

Report No.	18-73
Decision Required	

REPRESENTATION REVIEW SUBMISSIONS

1. PURPOSE

- 1.1. This report is to inform the Hearing Committee of the receipt of four submissions to the publicly advertised resolution of Council's preferred option for the 2018 Representation Review, to retain the existing representation arrangements without change (the status quo).
- 1.2. The report sets out the requirement to consider those submissions, the process to be followed from the Council considering the submissions, and the requirement to refer the Council's decision to the **Local Government Commission (LGC)** if it does not comply with the +/- 10% figure for representation of population to elected members.

2. RECOMMENDATION

That the Committee recommends that Council:

- a. **receives** the information contained in Report No. 18-73 and Annexes;
- b. **considers** the written submissions received, and oral submission made at the Long-term Plan hearing, in respect of the Council's decision for representation arrangements; and
- c. **recommends** to the Council, a final preferred proposal for adoption.

Or

resolves to adopt the status quo as Horizons Regional Council's final proposal for the 2018 Representation Review being carried out in accordance with Section 19N of the Local Electoral Act 2001.

3. FINANCIAL IMPACT

- 3.1. There is no impact on existing budgets as a result of this report.

4. COMMUNITY ENGAGEMENT

- 4.1. Consultation has been undertaken with the community through a dedicated webpage on the Horizons Regional Council website, public notification, social media and a press release, and referenced in the Long-term Plan consultation document.

5. SIGNIFICANT BUSINESS RISK IMPACT

- 5.1. Horizons has a legal obligation to complete a representation review in 2018 prior to a determination by the **Local Government Commission (LGC)** no later than April 2019, under the LEA. There could be a significant business risk if the organisation were found not to comply with the requirements of the LEA.

6. BACKGROUND

Part 1A of the **Local Electoral Act (LEA)** sets out the procedure that a Council must follow in determining representation arrangements for the election of the Regional Council. The process, in summary, requires:

- The adoption of an initial proposal which is publicly notified for submissions
- The hearing of any submissions received
- The adoption of a final proposal
- The publication of a public notice calling for objections (where the Council amends its initial proposal) or appeals (by persons or organisations that made a submission), with decisions on objections or appeals to made by the LGC
- Referral of the final decision of the Council to the LGC if any constituency does not comply with the +/- 10% fair representation criteria; ie, the difference between the average population per councillor, and the actual population each councillor represents should be less than 10 %.

- 6.1. On 27 March 2018, Council resolved to adopt the status quo of six constituencies represented by 12 councillors, with no alteration to the constituency boundaries. This decision became the initial proposal of the Council. A copy of the resolution is attached at **Annex A**.
- 6.2. The Council has publicly notified its decision, which enables any person or organisation to make submissions. All territorial authorities within the Region have been advised of the proposal, along with the LGC, Surveyor-General, Government statistician, and the Remuneration Authority, as required by the LEA.
- 6.3. It should be noted that the status quo does not comply with the requirement for every constituency to be within the +/- 10% ratio with regard to the population of the Region divided by the total number of elected members. Under the initial proposal as publicly advertised, the constituency compliance was as follows:

Population statistics for each constituency

Based on population estimates for 30 June 2017, supplied by Statistics NZ, and showing each constituency's compliance with section 19V(2) LEA 2001 fair representation criteria.

Constituency	Population	No. of Crs per constituency	Population per Cr ¹	Deviation from region average population per Cr	Percentage deviation from region average population per Cr
Ruapehu	12900	1	12900	-7125	-36%
Wanganui	44500	2	22250	+2225	+11%
Manawatu-Rangitikei	37400	2	18700	-1325	-7%
Palmerston North	87300	4	21825	+1800	+9%
Horowhenua-Kairanga	40300	2	20150	+125	-1%
Tararua	17800	1	17800	-2225	-11%
REGION (using Stats NZ est)	240300 ²	12	20025 ³		

¹ +10% is 22,028; -10% is 18,022

² This figure is slightly more than the sum of the estimate population for each constituency, as it has been rounded to the nearest 100 by Statistics NZ.

³ Rounded to the nearest 50, consistent with the convention used by Statistics NZ for figures in the range 10,000-19,999.

7. SUBMISSIONS

- 7.1. Four submissions have been received, one in support of the status quo proposal, and three opposing the status quo proposal. These are attached as **Annexes B, C, D and E**.
- 7.2. Two submitters, both seeking amendments to the proposal, have indicated that they wish to speak to the Committee. However, when contacted regarding a suitable speaking time, one found he was not available. The second was also presenting a submission at Horizons' Long-term Plan hearings and elected to present his submission on the representation review at the same time.
- 7.3. The submitter in support of the status quo proposal did not wish to speak to her submission.
- 7.4. The submissions will be considered by members of the Strategy and Policy Committee (Representation Review Arrangements), who will forward a recommendation for a final preferred proposal to Council at its meeting which follows the conclusion of the Representation Review meeting.

8. DISCUSSION

- 8.1. Council received full information about the statutory criteria for representation at its meeting on 27 March 2018. It is not intended to repeat that information in this report. However, officers can provide further information as required.
- 8.2. A summary of the four submissions and advice from officers responding to the points raised is attached as **Annex F**.

Appeals and Objections

- 8.3. Appeals – the LEA provides that any person or organisation that has made a submission on the initial proposal may lodge a written appeal against the final decision of the Council. The appeal must identify the matters to which the appeal relates, and may raise only those matters that were raised in the appellants' submissions.
- 8.4. Objections – if the Council amends its initial proposal, any person or organisation may lodge a written objection to the amended resolution. The objection must identify the matters the objection relates to.

Role of the Local Government Commission (LGC)

- 8.5. Should Horizons receive objections or appeals, these must be forwarded to the LGC with all reports, minutes, submissions, public notices and background papers. This must be completed as soon as practicable after the time for appeals and objections close, preferably by 31 August 2018. Where the LGC is required to consider appeals or objections, it may hold hearings with the parties involved.
- 8.6. Where Horizons Regional Council does not comply with the +/- 10% fair representation requirement, it must refer that decision to the LGC with the materials listed in paragraph 8.6 above.
- 8.7. In both cases, the LGC will determine whether to uphold the decision of the Council, or amend it. The LGC must complete its processes before 11 April 2019.

9. TIMELINE / NEXT STEPS

- 9.1. Once Council has deliberated and adopted a final decision, submitters will have the opportunity to appeal; any person can object if there is a change to the initial proposal. The final decision will be made by the Local Government Commission regardless of

whether we receive any appeals or objections, because it is unlikely the final proposal will be able to meet the LEA 'fair representation' requirement.

10. SIGNIFICANCE

- 10.1. While this may be regarded as a significant decision, it is not considered in the context of the Council's Policy on Significance and Engagement because the community engagement process is prescribed by legislation other than the Local Government Act 2002. This is not a significant decision according to the Council's Significance and Engagement Policy.

Craig Grant
GROUP MANAGER CORPORATE & GOVERNANCE

Pen Tucker
POLICY ANALYST

Kay Booth
GOVERNANCE ADVISOR

ANNEXES

- A Council resolution of initial proposal
- B Submission of Adam Canning
- C Submission of Annette Main
- D Submission of Mark Chilcott
- E Submission of Rangitikei District Council
- F Summary of submissions and officers' advice

Representation Review Resolution from the Council meeting of Horizons Regional Council, held on 27 March 2018

REPRESENTATION REVIEW 2018

Report No 18-36

18-208

Moved

Kelly/Rieger

It is recommended that Council:

- a. receives the information contained in Report No. 18-36, and*
- b. resolves to adopt the existing representation arrangements as the initial proposal for public consultation, and*
- c. instructs officers to publicly notify the initial proposal by 10 April 2018.*

CARRIED



Submission Form | Representation Review 2018

We want to hear your feedback on Horizons' Representation Review through the submission process.

Submissions close 12 noon on Monday, 14 May 2018.

Name	Adam Douglas Canning	
Phone (home/ mobile)	0276679960	(business)
Organisation		
Address	4 Milton Street, Palmerston North	
	Post code	4414
Email	adcanning@outlook.com	
Signature	Adam Canning	Date 25 /04 /2018

I support/ oppose retaining the current constituencies and number of elected representatives because:

I oppose retaining the current constituencies and number of elected representatives

because some areas are under-represented (e.g., Palmerston North), whilst others are

relatively over-represented. Furthermore, areas should be large enough that there

are multiple candidates standing rather than areas where individuals are elected

unopposed. Constituencies should also recognize that just because we live in one area, doesn't mean we don't have interests

elsewhere. For example, the Manawatu River in Palmerston North drains much of the region where I'm deemed to have no interest.

If opposed, an alternative option could be: _____

There are 14 councillors elected. Given that the total Horizons population is ~240,000

then that equates to ~17,000 per councillor. Either all constituencies are abolished and we vote as one region (preferred)

Or boundaries are aligned such that they contain multiples of ~17,000 and Horowhenua-Kairanga has 2 members,

Manawatu-Rangitikei has 2, Palmerston North has 5, Ruapehu has 1, Tararua has 1 and Wanganui has 3.

I would like to speak in support of my submission Yes No

If yes, you will be contacted to arrange a convenient time. Please make sure we have your contact details. Submission hearings will be held on 31 May at Regional House, Palmerston North.

To make a submission you can:

- Fill out this form and post it to Freepost 217922, Horizons Regional Council, Private Bag 11025, Manawātū Mail Centre, Palmerston North 4442
- Write your submission as a normal letter and post to the same address as above.
- Go to www.horizons.govt.nz (Current consultation) and submit online.
- Email your submission to submissions@horizons.govt.nz.
- Drop this form off at Horizons' service centres.

Make sure you include your name, main contact phone number, full address, postcode, email address and whether you want to speak to your submission on 31 May 2018. Please note: all submissions received are considered public. Any contact details provided with your submission will be published in the resulting council report which will be made available to the general public.

Tick here if you would like to receive further information via email regarding the work Horizons Regional Council carries out on your behalf.

Request ID : 52271

GRP 05 02

Representation Review Submission

30 APR 2018

By Annette Main on Apr 30, 2018 01:31 PM

Due Date : N/A

02165

Status : Open

Priority : Not Assigned

To : submissions@horizons.govt.nz

Description

Greetings

I am comfortable with the proposal to remain with 12 councillors representing the region, provided the Manawatu Whanganui Regional Council encourages active relationships and communication between individual councillors and the district they represent, to ensure the view of the respective council formed on behalf of its ratepayers, is understood.
I do not wish to speak to the submission.

Regards
Annette

Annette Main
Whanganui
Ph 021466486

Requester Details

Requester Name	Annette Main	E-mail Address	annetmainnz@gmail.com
Contact number	-	Mobile number	-
Department	-	Business Impact	-

11 MAY 2018

02329

Manawatu-Wanganui Regional Council - Representation Review 2018

I **oppose** retaining the current constituencies and configuration of elected councillors, as proposed in Report 18-36 of 27 March 2018, for the following reasons;

1/ The Local Electoral Act 2001 clearly prioritises the criteria used to determine constituencies of Regional Councils as

A/ Population (in this case 18,015 – 22,018 persons per constituency)

B/ Communities of Interest

C/ District and Territorial boundaries, if possible.

Council is not placing enough emphasis on criteria A and B as the act requires.

2/ The Local Government Commission representation tables 2017 identify the constituencies of Ruapehu, Tararua and Wanganui as all failing to meet the required population/councillor ratio as specified in the LEA 2001. The tables are based on data as at 30th June 2017 and it can be expected that within the next 1 - 2 years the Palmerston North constituency will also fail to meet the standard, due to population growth.

Council is failing to anticipate known population trends and plan accordingly.

3/ Report 18-36 section 8 completely ignores any consideration to form constituencies around the towns of Levin and Feilding. These are both obvious "Communities of Interest" of 18,000 to 20,000 people deserving of a councillor to give them "Effective and Fair" representation. One councillor each from Horowhenua-Kairanga and Manawatu-Rangitikei constituencies would be made redundant, giving a total of 8 constituencies with 12 councillors. I note that none of the current councillors are from the towns of Levin or Feilding.

4/ Report 18-36 contains the following unsupported claims;

A/ A constituency of x sq. km is "unreasonable". Where does the LEA 2001 state this?

B/ A Wanganui constituency of 3 councillors would "disadvantage other communities of interest". Please explain who would be disadvantaged and how?

C/ Section 9.1 "The existing electoral arrangements...recognises the region's communities of interest". Please explain how the existing arrangement recognises the communities of interest called Levin and Feilding?

5/ Councillors are elected and remunerated on the basis that they each represent approx. 20,000 people. Of the 12 councillors, 8 of them should be representing towns and urban communities of interest within the region, as clearly recognised by the LEA 2001. Council's inability or unwillingness to reconfigure constituencies to achieve "Fair representation" has led to a serious and deteriorating state of affairs that undoubtedly disadvantages some citizens and ratepayers. Please explain Council's failure to implement the "Effective and Fair" principles of the LEA 2001 and maintain constituencies which are genuinely representative of the region's population?

I will not be speaking at the submission hearing.

Mark K Chilcott
150 Dixons Line RD11 Palmerston North 4481
8th May 2018



GRP 05 02

14 MAY 2018

02374



FROM THE
OFFICE OF THE MAYOR

RANGITIKEI
DISTRICT COUNCIL

14 May 2018

File No: 3-OR-3-12

Bruce Gordon
Chairman
Horizons Regional Council
Private Bag 11025
Manawatu Mail Centre
PALMERSTON NORTH 4442

By email: submissions@horizons.govt.nz

Dear Bruce

Initial proposal for representation arrangements for the 2019 elections

The Rangitikei District Council appreciates the opportunity to comment on the initial proposal for representation arrangement for the 2019 elections.

This was discussed at the Council's Policy/Planning Committee on 10 May 2018. While acknowledging that Rangitikei and Manawatū each has a member in the current two member Manawatū-Rangitikei constituency, that is not a certainty for future elections. Because of this, we request consideration to splitting the constituency so each district has a single member (as is the case for Ruapehu and Tararua). That would ensure that the two distinct communities of interest are represented at the Council table.

We believe that this consideration justifies setting aside the +/-10% prescription in the Local Electoral Act.

I would like the opportunity to speak with your Council on this matter

Yours sincerely

Andy Watson
Mayor of Rangitikei

Making this place home.

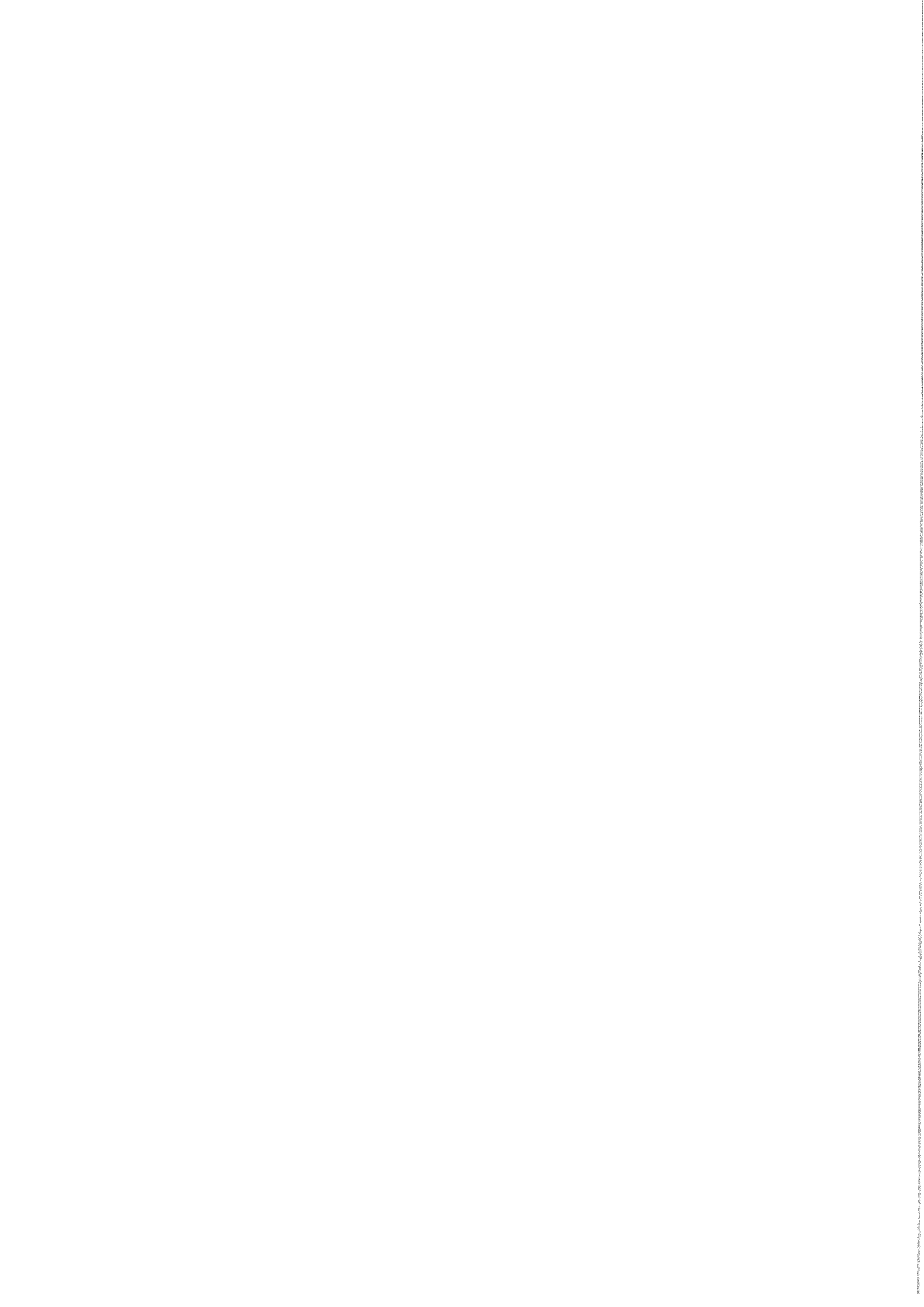


Table 1: Summary of submissions

Submitter name, number	Support or oppose	Reasons	Outcome sought	Officers' comments
1. Adam Douglas Canning	Oppose	<p>Some areas are under-represented and others over represented.</p> <p>Constituencies should also recognise that residents have interests beyond where they live.</p>	<p>Elect 14 councillors, each representing approx. 17,000. Either abolish all constituencies and vote as one region (preferred option) or align boundaries to contain multiples of 17,000 and the following number of members:</p> <p>Horowhenua-Kairanga – 2 Manawatu-Rangitikei – 2 Palmerston North – 5 Ruapehu – 1 Tararua – 1 Wanganui – 3</p>	<p>Section 19E(1) LEA¹ states that "A region must be divided into constituencies for electoral purposes".</p> <p>See general comments below regarding the strong direction for boundaries to align with territorial authority and ward boundaries.</p> <p>Table 2 shows the distribution of population and compliance with fair representation criteria for 14 elected members, based on the existing constituency boundaries.</p>
2. Annette Main	Support	<p>Comfortable with the proposal.</p>	<p>Horizons encourages active relationships and communication between individual councillors and the district they represent.</p>	<p>It is officers' understanding that elected members are actively engaging with the districts they represent (both constituents and territorial authorities) through a variety of methods.</p>
3. Mark K Chilcott	Oppose	<p>a. Council is not placing sufficient emphasis on population and communities of interest [compared to alignment of electoral boundaries]</p> <p>b. Ruapehu, Tararua and Wanganui constituencies all fail to meet the required population / councillor ratio. Population is based on 30 June 2017 estimates and do not take into account population growth; Palmerston North will also fail to meet the ratio within 1-2 years.</p> <p>c. Levin and Feilding are obvious communities of interest and should have their own representative for effective and fair representation. No current councillors are from Levin or Feilding.</p>	<p>Place more emphasis on achieving 18,015 – 22,018 persons per constituency, and communities of interest.</p> <p>Anticipate known population trends and plan accordingly.</p>	<p>See general comments below regarding the strong direction for boundaries to align with territorial authority and ward boundaries.</p> <p>The use of Statistics New Zealand population / census data underpins the representation review process; for example, the calculation of general and Māori electoral populations and the use of Statistics New Zealand meshblocks. The most recent available population estimates are supplied to all councils carrying out reviews by the LGC²; these are broken down to constituency, ward and subdivision level.</p> <p>There is no requirement in the LEA, and no advice in the LGC guidelines, that a review should take into account future population trends. Population projections are not available at constituency, ward and subdivision level to support such an approach.</p> <p>This approach would be a shift in emphasis towards prioritising the Region's two secondary urban areas as distinct communities of interest. The Palmerston North constituency, the most urban-focused constituency in the Region, also includes areas of rural land and Ashhurst. The Wanganui constituency includes both the urban area and extensive areas outside the urban boundary.</p> <p>Using the Statistics New Zealand area units for Levin and Feilding as the basis for two separate constituencies would not fully comply with the LEA "fair representation" criteria, as follows:</p>

¹ Local Electoral Act 2001

² Local Government Commission

Submitter name, number	Support or oppose	Reasons	Outcome sought	Officers' comments										
		<p>d. Report 18-36 to Council contains unsupported claims.</p>	<p>Explain: Where in the LEA a constituency of x km² is "unreasonable";</p> <p>Who would be disadvantaged and how by a Wanganui constituency of 3 councillors;</p>	<table border="1" data-bbox="263 246 406 750"> <thead> <tr> <th colspan="2">Deviation from regional average</th> </tr> <tr> <th>No. of members</th> <th>Avg population per member</th> </tr> </thead> <tbody> <tr> <td>12</td> <td>20025</td> </tr> <tr> <td>13</td> <td>18485</td> </tr> <tr> <td>14</td> <td>17164</td> </tr> </tbody> </table> <p>Officers have not established how the area unit compares with territorial and ward boundaries.</p> <p>The LEA does not define a threshold for assessing what is a reasonable area for a single elected member to represent while meeting effective representation criteria. However, the LGC 2007 determination on Horizons' representation review stated (in relation to comparable circumstances associated with the Taranaki constituency) "the demands on a councillor to service such a large area would be unreasonable".</p> <p>The submitter appears to be referring to paragraphs 8.5 and 8.6 of report 18-36, which are discussing the implications of merging the current Ruapehu and Wanganui constituencies into a single constituency with three elected members, to overcome the current Ruapehu constituency's significant non-compliance with the fair representation criteria. Such a merger would combine two distinct communities of interest, a conclusion reached by the LGC in their 2007 determination; "a separate Ruapehu Constituency is also necessary to ensure effective representation of this community of interest". The LGC took the same approach in the 2013 determination.</p> <p>Feilding and Levin are both secondary urban areas which lie in their entirety within the constituencies of Manawatu-Rangitikei and Horowhenua respectively. Should the boundary of the Feilding ward be adjusted through the Manawatu District Council's representation review, we have been advised by LGC that they would be likely to adjust Horizons' constituency boundary to reflect that.</p> <p>Officers do not agree with the submitter that Council's initial proposal fails to implement effective and fair representation criteria. The proposal does not fully comply with the +/- 10% fair representation criteria; however, this is one of three factors that must be balanced (the others being communities of interest and effective representation).</p>	Deviation from regional average		No. of members	Avg population per member	12	20025	13	18485	14	17164
Deviation from regional average														
No. of members	Avg population per member													
12	20025													
13	18485													
14	17164													
		<p>e. More councillors (8/12) should be representing towns and urban areas and constituencies. Not reconfiguring constituencies to achieve "fair representation" disadvantages some citizens and ratepayers.</p>	<p>How the existing arrangement recognises the communities of Feilding and Levin.</p> <p>Explain Council's failure to implement "effective and fair" principles of the LEA and maintain constituencies which are genuinely representative of the region's population.</p>											

Submitter name, number	Support or oppose	Reasons	Outcome sought	Officers' comments
4. Mayor Andy Watson	Oppose	Concerned with arrangement for Manawatu-Rangitikei constituency. Lack of certainty that one each of the two councillors will continue to be elected from Manawatu and Rangitikei.	Consider splitting the constituency so each district has a single member to ensure two distinct communities of interest are represented.	Officers presented a number of scenarios which separated the Manawatu and Rangitikei districts (including one which merged Manawatu and Horowhenua districts in their entirety) to members in the 28 February workshop. The scenarios, although recognising the communities of interest delineated by political boundaries, generally increased non-compliance with the LEA fair representation criteria.

General comments

Electoral boundaries

Section 19U of the Local Electoral Act 2001 (LEA) states that, in determining the proposed number of constituencies, their name and boundaries, and number of members to be elected for each constituency, regional councils must ensure:

- that the number and boundaries of constituencies will provide effective representation of communities of interest within the region; and
- 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
- that, so far as is practicable, constituency boundaries coincide with the boundaries of 1 or more territorial authority districts or the boundaries of wards (emphasis added).

The Local Government Commission (LGC) Guidelines³ state that

Where practicable, different types of electoral subdivision boundaries (ward, constituency, community board subdivisions, etc.) need to coincide as this:

- supports communities of interest and local electors' identification with their area
- may encourage participation, such as voting or standing as a candidate (para 5.18).

Taken together officers consider that, while not imperative, there is strong direction to align constituency boundaries with territorial authority or ward boundaries while meeting the criteria to provide for fair and effective representation.

Table 2: Submitter 1 – population distribution using existing boundary

CONSTITUENCIES	Total electoral population	No. of members	Population per member	Deviation from regional average
Ruapehu constituency	12900	1	12900	4264 25%
Wanganui constituency	44500	3	14833	-2331 -14%
Manawatu-Rangitikei constituency	37400	2	18700	-1536 -9%
Palmerston North constituency	87300	5	17460	296 2%
Horowhenua-Kairanga constituency	40300	2	20150	2986 17%
Taranui constituency	17800	1	17800	-636 -4%
Manawatu-Wanganui region	240300	14	17164	

³ Local Government Commission (June 2017). Guidelines for local authorities undertaking representation reviews (6th ed)

