



LOCAL GOVERNMENT COMMISSION

Determination

of the membership and basis of election for the
general election of the Auckland City Council to be
held on 13 October 2001

BACKGROUND

- 1 The Auckland City Council (hereafter referred to as “the Council”), as required by section 101H of the Local Government Act 1974 (hereafter referred to as “the Act”), considered its membership and the basis of the election of the Council to apply for the general election of the Council to be held in October 2001.
- 2 The Auckland City Council elected at the 1998 general election comprises 19 members and the Mayor. The 19 members were elected as follows:

Hauraki Gulf Islands Ward	1
Western Bays Ward	2
Hobson Ward	3
Eastern Bays Ward	2
Penrose Ward	4
Balmoral Ward	3
Avondale-Roskill Ward	4
- 3 Following its review, the Council proposed to retain the existing system of wards and membership, except for the re-naming of two wards.
- 4 The Council received 4 objections to its proposal from:
 - Mr Phil Warren
 - Dame Barbara Goodman
 - Mr Bill Christian
 - the New Zealand Business Roundtable.

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- 5 Following consideration of the objections, the Council confirmed its original proposal. The Council's decision was appealed by Phil Warren, Bill Christian and the New Zealand Business Roundtable.

Subject Matter of Appeals

- 6 The subject matter of the appeals was as follows:
- Phil Warren sought the combining of the Eden-Albert and Western Bays Wards, proposed that possibly other boundary adjustments between wards be made to ensure fair representation between wards and that the number of members on the Council be 16:
 - Bill Christian sought the division of the Penrose Ward into two wards – a Tamaki Ward and a Maungakiekie Ward:
 - the New Zealand Business Roundtable sought a reduction in the number of members of the Council to 13.

Preliminary Matter for Determination

- 7 The Commission, on receiving advice of the appeals, resolved that before making a determination of the appeal it would meet with the Council and the appellants if they wished to be heard. The Commission resolved to meet the Council and the appellants in Auckland on 31 January 2001.

The Hearing

- 8 The Council was represented by the Mayor (Christine Fletcher), the Deputy Mayor (Dr Bruce Hucker), Councillors Doug Astley and Richard Northey, and the Manager of Democracy Services, Steve McDowell. Mr Warren and Mr Christian attended the hearing to speak to their appeals. The New Zealand Business Roundtable chose not to speak to its appeal.

The Council: The Mayor outlined the Council's proposal. Councillor Northey then outlined the process the Council had undertaken and the rationale for its decisions.

The consultation process undertaken by the Council involved the following:

- the consultation process had involved public notices in Cityscene, the New Zealand Herald and local newspapers as well as editorial comment in Cityscene;
- consultation had also taken place with each of the community boards. While the Maungakiekie Community Board had proposed splitting the Penrose Ward the Tamaki Community Board had not. Neither the Avondale or Mount Roskill community boards had proposed splitting the Avondale-Roskill Ward;

- One Tree Hill residents had been consulted on possible boundary alterations by way of a letter box drop and direct mail. The result was 214 to 78 in favour of no change; and
- following the consultation process the Council confirmed the status quo. Four objections were received but consideration of these did not cause the Council to change its original decision.

The rationale for the Council's decision was as follows:

- there had been significant change to electoral arrangements for the council and community boards for the 1998 elections;
- the community needs stability in terms of being able to identify with wards;
- the existing wards are all within a plus or minus 10% tolerance and therefore achieved a high degree of fairness;
- dividing either of the southern wards would result in wards slightly above the 10% tolerance level;
- the Council believed that the existing wards do adequately reflect defined communities of interest;
- the Council's strategic plan has a significant political focus on leadership issues. This has relevance to the number of councillors required to ensure the plan is implemented;
- there has been significant growth in the number of rateable properties and population in recent years (rateable properties increased by over 22,000 in the last 10 years and population grew by 36,000 in the last 3 years);
- member to population ratios at 1:20,000 were already higher than for Christchurch, North Shore, Manukau, Wellington and Waitakere cities where the ratios ranged from 1:8778 to 1:14400;
- councillors need to be able to connect with their electorate and bigger populations for wards would compromise this;
- larger wards would make it more difficult from a financial point of view for some to campaign for election;
- at the same time wards had to be large enough to ensure that city-wide rather than parochial issues are the most significant in election debates:
- few submissions proposed changing boundaries;
- the Council recognised that the 2002 review will need to be a major review; and
- the names of the Balmoral and Penrose wards were proposed to be changed to achieve conformity between ward names and community names, and to ensure residents had a clearer idea of what areas the wards covered.

In response to questions, the Council advised that:

- the Council considered that for a City the nature of Auckland City population is the only factor appropriate for the allocation of membership to wards;
- reducing membership could involve ward boundary changes and threaten communities of interest; and

- there is some delegation to community boards. The boards had significant input into the strategic plan.

Phil Warren addressed his appeal. His comments and replies to questions may be summarised as follows:

- he proposed that the Council should be reduced to 16 councillors;
- councillors' responsibilities had decreased over recent years because of the establishment of LATEs, contracting out and their role becoming more one of determining policy than being involved in service delivery issues on a hands on basis;
- once the budget had been set the role of councillors is limited except for monitoring performance;
- good governance could be better achieved with a smaller number of members;
- many within the Council believed that change should be made, but at a later stage;
- the pre-reform boroughs are still reflected in the structure of Auckland local government through the ward system;
- expenditure for elected members had increased by \$4m since 1997 - this is an extraordinary use of ratepayers money;
- he has a preference for doing away with community boards, but if the Council is to continue with community boards it should delegate more to them and alleviate councillor workload. If the Council is concerned about the affects of population growth on councillor workload it should delegate more to community boards; and
- a 16 member council would not affect councillor's ability to deal with workload.

Bill Christian addressed his appeal. His comments and replies to questions may be summarised as follows:

- he proposed the division of both the Penrose and Avondale-Roskill wards into two wards - a Maunagkietie Ward and a Tamaki Ward, and an Avondale Ward and a Mount Roskill Ward respectively;
- the populations of the new wards would be similar to those of the existing Western Bays and Eastern Bays Wards;
- he referred to the report of the local commissioners appointed by the Christchurch City Council recommending 11 wards with 2 councillors each and that this was a situation where local representation is valued;
- the nature and timing of the Council's publicity for its review were not such as to attract a large number of submissions;
- despite this a group in Avondale had circulated a petition seeking an Avondale Ward which had gained 114 signatures;
- there are no councillors living in Avondale;
- Penrose Ward is not a single community of interest. It is made up of quite dissimilar communities of interest;

- the Tamaki area (the whole of the proposed Tamaki Ward) as well as Onehunga and Oranga were rated as being highly deprived on a recently published social deprivation index, while the remainder of the Penrose Ward – Ellerslie, Royal Oak, Greenland and One Tree Hill rated among the least deprived communities;
- the Tamaki area has a much different ethnic make-up to the remainder of the ward, with more than half of the population being Pacific Islander, Asian, Indian and East European;
- a Tamaki Ward would result in a ward comprising similar social and ethnic groups and should see the election of councillors more in tune with the socio-economic groups they represent; and
- the Penrose Ward is too large to do justice in terms of representation. He had only been able to do justice to the Tamaki part of the ward.

MATTERS FOR DETERMINATION

- 9 The statutory provisions in respect of these appeals are contained in sections 101K and 101L of the Act. Section 101K(1) states:

“(1) The Commission shall before the 29th day of March of the year of each triennial general election-

- (a) Consider the resolutions, objections, appeals, counter-objections, and information forwarded to it under section 101J of this Act; and*
- (b) Subject to section 101L of this Act, determine the number of wards or constituencies and their names and boundaries, and the number of members to be elected by the electors of each ward or constituency or, as the case may be, by the electors of the district as a whole.”*

- 10 The relevant provisions of section 101L are subsections (2) and (3) which state:

“(2) In determining whether the council is to be elected by the electors of the district as a whole or by the electors of two or more wards and in determining (where necessary) the number and boundaries of wards, the territorial authority and, where appropriate, the Commission shall ensure-

- (a) That the election of members of the council by the electors of the district as a whole or by the electors of the 2 or more wards whose number and boundaries are determined will provide effective representation of communities of interest within the district; and*

- (b) *That ward boundaries coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes; and*
 - (c) *That, so far as is practicable, ward boundaries coincide with community boundaries.*
- “(3) *In determining the number of members to be elected by the electors of any constituency or ward, the council and, where appropriate, the Commission shall ensure that the electors of the constituency or ward receive fair representation having regard to the population of every constituency or ward within the region or district and, if the circumstances so require, the rateable values, areas, or other relevant characteristics of the various constituencies or wards.*”

Consideration by the Commission

11 The Commission considers that when deciding:

- (a) whether the election of the members of a council (other than the Mayor) be by the electors of the whole district or on a ward basis;
- and
- (b) if on a ward basis, the number and boundaries of the wards,

that the only criterion to be met within the terms of section 101L(2) is the provision of effective representation of the various communities of interest within the district. This can be achieved by any ward encompassing one or more communities of interest. What the Commission has to do then is determine which communities of interest or groupings of communities of interest require representation.

12 The Commission further considers that when deciding on the number of councillors to be elected by the electors of any ward, the sole criterion to be met under section 101L(3) is the provision of fair representation for the electors of the various wards within the district. In deciding this fairness of representation, the Commission must have regard primarily to population, but if this factor alone does not, in the opinion of the Commission, achieve fairness then regard should be given to rateable value and area or other relevant characteristics of the various wards. In the opinion of the Commission, population must constitute the predominant factor, but, if other factors are applied, different weightings can be applied to all factors as are appropriate in any given circumstances. The Commission does not consider that any particular formula must be applied and consequently, any mathematical calculation should be seen only as a guide to a level of fairness which can be achieved on the basis of the factors required to be taken into account under the provisions of the Act. In the end though, the final decision must be that which the Commission considers will, after

having regard to the various factors set out in the Act, provide the fairest representation on balance for the electors of each ward.

13 In the Commission's opinion, its first responsibility, which also applied to the Council, was to decide whether or not the district should be divided into wards, and if so the number and boundaries of those wards to provide effective representation of communities of interest within the district.

14 The Commission notes that section 101L(4) of the Act provides that:

“(4) Notwithstanding anything in section 101H(1) of this Act or subsection (2) of this section, every ward which is an island or group of islands with a population in excess of 1,000 persons and which was established by an Order in Council that came into force on the 1st day of November 1989 shall continue to constitute a ward of the territorial authority within which the ward was established.”

This provision applies to the existing Hauraki Gulf Islands Ward and therefore that ward shall continue in existence. What the Commission therefore has to determine is the membership and basis of election for that part of the City situated on the Auckland isthmus.

15 Auckland City contains a large population and a number of different communities of interest. The Commission came to the view that because of the number and diversity of the communities of interest in the City, effective representation of the various communities of interest could only be by councillors being elected on a ward basis over the Auckland isthmus as well as the Hauraki Gulf.

Appropriate Ward System

16 Having decided that the basis of election will be a ward system, the Commission then had to consider the number and boundaries of wards necessary to ensure the effective representation of the various communities of interest in the City. The Commission does not consider that section 101L envisages that every individual community of interest requires separate representation. Its sole requirement in this regard is that the representation of communities of interest must be effective.

17 The Commission emphasises that wards are for electoral purposes only, and that the Council is the entity to which members are elected.

18 In the Commission's view, where it is appropriate for a district to be divided into wards, there should be such number as is necessary and consistent with the concept of effective representation of various communities of interest.

- 19 Phil Warren proposed that the Western Bays and Balmoral wards be amalgamated. This appeared to be part of a proposal that the total number of members of the Council be reduced. The Commission heard no evidence that the communities of interest collectively comprising each of these wards does not continue to warrant separate representation. It also notes that the current boundary between these wards - the North-western Motorway - is one of the more obvious and identifiable ward boundaries in the City and one that clearly demarcates the boundary between communities. The Commission therefore considers that these two wards should remain.
- 20 Mr Warren also suggested that some boundary adjustments be made to ensure fair representation between wards. In his appeal he did not identify what boundary adjustments he had in mind. However his objection to the Council had proposed that the boundary changes contained in options 3 and 4 of the report to the Council dated 28 April 2000 be considered. These involved the transfer of the One Tree Hill area from the Hobson Ward to a new Maungakiekie Ward. The Council had canvassed the views of residents on this proposal. Of the 292 replies received, 214 or 73% preferred this boundary to remain where it is. On the basis that this is an indication of where people perceive their community of interest to lie, the Commission has decided to leave this boundary unchanged. As far as other boundary adjustments between wards are concerned the Commission wishes to point out that boundaries exist to demarcate communities of interest. Given this, boundaries are not able to be adjusted to "even up the numbers" if it would mean splitting communities of interest.
- 21 Bill Christian sought the division of the Penrose Ward and the Avondale-Roskill Ward each into two wards. He proposed this on the basis that the populations of these wards (88,000 and 84,000 respectively) are too large for a councillor to effectively represent. The Commission noted that this proposal had been discussed in earlier stages of the review process but had not gained a broad spectrum of support. It has therefore concluded that there is a reasonable degree of satisfaction with the current arrangements.
- 22 The Council has proposed that the City continue to be divided into 7 wards, which are those determined by the Commission in its 1998 decision. The Commission considers that the proposed structure takes into account the distinct communities of interest within the City.
- 23 The Council has proposed the renaming of two wards - "Penrose" to "Tamaki-Maungakiekie" and "Balmoral" to "Eden-Albert". The Commission agrees to these changes on the basis that they make the wards concerned more readily identifiable.

Number of Members

- 24 Having decided that there will be 7 wards, the Commission is then required to determine what would be fair representation for the electors of the various wards.
- 25 Two appeals, from Phil Warren and the New Zealand Business Roundtable, sought a reduction in the number of members of the Council. It should be noted, however, that the total number of members of the Council is not a starting point in the review process nor should a change in the number of members either upwards or downwards be one of the goals of the exercise. The total number of members is the product of the exercise of firstly determining which communities of interest or groupings of communities interest require separate wards and then allocating members to those wards in a manner that ensures fair representation between those wards.
- 26 As noted above, the number of members to be elected by each ward is to be determined on the basis of providing fair representation for the electors of the various wards having regard to population and, if the circumstances so require, the rateable value and area of every ward. However, inherent in the decision to create an area as a ward is a requirement that the ward be represented by at least one member.
- 27 On the basis of the current membership of 19 members, or for that matter any number even remotely close to 19, the Hauraki Gulf Islands Ward would on a statistical basis be entitled to considerably less than one member. However, given the requirement of section 101L(4) of the Act referred to above that this ward remain in existence it is automatically entitled to one member. The following analysis is therefore confined to the wards on the isthmus.
- 28 The Act does not specify what weightings are to be given to particular factors, however it does require the allocation of members to wards to result in fair representation for each ward. The Council used population as the sole criterion for determining the number of members to be allocated to wards. The Commission agrees that this is most appropriate approach for Auckland City.
- 29 Set out below is a tables showing the number of members that each of the isthmus wards would be entitled to using total numbers of members ranging from 13 to 18.

Wards	Population	%	Members					
			13	14	15	16	17	18
Western Bays	38300	10.26	1.33	1.44	1.54	1.64	1.74	1.85
Eden-Albert	58600	15.70	2.04	2.20	2.36	2.51	2.67	2.83
Avondale-Roskill	84000	22.51	2.93	3.15	3.38	3.60	3.83	4.05
Hobson	60000	16.08	2.09	2.25	2.41	2.57	2.73	2.89
Eastern Bays	44300	11.87	1.54	1.66	1.78	1.90	2.02	2.14
Tamaki-	88000	23.58	3.07	3.30	3.54	3.77	4.01	4.24

Maungakiekie								
Total	373200	100.00						

30 As can be seen from the above table, the application of ward population shows that fairness can be achieved between the representation of each ward with a Council of 18 members for the isthmus wards, as proposed by the Council. The member:population ratios for each in fact all fall within a +/- 10% range of the average member:population ratio for the whole isthmus.

31 Therefore, having considered all aspects of the matter of representation the Commission has concluded that the number of members to be elected from each ward shall be as proposed by the Council.

DETERMINATION

32 Under section 101K of the Act, the Commission, determines that for the general election of the Council to be held on 13 October 2001 -

- (1) Auckland City, as delineated on S.O. Plan No. 63496 deposited with the Chief Surveyor of the Auckland Land District, shall be divided into seven wards;
- (2) Those seven wards shall be:
 - (a) the Hauraki Gulf Islands Ward, comprising the area delineated on S.O. Plan No. 63508, deposited with the Chief Surveyor of the Auckland Land District;
 - (b) the Western Bays Ward, comprising the area delineated on S.O. Plan No. 63512 deposited with the Chief Surveyor of the Auckland Land District;
 - (c) the Hobson Ward, comprising the area delineated on S.O. Plan No. 63510 deposited with the Chief Surveyor of the Auckland Land District;
 - (d) the Eastern Bays Ward, comprising the area delineated on S.O. Plan No. 63509 deposited with the Chief Surveyor of the Auckland Land District;
 - (e) the Tamaki-Maungakiekie Ward, comprising the area delineated on S.O. Plan No. 69290 deposited with the Chief Surveyor of the Auckland Land District;
 - (f) the Eden-Albert Ward, comprising the area delineated on S.O. Plan No. 69291 deposited with the Chief Surveyor of the Auckland Land District; and

- (g) the Avondale-Roskill Ward, comprising the area delineated on S.O. Plan No. 69292 deposited with the Chief Surveyor of the Auckland Land District:
- (3) The Council shall comprise a Mayor and 19 members who shall be elected as follows:
- (a) one member shall be elected by the electors of the Hauraki Gulf Islands Ward;
 - (b) two members shall be elected by the electors of the Western Bays Ward;
 - (c) three members shall be elected by the electors of the Hobson Ward;
 - (d) two members shall be elected by the electors of the Eastern Bays Ward;
 - (e) four members shall be elected by the electors of the Tamaki-Maungakiekie Ward;
 - (f) three members shall be elected by the electors of the Eden-Albert Ward; and
 - (g) four members shall be elected by the members of the Avondale-Roskill Ward.

33 As required by section 101L(2) of the Act, the boundaries of the above wards coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

THE LOCAL GOVERNMENT COMMISSION

Sir Ross Jansen (Chairman)
Barbara Durbin (Commissioner)
Bruce Anderson (Commissioner)

27 March 2001