



## Determination

of representation arrangements to apply for the  
election of the Manawatū-Whanganui Regional Council  
to be held on 8 October 2022

### 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. Representation reviews are to determine the number of constituencies, the name and boundaries of those constituencies and the number of councillors to be elected by each constituency.
2. The Manawatū-Whanganui Regional Council, branded Horizons Regional Council (the council) last reviewed its representation arrangements prior to the 2019 local authority elections. In May 2021 it resolved to establish a Māori ward. Accordingly, it was required to undertake a review prior to the next elections in October 2022.
3. For the 2019 review, the Council's final proposal was to retain 12 councillors elected from six constituencies. In the determination, the overall scheme of the Council's proposal was upheld, however adjustments were made to the Manawatū-Rangitīkei and Horowhenua constituency boundaries to reflect ward boundary changes in the Manawatū District that occurred through that council's concurrent representation review. These adjustments meant that all constituency boundaries coincided with territorial authority boundaries, rather than some following ward boundaries.
4. Consequently, for the 2019 elections, the Council comprised 12 councillors elected from six constituencies as follows:

Constituency	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region average population per councillor
Ruapehu	12,900	1	12,900	-7,117	-35.55
Whanganui	44,500	2	22,250	2,233	+11.16
Manawatū-Rangitīkei	45,240	2	22,620	2,603	+13.00
Palmerston North	87,300	4	21,825	1,808	+9.03
Horowhenua	32,460	2	16,230	-3,787	-18.92
Tararua	17,800	1	17,800	-2,217	-11.08
<b>Total</b>	<b>240,200</b>	<b>12</b>	<b>20,017</b>		

\*Based on Statistics NZ Tatauranga Aotearoa 2017 population estimate

## Current review: Council process and proposal

### Development of initial proposal

- Between June and August 2021 the Council held a series of workshops to identify communities of interest in the region and to consider a variety of different potential representation arrangements.

### The Council's initial proposal

- On 24 August 2021 the Council resolved as its initial representation proposal a council comprising 14 members elected from eight constituencies.
- The initial proposed constituency arrangements were as follows:

Constituency	Electoral population estimate*	Number of councillors per ward	Population per councillor	Deviation from region average pop <sup>n</sup> per councillor	% deviation from region average pop <sup>n</sup> per councillor
Ruapehu General	9,130	1	9,130	-9,064	-49.82
Whanganui General	39,700	2	19,850	1,656	+9.10
Manawatū-Rangitīkei General	41,800	2	20,900	2,706	+14.87
Palmerston North General	80,700	4	20,175	1,981	+10.89
Horowhenua General	31,000	2	15,500	-2,694	-14.81
Tararua General	16,000	1	16,000	-2,195	-12.06
<b>Total General</b>	<b>218,330</b>	<b>12</b>	<b>18,194</b>		
Raki Māori	18,280	1	18,280	360	+2.01
Tonga Māori	17,560	1	17,560	-360	-2.01
<b>Total Māori</b>	<b>35,840</b>	<b>2</b>	<b>17,920</b>		
<b>Total</b>	<b>254,170</b>	<b>14</b>			

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

- In the initial proposal the Raki Māori, Tonga Māori and Whanganui General Constituencies complied with section 19V(2) of the Act (the '+/-10% rule') but the Ruapehu, Manawatū-Rangitīkei, Palmerston North, Horowhenua and Tararua General Constituencies did not.
- The Council notified its proposal on 7 September 2021 and received 11 submissions by the deadline of 10 October 2021. None of the submitters wished to be heard by the Council.
- Key themes in the submissions were:
  - Commentary on the proposed number of councillors, with one submission in support of the proposed 14 councillors and four seeking fewer councillors.
  - One submission seeking increased representation of the urban population.

- c. One submission seeking that all constituencies adhere to the +/-10% rule, and in particular that the Ruapehu and Tararua General Constituencies be combined with neighbouring constituencies.
  - d. One submission in support of continuing with a separate Ruapehu General Constituency.
  - e. One submission seeking an alternative boundary between the Raki and Tonga Māori Constituencies.
11. Several submissions commenting on the establishment of a Māori ward were considered out of scope as they related to matters outside of the representation review.

### ***The Council's final proposal***

12. On 27 October 2021 the Council met to deliberate on submissions and resolved to confirm its initial proposal as its final proposal without any changes.
13. The final proposal was publicly notified on 5 November 2021.

### **Appeals against the Council's final proposal**

14. One appeal was received against the Council's final proposal, from Mark Chilcott. The appeal covered the following matters:
- a. The failure of all general constituencies aside from the Whanganui Constituency to meet the +/-10% rule;
  - b. Whether the Ruapehu General Constituency was viable given its significant deviation from the +/-10% rule; and
  - c. Whether there should be increased representation for urban populations in the region.
15. The Council referred the appeal to the Commission, in accordance with section 19Q of the Act.

### **Hearing**

16. The Commission met with the Council and Mr Chilcott at a hearing held online on Thursday 24 February 2022. The Council was represented at the hearing by Chairperson Rachel Keedwell, supported by Chief Executive Michael McCartney, Senior Policy Analyst Pen Tucker, Electoral Officer Craig Grant, and Consultant, Darryl Griffin.

### ***Matters raised at hearing***

17. Chairperson Rachel Keedwell explained the process the Council had followed in carrying out its representation review and reaching its final proposal. She emphasised the following points:

- a. The Council strongly supported having two Māori constituency members and consequently focused on options with sufficient members to allow for this. The Council had indicated a preference for remaining with 12 members but had moved to a 14-member model as this better provided for fair and effective representation across the region.
- b. The Council had carefully considered communities of interest in the region and concluded that the districts within the region provided an appropriate basis for representation of communities of interest.
- c. The Council gave weight to the requirement under section 19U(c) that constituency boundaries should, so far as practicable, coincide with territorial authority boundaries or with territorial authority ward boundaries, although it was difficult in a vast region with an uneven dispersal of population to adhere both to this requirement and the +/-10% rule.
- d. The Council had considered options for separate urban and rural constituencies but felt that rural communities within each district identified more closely with their immediate district community rather than with rural communities in different parts of the region.
- e. A further difficulty with urban/rural constituency options was that boundaries around urban areas within the region also took in surrounding rural areas. For example, Palmerston North City and Whanganui District did not have any internal ward boundaries which could be used as potential constituency boundaries, but each included large urban areas alongside rural areas (and in the case of Whanganui District, the surrounding rural areas were vast).
- f. It was acknowledged that there could be a perception that the urban voice was underrepresented on the Council, however many of the responsibilities of regional councils focused on activities that more naturally occurred in rural areas, such as environmental and freshwater management.
- g. Options that combined constituencies, and which either met or came closer to meeting the +/-10% rule had been considered by the Council but had not been pursued as it was felt that the combination of districts into larger constituencies resulted in unnatural groupings of communities of interest and would not result in effective representation.
- h. The Council considered that the Ruapehu Constituency was a large and comparatively remote and isolated part of the region. There were long-established reasons for a separate Ruapehu Constituency and, while the introduction of Māori constituencies had increased the Ruapehu constituency variance away from the +/-10% rule due to the comparatively large proportion of Ruapehu District electors on the Māori Electoral Roll, it did not otherwise affect any of the other reasons for having a separate Ruapehu Constituency.
- i. The Tararua Constituency was also considered to be a comparatively remote area, as it was physically separated from the rest of the region by the Ruahine

and Tararua Ranges. This geographical separation meant that consideration of options to combine the Tararua District with other districts would result in an unusual grouping of communities of interest.

- j. Overall, the Council considered that the final representation proposal provided an appropriate balance of fair and effective representation of communities of interest, while also adhering to the expectation in the Act that constituency boundaries follow territorial authority boundaries or territorial authority ward boundaries.

18. Mr Chilcott emphasised the following points in opposition to the Council's proposal:

- a. He supported the establishment of Māori constituencies and an increase to 14 members but was concerned that all of the general constituencies aside from the Whanganui Constituency did not adhere to the +/-10% rule.
- b. He felt that constituencies place too great an emphasis on following river catchments at the expense of achieving a fair balance of populations and that this resulted in a greater emphasis on rural populations at the expense of urban populations.
- c. He considered that the Council should make achieving fair representation a priority and that if it did so, effective representation of communities of interest would naturally follow.
- d. He provided examples of constituency boundaries that did not follow territorial authority boundaries, but which he suggested would lead to greater urban representation and fairer representation of communities across the region.
- e. He did not consider that section 19U(c) placed an expectation on councils that constituency boundaries should follow territorial boundaries in all cases, but rather that councils should attempt to achieve this if fair representation requirements have otherwise been met.

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

19. 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 regional council, all the matters set out in sections 19I which relate to the representation arrangements for regional councils. 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.

20. The matters in the scope of the review are:

- The number, boundaries and names of the proposed constituencies;
- The proposed number of councillors for each constituency.

## Key considerations

21. 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:
  - a. communities of interest
  - b. effective representation of communities of interest
  - c. fair representation for electors.

## Communities of interest

22. The Guidelines identify three dimensions for recognising communities of interest:
  - a. *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
  - b. *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
  - c. *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.
23. Under Section 19E of the Act, regions must be divided into constituencies for electoral purposes. For the purpose of effective representation of communities of interest, section 19U(c) requires constituency boundaries, so far as is practicable, to coincide with territorial authority boundaries or with territorial authority ward boundaries.
24. Given these requirements, we agree with the Council that it is reasonable to take the communities of interest reflected in existing territorial authorities or their wards as a starting point for communities of interest to be reflected in regional council constituencies.
25. We are satisfied that the Council has appropriately identified communities of interest in the region and we turn our attention to whether the proposed constituencies provide effective representation for those communities of interest.

## Effective representation of communities of interest

26. 'Effective representation' is not defined in the Act. 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:
  - a. avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area

- b. not splitting recognised communities of interest between electoral subdivisions
  - c. not grouping together two or more communities of interest that share few commonalities of interest
  - d. accessibility, size and configuration of an area including access to elected members and vice versa.
27. 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 region 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 constituency.
28. Section 19D of the Act provides that regional councils shall consist of between six and 14 members. The Council has comprised of 12 councillors since 2007, and 11 members prior to that.
29. We heard from the Council that it originally had indicated a preference for remaining at 12 members, but that the uneven spread of general and Māori electoral populations across the region meant that 12-member options did not provide for fair and effective representation. Accordingly, the Council moved to a 14-member option to ensure to provide for fair and effective representation. We note that there are no appeals relating to the overall number of members.
30. We are satisfied that the Council has appropriately considered the number of members required for fair and effective representation of the region, and we agree that a 14-member council is appropriate.

### ***Constituency boundaries and principles of effective representation***

31. We note that there is a long history in the region of constituency boundaries following territorial authority boundaries. The boundaries for the Ruapehu<sup>1</sup>, Whanganui, Palmerston North and Tararua General Constituencies have previously followed the boundaries of the territorial authorities for those areas.
32. The Manawatū-Rangitīkei and Horowhenua Constituency boundaries have previously followed ward boundaries within the territorial authorities, however since 2019 they have also followed the boundaries of the respective territorial authorities.<sup>2</sup>
33. At the hearing Mr Chilcott suggested that constituency boundaries should move away from territorial authority boundaries to achieve a greater balance of fair representation across the region, in line with the +/-10% rule. He gave examples of where boundaries could be moved to, to meet the +/-10% rule. The suggested boundaries did not align with territorial and/or ward boundaries.

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<sup>1</sup> The Ruapehu Constituency also includes small parts of the Waitomo and Stratford Districts.

<sup>2</sup> The Manawatū-Rangitīkei Constituency follows the boundaries of both districts and takes in a small part of the Taupō District.

34. As we have previously noted, section 19U(c) requires that, for effective representation reasons, constituency boundaries should, so far as practicable, coincide with territorial authority boundaries or with territorial authority ward boundaries.
35. We understand this requirement to mean that there should not be needless deviations from territorial authority boundaries or ward boundaries, and that where deviations do occur, there should be good reasons for doing so. An example of good reason for deviating from territorial and/or ward boundaries would be to achieve more effective representation of communities of interest. For example, in other regional councils, constituency boundaries have deviated from territorial and/or ward boundaries to instead align with river catchments.
36. We are mindful of the factors relating to effective representation that are included in the Commission's guidelines. Of particular relevance are not grouping together two or more communities of interest that share few commonalities of interest and accessibility, size and configuration of an area including access to elected members and vice versa.
37. We heard from the Council at the hearing that to combine the Ruapehu and Tararua Districts with other districts to form larger constituencies would result in an unnatural grouping of communities of interest and would result in overly large constituencies. We also heard that options that focused on separately grouping urban and rural populations risked including some rural populations within the urban grouping or would potentially split rural communities of interest away from urban areas in their individual districts with which they strongly identified.
38. Given the geographic spread and diversity of environments within the region, we share the Council's concerns regarding combining the proposed constituencies into larger constituencies. We consider that the proposed alternative boundaries put forward by Mr Chilcott would not achieve more enhanced effective representation of communities of interest such that deviation from territorial authority boundaries would be justified under section 19U(c).

### **Fair representation for electors**

39. The final issue to consider is fair representation of electors under the Council's final proposal. We understand that fair representation is the key concern for Mr Chilcott. At the hearing, Mr Chilcott emphasised that fair representation of electors should be the primary priority for councils undertaking representation reviews. He suggested at the hearing that, if fair representation was achieved, effective representation of communities of interest would naturally follow.
40. Mr Chilcott's assertion is that all constituencies should meet the +/-10% rule. However, in his written appeal he has a particular focus on the Ruapehu General Constituency, which has a comparatively larger deviation from the +/-10% rule.
41. 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 must produce a figure

no more than 10 per cent greater or smaller than the population of the region divided by the total number of elected members (the '+/-10% rule').

42. Section 19V(3)(b) provides further that, if a 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 section 19V(2).
43. We note that the proposed variances in relation to the proposed Manawatū-Rangitīkei, Palmerston North, Horowhenua and Tararua General Constituencies are relatively minor, with all falling between the range of +/-10-15%. We are satisfied that the Council has considered reasonable alternative representation proposals that could result in the +/-10% rule being met and that that these alternative options would result in less effective representation for the respective communities of interest.
44. We have considered the proposed Ruapehu Constituency separately, given that at - 49.82%, the variance from the +/-10% rule is much larger than the other proposed constituencies. At the hearing the Council noted that there were long-established reasons for a separate Ruapehu Constituency. Previous reasons for a separate Ruapehu Constituency have included:
  - a. the size of the Ruapehu Constituency;
  - b. the Constituency's comparatively small population base, spread across a large geographic area and encompassing many small rural communities;
  - c. Many residents within the Ruapehu Constituency would travel north to Waikato, east to Taupō or west to Stratford to access services unavailable in the constituency rather than turning to services available elsewhere in the region;
  - d. There is significant distance between the small rural communities in the constituency and the Council's main offices in Palmerston North; and
  - e. Merging the Ruapehu Constituency with all or part of the Whanganui and/or Rangitīkei Constituencies would combine communities of interest with little in common and place unreasonable pressures on one councillor to effectively represent a large extended area.
45. At the hearing the Council stated that the introduction of Māori constituencies resulted in a smaller general electoral population for the Ruapehu Constituency but did not otherwise alter the previous justifications for a separate Ruapehu Constituency.
46. At the hearing the Council advised that it had considered options for merging the Ruapehu Constituency with neighbouring constituencies but did not proceed with these options as it was felt that doing so would lead to less effective representation.

47. On balance, we agree that for the reasons listed above, and to provide for effective representation of electors in the Ruapehu Constituency, a separate Ruapehu Constituency is justified, despite the variance from the +/-10% rule.
48. We appreciate Mr Chilcott's concerns in relation to fair representation. However, we are mindful that, within the requirements of the Act, councils must aim to achieve an appropriate balance between fair *and* effective representation in undertaking representation reviews. The Commission is likewise required to strive for the same balance in determining representation arrangements for councils.
49. We do not agree with Mr Chilcott's view that fair representation of electors is the primary priority in a representation review or that if fair representation is achieved, effective representation of communities of interest will naturally follow. As discussed above, there are a number of factors that go towards consideration of effective representation of communities of interest and it is entirely possible that representation models that provide for the most effective representation of communities of interest may not necessarily meet the +/-10% rule.
50. Furthermore, we note that section 19V(3)(b) specifically provides that a regional council may define constituencies in a way that does not comply with the +/-10% rule where effective representation of communities of interest so requires.
51. We are satisfied that the Council has appropriately identified that effective representation of communities of interest requires that the six general and two Māori constituencies be constituted in such a way that five of the eight constituencies do not comply with the +/-10% rule, as provided for under section 19V(3)(b).
52. We uphold the Council's final representation proposal in relation to fair representation of electors.

### **Commission's determination**

53. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Manawatū-Whanganui Regional Council to be held on 8 October 2022, the following representation arrangements will apply:
  1. Manawatū-Whanganui Region, as delineated on Plan LG-08-2022-Con-1 deposited with the Local Government Commission, will be divided into eight constituencies.
  2. Those eight constituencies will be:
    - a. the Raki Māori Constituency, comprising the area delineated on Plan LG-08-2022-Con-2 deposited with the Local Government Commission
    - b. the Tonga Māori Constituency, comprising the area delineated in Plan LG-08-2022-Con-3
    - c. the Ruapehu General Constituency, comprising the area delineated on LG-08-2022-Con-4 deposited with the Local Government Commission

- d. the Whanganui General Constituency, comprising the area delineated on LG-08-2022-Con-5 deposited with the Local Government Commission
  - e. the Manawatū-Rangitīkei General Constituency, comprising the area delineated on Plan LG-08-2019-Con-2 deposited with the Local Government Commission
  - f. the Palmerston North General Constituency, comprising the area delineated on Plan LG-008-2013-Con-3 deposited with the Local Government Commission
  - g. the Horowhenua General Constituency, comprising the area delineated on Plan LG-08-2019-Con-3 deposited with the Local Government Commission
  - h. the Tararua General Constituency, comprising the area of land delineated on LG-08-2022-Con-6 deposited with the Local Government Commission.
3. The Manawatū-Whanganui Regional Council will comprise 14 councillors elected as follows:
- a. one councillor elected by the electors of the Raki Māori Constituency
  - b. one councillor elected by the electors of the Tonga Māori Constituency
  - c. one councillor elected by the electors of the Ruapehu General Constituency
  - d. two councillors elected by the electors of the Whanganui General Constituency
  - e. two councillors elected by the electors of the Manawatū-Rangitīkei General Constituency
  - f. four councillors elected by the electors of the Palmerston North General Constituency
  - g. two councillors elected by the electors of the Horowhenua General Constituency
  - h. one councillor elected by the electors of the Tararua General Constituency.
4. 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.

**Local Government Commission**

Commissioner Brendan Duffy (Chair)



Commissioner Bonita Bigham



Commissioner Sue Piper



28 March 2022