



## Determination

of representation arrangements to apply for  
the election of the Taranaki 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 Taranaki 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. No appeals/objections were received on the council's last review. However, due to the non-compliance of two constituencies with fair representation requirements, the final proposal was referred to the Commission for determination. As a result of that determination, the following arrangements applied for the 2013 and subsequent 2016 elections.

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region average population per councillor
North Taranaki	23,100	2	11,550	+1,579	+15.84
New Plymouth	50,700	5	10,140	+169	+1.70
Stratford	8,980	1	8,980	-991	-9.94
South Taranaki	26,900	3	8,967	-1,004	-10.07
<b>Total</b>	<b>109,680</b>	<b>11</b>	<b>9,971</b>		

\* These are 2011 census statistics.

4. At a meeting on 26 June 2018 the council, under section 19I of the Act, resolved its initial representation proposal in its latest review.
5. The proposal was largely for the retention of status quo representation arrangements but involved the transfer of an area from the North Taranaki Constituency to the New Plymouth Constituency. This had the effect of making the boundary between the two constituencies the same as New Plymouth District ward boundaries, with the proposed New Plymouth Constituency now comprising the entirety of New Plymouth City Ward and the North Taranaki Constituency comprising the remaining district wards.

6. This resulted in proposed 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
North Taranaki	23,000	2	11,500	+775	+7.23
New Plymouth	57,700	5	11,540	+815	+7.60
Stratford	9,270	1	9,270	-1,455	-13.57
South Taranaki	28,000	3	9,333	-1,392	-12.98
<b>Total</b>	<b>117,970</b>	<b>11</b>	<b>10,725</b>		

\* These are 2017 population estimates.

7. The council recorded the following reasons for its proposal:

- a. The proposed representation reflects the status quo (with only minor proposed boundary changes) which is well understood and accepted by the regional community.
- b. The constituency boundaries are closely aligned to territorial authority boundaries.
- c. The territorial authority boundaries align with identified communities of interest within Taranaki.
- d. The proposed representation is close to complying with the +/-10% requirement in the Local Electoral Act.

8. The council notified its initial proposal on 4 July 2018. In doing so it acknowledged that two of the four proposed constituencies were outside the statutory +/-10% fair representation requirement.

9. The council received one submission by the deadline of 10 August 2018. This submission, from South Taranaki District Council, supported the council's proposal.

10. As the only submission was in support of the initial proposal, that proposal then became the council's final proposal.

11. In notifying the proposal the council advised, given the non-compliance with the fair representation requirement, the proposal was subject to final determination by the Local Government Commission. Accordingly the proposal was referred to the Commission under section 19V(4) of the Act.

#### **Matters for determination by the Commission**

12. Section 19V(3)(b) of the Act makes it clear that if a regional council 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 the fair representation requirement (the '+/-10% rule'). Section 19V(4) then provides that in such a case, the regional council must refer its decision to the Commission for determination.

13. Section 19V(6) provides that on receiving a reference under subsection (4), the Commission must determine whether to:

- a. uphold the decision of the regional council, or
  - b. alter that decision.
14. Accordingly, the matters for determination by the Commission are limited to the council's decision to retain the current Stratford and South Taranaki constituencies with their current membership, despite these constituencies not complying with the '+/-10% rule'. It is noted, however, that if the Commission does not uphold the council's decision, alteration of that decision may impact on the other constituency arrangements.

### **Key considerations**

15. 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**

16. We note regions must be divided into constituencies for electoral purposes (section 19E of the Act). For the purposes of effective representation of communities of interest, section 19U requires constituency boundaries, so far as is practicable, to coincide with territorial authority boundaries or with territorial authority ward boundaries.
17. 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.
18. In the case of Taranaki Region, two constituencies (Stratford and South Taranaki) mirror territorial authority boundaries with the other two (North Taranaki and New Plymouth) reflecting New Plymouth District ward boundaries. Accordingly the current regional constituencies, as groupings of sub-regional communities of interest, can be seen to reflect territorial authority communities of interest.

### **Effective representation of communities of interest**

19. 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.

20. The Taranaki Region has been divided into the same four constituencies, subject to boundary adjustments around the New Plymouth urban area since its constitution in 1989. It has comprised either ten or eleven elected members since its constitution in 1989. Accordingly these arrangements are now well established and are familiar to residents.
21. In its determination prior to the 2013 elections, the Commission commented that “the current constituencies continue to provide an appropriate basis for identifying communities of interest in the Taranaki Region. The constituencies appear to reflect communities of interest and be of such a size that permits reasonable access to elected members”.
22. In the current review there were no submissions suggesting any arrangements other than the current four constituencies electing eleven members, would provide more effective representation for the identified communities of interest.

### **Fair representation for electors**

23. 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’).
24. 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).
25. The council is proposing, for the purposes of effective representation of communities of interest, the Stratford (-13.57%) and South Taranaki (-12.98%) constituencies not comply with ‘the +/-10% rule’.
26. Accordingly we needed to consider whether closer compliance with the ‘+/-10% rule’ is desirable, possibly at the expense of effective representation of communities of interest.
27. Given the longevity of the current arrangements and their resulting familiarity to residents, along with their close relationship to territorial authority/ward boundaries, we believe they can be seen as assisting achievement of effective representation of communities of interest. On the other hand, we believe changing these arrangements is likely to create barriers to participation and split recognised communities of interest, by for example including parts of New Plymouth District in the Stratford and South Taranaki constituencies.
28. The degree of non-compliance proposed, at -13.57% and -12.98%, is not high and in line with what was allowed by the Commission for Taranaki Region in 2013, and also in other regions in New Zealand.
29. As noted, no appeals have been received against the council’s proposed constituency boundaries.
30. In conclusion, we consider existing arrangements do provide an appropriate balance between the requirements for both fair and effective representation. On this basis we have decided to uphold the decision of the council for the two identified constituencies not to comply with the ‘+/-10% rule’.

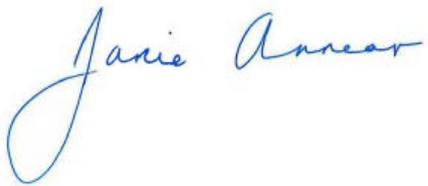
### **Commission's determination**

31. Under section 19R of the Local Electoral Act 2001, the Commission upholds the decision of the Taranaki Regional Council not to comply with the section 19V(2) +/- 10% fair representation requirement in respect of the Stratford and South Taranaki constituencies, as non-compliance is required for effective representation of communities of interest within these constituencies.
32. Accordingly for the triennial Taranaki Regional Council elections to be held on 12 October 2019, there will continue to be Stratford and South Taranaki constituencies, electing one and three councillors respectively.
33. Therefore for those elections for the Taranaki Regional Council, covering the area delineated on LG-07-2019-Con-1, the following arrangements will apply:
  - a. North Taranaki Constituency, comprising the area delineated on LG-07-2019-Con-2, electing two councillors
  - b. New Plymouth Constituency, comprising the area delineated on LG-07-2019-Con-3, electing five councillors
  - c. Stratford Constituency, comprising the area delineated on SO 13046, electing one councillor
  - d. South Taranaki Constituency, comprising the area delineated on SO 13047, electing three councillors.

**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

20 December 2018