, to receive, consider and, where appropriate, prepare reorganisation schemes for reorganisation proposals for the constitution or abolition of territorial districts or regions, and proposals for the establishment of unitary authorities;
- (e) under section 37ZZZN, to consider and, where appropriate, make determinations on applications from local authorities to extend the area of a district over which a local authority may levy rates to cover loan charges and repayments;
- (f) under section 37ZZZO, to consider and, where appropriate, make determinations amending the provisions of a final reorganisation scheme where it is satisfied that either -
 - (i) some further or other provision is necessary to enable or better enable the intention of the scheme to be put into effect; or
 - (ii) some provision of the scheme is no longer relevant to the intention of the scheme;
- (g) under section 101J, to hear and determine appeals and counter-objections relating to a local authority's proposals for ward or constituency membership and the number of its members following a triennial review of membership and of the basis of election;

- (h) under Part IVB -
 - (i) to consider and determine proposals for the constitution of communities;
 - (ii) to consider appeals where a territorial authority declines a request from its electors to constitute a community; and
 - (iii) to make determinations on proposals for the abolition or alteration of the boundary of a community, or the union of communities, where there is disagreement between a community board or boards and the parent territorial authority;
- (i) under section 318, where requested, to determine the vesting, control, construction, and maintenance of a road which forms the boundary between districts;
- (j) under section 517T, to hear and consider objections regarding proposals for the transfer of ownership and administration of local authority land drainage and water race schemes, and to determine whether the transfer is to proceed;
- (k) under Schedule 3B, to be an arbiter on the apportionment of assets and liabilities between authorities, following implementation of a reorganisation scheme, where there is disagreement.

Local Government Reorganisation (Property Transfers) Act

Under the Local Government Reorganisation (Property Transfers) Act 1990 the Commission may investigate property dealings of any former local authority between 14 November 1988 and 31 October 1989 and, where the Commission considers it appropriate, require that those dealings be rectified.

Rating Powers Act

Under the Rating Powers Act 1988 the Commission may determine the basis for the collection of a regional council's rates by a territorial authority where the authorities do not reach an agreement between themselves.

Electoral Act

Section 28 of the Electoral Act 1993 provides that the Chairperson of the Local Government Commission is to be a member of the Representation Commission.

Museum of Transport and Technology Act

Section 20(10) of the Museum of Transport and Technology Act 2000 provides that where the Museum Board and the Museum's Electoral College cannot agree on an arbitrator to determine the amount of the Museum's levy the arbitrator is to be appointed by the Local Government Commission.

Local Government Commission

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