



LOCAL GOVERNMENT COMMISSION

Determination

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

Background

1. The West Coast Regional Council ("the Council") elected at the 2004 local election comprises six members. The six members were elected as follows:

Constituencies	Population	Number of members	Population per member	Deviation from the district average population per member	Percentage deviation from the district average population per member
Buller	9650	2	4825	-275	-5.39%
Grey	13050	2	6525	1425	+27.94%
Westland	7900	2	3950	-1150	-22.55%
TOTAL	30600	6	5100		

Note: These figures are based on the estimated residential population, as at 30 June 2004, obtained from the Government Statistician.

2. On 12 July 2005 the Council resolved its initial representation proposal for the 2007 local elections. The resolution was that:
 - (1) *There will be three constituencies;*
 - (2) *The three constituencies will be called Buller, Grey and Westland and the boundaries of these constituencies be the existing boundaries of the Buller District Council, Grey District Council and Westland District Council;*
 - (3) *The number of members proposed to be elected by the electors of each of the three constituencies be:*
 - i. *Buller constituency shall elect two members;*
 - ii. *Grey constituency shall elect three members; and*
 - iii. *Westland constituency shall elect two members.*
3. The Council publicly advertised its resolution on 20 July 2005, and the closing date for public submissions was 22 August 2005. No submissions were received on the Council's initial proposal. As this proposal did not comply with

the requirement for fair representation contained in section 19V(2) of the Local Electoral Act 2001 (“the Act”) the Council was required by section 19V(4) to refer its proposal to the Commission for determination. The Commission is required to consider the proposal as if it were subject to appeal.

The Council’s proposal

4. The Council’s proposal retains the existing constituency boundaries that have been in place since the 1992 local elections. The constituency boundaries are the same as the boundaries of the three territorial authority districts constituted in the region.
5. The proposal involves an increase in membership from the current six members to seven members. An additional member has been allocated to the Grey Constituency to ensure that the population per elected member in that constituency complies with the +/-10% rule.
6. The following table illustrates the Councils proposal:

<i>Proposed constituencies</i>	<i>Population</i>	<i>Proposed number of members</i>	<i>Population per member</i>	<i>Percentage deviation from the district average population per member (4371)</i>
Buller	9650	2	4825	+10.39%
Grey	13050	3	4350	-0.48%
Westland	7900	2	3950	-9.63%
TOTAL	30600	7	4371	

Note: These figures are based on estimated residential population data, as at 30 June 2004, obtained from the Government Statistician.

7. As the table shows, the population per elected member for the proposed Buller Constituency exceeds the upper limit of the +/-10% rule of section 19V(2) of the Act by 0.39%. This represents a population of 17 persons per elected member in excess of the upper limit.
8. In referring its proposal to the Commission, the Council requested that the Commission take the following matters into account:
 - *The West Coast Region is a long and mostly narrow one, greater than 500 km from its topmost boundary at Kahurangi Point to its bottommost boundary at Awarua Point.*
 - *Most of the region is very sparsely populated.*
 - *The length of the Westland Constituency is greater than 300 km, which requires at least a 4.50 hour journey by motor vehicle to traverse.*
 - *The Buller Constituency can take up to 3 hours to traverse by motor vehicle.*
 - *The whole region is one of the most isolated areas of New Zealand, being hemmed in on one side by the Southern Alps and on the other side by the Tasman Sea. Journeys to major metropolitan centres outside the region for social, economic and cultural reasons can take a further 3 to 4 hours travelling time, over an alpine pass.*
 - *The one non-compliance with the +/-10% is only marginal.*

- Any boundary adjustments to achieve a strict +/-10% compliance would be quite arbitrary and not in accordance with any reasonable community of interest.
- There is a strong community identification with the existing territorial authority areas.

The statutory requirements

9. Section 19U of the Act sets out the requirement for effective representation and other factors in determining the membership and basis of election of a regional council.

19U Requirement for effective representation and other factors in determination of membership and basis of election of regional council

In determining the matters specified in paragraphs (a) to (c) of section 19I(1), the regional council and, where appropriate, the Commission must ensure —

- (a) *That the number and boundaries of constituencies will provide effective representation of communities of interest within the region;*
 - (b) *That constituency boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and*
 - (c) *That, so far as is practicable, constituency boundaries coincide with the boundaries of 1 or more territorial authority districts or the boundaries of wards.*
10. The requirements for fair representation and other factors in determining membership of constituencies are set out in section 19V of the Act.

19V Requirement for fair representation and other factors in determination of membership for wards, constituencies, and subdivisions

- (1) *In determining the number of members to be elected by the electors of any ward or constituency or subdivision, the territorial authority or regional council and, where appropriate, the Commission must ensure that the electors of the ward or constituency or subdivision receive fair representation, having regard to the population of every district or region or community and every ward or constituency or subdivision within the district or region or community.*
- (2) *For the purposes of giving effect to subsection (1), the territorial authority or regional council and, where appropriate, the Commission must ensure that the population of each ward or constituency or subdivision, divided by the number of members to be elected by that ward or constituency or subdivision, produces a figure no more than 10% greater or smaller than the population of the district or region or community divided by the total number of elected members (other than [[members elected by the electors of a territorial authority as a whole, if any, and]] the mayor, if any).*
- (3) *Despite subsection (2) —*
 - (a) *If the territorial authority or the Commission considers that the effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority so requires, wards and subdivisions of*

a community may be defined and membership distributed between them in a way that does not comply with subsection (2):

- (b) If the regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with subsection (2).*
- (4) A regional council that decides under subsection (3)(b) not to comply with subsection (2) must refer that decision to the Commission together with the information specified in section 19Q(a) to (e).*
- (5) A reference under subsection (4) must be treated as if it were an appeal against the decision of the regional council, for the purposes of sections 19R (other than subsection (1)(b)), 19S, and 19Y, which apply with any necessary modifications.*
- (6) On receiving a reference under subsection (4), the Commission must determine, under section 19R(1), whether—*
 - (a) to uphold the decision of the regional council; or*
 - (b) to alter that decision.*

Consideration by the Commission

- 11. The Commission notes that the Council's proposal has been referred to it because one constituency (Buller) exceeds the upper limit for fair representation in the Region by 17 persons per member.
- 12. Section 19V(3)(b) enables a regional council (and the Commission) to develop a proposal that does not comply with the requirement for fair representation contained in section 19V(2) of the Act (the +/-10% rule) if it considers that "effective representation of communities of interest so requires".
- 13. The existing constituencies have applied since the 1992 local elections. None of the Council's representation reviews since 1989 have been appealed to the Commission. No issues of concern have been raised by the community on this occasion to suggest that the boundaries of these constituencies are inappropriate.
- 14. The Commission agrees with the Council's view that there is strong community identification with the existing territorial authority districts (Buller, Grey, and Westland) in the region.
- 15. The Commission notes that the Council has made a deliberate effort to comply with the requirements for fair representation in the Region, through increasing the membership of the Grey Constituency to three members.
- 16. In the Commission's view, an alteration of the constituency boundaries to comply with the +/-10% rule would not be appropriate or reasonable in this case, as it would create an arbitrary boundary alteration with the potential to split established communities of interest. An alteration would also be inconsistent with the principle set out in section 19U(c) of the Act that, where practicable, constituency boundaries should coincide with territorial authority district or ward boundaries. This simplifies the administration and conduct of local elections.

Determination

17. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the election of the West Coast Regional Council to be held on 13 October 2007, the following representation arrangements will apply -
- (1) The West Coast Region, as delineated on S.O. Plan 11950 deposited with Land Information New Zealand, shall be divided into three constituencies;
 - (2) Those three constituencies shall be -
 - (a) The Buller Constituency, comprising the area delineated on S.O. Plan No. 14451 deposited with Land Information New Zealand;
 - (b) The Grey Constituency, comprising the area delineated on S.O. Plan No. 12556 deposited with Land Information New Zealand; and
 - (c) The Westland Constituency, comprising the area delineated on S.O. Plan No. 12534 deposited with Land Information New Zealand;
 - (3) The West Coast Regional Council shall comprise seven members elected as follows -
 - (a) Two members shall be elected by the electors of the Buller constituency;
 - (b) Three members shall be elected by the electors of the Grey constituency; and
 - (c) Two members shall be elected by the electors of the Westland constituency.
18. 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.

The Local Government Commission

Sue Piper (Chair)
Gwen Bull (Commissioner)
Wynne Raymond (Commissioner)

2 May 2006