

Dated at Wellington this 28th day of February 1992.

DOUG BROWN, Harbourmaster, Lake Taupo.

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## Local Government Act 1974

### The Terms of Reference for the Local Government Commission to Report on Membership and Constituencies of Regional Councils for the Local Authority Elections on 10 October 1992

The Minister of Local Government requests the Local Government Commission (under the provisions of section 37X (1) (b) of the Local Government Act 1974) to recommend the membership and constituencies of regional councils and the Marlborough District Council for the 1992 local authority elections, in accordance with the following terms of reference.

#### A. Government Decisions

1. The Government has approved the enactment, by the end of April 1992, of legislation amending the functions, powers, and membership of regional councils.

#### 2. Functions of Regional Councils

(a) The functions of regional councils will be:

(i) The functions of regional councils under section 30 of the Resource Management Act 1991;

(ii) The functions of regional councils in relation to pest destruction and noxious plants control;

(iii) Management of flood protection schemes, and land drainage schemes presently under regional council management;

(iv) Harbours management and marine pollution control;

(v) Management of hazardous wastes;

(vi) Regional civil defence (pending the outcome of the present review of civil defence);

(vii) Ownership of existing port company shares and ex-harbour board assets and liabilities;

(viii) Regional tourism promotion (where all local authorities in the region agree);

(ix) Transport planning and funding (but there will be strict legislative requirements to keep this activity to a minimum outside Auckland and Wellington); and

(x) In Auckland and Wellington only, the management and funding of regional parks.

(b) The following service delivery functions of the Auckland Regional Council will be corporatised and transferred to a regional services trust:

(i) Bulk water and bulk sewerage;

(ii) Refuse disposal;

(iii) Commercial forestry;

(iv) Passenger transport operations.

(c) The functions of regional councils will be defined in statute and they will not have any discretion to become involved in activities outside the scope of their statutory functions;

(d) Regional councils will be required to contract out any operational aspects of their functions unless there is good reason for them not to;

(e) Regional councils will have the present rating and charging powers of regional councils appropriate to their more limited functions.

#### 3. Membership of Regional Councils

(a) The membership of all regional councils including the Auckland Regional Council will be elected from constituencies.

(b) From the next local authority elections in October 1992,

the maximum membership of regional councils will be 14 and the minimum membership 6.

(c) Following the 1992 local authority elections, the constituencies and membership will be determined in accordance with sections 101H to 101M of the Local Government Act.

#### 4. Gisborne District Council

The new maximum membership outlined in paragraph 3 (b) will not apply to the Gisborne District Council.

#### 5. Nelson-Marlborough Region

(a) The Government has approved the abolition of the Nelson-Marlborough Regional Council and the constitution of the Nelson City Council, and the Marlborough and Tasman District Councils as territorial authorities with the functions, duties and powers of regional councils. This approval is subject to the establishment of public support in the region for this concept.

(b) The Government has also agreed that if the Nelson-Marlborough Regional Council is to be abolished, the Kaikoura District will either be:

(i) Included in the Marlborough District; or

(ii) Retained as a separate district and be included in the Canterbury Region.

#### 6. Regional Boundaries

Except as provided in 5 above, the existing regional boundaries are to remain unchanged.

#### B. Matters to be Reported on by the Commission

7. The Commission is to consider, report, and make recommendations on the constituencies and membership of regional councils, including:

(a) The identification of constituencies for the Auckland Region;

(b) Whether any change is required to the current constituency boundaries for all other regions presently constituted (except Gisborne), for the 1992 local authority elections;

(c) The appropriate number of elected members for each region presently constituted (other than Gisborne), and their constituencies;

(d) In respect of the Nelson-Marlborough Region, the constituencies and membership that would apply for the 1992 local authority elections, in the event that the regional council is retained;

(e) In respect of the Canterbury Region, the constituencies and membership that would apply for the 1992 local authority elections:

(i) In the event that the Kaikoura District is included in the Canterbury Region; and

(ii) In the event that the Kaikoura District is included in the Marlborough District.

8. The Commission is to consider, report, and make recommendations on the wards and membership appropriate for the Marlborough District in the event that Kaikoura District is amalgamated with the District of Marlborough.

9. In reporting on the matters specified in paragraphs 7 and 8, the Commission is to recommend constituencies and membership which will, in its opinion, provide for fair representation.

#### C. Criteria to be Taken into Account by the Commission

10. Without limiting the Commission's discretion in considering, reporting, and making recommendations on the constituencies and membership of regional councils, the Commission may have regard to the following matters: