

Report 13.751
Date 7 August 2013
File E/11/01/04

Committee Council
Author Emily Gilmore, Democratic Services Officer

Impact of the Local Electoral Amendment Act 2013 on powers retained by Council

1. Purpose

To inform the Council of changes to the Local Electoral Act 2001 (LEA) and the impact these changes have on powers retained by Council.

2. The decision-making process and significance

The matters requiring decision in this report have been considered by officers against the requirements of Part 6 of the Local Government Act 2002.

2.1 Significance of the decision

Officers have considered the significance of the matter, taking into account the Council's significance policy and decision-making guidelines. Due to the procedural nature of this decision officers recommend that the matter be considered to have low significance.

Officers do not consider that a formal record outlining consideration of the decision-making process is required in this instance.

3. Background

The Local Electoral Amendment Act 2013 (the Amendment Act) came into effect on 29 June 2013. The Amendment Act made a number of changes to the Local Electoral Act 2001 (LEA) in regard to provisions for the conduct of local elections, transparency and accountability around electoral donations, and the integrity and efficiency of the electoral system.

The Amendment Act has an impact on the powers currently retained by Council under the LEA, with some powers currently retained by Council having been repealed and new powers, which Council may wish to retain, having been inserted. There is also opportunity for Council to amend the powers it has previously chosen to retain or not retain under the LEA.

4. Review of powers retained by Council

Officers have undertaken a review of Greater Wellington Regional Council's Delegations Register in consideration of the recent amendments to the LEA. The powers currently retained by Council under the LEA are listed in **Attachment 1**. Suggested changes to the powers currently retained by Council under the LEA are set out below.

4.1 Changes to existing powers retained by Council

Council has previously retained its powers under section 79 of the LEA in relation to the processing of voting documents (see **Attachment 1**). Section 79 has been repealed by section 27 of the Amendment Act, with the powers previously retained by Council having been delegated to the Electoral Officer. These powers will be removed from the Delegations Register. All other powers currently retained by Council remain unaffected.

4.2 New powers introduced in the Amendment Act

One of the new sections inserted into the LEA by the Amendment Act is section 19JB, which provides for a regional council to make minor alterations to constituency boundaries (see **Attachment 1**). It is proposed that the Council should retain this power under section 19JB.

4.3 Review of powers currently retained by Council

Council does not currently retain the power provided for in section 19Z(2) of the LEA, which specifies that a regional council may resolve that the region be divided into 1 or more Māori constituencies for electoral purposes (see **Attachment 1**). It is proposed that Council now resolve to retain this power under section 19Z(2) of the LEA.

4.4 Delegations to officers

There are no officer delegations which require amendment due to the LEA changes.

5. Communication

No external communication is required. Officers will amend Greater Wellington Regional Council's Delegations Register in accordance with Council's decision.

6. Recommendations

That the Council:

- 1. Receives the report.*
- 2. Notes the content of the report.*
- 3. Notes powers previously retained in relation to processing of votes provided for in section 79 of the Local Electoral Act 2001 have been repealed.*
- 4. Agrees to retain powers in relation to constituency boundaries provided for in section 19JB of the Local Electoral Act 2001.*

5. *Agrees to retain powers in relation to Māori constituencies provided for in section 19Z(2) of the Local Electoral Act 2001.*

Report prepared by:

Report approved by:

Report approved by:

Emily Gilmore
Democratic Services Officer

Francis Ryan
Manager, Democratic
Services

Leigh-Anne Buxton
General Manager, People and
Capability