



LOCAL GOVERNMENT COMMISSION
MANA KĀWANATANGA Ā ROHE

LOCAL GOVERNMENT REORGANISATION
GUIDELINES:

AN OVERVIEW OF NEW STATUTORY
PROCESSES TO ASSIST THOSE WISHING
TO MAKE AN APPLICATION TO
REORGANISE LOCAL AUTHORITY
STRUCTURES, RESPONSIBILITIES OR
BOUNDARIES

Local Government Commission
WELLINGTON

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1 Purpose and scope

This document provides an overview of certain new local government reorganisation processes set out in *Part 3 and Schedule 3 of the Local Government Act 2002 (the Act)* as amended in December 2012 by the *Local Government Act 2002 Amendment Act 2012*.

The purpose of this document is to assist anyone interested in preparing, supporting or lodging a local government reorganisation application under the new provisions. More comprehensive guidelines including the preparation of draft and final proposals and reorganisation schemes are being prepared and will be available in the near future. Feedback on this document is welcome and suggestions may be incorporated in the more comprehensive guidelines.

2 The role and powers of the Local Government Commission

These (interim) Guidelines are prepared and issued by the Local Government Commission. The Commission, among other things, is the body responsible for receiving and considering reorganisation applications. After consideration and consultation, the Commission may decide to prepare a reorganisation proposal which in some cases may be subject to a poll of electors in the affected area. If a proposal is finally approved, a reorganisation scheme is implemented by way of Orders in Council on the signature of the Governor-General.

The Act provides that the Local Government Commission is to be treated as a Commission of Inquiry (*section 34(1)*). It has powers to summon witnesses, request certain information (*section 34 (2)*), and to receive evidence (*section 35*).

3 What is the purpose of local government reorganisation?

Under *section 24AA of the Act* the purpose of local government reorganisation is to “improve the effectiveness and efficiency of local government by:

- (a) providing communities with the opportunity to initiate, and participate in considering, alternative local government arrangements for their area and
- (b) requiring the Commission, in consultation with communities, to identify, develop, and implement in a timely manner the option that best promotes good local government”.

4 What is a local government reorganisation application?

As previously, local government reorganisation applications are about changing the structure, functions or area of a local authority (i.e. of a city or district council, or a regional council). Typical reorganisations are boundary alterations, transfers of statutory obligations, amalgamations of local authorities, or the formation of unitary authorities (with one or more city/district councils to also undertake regional council functions).

Reorganisation applications may cover one or more of the following matters set out in *section 24 of the Act*.

- (a) the union of districts or regions
- (b) the constitution of a new district or region, including the constitution of a new local authority for that district or region
- (c) the abolition of a district or region, including the dissolution or abolition of a local authority for that district or region
- (d) the alteration of the boundaries of any district or region
- (e) the transfer of a statutory obligation from one local authority to another
- (f) the assumption by a territorial authority (city or district council) of the powers of a regional council.

The process for making reorganisation applications and implementing any reorganisation scheme is prescribed in *Part 3 and Schedule 3 of the Act*. The relevant sections and clauses of *the Act* are set out in Appendix 1 and a glossary of terms is set out in Appendix 2 of these Guidelines.

5 Who may make a reorganisation application?

Under *clause 3 of Schedule 3* an application to reorganise a local authority or local authorities may be made by any person, body or group including (but not limited to) one or more affected local authorities, or the Minister of Local Government.

The amendments made to *the Act* in 2012 now allow anyone to become involved in seeking good local government for their area through a reorganisation application.

6 What should a reorganisation application aim to achieve?

In deciding whether to issue a draft reorganisation proposal following the receipt of a reorganisation application, the Commission will consider what will best promote good local government in the area concerned in accordance with *clause 12 of Schedule 3*.

It would be sensible, therefore, for anyone interested in making an application to consider whether the application would promote good local government. This means that an application should promote the purpose of local government (as set out in *section 10 of the Act*) better than existing arrangements and that it will facilitate improved economic performance in the area concerned.

Section 10 defines the purpose of local government as having two parts as follows:

- (a) “to enable democratic local decision-making and action by, and on behalf of, communities and
- (b) to meet the current and future needs of communities for good-quality local infrastructure, local public services and performance of regulatory functions in a way that is most cost-effective for households and businesses”.

‘Good quality’ is defined in *subsection 10(2)* as follows:

“In this Act, in relation to local infrastructure, local public services, and performance of regulatory functions, means infrastructure, services, and performance that are:

- (a) efficient and
- (b) effective and
- (c) appropriate to present and anticipated future circumstances”.

Clause 12(b) of Schedule 3 identifies, without limitation, the following ways in which improved economic performance may be facilitated:

- (a) efficiencies and cost savings and
- (b) productivity improvements, both within the local authorities and for businesses and households that interact with those local authorities and
- (c) simplified planning processes within and across the affected area through, for example, the integration of statutory plans or a reduction in the number of plans to be prepared or approved by a local authority.

Clause 12(b) may be seen to be about changes that will lead to doing more with the same resources, or doing the same with less resources while also (where relevant) simplifying local government processes. Local authority service delivery should be appropriate to the area, the communities and their circumstances both in the present and for the future.

The ultimate beneficiaries of good local government, i.e. improved local decision-making and economic performance, are not the local authorities, but rather the residents and ratepayers, whether businesses or households, serviced by those local authorities.

7 What must a reorganisation application contain?

Anyone preparing a reorganisation application needs to ensure that the application contains all the matters set out in *clause 5 of Schedule 3*.

Under *clause 5* an application must contain the following:

- (a) the name and address of the person making the application and
- (b) if more than 1 person is making the application, the name and address of the person who is the representative of the applicants and
- (c) a description of the proposed changes, including (but not limited to):
 - (i) which of the matters listed in section 24(1) of the Act is being sought and
 - (ii) a plan or other description sufficient to identify the affected area or areas concerned¹ and

¹ A plan or other description sufficient to identify the affected area(s) concerned will differ according to the type and scale of the application. One example is that of an application for a city/district council to become a unitary authority. In that case a simple map of the city/district will be enough to identify what is involved. Where a boundary alteration is involved it may be necessary to show or describe individual properties affected by the proposed boundary alteration.

- (d) a full and detailed explanation of what the proposed changes are seeking to achieve and how the changes would be achieved by the approach proposed in the application² and
- (e) a description of the potential improvements that would result from the proposed changes and how they would promote good local government as described in *clause 12*³ and
- (f) information that demonstrates that the application has community support in the district of each affected territorial authority (see discussion about community support below).

Clause 5 also provides that a reorganisation application may include any information requested or recommended in guidelines issued by the Commission and any other information the applicant considers relevant to the Commission's consideration of the application.

Clause 5 provides that an application may be accompanied by a petition of affected electors as a means of demonstrating community support for change. Note there are a variety of other means of demonstrating community support, some of which are listed in *clause 8(2) of Schedule 3*.

If a petition of electors is used to support an application, each elector who signs the petition must provide against their signature their name and address in sufficient detail to enable that person to be identified as an elector (or have an electronic signature or other method of identification able to be matched in the case of an electronic petition).

² What the proposed changes are seeking to achieve could include, for example, such things as more responsive local decision-making, simplified planning processes, enhanced financial and/or organisational capacity.

³ This could be a description of what local government issues or opportunities in the area the applicant is wanting to see addressed and how the application would bring about the necessary changes while meeting the test of promoting good local government set out in *clause 12* (see Section 6 of these Guidelines).

The statement may be brief in the first instance but, depending on how simple or complex the application is, may need to be supported by more detailed information on how the proposed reorganisation will achieve the outcomes being sought.

Some of the information that might be necessary to support a proposal is likely to be contained in key local authority documents. Important documents are the council long-term plan, annual plans, annual reports, and local governance statements including the local authority's current representation arrangements (e.g. number of wards/constituencies, number of councillors, existence of community boards, range of delegations to community boards and committees etc.), as these documents set out most of the core activities, strategic directions and current arrangements of a local authority or authorities.

8 How is a reorganisation application lodged?

An application to reorganise a local authority or local authorities must be lodged with the Chief Executive Officer of the Local Government Commission.

Mailing address:

Chief Executive Officer
Local Government Commission
PO Box 5362
Wellington 6145

Street address:

46 Waring Taylor St
Wellington

Email: info@lgc.govt.nz

Phone: (04) 494 0552

Fax: (04) 494 0501

9 What happens when a reorganisation application is received?

On receiving a reorganisation application, the Commission sends an acknowledgement of its receipt to the applicant.

The Commission next determines whether the application is prohibited by the restrictions contained in *clause 4 of Schedule 3*. These restrictions are:

- (a) the application relates to a local authority that has been the subject of local government reorganisation and
- (b) the application is made in a period specified in a previous local government reorganisation scheme as to when further changes are prohibited.

If the application is not prohibited, the Commission is then required to decide whether it will assess the application.

Grounds for declining to assess an application are set out in *clause 7 of Schedule 3* as follows:

- (a) the application is frivolous⁴
- (b) the application does not contain the information required by *clause 5(1)* (see Section 7 of these Guidelines for the required contents of an application)

⁴ Applications could be considered frivolous in nature if they are technically valid but which, on the face of it, are clearly applications that no reasonable person could consider as bona fide or in good faith. The Concise Oxford Dictionary defines frivolous, among other things, as “silly”.

- (c) the application does contain the information required in *clause 5(1)*, but not in sufficient detail for the Commission to assess the application
- (d) 1 or more aspects that would be essential if the application were implemented are inconsistent with this Act or any other enactment
- (e) changes substantially similar to those proposed in the application have been considered by the Commission but were not considered to constitute a reasonably practicable option and the grounds for that decision continue to apply
- (f) the Commission is not or is not likely to be in a position to assess the application during the period in which the information in the application is timely and reliable
- (g) the application is received after the date specified under *clause 9* as the deadline for the receipt of alternative applications, but before a final decision on a reorganisation of the affected area is made
- (h) it is not in the public interest to assess the application⁵.

If the Commission decides to decline to assess an application it must send notice to the applicant of that decision and give its reasons. If it decides to proceed to assess the application, the Commission must notify the applicant and affected local authorities of the decision.

10 What information should an applicant provide on community support?

The purpose of local government reorganisation (as set out in *section 24AA of the Act*) is to improve the effectiveness and efficiency of local government by:

- (a) providing communities with opportunities to initiate, and participate in considering, alternative local government arrangements for their area and
- (b) requiring the Commission, in consultation with communities, to identify, develop, and implement in a timely manner the option that best promotes good local government (emphasis added).

From this purpose statement, community involvement in all stages of the local government reorganisation process can be seen to be very important. Consequently there are requirements to demonstrate community support for reorganisation at different stages of the process. (Methods by which community support may be demonstrated are addressed in Section 12 of these Guidelines and also in Appendix 3.)

⁵ The term 'public interest' is not defined in the Act. It is possible that situations will occur from time to time where it would be prudent for the Commission to consider applying the 'public interest' criteria as the reason to decline to assess an application. This could apply to an application that is valid but where the circumstances make it inadvisable to proceed with an assessment. An example is a region or city/district that has been exposed to a natural disaster or other circumstance where local government reorganisation could not reasonably be considered in the short to medium term.

There are four stages in the reorganisation process where the Commission is required to assess evidence of community support:

1. on receipt of a reorganisation application, the Commission needs to check that the application includes “information that demonstrates that the application has community support in the district of each affected territorial authority” (*clause 5(1)(f)*)
2. before assessing the application, the Commission is required to be satisfied that “there is demonstrable community support in the district of each affected territorial authority for local government reorganisation in the affected area” (*clause 8(1)*)
3. where alternative reorganisation applications have been sought and determination of a preferred option is required, the Commission must have regard to “the degree of community support for relevant applications that has been demonstrated to the Commission” (*clause 11(3)(b)*)
4. in making a decision on whether to issue a final reorganisation proposal, the Commission must be satisfied that the final proposal “is likely to have demonstrable community support in the district of each affected territorial authority” (*clause 21(6)*).

While the requirements at each stage are slightly different, it will be in the interests of applicants and helpful for the Commission if applicants are aware of the requirements in relation to community support at all stages of the process.

For example, applicants need to demonstrate community support for the application as part of the required contents of the application (*clause 5(1)(f)*) but they should be aware that the Commission is required (under *clause 8(1)*), before assessing the application, to be satisfied that there is demonstrable community support for local government reorganisation in the affected area. It is in the interests of an applicant to include as part of an application (or at least have available if requested by the Commission) information relating to community support for reorganisation generally in the affected area.

Similarly the Commission is required (under *clause 11(3)(b)*) when considering the extent to which it will identify reasonably practicable options, to have regard to the degree of community support for relevant applications that has been demonstrated to the Commission. As much information as possible from the applicant about community support for both the application and for reorganisation generally will be helpful for the Commission in later stages of the process.

11 From what area is community support required?

As mentioned above, *clause 5(1)(f)* requires that an application contain information that demonstrates that the application has “community support *in the district of each affected territorial authority*”, and this is something that the Commission will need to consider in deciding whether or not there is any reason to decline to assess the application under *clause 7(b) and (c)*. The phrase “community support in the district of each affected territorial authority” is also used in *clause 8(1)*, which requires the Commission to be satisfied of community support before proceeding to assess the application.

In order for applicants to comply with *clause 5(1)(f)* and for the Commission to comply with *clause 8(1)*, it will be necessary to determine what this phrase means for each particular application, i.e. in what area(s) does community support need to exist? In order to understand the meaning of the phrase, it is necessary to consider the definitions of “affected” and “affected area”.

The term “affected” in relation to a territorial authority is defined in *section 5 of the Act* (as amended in 2012) as meaning a territorial authority whose district contains an “affected area”. The term “affected area” is defined in *clause 2 of Schedule 3* as follows:

- (a) an area that would be included in the district or region of a new or different local authority if local government in the area were to be reorganised in accordance with the reorganisation application, draft proposal, or final proposal⁶
- (b) an area that remains in the district or region of a local authority, but the local authority’s responsibilities would be changed if local government in the area were to be reorganised in accordance with the reorganisation application, draft proposal, or final proposal⁷
- (c) an area of the district or region of a local authority, if the Commission has declared it to be an affected area because the operational scale, scope, or capability of the local authority would be materially affected if local government in relation to the area were to be reorganised⁸.

Where an area comes within the definition of “affected area”, the territorial authority in whose district the affected area falls becomes an “affected territorial authority”. To comply with *clause 5(1)(f)*, an applicant will need to provide information about community support for the application in the district of each affected territorial authority.

The Commission considers that “responsibilities” (in relation to paragraph (b)) refers only to the duties, functions and powers of a local authority. Practically, some of the types of situations that paragraph (b) may apply to are:

- where a territorial authority becomes a unitary authority and takes on the responsibilities of a regional council or
- where a local authority transfers a statutory obligation to another local authority.

⁶ For example, if an area were to be transferred from one local authority to another, it would come under paragraph (a). If a new local authority is proposed, any areas that would fall within its district or region would also come under paragraph (a) of the definition.

⁷ For example, if an area is part of an existing district and the territorial authority for that district applies to become a unitary authority that area would fall under paragraph (b) of the definition, as the territorial authority’s responsibilities would change.

⁸ This might apply to other local authorities not directly affected by the proposal. For example, if a territorial authority was proposed to become a unitary authority, the other parts of the region in which that district is contained may be affected depending on the degree of change to the scale, scope, or capability of the regional council.

The Commission considers that paragraph (b) will not apply where a local authority retains all its existing duties, functions and powers but gains or loses an area from its jurisdiction. Such a situation may, however, be caught by paragraph (c). The Commission sees the gain or loss of an area as relating to issues of local authority “scale, scope or capability”.

It will not be clear that paragraph (c) applies until such time as the Commission makes a declaration under paragraph (c) that an area is indeed affected because the operational scale, scope or capability of the local authority would be materially affected if the reorganisation proceeded. The Commission will not be able to make such a declaration until it has received the application concerned, which could potentially put applicants in a difficult position if they are unsure whether or not an area will be caught under paragraph (c).

In order to help applicants deal with this potential uncertainty, Commission staff are willing to discuss how certain scenarios are likely to be dealt with before an application is made. It is strongly recommended that potential applicants liaise with Commission staff before submitting their reorganisation application to discuss what areas may be “affected areas” in relation to their application. This process should help facilitate the efficient handling of reorganisation applications.

In any event, the Commission will endeavour to meet as soon as possible after receipt of a reorganisation application to consider whether there is any need to make a declaration under paragraph (c). If an applicant has not provided information about community support for the application in relation to districts of affected territorial authorities, the Commission will need to decline to assess the application (on the basis that the applicant has not complied with *clause 5(1)(f)*, which is a requirement under *clause 7(b) and (c)*).

Given the nature of the requirements, noted above, relating to community support throughout the reorganisation process and the wording of particular provisions, the Commission recommends that applicants take a wide view on the identification of “affected areas” within which demonstration of community support is required. This will assist the consideration and passage of applications and proposals through the various stages of the process.

12 What are the methods for demonstrating community support?

There is no one method for demonstrating community support. The Act is permissive as to how an applicant (or the Commission) consults or gathers evidence of support. *Clause 8(2) of Schedule 3* identifies a range of methods for demonstrating the views of those affected by a proposed change or changes. The methods and methodology of seeking support is discussed further in Appendix 3 to these Guidelines.

13 An outline of the entire reorganisation process

An outline of the entire local government reorganisation process, from preparation and submitting of an application to possible implementation of a reorganisation scheme, is set out in Appendix 4 to these Guidelines. More comprehensive Guidelines are being prepared on all the stages of the reorganisation process and will be available in the near future.

14 Other information

These Guidelines provide an overview of the initial stages of the new local government reorganisation process. They are designed to assist those considering making an application to reorganise particular local authority structures, responsibilities or boundaries and should be read in conjunction with, and not substitute for, the *Local Government Act 2002* as amended by the *Local Government Act 2002 Amendment Act 2012*. A link to the legislation is available on the Commission's website at: lgc.govt.nz. The website also includes a flowchart covering the reorganisation process and a list of information sources that may be useful for applicants.

The following Appendices are attached to these Guidelines:

Appendix 1: relevant sections and clauses of the Local Government Act 2002

Appendix 2: a glossary of terms in the Local Government Act 2002

Appendix 3: methods of determining community support

Appendix 4: an outline of the entire reorganisation process

Relevant sections and clauses of the Local Government Act 2002

- Section 3: Purpose (of the Act)
- Section 5: Interpretation (of relevant terms)
- Section 10: Purpose of local government
- Section 11: Role of local authority
- Section 11A: Core activities to be considered in performing role
- Section 12: Status and powers (of local authorities)
- Section 13: Performance of functions under other enactments
- Section 14: Principles relating to local authorities
- Section 24AA: Purpose of local authority reorganisation
- Section 24: Scope of local government reorganisation
- Section 24A: Transitional modification or suspension of certain statutory requirements after issue of final proposal for reorganisation
- Section 25: Order in Council to give effect to final proposals and reorganisation schemes
- Section 26: Power to amend reorganisation schemes
- Section 26A: Duties of local authorities in relation to local government reorganisation
- Section 27: Application to be called city council or district council
- Section 27A: Change of name of unitary authorities
- Section 27B: Orders in Council to be published in *Gazette*
- Section 28: Local Government Commission
- Section 29: Commission is body corporate with full powers
- Section 30: Functions and powers of Commission
- Section 31: Report to Minister on matters relating to local government
- Section 31A: Minister's expectations of Commission in relation to local government reorganisation
- Section 33: Membership of Commission
- Section 34: Commission is Commission of Inquiry
- Section 35: Evidence before Commission
- Section 36: Further provisions relating to Commission and its proceedings
- Section 37: Appeals against decisions of the Commission

Schedule 3: Reorganisation of local authorities

- Clause 1: Overview
- Clause 2: Interpretation
- Clause 3: Who can make a reorganisation application
- Clause 4: Prohibition on making certain reorganisation applications
- Clause 5: Contents of reorganisation application
- Clause 6: Action on receipt of application
- Clause 7: When Commission may decline to assess reorganisation application
- Clause 8: Community support
- Clause 9: Commission to seek alternative applications
- Clause 10: Alternative applications
- Clause 11: Commission to determine preferred option
- Clause 12: Promotion of good local government
- Clause 13: Procedure after preferred option determined
- Clause 14: Development of proposal
- Clause 15: Local Boards
- Clause 16: Cities
- Clause 17: Appropriate boundaries
- Clause 18: Representation
- Clause 19: Communities
- Clause 20: Consultation on proposal
- Clause 21: Decision on draft proposals
- Clause 22: Notification of final proposal
- Clauses 23 – 32: Polls and advertising
- Clauses 33 – 40: Transition bodies
- Clauses 41 – 54: Reorganisation schemes

Schedule 4: Provisions relating to Local Government Commission and its proceedings

Schedule 5: Appeals against decisions of Local Government Commission

Schedule 6: Constitution of communities

Schedule 7: Local authorities and community boards, and their members

Glossary of terms in the Local Government Act 2002

Affected area – is defined in *clause 2 of Schedule 3* as meaning:

- (a) an area that would be included in the district or region of a new or different local authority if local government in relation to the area were to be reorganised in accordance with the reorganisation application, draft proposal, or final proposal
- (b) an area that remains in the district or region of a local authority, but the local authority's responsibilities would be changed if local government in relation to the area were to be reorganised in accordance with the reorganisation application, draft proposal, or final proposal
- (c) an area of the district or region of a local authority, if the Commission has declared it to be an affected area because the operational scale, scope, or capability of the authority would be materially affected if local government in relation to the area were to be reorganised.

Affected elector – has the following meaning set out in *clause 2 of Schedule 3*:

- (a) a person who is a residential elector (within the meaning of section 23 of the Local Electoral Act 2001), if the address in respect of which the person is registered is in an affected area
- (b) a person who is a ratepayer elector (within the meaning of section 24 of the Local Electoral Act 2001), if the person is qualified as a ratepayer elector in respect of a rating unit in an affected area.

Affected local/territorial authority – has the following meaning set out in *section 5 of the Act*:

- (a) a local authority whose district or region contains an affected area
- (b) a territorial authority whose district contains an affected area.

Applicant – is any person, body, or organisation who lodges a reorganisation application under *clauses 3 or 10 of Schedule 3* that deals with 1 or more of the matters listed in *section 24 of the Act*.

Application – is a reorganisation application under *clauses 3 or 10* proposing local government reorganisation and dealing with 1 or more of the matters listed in *section 24 of the Act*.

Commission – means the Local Government Commission as established under *section 28 of the Act* with the functions, powers and other necessary provisions set out in *Part 3 and Schedule 4 of the Act*.

Community – is defined in *section 5(1) of the Act* as a geographically defined population in respect of which a community board has been established under *sections 49 to 54 and Schedule 6 of the Act*, but this definition applies only to certain provisions in *the Act* (see *section 5(2) of the Act*). Elsewhere in *the Act*, the word “community” takes its ordinary meaning, which is usually considered to be a group of people with interests in common that may be defined by social, political, physical or economic ties or any combination of these.

Community board – is a board established under *section 49 and Schedule 6 of the Act*.

Good quality – has the meaning provided in *section 10(2) of the Act*, in relation to the provision of local infrastructure, local public services and performance of regulatory functions, which is: efficient, effective and appropriate to present and anticipated future circumstances.

Regional council – is a regional council named in *Part 1 of Schedule 2 of the Act*.

Reorganisation application – (see ‘Application’ above).

Territorial authority – is a district or city council named in *Part 2 of Schedule 2 of the Act*.

Unitary authority – is a territorial authority that has the responsibilities, duties and powers of a regional council.

Methods of assessing community support

General principles

Suggested principles governing the gathering of information from the community are:

- information should be gathered from those who are residents or ratepayers in the affected area
- information should relate to, or be able to be broken down for, each territorial authority district in the affected area
- information does not necessarily have to show majority support
- those who sign a petition should be electors (either residential or ratepayer electors) in the affected area and should supply enough information for their names and addresses to be identifiable as electors
- groups or representative organisations should be able to show that the positions they express are based on the views of their members who are residents or ratepayers of the affected area
- the way in which the support has been measured should be clear to help enable the Commission to determine what weight it should give to the evidence.

The Commission will assess the evidence of community support provided and may make its own inquiries in order to be satisfied of the basis, validity and adequacy of the support (*clauses 8(3) and 11(7) of Schedule 3*).

Possible methods

Clause 8(2) of Schedule 3 of the Act identifies the following matters that the Commission may consider for the purposes of assessing demonstrable community support:

- a petition or petitions of affected electors
- questionnaires or surveys of ratepayers or residents
- submissions or other correspondence about existing or proposed local government arrangements
- meetings with community members or their representatives in which views on the existing or proposed local government arrangements are expressed.

Applicants (or the Commission) are not limited to these methods and a range of oral, written and electronic techniques may be used for gathering and recording views.

Further information

The following information is provided to assist those wishing to gather evidence of community support and is not intended to suggest any particular method is to be preferred.

When consulting and gathering evidence of support, each method for ascertaining community views has particular uses in terms of the sort of evidence it provides.

Randomised surveys are commonly used for obtaining representative views of a wider community, but care is necessary to ensure that the sampling is as random as is feasible in the circumstances.

To this end, professional pollsters generally select their survey samples from a larger list of residents on the basis of choosing every 5th, 10th, etc person, until the requisite number is obtained so as to provide the desired level of confidence in the results. Sample sizes of several hundred are commonly used to gain a 95% confidence level in the accuracy of the results. This level of confidence is applied in most professional surveys and is generally considered to provide a reliable indication of community views.

Care should be taken when carrying out a representative survey to make sure the numbers surveyed in each area are roughly proportionate to the populations of each area in order to be representative of the whole target population.

Other methods of consulting and gaining feedback from a community such as meetings usually demonstrate support from specific parts or areas of that community. For some applications this may be adequate to show a community's views. For other applications, other forms of evidence may be necessary.

Newspaper polls or broadcast media phone-in or text-in surveys may give some indication as to what parts of the community feel about an issue and are useful indicators of community feeling in a general sense.

Petitions and questionnaires conducted on the basis of non-randomised sampling typically demonstrate support from larger numbers than meetings or submissions. (Note: petitioners, submitters etc. are a self-selected sample.)

Petitions, completed surveys, submissions etc are not usually representative of the views of the whole population, but they do demonstrate viewpoints of a part of that community, which may be all that is necessary in some circumstances. The larger the percentage captured in each affected area, the more confidence can be placed in the results as evidence that a reasonable proportion of the population supports change and/or the application or proposal.

Care should be taken in running questionnaires and petitions to ensure that each signature has against it sufficient detail to enable the name and address of the signatory to be identified as a ratepayer or residential elector of the area.

Organisations or groups may validly represent the views of their membership but this should be backed by evidence of support. For example, copies of resolutions, voting records, electronic or written feedback are acceptable forms of evidence that the organisation or group represents the views of a particular community of interest.

More than one petition, survey, questionnaire or other method, or combination of methods, may be used to demonstrate support. For example, earlier evidence of support for change in local government arrangements may be provided alongside later evidence of support for a particular reorganisation application.

The use of different methods may also target different parts of the community, which could be essential if the affected areas are geographically spread or contain a varied and diverse community or communities.

An outline of the entire local government reorganisation process

Commission receives and processes reorganisation applications

1. Reorganisation application is lodged under *clause 3*
2. The Commission acknowledges receipt of application
3. The Commission checks whether the application is prohibited under *clause 4*
4. If not prohibited, the Commission decides whether or not to assess the application considering, under *clause 7*, whether there are grounds to decline to assess the application (which includes determining whether an application meets the requirements in *clause 5*)
5. During the assessment process, the Commission may make a declaration on what districts come within the affected area under *clause 2* and, if so, will liaise with the applicant on this matter and notify the applicant of its decision
6. The Commission resolves under *clause 6* whether or not to proceed to assess the application
7. The Commission under *clause 6* notifies the applicant of its decision on whether or not it will assess the application
8. If the Commission has decided to assess the application, under *clause 6* it also notifies the affected local authorities of this decision
9. If the Commission has decided to assess the application, it next determines whether it is satisfied under *clause 8* that there is demonstrable community support for reorganisation in the district of each affected territorial authority before proceeding to the assessment
10. If it is not satisfied there is demonstrable community support, the Commission under *clause 8* either declines the application without completing the assessment of it, requires the applicant to provide further evidence, or undertakes its own investigations
11. If it is satisfied there is demonstrable community support, the Commission under *clause 9* gives public notice and notice to the affected and adjoining local authorities and to other interested parties, describing the type of reorganisation proposed and inviting alternative applications in relation to the affected area

Commission selects preferred option and prepares draft reorganisation proposal for consultation

12. The Commission receives any alternative applications
13. The Commission under *clause 11* identifies the reasonably practicable options for local government of the affected area (which must include existing arrangements) and then determines its preferred option based on prescribed criteria

14. The Commission under *clause 13* notifies its determination of its preferred option and the reasons for it and, unless its preferred option is the existing arrangements, proceeds to develop a draft reorganisation proposal based on prescribed criteria in accordance with *clauses 14 to 19*
15. As soon as practicable after completing a draft proposal, the Commission under *clause 20* informs interested parties of the proposal, gives public notice inviting submissions on the draft proposal by a specified date, and seeks the views of those parties specified in *clause 20(1)(c)*
16. The Commission under *clause 20* receives submissions, decides whether to hold hearings of submissions, and grants the opportunity for affected and adjoining local authorities and the applicant to meet with the Commission
17. The Commission under *clause 21* decides whether to issue the draft proposal or a modified proposal as a final reorganisation proposal, identify another preferred option as the basis of a new draft proposal (in which case it will repeat the above steps 3 to 5) or not issue a final proposal (in which case it will give public notice of the decision)

Commission prepares and notifies a final reorganisation proposal

18. As soon as practicable after issuing a final proposal, the Commission under *clause 22* gives public notice of the proposal and informs other interested parties
19. The required public notice also advises of the opportunity under *clause 22* for a petition of 10% or more of affected electors enrolled in the district of a territorial authority to demand, within 60 working days, a poll on the final proposal
20. If a petition demands a poll, the poll of electors in the affected area is held under *clause 25* on a date determined by the Commission under *clause 26* (generally not later than 82 days after public notice of a successful poll demand)
21. A final proposal is given effect by an Order in Council made under *section 25 of the Act* if more than 50% of the valid votes cast in the poll are for the final proposal (*clause 28*) or if no poll is held
22. An Order in Council giving effect to a reorganisation proposal must include provision for establishment of a transition body to assist the Commission develop the reorganisation scheme and, if necessary, provision for appointment of an interim chief executive

Commission prepares reorganisation scheme for implementation of final proposal

23. Where a final proposal has been given effect to by an Order in Council, the Commission under *clause 41* prepares and issues a reorganisation scheme that completes the final proposal
24. As necessary, an Order in Council is prepared under *section 25(4) of the Act* to give effect to the reorganisation scheme.