



LOCAL GOVERNMENT COMMISSION
MANA KĀWANATANGA Ā ROHE

Determination

of representation arrangements to apply for
the election of the Timaru District Council
to be held on 12 October 2013

Background

1. All territorial authorities are required under sections 19H and 19J 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, the basis of election for councillors and, if this includes wards, the boundaries and names of those wards. Reviews also include whether there are to be community boards and, if so, arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
2. The Timaru District 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.
3. As a result of the 2007 review, the representation arrangements that applied for the elections that year and the subsequent 2010 elections were for a council that comprised a mayor and 10 councillors elected as follows.

Wards	Population*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Geraldine	5,210	1	5,210	+746	+16.71
Pleasant Point-Temuka	9,130	2	4,565	+101	+2.26
Timaru	30,300	7	4,329	-135	-3.03
Total	44,640	10	4,464		

* These are updated 2011 population estimates. At the time of the 2007 review, all wards complied with the +/-10% fair representation requirement.

4. Timaru District currently has three community boards being the Geraldine, Pleasant Point and Temuka Community Boards.
5. The Council commenced its review of representation arrangements by establishing an advisory panel to formulate options for consultation. The panel developed the following three options:
 - 9 councillors elected from the existing wards
 - 9 ward councillors plus 2 councillors elected at large
 - 9 ward councillors plus 3 councillors elected at large
6. After considering the panel's report the Council modified the options to be as follows:
 - Option 1 – 10 members elected at large
 - Option 2 – 9 members elected from the existing wards
 - Option 3 – 9 members elected from the existing wards and 3 members elected at large
7. The Council consulted on these options using a number of mechanisms. A total of 351 individual responses were received and preferences for the options were as follows :
 - Option 1 – 24%
 - Option 2 – 55%
 - Option 3 – 21%
8. On 7 August 2012, the Council adopted option 1 (10 councillors elected from the district as a whole) and resolved that the views of the community boards be sought on the proposal.
9. On 4 September 2012 following consideration of the views of the community boards the Council revoked its earlier adoption of option 1 and instead resolved, under sections 19H and 19J of the Act, to adopt option 2 (9 members elected from the existing wards). The proposal in relation to council representation was therefore as follows.

Wards	Population	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Geraldine	5,210	1	5,210	+250	+5.04
Pleasant Point-Temuka	9,130	2	4,565	-395	-7.96
Timaru	30,300	6	5,050	+90	+1.81
Total	44,640	9	4,960		

10. The Council's proposal was for the three community boards to be retained with the existing number of members.
11. The Council notified its proposal on 8 September 2012 and a total of 817 submissions were received by the deadline of 8 October 2012. Approximately 95% of those submissions supported the Council's proposal.

12. Following consideration of submissions, the Council on 29 October 2012 resolved to adopt its initial proposal as its final proposal.
13. The Council notified its final proposal on 10 November 2012 and called for appeals/objections by 10 December 2012. Two appeals against the proposal were received, from Janya Lobb and RHF Scobie.
14. Given the information set out in the documentation received from the Council, the Commission decided that no hearing was required and proceeded to make a determination.

Requirements for determination

15. Statutory provisions relating to the determination of appeals and objections on territorial authority representation proposals are contained in sections 19R, 19H and 19J 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).

19H. Review of representation arrangements for elections of territorial authorities

(1) A territorial authority must determine by resolution, and in accordance with this Part,—

- (a) Whether the members of the territorial authority (other than the mayor) are proposed to be elected—
 - (i) By the electors of the district as a whole; or
 - (ii) By the electors of 2 or more wards; or
 - (iii) In some cases by the electors of the district as a whole and in the other cases by the electors of each ward of the district; and
- (b) In any case to which paragraph (a)(i) applies, the proposed number of members to be elected by the electors of the district as a whole; and
- (c) In any case to which paragraph (a)(iii) applies,—

- (i) *The proposed number of members to be elected by the electors of the district as a whole; and*
- (ii) *The proposed number of members to be elected by the wards of the district; and*
- (d) *In any case to which paragraph (a)(ii) or paragraph (a)(iii) applies,—*
 - (i) *The proposed name and the proposed boundaries of each ward; and*
 - (ii) *The number of members proposed to be elected by the electors of each ward.*
- (2) *The determination required by subsection (1) must be made by a territorial authority —*
 - (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.*

19J. Review of community boards

- (1) *A territorial authority must, on every occasion on which it passes a resolution under section 19H, determine by that resolution, and in accordance with this Part, not only the matters referred to in that section but also whether, in light of the principle set out in section 4(1)(a) (which relates to fair and effective representation for individuals and communities) —*
 - (a) *There should be communities and community boards; and*
 - (b) *If so resolved, the nature of any community and the structure of any community board.*
- (2) *The resolution referred to in subsection (1) must, in particular, determine—*
 - (a) *Whether 1 or more communities should be constituted:*
 - (b) *Whether any community should be abolished or united with another community:*
 - (c) *Whether the boundaries of a community should be altered:*
 - (d) *Whether a community should be subdivided for electoral purposes or whether it should continue to be subdivided for electoral purposes, as the case may require:*
 - (e) *Whether the boundaries of any subdivision should be altered:*
 - (f) *The number of members of any community board:*
 - (g) *The number of members of a community board who should be elected and the number of members of a community board who should be appointed:*
 - (h) *Whether the members of a community board who are proposed to be elected are to be elected—*
 - (i) *By the electors of the community as a whole; or*
 - (ii) *By the electors of 2 or more subdivisions; or*
 - (iii) *If the community comprises 2 or more whole wards, by the electors of each ward:*
 - (i) *in any case to which paragraph (h)(ii) applies, -*
 - (i) *The proposed name and the proposed boundaries of each subdivision; and*
 - (ii) *The number of members proposed to be elected by the electors of each subdivision.*
- (3) *Nothing in this section limits the provisions of section 19F.*

16. Other statutory provisions the Commission is required to consider include those set out in sections 19A, 19C, 19F, 19G, 19T and 19V and these are addressed below.

Consideration by the Commission

17. The steps in the process for achieving required fair and effective 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 district's communities of interest
 - b) determine the best means of providing effective representation of the identified communities of interest
 - c) determine fair representation for electors of the district.

Communities of interest

18. 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.
19. The Commission considers that the case for specific representation of distinct and recognisable communities of interest should reflect these dimensions.

Effective representation of communities of interest

20. Section 19T of the Act requires the Commission to ensure that:
- the election of members of the council, in one of the ways specified in section 19H (i.e. at large, wards, or a combination of both) will provide effective representation of communities of interest within the district
 - ward 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, ward boundaries coincide with community boundaries.
21. 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 district as a whole. In other words, the total number of members should not be arrived at solely as the product of the number of members per ward.
22. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 elected members (excluding the mayor). The Council has comprised 10 elected members (excluding the mayor) since 2007. Prior to that and since 1992, the Council had comprised 12 members.
23. 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 district level for the community of interest. From its

constitution in 1989, Timaru District has been divided into wards. The current three wards have existed since 2007 when the former Pleasant Point and Temuka Wards were combined into one ward.

24. Mr Scobies' appeal sought a system whereby there would be a total of 10 members on the Council including the Mayor. If the Mayor was a resident of Timaru Ward that ward would elect four councillors to the Council and the rural ward five councillors. If the Mayor were a resident of a rural ward, the reverse would apply.
25. This arrangement is not permitted by the Local Electoral Act, or by any other legislation applying to local government. Therefore, we could not consider it further.
26. Janya Lobb's appeal sought the adoption of the original option 3 (9 members elected from the existing wards and 3 members elected at large). The reasons for the appeal were:
 - a view that reducing the number of councillors to nine would provide less representation for the district than other South Island district councils and two of the four South Island cities
 - a view that twelve councillors would enable the Council's workload to be better shared
 - concern about the total membership of the Council (including the Mayor) being an even number and the prospect of tied votes at council meetings.
27. In considering Janya Lobb's appeal we were mindful that the arrangements chosen by the Council were the clear preference of those participating in the consultation process taking place prior to the Council resolving its representation proposal. These arrangements also received a very high level of support from those making submissions on the Council's initial proposal.
28. In respect of the point that reducing the number of councillors to nine would provide less representation for the district than other South Island district councils and two of the four South Island cities, we note that 16 territorial authorities in New Zealand have population to member ratios higher than that which Timaru District would have under the proposed arrangements. These 16 territorial authorities cover a variety of types but some are certainly comparable with Timaru District.
29. Although we do not wish to see councillors' remuneration driving the number of members on councils, we make the observation that having a larger number of councillors would have an impact on the remuneration those councillors receive. While a larger number of councillors might have an impact on the sharing of the collective workload it would result in, on average, each councillor receiving a lower level of remuneration.
30. As far as the issue of the total membership of the Council is concerned, we observe that 17 territorial authorities and seven regional councils in New Zealand have an even number of members. We are not aware that having an even number of members is a particular issue for those councils, or is an issue that should help determine the total number of members on local authorities. In any case regardless of the total membership of councils, the number of members voting on particular issues will also be determined by the number actually in attendance at particular meetings or members having a conflict of interest on particular issues.

31. On the basis of the above discussion we have decided to endorse the Council's final proposals in respect of the number of councillors.

Fair representation for electors

32. Section 19V of the Act requires that the electors of each ward receive fair representation having regard to the population of the district and of that ward. More specifically, section 19V(2) requires that the population of each ward divided by the number of members to be elected by that ward produces a figure no more than 10% greater or smaller than the population of the district divided by the total number of elected members (the '+/-10% fair representation rule').
33. The reduction in the number of councillors to be elected from Timaru Ward means all three wards in the Council's final proposal complied with the '+/-10% rule'.

Communities and community boards

34. Section 19J of the Act requires every territorial authority, as part of its review of representation arrangements, to determine whether there should be community boards in the district and, if so, the nature of those communities and the structure of the community boards. The territorial authority must make this determination in light of the principle in section 4 of the Act relating to fair and effective representation for individuals and communities. The particular matters the territorial authority must determine include the number of boards to be constituted, their names and boundaries, the number of elected and appointed members, and whether the boards are to be subdivided for electoral purposes. Section 19W sets out further criteria, as apply to local government reorganisation proposals, for determinations relating to community board reviews as considered appropriate in the circumstances.
35. Three community boards (Geraldine, Pleasant Point and Temuka) were constituted in Timaru District in 1989. The Council's proposal was for the three boards to remain in existence with the same membership arrangements. There were no appeals relating to community boards and we have decided to endorse this aspect of the Council's proposal.


Commission's Determination

36. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Timaru District Council to be held on 12 October 2013, the following representation arrangements will apply:
- (1) Timaru District, as delineated on SO Plan 18094 deposited with Land Information New Zealand, will be divided into three wards.
 - (2) Those three wards will be:
 - (a) Geraldine Ward, comprising the area delineated on SO Plan 19948 deposited with Land Information New Zealand
 - (b) Pleasant Point-Temuka Ward, comprising the area delineated on SO Plans 19946 and 19949 deposited with Land Information New Zealand
 - (c) Timaru Ward, comprising the area delineated on SO Plan 19947 deposited with Land Information New Zealand.
 - (3) The Council will comprise the mayor and 9 councillors elected as follows:
 - (a) 1 councillors elected by the electors of Geraldine Ward

- (b) 2 councillor elected by the electors of Pleasant Point-Temuka Ward
 - (c) 6 councillor elected by the electors of Timaru Ward.
- (4) There will be three communities as follows:
- (a) Geraldine Community, comprising the area of the Geraldine Ward
 - (b) Pleasant Point Community, comprising the area delineated on SO Plan 19946 deposited with Land Information New Zealand
 - (c) Temuka Community, comprising the area delineated on SO Plan 19949 deposited with Land Information New Zealand.
- (5) The membership of each community board will be as follows:
- (a) Geraldine Community Board will comprise six elected members and one member appointed to the community board by the Council representing Geraldine Ward
 - (b) Pleasant Point Community Board will comprise five elected members and two members appointed to the community board by the Council representing Pleasant Point-Temuka Ward
 - (c) Temuka Community Board will comprise five elected members and two members appointed to the community board by the Council representing Pleasant Point-Temuka Ward.

37. As required by sections 19T(b) and 19W(c) of the Local Electoral Act 2001, the boundaries of the above wards and communities 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)

8 April 2013