
REPORT 3

(1225/05//01/2007 & 1215/52/IM)

ELECTIONS – HUTT MANA CHARITABLE TRUST

1. Purpose of Report

To seek the Committee's (and Council's) approval for the Wellington City Council's Electoral Officer to conduct the election of Trustees to the Hutt Mana Charitable Trust in conjunction the 2007 local authority elections.

2. Recommendations

It is recommended that the Committee:

- 1. Receive the information.*
- 2. Recommend to Council that approval be given for the Wellington City Council's Electoral Officer to conduct the election of Trustees to the Hutt Mana Charitable Trust in conjunction with the 2007 local authority elections (and subsequent triennial elections), subject to the Trust agreeing to meet its share of the costs incurred in running the election, the calculation of which to be determined under the current election cost sharing formula.*

3. Background

The constitution of the Hutt Mana Charitable Trust requires the election of its Trustees to be held at the same time as the triennial local authority elections (i.e. in October every three years).

The Trust is looking at ways to minimise the costs involved in running their elections and, in light of this, the Secretary of the Trust has written to the four constituent local authorities over which the Trust's boundary extends (i.e. Upper Hutt, Hutt, Porirua and Wellington City Councils) asking if their respective Electoral Officers could undertake elections on the Trusts behalf in conjunction with the 2007 (and subsequent) local authority elections.

4. Discussion

4.1 *Hutt Mana Energy Trust*

The Hutt Mana Energy Trust was originally set up under the Electricity Act in 1992. Its boundaries extend from the summit of the Rimutaka Hills and the Paekakariki Hills to Cook Strait taking in all of Upper Hutt, Lower Hutt, Porirua City and that part of Wellington City containing Tawa, Johnsonville, Churton Park and Newlands. A copy of a map outlining its boundaries is attached as **Appendix 1**.

The Trust's first election was held in 1995, in conjunction with the local authority elections held in October of that year. That election was conducted on behalf of the Trust by the Electoral Officers of the four constituent local authority areas over which the Trust's boundaries extend.

Due to a change in their policy, the Hutt Mana Energy Trust conducted their own elections in 1998 and 2001. No elections were held in 2004 due to the impending wind up of the Trust which occurred in June 2005.

4.2 *Hutt Mana Charitable Trust*

The Hutt Mana Charitable Trust, which was established by the Hutt Mana Energy Trust in 1996, has until now had its Trustees appointed by the Trustees of the Hutt Mana Energy Trust and elections for the positions on the Charitable Trust have therefore not been required.

However, with the wind-up of the Hutt Mana Energy Trust, the constitution of the Hutt Mana Charitable Trust has been amended. The Trust's constitution now provides for the election of its Trustees to be held at the same time as the local authority elections are held and that the five Trustees be elected as follows:

- Two Trustees to be elected by the electors of Lower Hutt City
- One Trustee to be elected by the electors of Upper Hutt City
- One Trustee to be elected by the electors of Porirua City
- One Trustee to be elected by the electors residing in that part of Wellington containing Tawa, Johnsonville, Churton Park and Newlands.

4.3 *Legislative provisions*

There is no provision in any current legislation that requires the election of the Trustees to the Hutt Mana Charitable Trust to be held in conjunction with the local authority elections.

However, under section 8 of the Local Electoral Act 2001, a local authority may direct its Electoral Officer to conduct an election (whether on behalf of some person or body

or otherwise) that is not required to be held under the Local Electoral Act 2001 or any other Act.

Under this provision, the Secretary of the Hutt Mana Charitable Trust has asked each of the constituent Councils if their respective Electoral Officers could be given the necessary approval to run the election on behalf of the Trust.

The holding of these elections in conjunction with the triennial local authority elections has some merit. It would minimise the duplication of much of the work involved in running an election, be less confusing for electors and would certainly result in significant savings for the Trust. A higher voter turnout for the Trust election is also likely to occur if the issue is included in the Council's combined voting document.

4.4 Cost sharing

The Council's Electoral Officer is currently required, under the Local Electoral Act 2001, to undertake elections on behalf of the Greater Wellington Regional Council (Wellington Constituency), the Capital and Coast District Health Board and various Licensing Trusts in conjunction with the triennial local authority elections. These elections are undertaken on the basis that each authority pays an assessed share of the overall costs involved in running the elections. The calculation of these costs is based on a formula that has been agreed between the Wellington City Council and the various other authorities involved.

If the Council were to agree to the Electoral Officer undertaking the election of Trustees to the Hutt Mana Charitable Trust, it would be on the basis that the Trust be required to meet its share of the overall costs involved in running the triennial elections. These costs would be determined by applying the same cost sharing formula that currently applies in respect of the other authorities for whom the Electoral Officer runs elections.

Although it is difficult to calculate at this stage what the additional costs would be to run this election, it is not expected to be significant amount.

5. Conclusion

The Secretary of the Hutt Mana Charitable Trust has asked if the Council's Electoral Officer could conduct elections on the Trusts behalf in conjunction with the triennial local authority elections.

There is provision in the Local Electoral Act 2001 for this to happen, provided the Council resolves to give its approval for the Electoral Officer to do so.

Contact Officer: *Ross Bly, Special Projects and Electoral Officer*

Supporting Information

1) Strategic Fit / Strategic Outcome

*This supports objective 7.2B of the Governance Strategy:
Wellington will operate an open and honest decision-making process that generates confidence and trust.*

2) LTCCP/Annual Plan reference and long term financial impact

Relates to C534: Elections, governance and democratic services. The decision will have no long term financial impact.

3) Treaty of Waitangi considerations

There are no Treaty implications.

4) Decision-Making

This is not a significant decision in accordance with the Local Government Act 2002.

5) Consultation

a) General Consultation

No public consultation is required. The Electoral Officers of the constituent local authorities have been in discussion with representatives of the Hutt Mana Energy Trust

b) Consultation with Maori

No consultation with Maori is required.

6) Legal Implications

The election will be undertaken in accordance with the provisions of the Local Electoral Act 2001.

7) Consistency with existing policy

This report is consistent with existing policy in that the Council's Electoral Officer also undertakes elections on behalf of other authorities (i.e. Capital and Coast DHB and Greater Wellington Regional Council).

Appendix 1



□ Distribution Area

The boundaries of the Hutt Mana Energy Trust extends from the summit of the Rimutaka Hills and the Paekakariki Hills to Cook Strait taking in all of Upper Hutt, Lower Hutt, Porirua City and that part of Wellington City containing Tawa, Johnsonville, Churton Park and Newlands.

