



LOCAL GOVERNMENT COMMISSION

Determination

of the representation arrangements to apply for
the election of the Southland Regional Council
to be held on 13 October 2007

Background

1. The Southland Regional Council (the Council) elected at the 2004 local elections comprises 12 councillors. The councillors were elected as follows:

Constituencies	Population*	No. of councillors per constituency	Population per councillor	Deviation from region average population per councillor	Percentage deviation from region average population per councillor
Te Anau	4,730	1	4,730	-2,853.33	-37.63
Hokonui	13,500	2	6,750	-833.33	-10.99
Gore	12,460	2	6,230	-1,353.33	-17.85
Waikiwi	29,300	3	9,766.66	+2,183.33	+28.79
Awarua-Rakiura	20,920	2	10,460	+2,876.67	+37.93
Dome	3,530	1	3,530	-4,053.33	-53.45
Southern	6,560	1	6,560	-1,023.33	-13.49
TOTALS	91,000	12	7,583.33		

*These figures are derived from the 2001 census and rounded

2. The Council's review of representation arrangements under section 19I of the Local Electoral Act 2001 (the Act) began in 2005 with a series of councillor workshops. The outcome of those workshops was the identification of several options for public consultation. Following consultation, the Council resolved its initial proposal on 28 June 2006. The proposal was for six constituencies electing 12 councillors as follows:

Constituencies	Population*	No. of councillors per constituency	Population per councillor	Deviation from region average population per councillor	Percentage deviation from region average population per councillor
Central	7,300	1	7,300	-283.33	-3.74
Gore	14,340	2	7,170	-413.33	-5.45
Invercargill/Rakiura	50,230	6	8,371.66	+788.33	+10.40
Northern	4,870	1	4,870	-2713.33	-35.78
Southern	6,470	1	6,470	-1113.33	-14.68
Western	7,790	1	7,790	+206.67	+2.72
TOTALS	91,000	12	7,583.33		

*These figures are derived from the 2001 census and rounded

3. The Council received 95 submissions on its proposal. The issues raised in submissions can be summarised as follows:
- four supported the Council's proposal or elements of the proposal;
 - 87 opposed the abolition of the existing Dome Constituency;
 - three sought the retention of the current boundaries of the Te Anau Constituency;
 - one opposed the inclusion of Stewart Island in the Invercargill/Rakiura Constituency;
 - two sought alternative constituency proposals;
 - one opposed the name of Invercargill/Rakiura Constituency;
 - one sought a reduction in the number of councillors;
 - five expressed opposition to the legislation governing representation reviews, in particular the +/-10% requirement;
 - one expressed concern at an apparent diminishment of rural representation; and
 - one proposed a "dairy farming" seat being established on the regional council.
4. After considering the submissions, the Council resolved, on 27 July 2006, to amend its initial proposal as follows:
- to change the name of the Gore Constituency to the Eastern Dome Constituency;
 - to change the name of the Northern Constituency to the Fiordland Constituency; and
 - to transfer the Garston and Lumsden areas from the Fiordland Constituency to the Eastern Dome Constituency.
5. The Council's final proposal was for six constituencies electing 12 councillors as follows:

Constituencies	Population*	No. of councillors per constituency	Population per councillor	Deviation from region average population per councillor	Percentage deviation from region average population per councillor
Central	7,300	1	7,300	-283.33	-3.74
Eastern Dome	16,050	2	8,025	+441.67	+5.82
Invercargill/Rakiura	50,230	6	8,371.66	+788.33	+10.40
Fiordland	3,160	1	3,160	-4423.33	-58.33
Southern	6,470	1	6,470	-1113.33	-14.68
Western	7,790	1	7,790	+ 206.67	+2.73
TOTALS	91,000	12	7,583.33		

*These figures are derived from the 2001 census and rounded

6. In notifying its final proposal, the Council noted that it had rejected some matters raised in submissions for the following reasons:

- a strong community of interest exists around the Dome area and Council did not wish to split that community of interest;
 - the change in boundaries of the Eastern Dome Constituency means that the +/-10% requirement would be met;
 - 12 councillors achieves effective representation across the region;
 - six councillors representing the Invercargill/Rakiura Constituency achieves fair representation;
 - the Te Anau basin has distinctly different environmental issues to the Dome area;
 - urban biases in the Gore/Dome area are not marked;
 - arguments about previous Local Government Commission decisions about constituencies in the Southland Region need to be considered in relation to the legislation in force at the time of those decisions;
 - the Council has many processes to engage the community on environmental and other well-being issues in addition to the electoral process;
 - the amount of rates paid by constituents is not a consideration that can be taken into account when determining representation under the Act; and
 - a community of interest between Stewart Island and the Invercargill/Rakiura Constituency is well established. The name of the constituency is appropriate.
7. The Council received nine appeals against its final proposal. Eight of the appeals seek the retention of separate representation for the area of the existing Dome Constituency. The other appeal argues that:
- the Invercargill Constituency should not include Stewart Island;
 - the constituency should not be called Invercargill/Rakiura; and
 - the Eastern Dome Constituency should be called the Eastern Constituency.

Hearing

8. The Commission met with the Council and appellants/objectors at a hearing held in the Southland Regional Council Chambers on 13 March 2007. The Council was represented by Stuart Collie, Chairperson, and Lindsay McKenzie, General Manager. The appellants and objectors who appeared at the hearing were Pamela and Rodney Mason, Bill McKee, Chris Henderson, Bruce Paterson, Hugh Gardyne, Hamish Mavor, Struan McCrostie, Dylan Ditchfield and Kevin Burdon.

Matters raised in appeals, objections and at the hearing

9. The main arguments presented in support of the retention of the Dome Constituency were:
- the unique features and landscape of the Dome area;
 - the fact that, other than Fiordland, Dome includes most of the high country in Southland;

- the area is geographically isolated and sparsely populated creating issues for representation;
 - there is a lack of community of interest with Gore;
 - urban populations will not relate to the issues faced by the Dome area;
 - the functions of the Council are land-based and this needs to be reflected in the allocation of membership on the Council; and
 - issues in the area include irrigation, river edge protection, flooding, vegetation control and wind erosion.
10. The other appeal/objection argued that:
- because of its rural nature, Stewart Island had an insufficient community of interest with Invercargill City, and the links that did exist are no greater than those held by other communities in the region; and
 - single-word constituency names are more easily remembered than two-word constituency names, and the use of compass points in constituency names would avoid confusion about where the constituency lies.

Matters for determination

11. The statutory provisions in respect of appeals and objections 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.*

Consideration by the Commission

Effective and fair representation

12. A review of representation arrangements under the Act is to ensure that:
- the number and boundaries of constituencies will provide effective representation of communities of interest within the region (section 19U); and
 - in determining the number of members to be elected by each constituency, electors of that constituency will receive fair representation (section 19V).
13. For the purpose of achieving fair representation, section 19V(2) of the Act 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 Act does not define 'effective representation' or 'communities of interest'.
14. The steps in the process for achieving effective and fair representation are not statutorily prescribed. The Commission believes that the following process for 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 communities of interest; and
 - (c) determine fair representation of electors for the region.

Southland Region

15. The Council proposed that the region's communities of interest relate primarily to territorial authority areas and wards. This is consistent with section 19U of the Act which provides, among other things, that so far as is practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or the boundaries of wards.

16. On this basis, the Council proposed:
- a Fiordland Constituency covering the Te Anau Ward of Southland District;
 - an Eastern Dome Constituency covering the Gore District and the Five Rivers and Wakaia Wards and part of the Te Tipua Ward of Southland District;
 - a Central Constituency covering the Wallacetown and Winton Wards of Southland District;
 - a Southern Constituency covering the Toetoes and Waihopai Wards and part of Te Tipua Ward of Southland District;
 - an Invercargill/Rakiura Constituency covering Invercargill City and the Stewart Island Ward of Southland District; and
 - a Western Constituency covering the Riverton, Tuatapere, and Wallace Wards of Southland District.
17. We note that the Council appears to have considered from the outset of the formal part of its review that the current number of councillors (i.e. 12) was appropriate for achieving fair and effective representation and to meet the Council's statutory and other responsibilities. The issue of councillor numbers was not the subject of appeals or objections to the Commission. On this basis we will proceed, at this point, on the assumption of retention of a total of 12 councillors for the region.
18. The Council's final proposal does not comply with the fair representation requirement (+/-10% rule) in respect of the Fiordland, Invercargill/Rakiura and Southern Constituencies. We note that the Council used 2001 census data for its review in light of the fact the Southland District Council also used these figures and the close relationship of proposed regional constituencies and district wards. While we believe that the most up-to-date data should generally be used, we have accepted the figures as submitted by the Council.
19. Subsection 19V(3)(b) of the Act provides that where a regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and members distributed between them in a way that does not comply with the +/-10% rule. Subsection 19V(4) provides that in these circumstances the regional council must refer the matter to the Commission for determination.

Fiordland Constituency

20. We first addressed the issue of the proposed Fiordland Constituency and its non-compliance with the +/-10% rule. After considering the points raised by the Council, we agree that a separate Fiordland Constituency is necessary to ensure effective representation of this community of interest. In summary we agree that:
- the area in the proposed constituency has a community of interest distinct from the rest of the region both physically and socio-economically;
 - effective representation of this community of interest is most unlikely to be achieved for either constituency by merging Fiordland into another constituency (in order to comply with the +/-10% rule) because of the size and configuration of the resulting constituency;

- effective representation would be compromised in terms of both access to a councillor and representation of the diversity of the constituency; and
- the demands on a councillor servicing such a large area would be unreasonable.

Other constituencies

21. Given this decision, we are then required to address requirements for effective representation of communities of interest and fair representation of electors for the balance of the region including, in particular, the Invercargill/Rakiura and Southern Constituencies which also do not comply with the +/-10% rule.
22. We note firstly the discretion that section 19V(3)(b) provides the Commission in respect of the balance of the region. The section provides that constituencies may be defined and membership distributed between them in a way that does not comply with subsection 19V(2).
23. In the absence of other guidance, the Commission believes the principle of fair representation of electors, as defined in the Act by the +/-10% rule, remains an important criterion. It also notes that the requirements for effective representation of communities of interest, as set out in section 19U of the Act, still apply. These provide, among other things, that the Commission must ensure that the number and boundaries of constituencies will provide effective representation of communities of interest and, so far as is practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or the boundaries of wards.
24. One appellant proposed that Stewart Island be transferred from the Invercargill/Rakiura Constituency to the Southern Constituency. This was on the basis that doing so would ensure that both constituencies comply with the +/-10% rule and that there is an insufficient community of interest between Stewart Island and Invercargill. The appellant argued that the community of interest is no greater than that of any outlying community in Southland.
25. We are not persuaded by these arguments. Firstly we note that the Stewart Island Community Board has expressed a wish for the island to be included in the same constituency as Invercargill. The board sought this on the basis of community interest. Although Stewart Island might have some commonality of interest with the Southern Constituency, with them both being rural areas, this does not necessarily equate to a community of interest. There is no direct transport link between the two, whereas there is between the island and Bluff in Invercargill City. This is in fact the only transport link serving Stewart Island. This sets Stewart Island apart from most other rural communities of interest in rural Southland, which have direct transport links with a number of other communities.
26. Stewart Island has formed part of the Awarua-Rakiura Constituency for some years. In supporting inclusion of the island in the Invercargill/Rakiura Constituency, the Stewart Island Community Board, therefore, had some basis on which to make the judgement it did. We also note that for many years Stewart Island has been included in the same parliamentary electorate as Bluff and more recently Invercargill as well.

27. Taking the above into account, we determine that Stewart Island will form part of the Invercargill/Rakiura Constituency.
28. As noted in one of the appeals, including Stewart Island in the Southern Constituency would ensure that both the Invercargill/Rakiura and Southern Constituencies comply with the +/-10% rule. However, taking into account the issues identified above, we consider that doing so would not ensure the effective representation of the community of interest on Stewart Island.
29. There potentially are other means of ensuring that the constituencies comply but these would involve the transfer of an area of from the Invercargill/Rakiura Constituency to the Southern Constituency. There is a risk that any such transfer would result in an arbitrary boundary and not reflect communities of interest. This would also not meet the intent of section 19U of the Act which provides, among other things, that so far as is practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or the boundaries of wards.
30. Therefore, as provided for in section 19V(3)(b), we determine that the Invercargill/Rakiura and Southern Constituencies will be defined and membership distributed between them, in a way that does not comply with subsection 19V(2).
31. The next question we had to address, and the one raised by most of the appellants, was whether the area of the existing Dome Constituency should form part of the proposed Eastern Dome Constituency or whether some other arrangements should be determined.
32. The Dome Constituency includes some marked geographic features. To the north is a backdrop of the Eyre and Garvie Mountains and the Umbrella Range. To the west are the Takitimu Mountains and to the south are the Hokonui Hills. The constituency includes the Waikaia River catchment and the upper catchments of the Mataura and Oreti Rivers. The central geographic feature is the Waimea Plains, where the majority of the population of the constituency live. The major townships are Mossburn, Lumsden, Riversdale and Waikaia.
33. We acknowledge the desire of the appellants to maintain the level of representation currently enjoyed by the Dome Constituency. The key issues raised by appellants were the unique features and landscape of the Dome area, land use, its isolation and sparse population, a lack of community of interest with Gore, and the fact that urban populations will not relate to the issues faced by the Dome area.
34. A key issue in our analysis was accessibility within the Dome area and accessibility from the Dome to other communities, particularly Gore. The relevance of this is the effect accessibility has on the ability of elected representatives to interact with the communities in their constituency and the ability of electors to contact their representatives. The majority of the population of the Dome Constituency live on the Waimea Plains. On visiting the Waimea Plains we gained the impression that transport links within a constituency comprising both Dome and the Gore District involved reasonable travel times that would not detract from the ability of councillors to provide effective representation.

35. A feature of the appellants' concern was that both of the representatives elected from the Eastern Dome Constituency would be Gore residents. This is speculative. We are aware of a number of cases where rural and urban areas have merged in different contexts and the representative elected under the new arrangement has, contrary to expectations been a resident of the rural community. We also note that some submitters to the Council's initial proposal acknowledged a strong community of interest extending from Five Rivers to Gore.
36. The appellants argued that the issues arising in the Dome Constituency justify, in a regional council context, a separate constituency. They described the functions of a regional council as being land-based and the need for this to be reflected in the allocation of membership on the council. Particular issues included irrigation, river edge protection, flooding, vegetation control and wind erosion. Although there are a significant range of issues in the Dome Constituency, we do not consider that this makes the area unique compared to other constituencies in the region.
37. We do not consider that there is justification for an exception to the +/-10% rule on the arguments put to us. We therefore determine that the area of the current Dome Constituency will be included in an Eastern Dome Constituency as proposed by the Council.
38. One appeal sought changes to the names of two of the constituencies, proposing Invercargill instead of Invercargill/Rakiura, and Eastern instead of Eastern Dome. At the hearing another appellant expressed a contrary view proposing more descriptive names than the compass points given to most of the constituencies. We have some sympathy with the second of these viewpoints. The Southland Region is rich in geographic features and ideally the constituencies would reflect those features. We reviewed the papers relating to the Council's consideration but in the main found it difficult to identify alternative names that we are confident would be locally acceptable. We have, however, determined that the proposed Central Constituency will be renamed the Hokonui Constituency. In accordance with Commission practice, we have also made stylistic modifications to the names of two other constituencies so that –
- Eastern Dome Constituency becomes Eastern-Dome Constituency; and
 - Invercargill/Rakiura Constituency becomes Invercargill-Rakiura Constituency.
39. We believe that the above decisions will provide effective representation of the communities of interest of the Southland Region. They also provide fair representation of electors to the extent that this does not compromise effective representation of communities.

Determination

40. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the election of the Southland Regional Council to be held on 13 October 2007, the following representation arrangements will apply -

- (1) The Southland Region, as delineated on S.O. Plan 386342 deposited with Land Information New Zealand, shall be divided into six constituencies;
- (2) Those six constituencies shall be –
 - (a) the Fiordland Constituency, comprising the area delineated on SO Plan 11503 deposited with Land Information New Zealand;
 - (b) the Eastern-Dome Constituency, comprising the area delineated on SO Plan 386340 deposited with Land Information New Zealand;
 - (c) the Hokonui Constituency, comprising the area delineated on SO Plan 386343 deposited with Land Information New Zealand;
 - (d) the Southern Constituency, comprising the area delineated on SO Plan 301283 deposited with Land Information New Zealand;
 - (e) the Invercargill-Rakiura Constituency, comprising the area delineated on SO Plan 301281 deposited with Land Information New Zealand; and
 - (f) the Western Constituency, comprising the area delineated on SO Plan 386355 deposited with Land Information New Zealand;
- (3) The Southland Regional Council shall comprise 12 councillors elected as follows -
 - (a) one councillor shall be elected by the electors of the Fiordland Constituency;
 - (b) two councillors shall be elected by the electors of the Eastern-Dome Constituency;
 - (c) one councillor shall be elected by the electors of the Hokonui Constituency;
 - (d) one councillor shall be elected by the electors of the Southern Constituency;
 - (e) six councillors shall be elected by the electors of the Invercargill-Rakiura Constituency; and
 - (f) one councillor shall be elected by the electors of the Western Constituency.

41. As required by section 19U(b) of the Local Electoral Act 2001, the boundaries of the above constituencies comply with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.

FOR THE LOCAL GOVERNMENT COMMISSION

Gwen Bull (Commissioner)

Wynne Raymond (Commissioner)

2 April 2007