

FAR NORTH DISTRICT COUNCIL

Background

- 1 The Far North District Council (hereafter referred to as the “Council”), in accordance with section 101H of the Local Government Act 1974 (hereafter referred to as “the Act”), carried out a review of its membership and the basis of the election of its members prior to the triennial general election to be held in October 1998. It resolved to restructure its system of wards and reduce the total number of members. At present, the district is divided into 9 wards with a membership of 13 other than the Mayor. Councillors are elected as follows:

Wards	Members
North Cape	1
Kaitaia	2
Doubtless Bay	1
Whangaroa	1
North Hokianga	1
South Hokianga	1
Kerikeri	2
Kaikohe	2
Kawakawa	2

- 2 The Council proposes that the new structure shall be:

Wards	Members
Northern	3
Eastern	4
Western	3

- 3 The Council received 8 appeals and counter-objections against its proposals.

Council's Consideration

- 4 The Council established an electoral review committee in December 1996 to investigate and recommend to the Council, the appropriate electoral structure for the district including communities and community boards. The committee's consultations included obtaining the views of the community boards of the district.
- 5 The committee recommended that the existing wards should be amalgamated to form a district with 3 wards as follows:
 - Northern Ward incorporating the North Cape, Doubtless Bay, and Kaitaia Wards;

- Eastern Ward incorporating the Whangaroa, Kerikeri, and Kawakawa Wards and;
- Western Ward incorporating the North Hokianga, South Hokianga, and Kaikohe Wards.

The committee further recommended that the number of members other than the Mayor be reduced to 7, elected as follows:

Wards	Members
Northern	2
Eastern	3
Western	2

and that the existing 6 communities be retained.

- 6 The Council considered the committee's report and in June, resolved that its electoral structure conform with that recommendation.
- 7 The Council received 18 objections to its proposals. After considering them, the Council resolved to confirm its proposed ward structure, but to increase the number of members to be elected from each ward as follows:

Wards	Members
Northern	3
Eastern	4
Western	3

- 8 The reasons the Council gave for its final proposals were that:
 - (a) the existing 9 ward structure does not reflect the changes that have occurred in the district;
 - (b) to continue with the existing structure would exacerbate existing inequities and;
 - (c) most of the objections that did not support the existing structure, supported the proposed 3 ward structure.

Subject of Appeals and Counter-Objections

- 9
 - *Mr D P King* opposed any change; he stated that the reasons for reducing Council numbers were based on erroneous grounds such as cost reduction and possible changes to legislation rather than the statutory requirement for representational equity.
 - *The Paihia District and Citizens' Association Incorporated* appealed against any reduction in total number of councillors and the lack of a separate Paihia Ward.
 - *The Horeke Progressive League* opposed the abolition of the Hokianga Ward, on the basis that its inclusion with the larger Kaikohe Ward would not guarantee representation by a Hokianga based councillor.

- *Mr Bryan Russell* opposed the abolition of the Hokianga Ward.
- *The Waimamaku Ratepayer and Residents' Association and Mr Peter Oldham* were opposed to any change in the existing electoral structure of the district.
- *Mr Bruce Thorpe and 7 others* (including separate appellants Messrs D P King and John Wigglesworth) wished to see the existing system maintained.
- *Mr John Wigglesworth* was opposed to the union of the Kaikohe Ward and the two Hokianga Wards.

Matter for Preliminary Consideration

- 10 The Commission received the appeals and counter-objections and resolved to meet the Council and the appellants and counter-objectors in Kaikohe on Monday 9 February.

The Hearing

- 11 The Council was represented by the Mayor, Ms Sue James; and Cr John Matthewson.

The appellants and counter-objectors who appeared were Mr Thorpe, Mr Wigglesworth, Mr Peter Oldham, who also spoke on behalf of the Waimamaku Ratepayers, and Mr Dave King. Cr Robert Lescher made a presentation as witness for Mr King.

The Council. In her introductory remarks, Ms James said that the Council was following a long-term strategy of unifying the district, but there were still some divisions. The present structure has a large number of members and consequent high costs. The structure of communities is a continuing issue. She then read a briefing paper which summarised the process followed by the Council and discussed a number of issues relating to the constitution of communities; referred to a study relating to the possible constitution of a unitary authority or authorities within the Northland Region.

Cr Matthewson made an oral submission which may be summarised as follows:

- As there are community board members to concern themselves with parochial issues, councillors should only concern themselves basically with matters affecting the district as a whole;
- In formulating its proposals, the Council only considered population; he stated that rateable value was considered as a possible factor during the 1994 review but was discarded;
- The Council did consider the possibility of redrawing ward boundaries rather than merely amalgamating wards, but this raised serious problems relating to the division of communities of interest;

- The proposed 3 wards encapsulate the existing communities of interest fairly satisfactorily and;
- In respect of possible divisions of communities of interest, the Commission was reminded of the problem which arose when the Commission itself proposed to exclude Taupo Bay from its community of interest with Kaeo.

Other general responses to questions may be summarised as follows:

- The Council originally proposed a total membership of 7 because it was of the view that number would be sufficient;
- Roading comprises 42% of the Council's budget;
- There is general concern in the district that rates are too high;
- The Council had based its ward proposals upon a population projection to the year 2000 because projections take account of what is happening while the census figure is an historic event which is now no longer relevant;
- The point was made that the City of Birmingham in England has only 7 councillors;
- Community boards recommend the level of rates for local expenditure;
- The Council believed that its proposed larger wards would combat parochialism by forcing councillors to take a broader district-wide approach; another effect would be to require local residents to approach their community board members on local issues;
- The Council has a policy of including local people on its committees;
- Community involvement in Council affairs is patchy, in some parts of the district it is very strong and in others there is practically none and;
- The Council's proposals are the first stage of a continuous process of change.

Mr Thorpe read from his appeal document. The major points may be summarised as follows:

- The Council's proposal reduces the level of representation in a district whose people are concerned about insufficient consultation, and where the present Council members lack talent and ability;
- The level of accountability for individual councillors would be reduced because of their being elected from larger geographic areas;
- The suggestion that costs will be reduced by reducing the size of Council is fallacious;
- Parochialism is not so much a feature of the small rural areas as it is of the larger towns of Kerikeri, Kaitaia, and Kaikohe;
- The proposal will work against the political representation of Maori communities in particular, and other rural communities in general and;
- The wards where there is long-standing Maori representation will be subsumed into larger wards where there has not been Maori representation.

Other comments made by Mr Thorpe and his responses to questions may be summarised as follows:

- Decisions have been made in respect of population only, but the issue in the Far North District is a geographical issue;
- He suggested that Birmingham was probably a much less diverse place than the Far North District;
- Broadwood, which is part of the Northern Hokianga Ward, is more concerned with its links with Kaitaia, but will probably be represented by some person who lives in Kaikohe;
- The proposed wards favour representation from the towns in the district rather than from smaller rural areas and;
- there is no guarantee of adequate membership on the Hokianga Community Board for the North Hokianga.

Mr Wigglesworth made a statement. His comments and responses to questions may be summarised as follows:

- A reduction in the number of councillors makes little difference to the costs of administration;
- Smaller groups of local government representatives do not automatically become more efficient than larger groups;
- The amalgamation of districts in the Far North has reduced the quality of local government services;
- He is not convinced that the new arrangement will provide adequate service for the people of the Hokianga;
- Retaining the present community is not as good as retaining a Hokianga councillor and;
- There should be a single Hokianga Ward.

Mr Oldham described himself as a South Hokianga person. He said he believed the Council was in too much of a hurry. It should first concentrate on getting the powers and functions of community boards increased. He expressed concern about the loss of guaranteed Hokianga representation, and was doubtful about the reality of any cost savings.

Mr King made an oral presentation. His comments and responses may be summarised as follows:

- The present division of Hokianga should not have happened as it has a strong single community of interest;
- Reducing the number of councillors would not reduce the tensions on the Council. It would be best to go the other way and increase the size of the Council;
- He does not want Hokianga to be represented by somebody who lives in Kaikohe;

- Said that Paihia should have a separate ward because it is disadvantaged by being included with Kerikeri;
- Hokianga has more in common with Kawakawa than with Kaikohe and;
- The Council's proposal is part of a deliberate programme to centralise activities in Kaikohe.

Mr King also called *Mr Robert Lescher*. Mr Lescher made a statement and this, together with answers to questions, may be summarised as follows:

- The bulk of the submissions on the Council's proposals were to increase the number of wards and members in the district;
- The Council is confusing the business model with the representation model;
- With a 3 ward division of the district, councillors would tend to come from Kaitaia, Kaikohe, and Kerikeri;
- The existing structure is satisfactory, except that there should be a ward for Paihia;
- The district is growing rapidly except in North Hokianga, which is growing only slowly;
- Cost savings with the Council's proposals would not be great;
- He believes that there should be 14 councillors including 1 for the Paihia Ward;
- A Paihia Ward would only reduce the population of the Kerikeri Ward by about 3,500; this would still allow 2 members for the Kerikeri Ward;
- While Paihia could be associated with Kawakawa, the best outcome would be a separate Paihia Ward;
- Communities of interest of Paihia and Kerikeri are different; Paihia is about tourism, Kerikeri is about horticulture and farming;
- He agreed that the two towns are growing together, but at present there is a 20 minute separation; and
- There was not much public reaction to the Council's proposals because there is not much public knowledge about the triennial review process.

For the Opua District Ratepayers' Association, Mr Evison made an oral submission which may be summarised as follows:

- The Association is generally in favour of the Council's proposals so long as the powers of community boards are increased;
- Opinion in Paihia is actually divided but Paihia is part of the rest of the Bay of Islands; and
- Kerikeri is seen as totally different from other places in the Bay of Islands, but the Association has no problem with it being in the same ward.

For the Council in reply, the Mayor's comments may be summarised as follows:

- The past history of the Council has driven the findings of the current review because of a need for councillors to consider issues from a district perspective;
- The Paihia Ward could not be established because its population is too small;
- Geography is important in delineating ward boundaries, and the Council took account of this and specific communities of interest, but to represent them all would require a council of about 25;
- About one third of the Council's cost is communications and it was found that by reducing the number of committees, there was a saving of about \$200,000;
- The present Council is too big and there is too much relitigation of issues with many debates tied to community concerns;
- Any other possible ward structure would lead to many battles and the Commission's decision to divide Hokianga was cited as an example where a great deal of conflict followed.

12 At the conclusion of the Council's response, the Chairman stated that the Commission reserved its decision and declared the meeting closed.

Matters for Determination

13 The statutory provisions in respect of this appeal are contained in sections 101K and 101L(2) and 3) of the Act. Section 101K(1) states:

"(1) The Commission shall before the 29th day of March of the year of each triennial 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 Ward or, as the case may be, by the electors of the district as a whole."

14 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 two 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 the Department of Statistics 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

15 The Commission considers 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) of the Act is the provision of effective representation for the various communities of interest within the district. This can be achieved by any ward encompassing one or more communities of interest.

16 The Commission considers that, when deciding 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 of the electors of the various wards within the region. 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 remain the predominant factor, but different weightings, or even no weighting 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 indicative as 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. The final decision must be that which the Commission considers will, after having regard to the various factors set out in the Act, provide fair representation for the electors of any ward.

- 17 The Far North District is one which, during the past six years, has occupied a great deal of the Commission's consideration. This experience has convinced the Commission that there is no question but that the district comprises a number of distinct communities of interest which, at the appropriate levels, justify separate representation. These communities of interest require the provision of a ward structure so that they may be provided with effective representation.
- 18 The Commission noted that the Council carried out a comprehensive review prior to its coming to a decision upon a ward structure. The proposal which was formulated is for a radical restructuring of the existing 9 ward division of the district. The Commission was interested to note that, following public notification of its proposals, there was a reasonable amount of opposition from the Hokianga, and some opposition from Paihia, but over the district as a whole, there appeared to be general acceptance. Similarly, the proceedings before the Commission related only to appeals from those two areas. On that basis, the Commission reached the view that, at least in respect of the proposed Northern Ward, the Council's proposal was reasonable and therefore should be confirmed.
- 19 The submissions from all those who opposed the union of the two Hokianga Wards with the Kaikohe Ward expressed great concern that the people of the Hokianga would be unlikely to be able to elect a single Hokianga person to represent the Western Ward, and that therefore the Hokianga community of interest would be unlikely to be provided with effective representation. The Commission considers that this is a possibility, but that it would only be likely to result from a lack of support from the Hokianga electors. The estimated 1998 population for the Western Ward is 14,473 and, 6,618 or almost 46% of this total is made up of Hokianga residents. Given this proportion, the Commission does not consider that the Hokianga community of interest would not be effectively represented if Hokianga candidates are effectively supported. Therefore it confirms the Council's proposals and disallows those appeals and counter-objections which sought to retain separate representation from a Hokianga Ward.
- 20 The Commission notes that it was required to adjudicate upon whether a separate ward should be constituted for Paihia in 1995, and that its decision was to decline the appeal. At that time, a principal argument advanced was that Paihia was combined with Kerikeri which did not have the same community of interest as Paihia. The Council's current proposal is that Kerikeri, together with Whangaroa, be incorporated within a ward

which would take in the eastern part of the district. The evidence which the Commission heard on this occasion is that Paihia has a significant community of interest with Opuia and Kawakawa.

- 21 Now that the whole centre of emphasis on the eastern side of the district has been shifted to centre on communities whose interest is the Bay of Islands, the same centre as that shared by Paihia, the Commission still does not believe it appropriate to constitute a Paihia Ward. Rather it considers that the people of Paihia should be given the opportunity to experience the effectiveness of their representation under a different system. On that basis, the Commission confirms the union of the Whangaroa, Kerikeri, and Kawakawa Wards to form the Eastern Ward. The appeals seeking the constitution of a Paihia Ward are declined.
- 22 The effect of these decisions is that the Council's proposals for the redivision of the district into 3 wards are confirmed.
- 23 The other appeals sought the retention of the present 13 member council. The evidence given to the Commission by the appellants was that the proposed reduction in Council membership would not reduce Council expenditure significantly, and would, through a possible increase in workloads, render Council governance less efficient. The Council's evidence on the other hand was that a smaller number of members would require members of the Council to focus upon policy and district-wide issues. The Council also proposes the retention of the existing 6 communities, and believes that the local issues are best dealt with by community board members.
- 24 The Commission considered whether the Council's proposals for the allocation of membership to the 3 wards would ensure fair representation having regard to the populations of the various wards. The following table shows the relative fairness of allocating members to the wards using their populations at the 1996 Census.

Ward	Population	%	Membership		
			9	10	11
Northern	17,173	32.44	2.92	3.24	3.57
Western	14,155	26.74	2.41	2.67	2.94
Eastern	21,607	40.82	3.67	4.08	4.49
Totals	52,935	100.00	9	10	11

- 25 The table indicates that the fairest representation is achieved with a total membership of 10 councillors. With a 9 member Council, the Western Ward would be significantly under-represented and the Eastern Ward somewhat over-represented. With an 11 member Council, it would be the Eastern Ward which would be under-represented and the Northern Ward over-represented. By comparison, the Commission considers that the

small over-representation of the Western Ward with a 10 member Council is relatively fair. The Hokianga, which will be a part of that Ward, has a number of isolated communities which would probably benefit from the extra representation.

- 26 Given that the Council's proposed allocation of representation to the various wards will ensure fairness for the electors of those wards, the Commission confirms the Council's proposals for membership. The appeals seeking the retention of the existing Council of 13 members are not upheld.
- 27 The Commission does not see its responsibilities under section 101K of the Act as extending to an evaluation of the appropriate number of members needed for the effective administration of the district. It is therefore prepared to accept the Council's own assurance of the capacity of a Council with the membership proposed.

Determination

- 28 Pursuant to section 101K of the Act, the Commission hereby determines that for the triennial general election in 1998:
- (1) the Far North District, as delineated on S.O. Plan No. 63500 deposited with the Chief Surveyor of the North Auckland Land District, shall be divided into 3 wards;
 - (2) those 3 wards shall be:
 - (a) the Northern Ward, comprising the area delineated on S.O. Plan No. 63549 deposited with the Chief Surveyor of the North Auckland Land District;
 - (b) the Western Ward, comprising the area delineated on S.O. Plan No. 69281 deposited with the Chief Surveyor of the North Auckland Land District; and
 - (c) the Eastern Ward, comprising the area delineated on S.O. Plan No. 69280 deposited with the Chief Surveyor of the North Auckland Land District:
 - (3) the Council shall comprise a Mayor, who shall be elected at large, and 10 members who shall be elected as follows:
 - (a) three members by the electors of the Northern Ward;
 - (b) three members by the electors of the Western Ward; and
 - (c) four members by the electors of the Eastern Ward.
- 29 As required by section 101L(2) 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.

- 30 As required by section 101M(3) of the Act, plans of the Northern, Western, and Eastern Wards have been sent to the Chief Surveyor of the North Auckland Land District, and the Chief Surveyor has certified that the plans are sufficient to render the boundaries of each ward capable of identification.

The Local Government Commission

Ian Lawrence (Chairman)
Barbara Durbin (Commissioner)
Robin Wilkins (Commissioner)

27 March 1998