



LOCAL GOVERNMENT COMMISSION

Determination

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

BACKGROUND

- 1 The Timaru District 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 Timaru District Council elected at the 1998 general election comprises 12 members and the Mayor. The 12 members were elected as follows:

Geraldine Ward	2 members
Pleasant Point Ward	1 member
Temuka Ward	2 members
Timaru Ward	7 members

- 3 Following its review, the Council proposed to retain the existing system of wards and membership.

The reasons outlined by the Council for its decision may be summarised as follows:

- it takes into account the views of the Geraldine, Pleasant Point and Temuka Community Boards, the Timaru Ward Committee and the Council’s community survey;
- consideration was given to how many members are required to operate the Council and to effectively represent both the rural and urban communities; and
- a ward system provides better advocacy for local issues, familiarity and ease of contact for voters.

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- 4 The Council received 6 objections to its proposal from:
- Nathan Frahm
 - Te Moana Forestry Ratepayers Association
 - Beverley Ann Rooney
 - The True Democracy Campaign
 - Sid McAuley
 - Vern Brosnahan
- 5 The first 4 objectors sought the following distribution of members between wards:

Geraldine Ward	3 members
Pleasant Point Ward	2 member
Temuka Ward	2 members
Timaru Ward	5 members

The last 2 objectors sought an “at-large” system electing 8 members.

- 6 Following consideration of the objections, the Council confirmed its original proposal. The Council’s decision was appealed by the True Democracy Campaign. Nathan Frahm and the Te Moana Forestry Ratepayers Association joined in that appeal.

Subject Matter of Appeals

- 7 The appellant sought the distribution of members between wards as outlined in paragraph 4, broadly on the grounds of greater fairness to the rural community.

Preliminary Matter for Determination

- 8 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 appellant if it wished to be heard. The Commission resolved to meet the Council and the appellant in Timaru on 6 November 2000.

The Hearing

- 9 The Council was represented by the Mayor (Wynne Raymond, Councillors Don Binney and Jane Coughlin, the Chief Executive (Warwick Isaacs), Manager Corporate Services (Michael Borer) and Returning Officer (Keith Bartholomew).

The appellant was represented by Nathan Frahm and Dave Stanton.

The Council: The Mayor spoke to a submission. The content, his comments and replies to questions may be summarised as follows:

- the Council in coming to its initial decision had consulted more widely than previously, taking into account the views of the community boards and the views of the wider community as measured by a community survey;
- the allocation of members to wards was justified by the statistical analysis of factors applied by the Council. The weightings for those factors applied by the Council had been accepted by the Commission as being appropriate in the 1995 review; and
- the wards represent distinct communities of interest.

True Democracy Campaign: Mr Frahm and Mr Stanton spoke to the appeal. Their comments and answers to questions may be summarised as follows:

- they believed that the fact that more than half of the members of the council were elected from the Timaru Ward lead to an urban dominated Council:
- the urban majority was normally increased to 8:5 because the Mayor is usually an urban resident:
- the urban domination was reflected in the Council's decision-making and the Council wrote policies and rules from an urban point of view:
- rural ratepayers received little in the way of services compared to the level of rates paid:

The Council in reply: The Mayor's comments can be summarised as follows:

- the members of the Council did not normally vote on a ward basis or urban/rural split.
- the Deputy Mayor is currently from a rural ward.
- the fact that there was one appeal did not indicate a clamour from the community for change.

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.”

11 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

12 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.

13 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 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.

- 14 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.
- 15 The Timaru District is a large and diverse area. It contains a diversity of geographical characteristics, and a mix of urban areas, and land uses. Geraldine, Pleasant Point, Temuka and Timaru each provide distinct focal points for their respective communities. The Commission 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.

Appropriate Ward System

- 16 Having decided that the basis of election would be the 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 District. 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 The Council has proposed that the District be divided into four wards, which would remain based on those determined by the Council in its 1992 review of its membership and basis of election. The Commission considers that the proposed structure takes into account the distinct communities of interest within the District and the diverse geographic and population characteristics identified in paragraph 15.

Number of Members

- 20 Having decided that there will be 4 wards, the Commission is then required to determine what would be fair representation for the electors of the various wards.
- 21 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.
- 22 The appellant sought a greater proportion of members to be allocated to the rural wards, in fact for the 3 predominantly rural wards to have a greater number of members than the predominantly urban Timaru Ward (7 as compared with the present 5 councillors from rural wards). No specific weighting of factors was suggested. However, to achieve the result desired by the appellant a very low weighting would need to be applied to population. The population of the Timaru Ward comprises 69% of the population and the other 3 wards 31%.
- 23 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 Commission does not consider that an arrangement resulting in 69% of the population electing 38% of the members of the Council would meet the requirement for fair representation.
- 24 Set out below are two tables. Table 1 shows the number of members that each ward would be entitled to taking into account population only with a total membership of 12 (excluding the Mayor) as proposed by the Council and a membership of 11 for comparison. Table 2 shows the same information taking into account the three factors of population, rateable land value and area, weighted firstly at 75%/12.5%/ 12.5%, as applied by the Council, and secondly 80%/10% 10% as commonly applied by the Commission to territorial authority districts.

Table 1

Ward	Population	%	11 members	12 members
Geraldine	4576	10.73	1.18	1.29
Pleasant Point	2619	6.14	0.67	0.74
Temuka	5837	13.69	1.51	1.64
Timaru	29599	69.43	7.64	8.33

Table 2

Ward	11 75/12.5/12.5	11 80/10/10	12 75/12.5/12.5	12 80/10/10
Geraldine	2.00	1.84	2.18	2.00
Pleasant Point	0.92	0.87	1.00	0.95
Temuka	1.51	1.51	1.65	1.65
Timaru	6.57	6.78	7.16	7.40

- 25 As can be seen from Table 1 , the application of ward population shows that a reasonable degree of fairness could be achieved between the representation of each ward with a Council of 12 members, as proposed by the Council.
- 26 However, given the diversity of the District the Commission has given consideration to applying factors of rateable land value and area, in addition to that of population. The inclusion of the two additional factors of area and rateable value enable two measures of Council activity to be taken into account. The use of area as a factor enables recognition to be given to the fact that land-based activities over less densely populated areas are a significant part of the responsibilities and expenditure of the Council. The use of rateable value enables due regard to people-based activities which require the regulation of development in more closely settled areas.
- 27 The two weightings applied to each factor shown above show no practical difference in the number of members allocated to each ward. The Commission believes that applying the formula to a Council of 12 members achieves a greater degree of fairness in representation for the electors of each ward than is achieved through the application of population alone.
- 28 Having considered all aspects of the matter of representation the Commission has concluded that the membership of the Council should total 12 members and the Mayor. Taking into account of population, rateable value and area on a formula of 80:10:10, the allocation of members to wards would be as proposed by the Council.

DETERMINATION

- 28 Under section 101K of the Act, the Commission, determines that for the general election of the Timaru District Council to be held on 13 October 2001 -
- (1) The Timaru District as delineated on S.O. Plan 18094 deposited with the Chief Surveyor of the Canterbury Land District, shall be divided into 4 wards;

- (2) Those 4 wards shall be -
- (a) The Geraldine Ward, comprising the area delineated on S.O. Plan No. 18095 deposited with the Chief Surveyor of the Canterbury Land District;
 - (b) The Pleasant Point Ward, comprising the area delineated on S.O. Plan No. 18096 deposited with the Chief Surveyor of the Canterbury Land District;
 - (c) The Temuka Ward, comprising the area delineated on S.O. Plan No. 18097 deposited with the Chief Surveyor of the Canterbury Land District;
 - (d) The Timaru Ward, comprising the area delineated on S.O. Plan No. 18658 deposited with the Chief Surveyor of the Canterbury Land District;
- (3) The Council shall comprise the Mayor and 12 members who shall be elected as follows -
- (a) two members shall be elected by the electors of the Geraldine Ward;
 - (b) one member shall be elected by the electors of the Pleasant Point Ward;
 - (c) two members shall be elected by the electors of the Temuka Ward; and
 - (d) seven members shall be elected by the electors of the Timaru Ward.

30 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