



LOCAL GOVERNMENT COMMISSION
MANA KĀWANATANGA Ā ROHE

Determination

of representation arrangements to apply for
the election of the Manawatu-Wanganui Regional Council
to be held on 12 October 2013

Background

1. All regional councils are required under section 19I of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. These reviews are to determine the number of councillors to be elected and the number and boundaries of the constituencies from which they are elected, in order that these arrangements provide fair and effective representation for individuals and communities. The Manawatu-Wanganui Regional Council (the Council) last reviewed its representation arrangements prior to the 2007 local authority elections. Accordingly it was required to undertake a review prior to the next elections in October 2013.
2. The Council's representation arrangements for the 2007 elections were determined by the Commission as the arrangements proposed by the Council did not comply with section 19V(2) of the Act. The arrangements determined by the Commission, although not completely complying with section 19V(2), did so to a greater degree than the Council's proposal. These arrangements also applied for the 2010 elections and were for 12 councillors elected as follows.

Constituency	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region population per councillor
Ruapehu	13,650	1	13,650	-5,713	-29.50
Wanganui	43,500	2	21,750	+2,388	+12.33
Manawatu-Rangitikei	35,300	2	17,650	-1,713	-8.84
Palmerston North	82,100	4	20,525	+1,163	+6.00
Horowhenua-Kairanga	40,100	2	20,050	+688	+3.55
Tararua	17,700	1	17,700	-1,663	-8.59
TOTALS	232,350	12	19,363		

* These are updated 2011 population estimates.

3. On 26 June 2012 the Council resolved its initial proposed representation arrangements to apply for the 2013 elections. The Council's proposal was to retain the arrangements determined by the Commission in 2007, except for changes that reflected changes to the boundary between Manawatu District and Palmerston North City that took effect on 1 July 2012.
4. The Council received one submission on its proposal, from Wanganui District Council, which supported the Council's proposal. After considering the submission it adopted its initial proposal as its final proposal on 28 August 2012.
5. The Council received no appeals against its final proposal. However, as the population to member ratios of the Wanganui and Ruapehu Constituencies do not comply with the requirements of section 19V(2) of the Act, the Council was required by section 19V(4) of the Act to refer its proposal to the Commission for determination. The Commission was required to consider the proposal as if it were subject to an appeal.

Requirements for determination

6. Statutory provisions relating to the determination of appeals on regional council representation proposals 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.*
7. Section 19V(3)(b) of the Act provides that if a regional council considers that effective representation so requires, constituencies may be defined and membership distributed between them in a way that does not comply with the +/-10% requirement of section 19V(2). Where a regional council has made such a decision, section 19V goes on to provides as follows -
- (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.
8. Other statutory provisions the Commission is required to consider include those set out in sections 19D, 19E, 19U and 19V, and these are addressed below.

Consideration by the Commission

9. The steps in the process for achieving required effective and fair representation are not statutorily prescribed. As reflected in its '*Guidelines to assist local authorities in undertaking representation reviews*', the Commission believes that the following steps in 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 identified communities of interest
 - (c) determine fair representation of electors for the region.

Communities of interest

10. The Guidelines identify three dimensions for recognising communities of interest:
- perceptual: a sense of belonging to an area or locality
 - functional: the ability to meet the community's requirements for services
 - political: the ability to represent the interests and reconcile conflicts of the community.
11. The Commission considers that constituencies should be based on distinct and recognisable communities of interest reflecting these dimensions.
12. In the Manawatu-Wanganui Region the constituencies are based on the following communities of interest –

- Ruapehu Constituency – Ruapehu District
 - Wanganui Constituency – Wanganui District
 - Manawatu-Rangitikei Constituency – Rangitikei District and the majority of Manawatu District
 - Horowhenua – Kairanga Constituency – Horowhenua District and the adjacent Kairanga Ward of the Manawatu District
 - Palmerston North Constituency – Palmerston North City
 - Tararua Constituency – Tararua District
13. The boundaries of a number of these constituencies are marked by strong geographic features, e.g. ranges of hills or the divide between urban and rural in the case of the Palmerston North Constituency. The geographic boundaries are less marked between the Manawatu-Rangitikei Constituency and the Horowhenua-Kairanga Constituency where the Commission in 2007 was attempting to achieve greater compliance with +/-10% rule. The Commission did, however, consider that it had combined areas with a reasonable degree of commonality and connectivity.

Effective representation of communities of interest

14. Section 19U of the Act requires the Commission to ensure that:
- the election of members of the council will provide effective representation of communities of interest in the region
 - constituency boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes
 - so far as is practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or the boundaries of wards.
15. While not a prescribed statutory requirement, the Guidelines also suggest that local authorities consider the total number of members, or a range in the number of members, necessary to provide effective representation for the region as a whole. In other words, the final number of members should not be arrived at solely as the product of the total number of members per constituency. The options considered by the Council did involve a range of numbers of members.
16. The Guidelines state that decisions relating to the representation of communities of interest (the political dimension) will need to take account of the extent that distinct geographical communities of interest can be identified, i.e. a physical boundary is able to be defined below the region level for the community of interest. Territorial authority or ward boundaries may provide this in some cases.
17. The Commission's Guidelines note that what constitutes effective representation of communities of interest will be specific to each local authority but that the following factors should be considered to the extent possible:
- avoiding arrangements that may create barriers to participation, such as at elections, for example by not recognising residents' familiarity and identity with an area
 - not splitting recognised communities of interest between electoral subdivisions

- not grouping together two or more communities of interest that share few commonalities of interest
 - accessibility, size and configuration of an area including access to elected members and vice versa.
18. The current six constituencies date from 2007 when the Commission made extensive changes to constituency arrangements to achieve greater compliance with the +/- 10% rule. A previous eight constituency arrangement had been in place since 1992.
19. We consider that the current constituency boundaries continue to provide an appropriate basis for identifying communities of interest in the Manawatu-Wanganui Region. The constituencies appear to reflect communities of interest and be of such a size that permits reasonable access to elected members.

Fair representation for electors

20. Section 19V of the Act requires that the electors of each constituency receive fair representation having regard to the population of the region and of that constituency. More specifically, section 19V(2) 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 '+/-10% fair representation rule').
21. As previously noted, the Council's proposal falls outside the +/-10% rule in respect of the Ruapehu Constituency having a population to member ratio of -29.50%, and the Wanganui Constituency having a ratio of +12.33%.
22. These two constituencies fell outside the +/-10% range when the Commission determined the Council's representation arrangements in 2007.
23. In relation to the Ruapehu Constituency, the then Commission commented in its determination that -

"We then addressed the issue of the proposed Ruapehu Constituency and its non-compliance with the +/-10% rule. After considering the points raised by the Council, we agree that a separate Ruapehu Constituency is also necessary to ensure effective representation of this community of interest. In summary we agree that:

- *the constituency covers a large area (760074.5 hectares) including the Tongariro National Park;*
- *the constituency comprises many small rural communities that, collectively, identify with the Ruapehu District;*
- *the majority of residents would travel north to access services unavailable in Ruapehu District rather than south to the remainder of the region;*
- *the distance between small rural communities within the constituency, and the distance between the constituency and the Council's main offices in Palmerston North, result in a significant travel requirement for one councillor; and*
- *compliance with the 10% rule would require merging large areas of the Wanganui and/or Rangitikei Constituencies with the Ruapehu District. This would split distinct communities of interest in the Wanganui and Rangitikei Constituencies and create unreasonable pressures on one councillor to effectively represent this extended area."*

24. In respect of the Wanganui Constituency, the Commission stated that -

"We then considered whether non-compliance with the +/-10% rule could be justified in the case of the Wanganui Constituency at this time. With two councillors elected from a constituency population of 43,300, the constituency exceeds the regional average councillor to elector ratio by 14.90%. After consideration we believe this is warranted in order to provide effective representation of distinct communities of interest. We note that:

- while large, the majority of the population of the district is within 15 minutes of the Wanganui urban area;*
- the Whanganui River is a major defining feature of the district, both for rural and urban residents;*
- compliance would require inclusion in the constituency of large rural areas of the Ruapehu Constituency or the Rangitikei District. We believe this would unduly compromise the effective representation of these areas; and*
- the Wanganui urban area comprises urban communities that would have different interests and concerns (in particular, those pertaining to regional functions) to those of residents of the Ruapehu and Rangitikei Constituencies."*

25. Elsewhere in its determination the Commission stated that *"in order for the Wanganui Constituency to comply with the fair representation requirement, parts of the Marton or Bulls urban areas would need to be included in it. We believe this would unduly compromise effective representation of distinct communities of interest."*

26. The situation relating to the Ruapehu Constituency described by the Commission in 2007 has not changed and we believe remains valid. The non-compliance of the Wanganui Constituency at +12.4% is marginal and for the reasons cited in paragraphs 24 and 25 there appears to us to be no benefit in making changes to achieve compliance.

27. On the basis of the discussion above we have decided to uphold the decision of the Council in respect of its proposed representation arrangements.

Commission's Determination

28. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Manawatu-Wanganui Regional Council to be held on 12 October 2013, the following representation arrangements will apply:

- (1) Manawatu-Wanganui Region, as delineated on Plan LG-08-2013-C-1 deposited with the Local Government Commission, will be divided into six constituencies.
- (2) Those six constituencies will be:
 - (a) the Ruapehu Constituency, comprising the area delineated on SO Plan 36017 deposited with Land Information New Zealand
 - (b) the Wanganui Constituency, comprising the area delineated on SO Plan 36016 deposited with Land Information New Zealand
 - (c) the Manawatu-Rangitikei Constituency, comprising the area delineated on Plan LG-08-2013-C-2 deposited with the Local Government Commission

- (d) the Palmerston North Constituency, comprising the area delineated on Plan LG-08-2013-C-3 deposited with the Local Government Commission
 - (e) the Horowhenua-Kairanga Constituency, comprising the area delineated on Plan LG-08-2013-C-4 deposited with the Local Government Commission
 - (f) the Tararua Constituency, comprising the area delineated on SO Plan 37400 deposited with Land Information New Zealand.
- (3) The Council will comprise 12 councillors elected as follows:
- (a) one councillor elected by the electors of the Ruapehu Constituency
 - (b) two councillors elected by the electors of the Wanganui Constituency
 - (c) two councillors elected by the electors of the Manawatu-Rangitikei Constituency
 - (d) four councillors elected by the electors of the Palmerston North Constituency
 - (e) two councillors elected by the electors of the Horowhenua-Kairanga Constituency
 - (f) one councillor elected by the electors of the Tararua Constituency.
29. As required by section 19U(b) of the Local Electoral Act 2001, the boundaries of the above constituencies coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for Parliamentary electoral purposes.


THE LOCAL GOVERNMENT COMMISSION



Basil Morrison (Chair)



Anne Carter (Commissioner)



Grant Kirby (Commissioner)

3 April 2013