

## ROTORUA DISTRICT COUNCIL

### Background

1 The Rotorua 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.

2 The present membership is a Mayor and 12 members elected from the following wards -

Wards	Members
North	3
West	3
East	3
South	3

3 After carrying out its review the Council resolved to retain the existing membership and basis of election.

4 The Council received four objections to its proposal, as follows -

- (a) the Rotorua Branch of the National Council of Women;
- (b) Clifford O Lee; and
- (c) Thomas G P Morgan,

who all sought an “at large” electoral system, and

- (d) John R Cole, who proposed 12 single member wards.

The Council also received 12 submissions in support of the current ward system.

5 After considering the objections, the Council declined to amend its original proposal for the following reasons -

- “(1) That the Ward system gives greater direct accountability of Councillors and opportunities for residents and ratepayers to identify and communicate with specific elected representatives, for each Ward
- “(2) That 12 Councillors and a Mayor has proven to be an effective and workable number of elected representatives for the size and composition of the District.”

### Appeals

- 6 The Council received appeals against its decision on objections from -
- (a) Clifford O Lee;
  - (b) Thomas G P Morgan; and
  - (c) John R Cole.

### **Matter for Preliminary Determination**

- 7 The Commission on receiving advice of these appeals, resolved that, before making a determination of this appeals, it would meet with the Council and with the appellants if they wished to heard. The date of the meeting was fixed for 19 December 1997.

### **The Hearing**

- 8 The Commission met with representatives of the Council and the appellants. Appearing for the Council were the Chief Executive, Ted Hansen and the Returning Officer, Gary Sands.
- 9 The Chief Executive presented the Council's submission. He advised that the Council had sought the views of the public through surveys and submissions. The two surveys carried out in 1996 and 1997 showed the following results -

<b>Preference</b>	<b>1996</b>	<b>1997</b>
Ward	44%	47%
District-wide	43%	46%
No preference	4%	4%
Don't know	9%	2%

- 10 Although the two surveys showed an even balance for and against wards, the Council considered there was strong support from the rural sector for the existing system. This, it considered was supported by the number of submissions from Federated Farmers and lakeside residents and ratepayers' groups. The Council considered these as evidence that the existing ward system provided effective representation for the district's communities of interest. In respect of determining the boundaries of communities of interest the Council considered that this is governed by the fact that the rural parts of the District focus on the Rotorua urban area. Therefore the linking of rural and urban in the ward structure is appropriate.
- 11 **Thomas Morgan** objected to the current ward system on a philosophical basis, in that only 25% of the population has the opportunity to vote for each group of councillors. He considered that Rotorua is an enclosed community, with no particular subsets of population and with no particular ward issues that warrant separate representation. He also considered that the level of

competency of councillors would be higher if the Council was elected on an at-large system.

- 12 **Cliff Lee** said that he did not believe that the urban and rural needs of the District are dissimilar. The fact that the rural population of the District make considerable use of urban facilities was evidence of this. His principal objection to the ward system was that he believed it resulted in a lower level of competency among councillors. He also believed that the ward system can result in undue influence and pressure being brought on councillors by relatively small groups of constituents. He considered that this would not be possible to nearly the same extent under an at-large system.
- 13 **John Cole** sought a system whereby councillors were elected from a series of single member wards. He considered that the boundaries of these wards could be determined on a population basis. His reason for advocating this course of action was to ensure that councillors were more accountable and that their actions and decisions were transparent. He also expressed concern that the current ward structure would favour urban dwellers being elected rather than rural dwellers.

### **Matters for Determination**

- 14 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 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."*
- 15 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**

16 The Commission considers that when deciding -

- (a) whether the election of the members of the 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 those wards,

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.

17 The Commission 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 of 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 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.

18 In the opinion of the Commission, before it could decide to change the current basis of election to an at large system it would need to be satisfied that the existing system had failed to provide effective representation of the various

communities of interest in the district or that more effective representation would be achieved by the change.

- 19 The Commission has not been convinced that either of these circumstances apply to the Rotorua District. The Commission also came to the view that because of the size and diversity of the district, effective representation of the various communities of interest could only be achieved at this time by councillors being elected on a ward basis.
- 20 Having decided that the basis of election would be a ward system, the Commission then had to consider, whether the existing wards were appropriate. In this regard the Commission gave consideration to Mr Cole's proposal that the district be divided into 12 single member wards.
- 21 The Commission carried out a preliminary analysis of how a 12 ward structure for the District might be organised. The Commission observed that on population terms, 2 of the 12 wards would be purely rural while 2 other wards based firstly on Ngongotaha, and secondly on the Linmore-Owhata areas would be likely to include very small rural areas. In the Rotorua urban area itself the Commission had difficulty in seeing how it might determine 10 wards that both reflected communities of interest and a fair distribution of population. In respect of the two rural wards the Commission observed that their representatives would make up a minority of the Council as opposed to the current system where all the members of the Council represent rural areas. The Commission was not persuaded that the creation of single member wards either for the whole district or just the rural areas would result in a more effective representation of the rural communities of interest.
- 22 Additionally, in looking at the nature of the areas in the Rotorua urban area that would likely have to be wards under Mr Cole's proposal, the Commission did not consider that such areas were discrete enough to be readily identified as distinct communities of interest. As such, the Commission considered that they did not require separate representation.
- 23 In its determination on an appeal against the Council's decisions on membership and basis of election in 1992, the then Commission stated that -

“The Commission noted that, while the focus of the Council has been the Rotorua District as a whole, the district is divided into four wards for electoral purposes. Each of the North Ward, West Ward, East Ward and South Ward, incorporate both rural and urban communities. At the same time the four wards recognise geographic communities of interest within the District. While the use of geographic areas to define communities of interest can, in some instances, lead to the creation of somewhat artificial boundaries between communities, the Commission is prepared to accept, in relation to Rotorua, that the division has been a very mature and deliberate effort to combine rural and urban sections of its district into electoral wards, rather than to separate rural areas

from urban areas. This move, put in place for the 1989 elections of the Council, appears to have worked well and, as a result, its continuation did not evoke pressure for change, as the Council undertook its electoral review last year.”

The current Commission considers these comments as applicable now as they were in 1992. The Commission therefore came to the view that the District should continue to be divided into the four existing wards.

- 24 The only other matter to be decided, is the number of councillors to be elected by the electors of each of the wards, so as to provide fair representation for those elected.
- 25 The following table shows the proportion of members that each ward would be entitled to on the basis of the usually resident population determined at the 1996 Census.

<b>Ward</b>	<b>Population</b>	<b>%</b>
North	16,040	24.86
South	16,270	25.22
East	15,500	24.03
West	16,699	25.89
Total	64,509	100.00

- 26 The Commission, after having considered the above table, is satisfied that fair representation as between the various wards, can be achieved by taking into account the factor of population only and having a council comprising 12 members. Consequently, the Commission has decided that the Council shall continue to comprise 12 members to be elected on a ward basis as follows:

North Ward	3 members
West Wards	3 members
East Ward	3 members
South Ward	3 members.

- 27 The Commission for the reasons set out in this determination dismisses the appeal.
- 28 Having made this decision, however, the Commission considers that in carrying out future triennial reviews the Council should not automatically rely on the existing ward structure as the basis for conducting its review. It should, from time to time, conduct a zero-based assessment to ascertain whether the communities of interest have changed as a means of checking whether the current ward structure and boundaries are the most appropriate.

## **Determination**

- 29 Pursuant to section 101K of the Act, the Commission hereby determines that for the triennial general election in 1998:
- (1) the Rotorua District, as delineated on SO Plan No 58044 shall be divided into four wards:
  - (2) those four wards shall be:
    - (a) the North Ward, comprising the area delineated on SO Plan No 58045 deposited with the Chief Surveyor of the South Auckland Land District:
    - (b) the West Ward, comprising the area delineated on SO Plan No 58046 deposited with the Chief Surveyor of the South Auckland Land District:
    - (c) the East Ward, comprising the area delineated on SO Plan No 58047 deposited with the Chief Surveyor of the South Auckland Land District:
    - (d) the South Ward, comprising the area delineated on SO Plan No 58048 deposited with the Chief Surveyor of the South Auckland Land District.
  - (3) the Council shall comprise 12 members of whom:
    - (a) Three members shall be elected by the electors of the North Ward; and
    - (b) Three members shall be elected by the electors of the West Ward; and
    - (c) Three members shall be elected by the electors of the East Ward; and
    - (d) Three members shall be elected by the electors of the South Ward.
- 30 As required by s 101L of the Act, the boundaries of the above wards coincide with the boundaries of current statistical meshblock areas determined by the Statistics New Zealand and used for Parliamentary electoral purposes.

### **The Local Government Commission**

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

27 March 1998