



Determination

of representation arrangements to apply for
the election of the Manawatu-Wanganui Regional Council
to be held on 12 October 2019

Background

1. All regional councils are required by section 19I of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. These reviews are to determine the number of constituencies, the name and boundaries of those constituencies and the number of councillors to be elected by each constituency.
2. The Manawatu-Wanganui Regional Council, branded Horizons Regional Council, (the council) last reviewed its representation arrangements prior to the 2013 local authority elections. Accordingly, it was required to undertake a review prior to the next elections in October 2019.
3. There were no appeals/objections on its last review. However, as a result of two constituencies not complying with statutory fair representation requirements, the Commission determined representation arrangements for the council that applied for the 2013 and subsequent 2016 elections. These arrangements were for twelve councillors elected from six constituencies as follows.

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region average population per councillor
Ruapehu	13,650	1	13,650	-5,713	-29.50
Wanganui	43,500	2	21,750	+2,387	+12.33
Manawatu-Rangitikei	35,300	2	17,650	-1,713	-8.85
Palmerston North	82,100	4	20,525	+1,162	+6.00
Horowhenua-Kairanga	40,100	2	20,050	+687	+3.55
Tararua	17,700	1	17,700	-1,663	-8.59
Total	232,350	12	19,363		

* These figures are 2011 population estimates

4. The council began its current representation review with a workshop in February 2018 at which ten scenarios for constituency boundaries including variations in the total number of councillors were considered. This was done in the context of communities of interest and achieving fair and effective representation.
5. At a meeting on 27 March 2018, the council, under section 19I of the Act, resolved its initial representation proposal. The proposal was for the retention of status quo representation arrangements as set out in the following table.

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region average population per councillor
Ruapehu	12,900	1	12,900	-7,117	-35.55
Wanganui	44,500	2	22,250	+2,233	+11.16
Manawatu-Rangitikei	37,400	2	18,700	-1,317	-6.58
Palmerston North	87,300	4	21,825	+1,808	+9.03
Horowhenua-Kairanga	40,300	2	20,150	+133	+0.66
Tararua	17,800	1	17,800	-2,217	-11.08
Total	240,200	12	20,017		

* These figures are 2017 population estimates

6. The council notified its initial proposal on 10 April 2018 and invited submissions by 14 May 2018. In doing so it acknowledged that three of the six proposed constituencies were outside the statutory +/-10% fair representation requirement.
7. The council received three submissions. One submission supported the proposal and two sought different constituency arrangements.
8. At a meeting on 20 June 2018, the council, after considering the submissions received, resolved to adopt its initial proposal as its final representation proposal.
9. The council notified its final proposal on 23 June 2018, including advice of the non-compliance of three proposed constituencies with the statutory fair representation requirement, and invited appeals by 23 July 2018.
10. Given the non-compliance of three proposed constituencies, the council was required under section 19V(4) of the Act to refer its proposal to the Commission for determination. In addition, two appeals against the proposal were received.

Appeals against council's final proposal

11. Appeals against the council's final proposal were received from:
 - *Mark Chilcott*: who sought equality in the value of electors' votes across the region; compliance with fair representation requirements and a combination of boundary changes along with an increase in the number of councillors to 14; and also enhanced representation for Levin and Feilding
 - *Adam Canning*: who sought amendments to current representation arrangements resulting in councillors representing a similar number of people.

Hearing of appeals

12. The Commission met with the council and the two appellants at a hearing held in Palmerston North on 27 February 2019.
13. The council was represented by the chairperson Bruce Gordon and chief executive Michael McCartney assisted by other council staff.

Matters raised at hearing and in appeals

Horizons Regional Council

14. The chairperson explained the council's decision of retention of status quo representation arrangements. He said it was also aware of the final representation proposal of Manawatu District Council involving the removal of a ward boundary which also served as a regional constituency boundary. The council had, however, proceeded to resolve its final proposal given the stage it was at in the review process.
15. Mr Gordon apologised to the submitters/appellants on the council's proposal for the lack of information provided on the scenarios the council had considered in the early stages of the review process. He said this should have been released publicly at the same time it was considered by the councillors.
16. Mr Gordon then described the nature of the Manawatu-Wanganui Region. It was a large diverse area with no single population centre, and with strong elements of parochialism across the region. He said there was nothing to suggest that the present representation model, aligning closely with territorial authority boundaries, was wrong. This structure had been introduced by the Commission in 2007.
17. No concerns had been raised about the arrangements for Ruapehu Constituency and the council was keen not to split this community of interest. While some concerns had been expressed in the past about the combining of Rangitikei District with Manawatu in one constituency, there had been no requests for change during the current review.
18. Mr Gordon said the region as a whole was growing, not just Palmerston North, and he expected this would continue. Council functions were important, therefore, for the whole region. Much of the council's work, such as flood control and pest control, was carried out in the country areas rather than in the cities and other centres of population.
19. Council officer, Penn Tucker, then outlined in more detail the process the council had gone through and the considerations in relation to communities of interest in the region and the statutory requirements. Two constituencies were marginally outside the '+/-10% rule' with only Ruapehu Constituency significantly outside and this constituency did have degrees of isolation. The council had, however, considered options to address this matter but these involved real risks in terms of creating unnatural communities of interest and they would result in huge areas for one councillor to represent.

Mark Chilcott

20. Mr Chilcott said he believed it was important that the +/-10% fair representation requirement was met and that it was not that onerous, noting the equivalent parliamentary provision was 5%. He tabled a fully compliant option of thirteen councillors elected from eight constituencies.

21. He said he believed the urban work of the council, such as in transport, would become more important over time. The effects of climate change would also impact on more and more people and these people needed to be properly represented.

Adam Canning

22. Mr Canning referred to what he described as the unfairness of the council's proposal in terms of representation. He also referred to growth in Palmerston North and Wanganui which would result in increased unfairness. He sought more equal levels of representation across the region.

Matters for determination by the Commission

23. Section 19R of the Act makes it clear that the Commission, in addition to consideration of the appeals and objections against a council's final representation proposal, is required to determine, in the case of a regional council, all the matters set out in section 19I which relate to the representation arrangements for regional councils. This interpretation was reinforced by a 2004 High Court decision which found that the Commission's role is not merely supervisory of a local authority's representation arrangements decision. The Commission is required to form its own view on all the matters which are in scope of the review.
24. Given this requirement, any concerns expressed by appellants/objectors relating to the council's review process are not matters that the Commission needs to address.
25. The matters in scope for the review are:
 - the number, boundaries and names of the proposed constituencies
 - the proposed number of councillors for each constituency.

Key considerations

26. Based on the legislative requirements, the Commission's *Guidelines for local authorities undertaking representation reviews* identify the following three key factors when considering representation proposals:
 - a. communities of interest
 - b. effective representation of communities of interest
 - c. fair representation for electors.

Communities of interest

27. We note regions must be divided into constituencies for electoral purposes (section 19E of the Act). For the purpose of effective representation of communities of interest, section 19U(c) requires constituency boundaries, so far as is practicable, to coincide with territorial authority boundaries or with territorial authority ward boundaries.
28. Given these requirements, we believe it is reasonable to take the communities of interest reflected in existing territorial authorities or their wards, as a starting point for communities of interest to be reflected in regional council constituencies.
29. In the case of the Manawatu-Wanganui Region, the number of constituencies has been based on territorial authority boundaries since the constitution of the region in 1989.

30. The number of constituencies was reduced to the current six in 2007 with the combining of the then separate Rangitikei and Manawatu constituencies and a new division of the northern and southern areas of Manawatu District between the Manawatu-Rangitikei and Horowhenua-Kairanga constituencies.
31. In its 2013 determination, the then Local Government Commission commented it considered that “the current constituency boundaries continue to provide an appropriate basis for identifying communities of interest in the Manawatu-Wanganui Region. The constituencies appear to reflect communities of interest and be of a size that permits reasonable access to elected members.”

Effective representation of communities of interest

32. The Commission’s Guidelines note that what constitutes effective representation will be specific to each local authority but that the following factors should be considered to the extent possible:
 - a. avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents’ familiarity and identity with an area
 - b. not splitting recognised communities of interest between electoral subdivisions
 - c. not grouping together two or more communities of interest that share few commonalities of interest
 - d. accessibility, size and configuration of an area including access to elected members and vice versa.
33. As noted, the current representation arrangements for the Manawatu-Wanganui Region, comprising 12 councillors elected from six constituencies, were introduced in 2007. The boundaries of four of these constituencies mirror the boundaries of the territorial authority for that area (Ruapehu¹, Wanganui, Palmerston North and Tararua). As such, they can be seen to be well-established and familiar to residents, and accordingly not create unnecessary barriers to resident participation.
34. The other two constituencies are Manawatu-Rangitikei Constituency (combining Rangitikei District and most of Manawatu District)² and Horowhenua-Kairanga Constituency (combining Horowhenua District and one ward of Manawatu District).
35. It was noted at the hearing that Manawatu District Council, as part of its own representation review, has now resolved to combine its two rural wards. This has resulted in the removal of a ward boundary which also serves as a regional constituency boundary (the boundary between the Manawatu-Rangitikei and Horowhenua-Kairanga constituencies).
36. As it is required, by section 19U(c) of the Act, for constituency boundaries, as far as practicable, to coincide with territorial authority or territorial authority ward boundaries, we raised with the council possible options for altering this constituency boundary. The council representatives did not identify one preferred option though they had commented there did not appear to be concern about the continued combining of Rangitikei District with Manawatu in a single constituency.

¹ The Ruapehu Constituency also includes small areas of Waitomo and Stratford districts.

² The Manawatu-Rangitikei Constituency also includes a small area of Taupo District.

37. After further consideration of the options, we have decided the most appropriate option to achieve effective representation for the communities of interest concerned is the extension of the Manawatu-Rangitikei Constituency southward so as to include all Manawatu District in this constituency, while keeping total membership of the council at 12.

Fair representation for electors

38. Section 19V(2) of the Act requires that the population of each constituency divided by the number of members to be elected by that constituency must produce a figure no more than 10 per cent greater or smaller than the population of the region divided by the total number of elected members (the ‘+/-10% rule’).
39. However, section 19V(3)(b) provides that, if a regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with section 19V(2).
40. As a result of our decision in respect of the Manawatu-Rangitikei Constituency, the proposed constituency arrangements are as follows.

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region average population per councillor
Ruapehu	12,900	1	12,900	-7,117	-35.55
Wanganui	44,500	2	22,250	+2,233	+11.16
Manawatu-Rangitikei	45,240	2	22,620	+2,603	+13.00
Palmerston North	87,300	4	21,825	+1,808	+9.03
Horowhenua	32,460	2	16,230	-3,787	-18.92
Tararua	17,800	1	17,800	-2,217	-11.08
Total	240,200	12	20,017		

* These figures are 2017 population estimates

41. It is the desirability of achieving fair representation for electors (the ‘+/-10% rule’) that most concerned the two appellants.
42. While acknowledging these concerns and the specific statutory requirements, we consider it is the appropriate balance between *both* fair and effective representation that local authorities, and now the Commission, must strive to achieve. This is in line with the guiding principle in the Act of “fair *and* effective representation for individuals and communities” (emphasis added).
43. In relation to the proposed Ruapehu Constituency, we note the then Local Government Commission in 2007, in addressing this constituency’s non-compliance with the ‘+/-10% rule, agreed with the council that a separate constituency was necessary to ensure effective representation of this community of interest. In summary, it agreed that:
- *the constituency covers a large area (760074.5 hectares) including Tongariro National Park*

- *the constituency comprises many small rural communities that, collectively, identify with Ruapehu District*
 - *the majority of residents would travel north to access services unavailable in Ruapehu District rather than south to the remainder of the district*
 - *the distance between small rural communities within the constituency, and the distance between the constituency and the council's main offices in Palmerston North, result in a significant travel requirement for one councillor*
 - *compliance with the 10% rule would require merging large areas of the Wanganui and/or Rangitikei constituencies with the Ruapehu District. This would split distinct communities of interest in the Wanganui and Rangitikei constituencies and create unreasonable pressures on one councillor to effectively represent this extended area.*
44. Our predecessor commissioners in 2013 agreed with this assessment on the Ruapehu Constituency. We believe the assessment still remains accurate today and the council outlined a number of these arguments again at the hearing.
45. On this basis, we endorse the council's proposal to retain the current Ruapehu Constituency electing one councillor.
46. We note the wording of section 19V(3)(b) is such that if the Commission considers that effective representation of communities of interest so requires, constituencies (generally) may be defined and membership distributed between them in a way that does not comply with section 19V(2). We see this as enabling some compensation for the permitted over- or under-representation of one constituency in other constituencies. In other word, variances to the '+/-10% rule' may also be permissible in other constituencies.
47. We note variances were proposed by the council in the Wanganui and Tararua constituencies and these are both marginal variations. Again, these constituencies mirror distinct communities of interest as constituted in 1989. There is little scope, particularly in the case of Tararua Constituency given the geography of the area, to alter these constituency boundaries without a significantly detrimental impact on effective representation.
48. While the variances as a result of our alteration to the Manawatu-Rangitikei Constituency are slightly higher, we believe, as we have argued above, these are necessary for the achievement of effective representation for the communities of interest concerned.
49. In conclusion, we consider the slightly amended arrangements we have set out above, still providing for a council comprising 12 councillors elected from six constituencies, is an appropriate balance between statutory requirements for both fair representation for electors and effective representation for communities of interest.

Names of constituencies

50. We are aware that the council has sought approval from the New Zealand Geographic Board to change the name of the region to Manawatū-Whanganui Region. While this has yet to be approved, we believe it would be appropriate also to reflect these preferred names in the region's constituencies.

51. With the support of the council, we therefore determine the names of the two constituencies concerned will be 'Whanganui Constituency' and 'Manawatū-Rangitikei Constituency'.

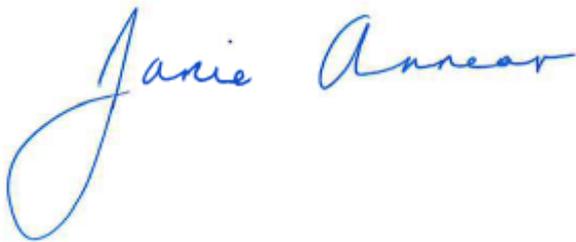
Commission's determination

52. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Manawatu-Wanganui Regional Council to be held on 12 October 2019, the following arrangements will apply:
- 1) Manawatu-Wanganui Region, as delineated on Plan LG-08-2019-Con-1 deposited with the Local Government Commission, will be divided into six constituencies.
 - 2) Those six constituencies will be:
 - a) Ruapehu Constituency, comprising the area delineated on SO Plan 36017 deposited with Land Information New Zealand
 - b) Whanganui Constituency, comprising the area delineated on SO Plan 36016 deposited with Land Information New Zealand
 - c) Manawatū-Rangitikei Constituency, comprising the area of land delineated on Plan LG-08-2019-Con-2 deposited with the Local Government Commission
 - d) Palmerston North Constituency, comprising the area of land delineated on Plan LG-08-2013-Con-3 deposited with the Local Government Commission
 - e) Horowhenua Constituency, comprising the area of land delineated on Plan LG-08-2019-Con-3 deposited with the Local Government Commission
 - f) Tararua Constituency, comprising the area of land delineated on SO Plan 37400 deposited with Land Information New Zealand.
 - 3) The Manawatu-Wanganui Regional Council will comprise 12 councillors elected as follows:
 - a) one councillor elected by the electors of Ruapehu Constituency
 - b) two councillors elected by the electors of Whanganui Constituency
 - c) two councillors elected by the electors of Manawatū-Rangitikei Constituency
 - d) four councillors elected by the electors of Palmerston North Constituency
 - e) two councillors elected by the electors of Horowhenua Constituency
 - f) one councillor elected by the electors of Tararua Constituency.
53. As required by section 19U(b) of the Local Electoral Act 2001, the boundaries of the above constituencies coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes.

Local Government Commission

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Commissioner Pita Paraone (Chairperson)

A handwritten signature in blue ink, appearing to read 'Janie Annear', with a large, stylized initial 'J'.

Commissioner Janie Annear

A handwritten signature in black ink, appearing to read 'B. J. Duffy', with a large, stylized initial 'B'.

Commissioner Brendan Duffy

1 April 2019