



LOCAL GOVERNMENT COMMISSION
MANA KĀWANATANGA Ā ROHE

Determination

of representation arrangements to apply for
the election of the Taranaki Regional Council
to be held on 12 October 2013

Background

1. All regional councils are required under 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 councillors to be elected and the number and boundaries of the constituencies from which they are elected, in order that these arrangements provide fair and effective representation for individuals and communities. The Taranaki Regional Council (the Council) last reviewed its representation arrangements prior to the 2007 local authority elections. Accordingly it was required to undertake a review prior to the next elections in October 2013.
2. The Council determined its representation arrangements for the 2007 elections without receiving appeals. These arrangements also applied for the 2010 elections and were for 11 councillors elected 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
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
Total	109,680	11	9,971		

* These are updated 2011 population estimates. At the time of the 2007 review each of the constituencies complied with the section 19V '+/-10% fair representation requirement'.

3. On 26 June 2012 the Council resolved its initial proposed representation arrangements to apply for the 2013 elections. These were publicly notified between 5 and 12 July 2012.
4. The Council's initial proposal was that the Council continues to comprise 11 councillors elected from the existing constituencies.

5. In reviewing its representation arrangements, the Council considered a number of options in the knowledge that, using 2011 population estimates, the current arrangements no longer complied with the +/-10% fair representation requirement of section 19V of the Act. Population changes had placed two constituencies outside the required +/-10% range.
6. In determining its representation arrangements, the Council gave the following reasons for its decision –
 - the proposed representation reflects the status quo which is well understood and accepted by the regional community
 - the constituency boundaries are closely aligned to territorial local authority boundaries
 - the territorial local authority boundaries align with identified communities of interest within Taranaki
 - the proposed representation is close to complying with the +/-10% requirement, especially in the South Taranaki Constituency.
7. The Council received no submissions on its initial proposal. However, as the population to member ratios of the North Taranaki and South Taranaki constituencies did not comply with the requirements of section 19V(2) of the Act, the Council was required by section 19V(4) of the Act to refer its proposal to the Commission for determination. The Commission was required to consider the proposal as if it were subject to an appeal.

Requirements for determination

8. Statutory provisions relating to the determination of appeals and objections on regional council representation proposals are contained in sections 19R and 19I of the Act.

19R. Commission to determine appeals and objections

(1) *The Commission must—*

- (a) *Consider the resolutions, submissions, appeals, objections, and information forwarded to it under section 19Q; and*
- (b) *Subject to sections 19T and 19V in the case of a territorial authority, and to sections 19U and 19V in the case of a regional council, determine,—*

(i) *In the case of a territorial authority that has made a resolution under section 19H, the matters specified in that section:*

(ii) *In the case of a regional council that has made a resolution under section 19I, the matters specified in that section:*

(iii) *In the case of a territorial authority that has made a resolution under section 19J, the matters specified in that section.*

(2) *For the purposes of making a determination under subsection (1)(b), the Commission—*

(a) *May make any enquiries that it considers appropriate; and*

(b) *May hold, but is not obliged to hold, meetings with the territorial authority or regional council or any persons who have lodged an appeal or objection and have indicated a desire to be heard by the Commission in relation to that appeal or objection.*

(3) *The Commission must, before 11 April in the year of a triennial general election, complete the duties it is required to carry out under subsection (1).*

- 19I. **Review of representation arrangements for elections of regional councils**
- (1) A regional council must determine by resolution, and in accordance with this Part,—
- (a) the proposed number of constituencies; and
 - (b) the proposed name and the proposed boundaries of each constituency; and
 - (c) the number of members proposed to be elected by the electors of each constituency.
- (2) The determination required by section (1) must be made by the regional council,—
- (a) on the first occasion, either in 2003 or in 2006, and
 - (b) subsequently, at least once in every period of 6 years after the first determination.
- (3) This section must be read in conjunction with section 19ZH and Schedule 1A.

9. Section 19V(3)(b) of the Act provides that if a regional council considers that effective representation so requires, constituencies may be defined and membership distributed between them in a way that does not comply with the +/-10% requirement of section 19V(2). Where a regional council has made such a decision, section 19V goes on to provides as follows -

- (4) A regional council that decides under subsection (3)(b) not to comply with subsection (2) must refer that decision to the Commission together with the information specified in section 19Q(a) to (e).
- (5) A reference under subsection (4) must be treated as if it were an appeal against the decision of the regional council, for the purposes of sections 19R (other than subsection (1)(b)), 19S, and 19Y, which apply with any necessary modifications.
- (6) On receiving a reference under subsection (4), the Commission must determine, under section 19R(1), whether—
 - (a) to uphold the decision of the regional council; or
 - (b) to alter that decision.

10. Other statutory provisions the Commission is required to consider include those set out in sections 19D, 19E, 19U and 19V and these are addressed below.

Consideration by the Commission

11. The steps in the process for achieving required effective and fair representation are not statutorily prescribed. As reflected in its '*Guidelines to assist local authorities in undertaking representation reviews*', the Commission believes that the following steps in determining representation arrangements will achieve a robust outcome that is in accordance with the statutory criteria:

- (a) identify the region's communities of interest
- (b) determine the best means of providing effective representation of the identified communities of interest
- (c) determine fair representation of electors for the region.

Communities of interest

12. The Guidelines identify three dimensions for recognising communities of interest:
 - perceptual: a sense of belonging to an area or locality
 - functional: the ability to meet the community's requirements for services
 - political: the ability to represent the interests and reconcile conflicts of the community.
13. The Commission considers that constituencies should be based on distinct and recognisable communities of interest reflecting these dimensions.

Effective representation of communities of interest

14. Section 19U of the Act requires the Commission to ensure that:
 - the election of members of the council will provide effective representation of communities of interest in the region
 - constituency boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
 - so far as is practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or the boundaries of wards.
15. While not a prescribed statutory requirement, the Guidelines also suggest that local authorities consider the total number of members, or a range in the number of members, necessary to provide effective representation for the region as a whole. In other words, the final number of members should not be arrived at solely as the product of the total number of members per constituency.
16. Section 19D of the Act provides that a regional council shall consist of between 6 and 14 members. The Council comprised 11 councillors when constituted in 1989 and 10 councillors from the 1992 elections until 2007, when the number of councillors was increased to 11.
17. The Guidelines state that decisions relating to the representation of communities of interest (the political dimension) will need to take account of the extent that distinct geographical communities of interest can be identified, i.e. a physical boundary is able to be defined below the region level for the community of interest. Territorial authority or ward boundaries may provide this in some cases.
18. The Taranaki Region has been divided into the same four constituencies since its constitution in 1989, although in 1997 an area was transferred from the North Taranaki Constituency to the New Plymouth Constituency to reflect changes in New Plymouth District's ward boundaries.
19. The constituencies are based on the following communities of interest –
 - North Taranaki Constituency – the rural area of New Plymouth District and the town of Waitara
 - New Plymouth Constituency – the New Plymouth urban area
 - Stratford Constituency – the community of interest identified by Stratford District

- South Taranaki Constituency – the community of interest identified by South Taranaki District.
20. The Commission's Guidelines note that what constitutes effective representation of communities of interest will be specific to each local authority but that the following factors should be considered to the extent possible:
- avoiding arrangements that may create barriers to participation, such as at elections, for example by not recognising residents' familiarity and identity with an area
 - not splitting recognised communities of interest between electoral subdivisions
 - not grouping together two or more communities of interest that share few commonalities of interest
 - accessibility, size and configuration of an area including access to elected members and vice versa.
21. We consider that the current constituency boundaries 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.

Fair representation for electors

22. Section 19V of the Act requires that the electors of each constituency receive fair representation having regard to the population of the region and of that constituency. More specifically, section 19V(2) requires that the population of each constituency divided by the number of members to be elected by that constituency produces a figure no more than 10% greater or smaller than the population of the region divided by the total number of elected members (the '+/-10% fair representation rule').
23. As previously noted, two of the constituencies in the Council's proposal did not comply with the +/-10% requirement – the North Taranaki Constituency at +15.84% and the South Taranaki Constituency at -10.07%. As also noted (in paragraph 9), non-compliance with the +/-10% rule may be permitted where it is necessary for the effective representation of communities of interest.
24. The options considered by the Council, as part of its representation review, did include some that fully complied with the +/-10% rule. These options involved –
- merging constituencies into 2 or 3 larger constituencies
 - splitting districts between constituencies
 - increasing the number of councillors to 13 or 14
 - decreasing the number of councillors to 6.
25. The deviation of the South Taranaki Constituency from +/-10% at 0.7% (or 21 people) is negligible. We do not believe this slight variation from the +/-10% rule warrants adoption of another option that would likely involve the merging or dividing of communities of interest.
26. The deviation of the North Taranaki Constituency at 15.84% (or 1182 people) is more significant. However it does not appear to us to be excessive, rather we consider it falls within the flexibility envisaged by section 19V(3)(b) of the Act. Based on the information provided to us, we consider that the North Taranaki Constituency

comprises a community of interest warranting separate representation. We do not consider that the alternatives listed above would result in the same level of effective representation as that provided by the current constituency arrangements.

27. We have therefore decided to uphold the decision of the Council in respect of its representation arrangements.

Commission's Determination

28. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Taranaki Regional Council to be held on 12 October 2013, the following representation arrangements will apply:
- (1) Taranaki Region, as delineated on SO Plan 13043 deposited with Land Information New Zealand, will be divided into four constituencies.
 - (2) Those four constituencies will be:
 - (a) the North Taranaki Constituency, comprising the area delineated on SO Plan 133478 deposited with Land Information New Zealand
 - (b) the New Plymouth Constituency, comprising the area delineated on SO Plan 13479 deposited with Land Information New Zealand
 - (c) the Stratford Constituency, comprising the area delineated on SO Plan 13046 deposited with Land Information New Zealand
 - (d) the South Taranaki Constituency, comprising the area delineated on SO Plan 13047 deposited with Land Information New Zealand.
 - (3) The Council will comprise 11 councillors elected as follows:
 - (a) two councillors elected by the electors of the North Taranaki Constituency
 - (b) five councillors elected by the electors of the New Plymouth Constituency
 - (c) one councillor elected by the electors of the Stratford Constituency
 - (d) three councillors elected by the electors of the South Taranaki Constituency.
29. 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.

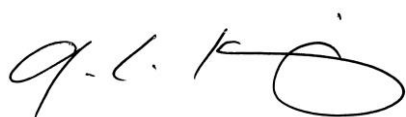
THE LOCAL GOVERNMENT COMMISSION



Basil Morrison (Chair)



Anne Carter (Commissioner)



Grant Kirby (Commissioner)

30 November 2012