



## Determination

of representation arrangements to apply for the election of the  
Gisborne District Council to be held on 8 October 2022

### Background

1. All territorial authorities are required under sections 19H and 19J of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. Representation reviews are to determine the number of councillors to be elected, the basis of election for councillors and, if this includes wards, the boundaries and names of those wards. Reviews also include whether there are to be community boards and, if so, arrangements for those boards. Representation arrangements are to be determined so as to provide fair and effective representation for individuals and communities.
2. The Gisborne District (the Council) last reviewed its representation arrangements prior to the 2019 local authority elections. In November 2020 it resolved to establish Māori wards. Accordingly, it was required to undertake a review prior to the next elections in October 2022.
3. The Commission last made a determination in relation to Gisborne District Council's representation in 2019. The Council was established in 1989 with a mayor and 16 councillors elected from 11 wards. The district has been divided into wards based on a distinction between rural and urban communities since that time.
4. The council's current representation arrangements comprise a mayor and 13 councillors elected as follows:

Ward	2020 electoral population estimate	Number of councillors	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Matakoa-Waiapu	2,800	1	2,800	-1,103	-28.26%
Waipaoa	3,660	1	3,660	-243	-6.23%
Tawhiti-Uawa	2,940	1	2,940	-963	-24.67%
Taruheru-Patutahi	4,040	1	4,040	+137	+3.51%
Gisborne	37,300	9	4,144	+241	+6.18%
<b>Total District</b>	<b>50,740</b>	<b>13</b>	<b>3,903</b>		

\*Based on Tatauranga Aotearoa Stats NZ 2020 population estimates

## Current review: Council process and proposal

### Preliminary consultation

6. For this review, the Council undertook preliminary engagement including a community engagement survey which generated 771 responses, and 25 community meetings and hui-a-iwi. It also held a series of Council workshops to identify communities of interest and provide direction for the initial proposal. The Council officers' report on the initial proposal summarised the general themes of the responses as follows:
- Most people want councillors to be elected district-wide.
  - Most people viewed the whole of the Gisborne District as their community of interest.
  - Most people thought that their community's representation was best guaranteed by councillors elected district-wide.
  - Most people felt that being able to vote for all councillors would increase their likelihood of voting.
  - Most people wanted to reduce the current number of councillors (13 councillors plus the mayor).
  - Most people preferred not to establish community boards.

### The Council's initial proposal

7. On 12 August 2021 the council resolved as its initial representation proposal a council comprising 13 members elected from two wards, plus the mayor. The Council also resolved not to establish community boards.
8. The initial proposed ward arrangements were as follows:

Ward	Electoral population estimate*	Number of councillors per ward	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Tairāwhiti General	31,810	8	3,976	N/A	N/A
Tairāwhiti Maori	18,930	5	3,786	N/A	N/A
<b>Total District</b>	50,740				

\*Based on Tatauranga Aotearoa Stats NZ 2020 electoral population estimates

9. The Council notified its proposal on 16 August 2021 and received 1,149 submissions by the deadline of 24 September 2021. Twenty-one submitters were heard by the Council on 6 October 2021.
10. Key themes in the submissions were:

- a. 83.57% of general roll submitters, 37.30% of Maori roll submitters, and 94.0% unidentified roll submitters indicated they did not support all aspects of the proposal.
- b. Majority support for a total of 13 councillors.
- c. A narrow majority do not support the proposed single district-wide general ward; 44% support, 49% do not support (Māori roll submitters 70% support, general roll submitters 25% support).
- d. A narrow majority do not support the proposed single district-wide Maori ward; 42% support, 47% do not support (Māori roll submitters 69% support, general roll submitters 22% support).
- e. Majority support for the proposal that no community boards be established.
- f. Overall 22% support and 47% do not support the proposed ward names (Māori electoral roll submitters 72% support, general roll submitters 20% support).
- g. Strong emphasis on the need to retain specifically rural representation.

### *The Council's final proposal*

11. At a meeting on 4 November 2021, the Council amended its initial proposal to the following final proposal for the 2022 local elections:

Ward	2020 electoral population estimate*	Number of councillors	Population per councillor	Deviation from district average population per councillor	% deviation from district average population per councillor
Tūranganui City General	24,300	6	4,050	+74	+1.85
Tairāwhiti Rural General	7,510	2	3,755	-221	-5.56
<b>Total general wards</b>	<b>31,810</b>	<b>8</b>	<b>3,976</b>		
Tairāwhiti Māori	18,930	5	3,786		
<b>Total</b>	<b>50,740</b>	<b>13</b>	<b>3,903</b>		

\*Based on Tauranga Aotearoa Stats NZ 2020 population estimates

12. The Council publicly notified its final proposal on 10 December 2021. Eight appeals and 122 objections were received in respect of the final proposal.

### **Appeals/objections against the council's final proposal**

13. The Council referred the appeals and objections to the Commission, in accordance with section 19Q of the Act. Two objectors subsequently withdrew their objections.
14. Seven appeals and 119 objections received on the Council's final proposal were considered valid or partially valid. They all opposed to the Council's proposal to split the general electoral population into two wards, one rural and one urban, asking for a single district-wide general ward instead. They argued that:

- a. The proposed rural ward is too large at 8,300 square kilometres for two councillors to represent effectively.
- b. Māori on the general electoral roll will struggle to secure representation in a two-member rural ward.
- c. Under the STV electoral system a single district-wide general ward allows more choice and/or greater equivalency of votes for all voters.
- d. Diverse rural and urban general electors get the most fair and effective representation by being able to elect all eight general ward councillors.
- e. STV voting in one- or two-member wards does not provide proportional representation of the diversity of the ward.
- f. The urban and rural division is “artificial”.

## Hearing

- 15. The Commission met with the Council and the two appellants and objectors who wished to be heard at a hearing held online on Thursday 17 March 2022. The Council was represented at the hearing by Mayor Rehette Stoltz.
- 16. The following iwi partners of Council also spoke at the hearing alongside the Council:
  - a. Rongowhakaata Iwi Trust, represented by Staci Hare, Chair
  - b. Te Aitanga ā Māhaki Trust, represented by Pehmana (Pene) Haapu Brown, Chair
  - c. Te Rūnanganui o Ngāti Porou, represented by Selwyn Parata, Chair
  - d. Ngāi Tāmanuhiri, represented by Doug Jones, CEO
- 17. The following appellants appeared at the hearing:
  - a. Te Aitanga ā Māhaki Trust, represented by Pehmana (Pene) Haapu Brown, Chair
  - b. Manu Caddie

## *Matters raised at the hearing*

- 18. Mayor Stoltz explained the process the Council had followed in carrying out its representation review and reaching its final proposal. She emphasised the following points:
  - a. A key change for this review has been the switch to the Single Transferable Vote (STV) electoral system.
  - b. The district’s rural community has expressed concern about the loss of a rural voice under a district-wide arrangement.
  - c. The community had not supported community boards as they were perceived as an additional layer of bureaucracy at a time of significant electoral change.
  - d. The rural community preferred the certainty of a rural voice on the Council.

- e. The relatively high Māori electoral population in the district's most isolated Matakaoa-Waiapu Ward suggested at least one Māori ward councillor would be based in that area.
  - f. As a unitary authority, the Council expected urban councillors to also be involved in issues affecting rural areas.
19. The Council's iwi partners emphasised the following points:
  - a. The establishment of Māori wards is supported but must not be considered a replacement for engagement with mana whenua, iwi and hapū.
  - b. District-wide Māori and general wards offer the strongest representation for the Māori voice under the current legislative provisions.
  - c. The Council does not need councillors designated to rural areas to ensure access between councillors and rural residents.
  - d. Māori in the Gisborne district, whether on the Māori or the general electoral roll, have interests spanning rural and urban communities.
20. The appellants appearing at the hearing emphasised the following points in opposition to the Council's proposal:
  - a. The Hauora Tairāwhiti District Health Board is elected district-wide by STV and the rural community has not been disadvantaged by the lack of wards.
  - b. A district-wide general ward allows candidates to build support across a wider group of people.
  - c. There is confidence in the Council's ability to reach the farthest parts of the motu to meet the community's needs.
  - d. Rural and urban residents on the general roll will achieve the most effective representation by being able to elect all eight general ward councillors from a single ward.
  - e. Concern about the ability of two ward councillors to provide effective representation across the rural ward.
  - f. A rural ward electing only two councillors disenfranchises Māori on the general electoral roll.

### **Matters for determination by the Commission**

21. Section 19R of the Act makes it clear that the Commission, in addition to consideration of the appeals and objections against a council's final representation proposal, is required to determine, in the case of a territorial authority, all the matters set out in sections 19H and 19J which relate to the representation arrangements for territorial authorities. This interpretation was reinforced by a 2004 High Court decision which found that the Commission's role is not merely supervisory of a local authority's representation arrangements decision. The Commission is required to form its own view on all the matters which are in scope of the review.
22. The matters in the scope of the review are:
  - whether the council is to be elected from wards, the district as a whole, or a mixture of the two

- the number of councillors
  - if there are to be wards, the area and boundaries of wards and the number of members to be elected from each ward
  - whether there are to be community boards
  - if there are to be community boards, the area and boundaries of their communities, and the membership arrangements for each board.
23. The primary matter raised by appellants to the Council’s final proposal is opposition to the splitting of the district’s general electoral population into two wards.

## Key considerations

24. Based on the legislative requirements, the Commission’s *Guidelines for local authorities undertaking representation reviews* (the Guidelines) identify the following three key factors when considering representation proposals:
- communities of interest
  - effective representation of communities of interest
  - fair representation for electors.

## Communities of interest

25. The Guidelines identify three dimensions for recognising communities of interest:
- *perceptual*: a sense of identity and belonging to a defined area or locality as a result of factors such as distinctive geographical features, local history, demographics, economic and social activities
  - *functional*: ability of the area to meet the needs of communities for services such as local schools, shopping areas, community and recreational facilities, employment, transport and communication links
  - *political*: ability to represent the interests of local communities which includes non-council structures such as for local iwi and hapū, residents and ratepayer associations and the range of special interest groups.
26. We note that in many cases councils, communities and individuals tend to focus on the ‘perceptual’ dimension of communities of interest. That is, they focus on what intuitively they ‘feel’ are existing communities of interest. While this is a legitimate view, more evidence may be required to back this up. It needs to be appreciated that the other dimensions, particularly the ‘functional’ one, are important and that they can also reinforce the ‘sense’ of identity with an area. In other words, all three dimensions are important but should not be seen as independent of each other.
27. In addition to demonstrating existing communities of interest, evidence also needs to be provided of *differences* between neighbouring communities, i.e. that they may have “few commonalities”. This could include the demographic characteristics of an area (e.g. age, ethnicity, deprivation profiles) and how these differ between areas, and evidence of how different communities rely on different services and facilities.

28. The Council similarly proposed an at large system in its last review but, in response to appeals and objections, the Commission determined that the existing five wards best provided effective representation of communities of interest. The 2019 determination noted that the Council itself recognised the importance of sub-district representation for communities of interest in its proposal for three community boards; East Coast, Western Rural, and Gisborne City.
29. For the current review, the Council officers' report on the initial proposal describes communities of interest in the district as firstly, the district as a whole, then the three areas identified in its previous review. For each area, the Council officer's report outlines the statistical profile, historical representation arrangements, availability of services and distinct environmental features such as land use and river catchments. In summary, these are:
- a. East Coast rural – geographically defined by the Raukūmara Range to the west, coastline to the east, and a number of river catchments, largely corresponding to the area over which Ngāti Porou is considered to have an interest. The population is rural and dispersed with significant isolation particularly in the north. Over 90% of the population in the northern portion and 64-82% in the remainder identify as Māori. There are limited council and other services and deprivation rankings of nine or ten. Communities have a shared reliance on State Highway 35 for access.
  - b. Western rural - geographically defined by the Waipaoa River catchment and the Poverty Bay flats, with pastureland, farming, forestry, lifestyle, horticulture and viticulture land uses. There is a relatively higher Māori population in the northern and central parts of the area at 50-60%, and multiple iwi and hapū interests. The area has limited council and other services, and relatively higher deprivation rankings of eight and nine.
  - c. Gisborne urban area – corresponds to the existing Gisborne Ward and comprises 75% of the district's population with varied demographic and socio-economic characteristics and multiple iwi and hapū interests. The area has a wide range of council and non-council services, and deprivation rankings ranging from one to ten.

## **Effective representation of communities of interest**

30. Section 19T of the Act requires the Commission to ensure that:
- the election of members of the council, in one of the ways specified in section 19H (i.e. at large, wards, or a combination of both) will provide effective representation of communities of interest within the district
  - ward 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, ward boundaries coincide with community boundaries (where they exist).
31. 'Effective representation' is not defined in the Act, but the Commission sees this as requiring consideration of factors including an appropriate number of elected

members and an appropriate basis of election of members for the district concerned (at large, wards, or a mix of both).

32. The Commission's Guidelines note that what constitutes effective representation will be specific to each local authority but that the following factors should be considered:
  - avoiding arrangements that may create barriers to participation, such as at elections 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.
33. Within the scope of a representation review, councils can achieve effective representation of communities of interest by having members elected by wards, at large, a mixture of wards and at large. As the Gisborne District Council has resolved to establish Māori wards, it must also establish at least one general ward.
34. While not a prescribed statutory requirement, the Guidelines 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 district as a whole. In other words, the total number of members should not be arrived at solely as the product of the number of members per ward, if there are to be wards.
35. Section 19A of the Act provides that a territorial authority shall consist of between 5 and 29 members, excluding the mayor. Gisborne District Council comprised a mayor and 16 councillors on its constitution in 1989 and currently comprises a mayor and 13 councillors. The district has been divided into wards on a rural and urban basis since 1989.
36. In its 2019 review, the Council proposed a council of nine members elected at large. The Commission's 2019 determination noted that under this proposal the potential loss of rural representation was a key concern and determined instead a five-ward arrangement electing 13 councillors. In doing so, the Commission noted that "quite clearly there are communities of interest based on differences between rural and urban, and on the location and characteristics of individual communities." It remains clear in the current review that these communities of interest still exist in the district.
37. We acknowledge the concerns of submitters to the initial proposal about the potential loss of a rural voice on the Council in a district-wide general ward. We agree that the effective representation of rural communities must be a key consideration in representation arrangements for the Gisborne District. However, we are not convinced that the Council's final proposal provides the best arrangement for achieving this.
38. The 2019 Determination resulted in four councillors representing the district's rural communities. For this review the rural general population size (23.61% of the district's total GEP) only supports two rural ward councillors. However, the proposed rural ward area covers the same area as the four rural wards confirmed in 2019. We

share appellants' and objectors' concerns that it will be difficult for two councillors to provide effective representation for a ward of this size and shape.

39. Travelling on state highways it takes approximately 3.5 hours to drive the length of the rural ward north to south, longer to access isolated communities. In our view, it is unlikely that two councillors can reasonably access, and be accessible to, electors and communities across such an area. It is also unlikely that two councillors can fully engage with all the diverse communities of interest and their concerns.
40. Two significant changes in the district's electoral system have informed our consideration of this review; the introduction of an STV electoral system and the division of the electoral population into MEP and GEP. As a result of these changes, a rural general ward guarantees but also limits rural representation for the GEP to two councillors.
41. Conversely, a district-wide general ward in an STV electoral system provides a greater opportunity for effective representation for the rural population. In a district-wide general ward electing eight councillors, rural general voters (at 23.61% of the district's total GEP) are statistically likely to influence the election of two councillors. Importantly, in a district-wide ward, rural voters also have the opportunity to influence the election of urban-based candidates with a strong affiliation to rural communities of interest and an understanding of rural issues.
42. From the elected members' point of view, a district-wide general ward means eight general ward councillors are available to represent the needs of the diverse rural communities of interest. The STV system provides an additional strong electoral incentive to do so given that the rural population makes up 24% of the district's GEP.
43. As a result, we consider that eight councillors elected from one district-wide general ward provides more effective representation for rural electors than the Council's proposal for a rural ward electing two councillors.
44. In conjunction with this decision, to ensure the benefits of STV can be maximised and well understood by potential candidates, the Commission recommends that the Council considers providing STV education in the lead up to the Council elections.
45. In this regard, see the Electoral Reform Society's "Single Transferrable Vote" page at <https://www.electoral-reform.org.uk/voting-systems/types-of-voting-system/single-transferable-vote/> and the publication "Campaigning Under the Single Transferrable Vote" at <https://www.electoral-reform.org.uk/wp-content/uploads/2017/06/Campaigning-under-the-single-transferable-vote.pdf>

### **Fair representation for electors**

46. For the purpose of achieving fair representation for the electors of a district, section 19V(1) of the Act requires that the population of each ward divided by the number of members to be elected by that ward must produce a figure no more than 10 per cent greater or smaller than the population of the district divided by the total number of members (the '+/-10% rule').
47. As our decision means the MEP and the GEP are each represented by a single district-wide ward, the requirements of section 19V(1) do not apply.

## Communities and community boards

48. Section 19J of the Act requires every territorial authority, as part of its review of representation arrangements, to determine whether there should be community boards in the district and, if so, the nature of those communities and the structure of the community boards. The territorial authority must make this determination in light of the principle in section 4 of the Act relating to fair and effective representation for individuals and communities.
49. In the current review, the council has proposed not to establish community boards on the basis that there was not sufficient community demand. We do not consider it necessary to establish community boards in the district at this stage.
50. However, we note the view expressed by appellant Manu Caddie that well-empowered rural community boards can help address any loss of rural representation. We agree and recommend that as part of its next review, the Council gives careful consideration to whether community boards are needed to improve representation for specific communities within the district.

## Commission's determination

51. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Gisborne District Council to be held on 8 October 2022, the following representation arrangements will apply:
  - a. Gisborne District, as delineated on Plan LG-028-2022-W-1 deposited with the Local Government Commission, will be divided into two wards.
  - b. Those two wards will be:
    - (i) the Tairāwhiti General Ward, comprising the area delineated on Plan LG-028-2022-W-2 deposited with the Local Government Commission
    - (ii) the Tairāwhiti Māori Ward, comprising the area delineated on Plan LG-028-2022-W-3 deposited with the Local Government Commission
  - c. The Council will comprise the mayor and 13 councillors elected as follows:
    - (i) 8 councillors elected by the electors of the Tairāwhiti General Ward
    - (ii) 5 councillors elected by the electors of the Tairāwhiti Māori Ward
52. As required by section 19T(b) of the Local Electoral Act 2001, 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.

**Local Government Commission**



Commissioner Brendan Duffy (Chair)



Commissioner Bonita Bigham



Commissioner Sue Piper

6 April 2022