



# Timaru District Council Workshop: Introduction to Representation Review Process

Malcolm Alexander  
8 August 2023

# Workshop Topics

1. Why is a representation review required?
2. Method of Voting?
3. Key Considerations
4. Māori Wards?
5. Community Boards?
6. Consultation, Appeals, & Objections
7. Council Process





# Why is a representation review required?

Local Electoral Act 2001

## **s. 19H Review of representation arrangements for elections of territorial authorities**

- Review required at least once every six years
- Key decisions to be made:
  - Wards and/or at large
  - Number of elected members (if at large or if a ward/at large split)
  - Proposed name and boundaries of each ward
  - Number of members proposed to be elected by the electors of each ward
- Like provisions apply to community boards (s. 19J)

YULE || ALEXANDER

# Method of Voting?

Local Electoral Act 2001

## s. 27 Local authority may resolve to change electoral systems

- (1) Any local authority may, not later than 12 September in the year that is 2 years before the year in which the next triennial general election is to be held, resolve that the next 2 triennial general elections of the local authority and its local boards or community boards (if any), and any associated election, will be held using a specified electoral system other than that used for the previous triennial general election.
  - Not technically part of formal representation review but LGC recommends the matter be considered at the time of a representation review
  - Choice is FPP or STV
  - Due date for any change resolution – 12 September 2023
  - Public notice of right to demand poll (5% threshold) – 19 September 2023
  - Valid poll request received before 11 December 2023 (previously 21 February 2024) will apply to 2025 election (should it pass)
  - Valid poll request received after 11 December 2023 (previously 21 February 2024) will not apply to 2025 election (should it pass)
  - Council may resolve to hold a poll (before 11 December 2023 (new)/21 February 2024 (old))
  - Poll would be held on FPP basis by 14 March 2024 (new)



# Representation Review: Key Considerations

Local Electoral Act 2001

## s. 19V Requirement for fair representation and other factors in determination of membership for wards ...

- (1) In determining the number of members to be elected by the electors of any ward ... , the territorial authority ... and, where appropriate, the Commission must ensure that the electors of the ward ... receive fair representation, having regard to the population of every district ... or community and every ward ... within the district ... or community.
- +/- 10% rule: Council (and the LGC) must ensure that the population of each ward divided by the number of members to be elected by that ward, produces a figure no more than 10% greater or smaller than the population of the district divided by the total number of elected members (other than members elected by the electors of a territorial authority as a whole, if any, and the mayor, if any)
  - Three broad factors to consider:
    - Communities of interest
    - Effective representation of communities of interest
    - Fair representation of electors



- Not defined in the statute
- LGC guidance:
  - Perceptual – a sense of belonging to a clearly defined area or locality
  - Functional – the ability to meet with reasonable economy the community’s requirements for comprehensive physical and human services
  - Political – the ability of the elected body to represent the interests and reconcile the conflicts of its members
- Communities of interest may change over time so identifying current communities of interest during a representation review is necessary

- Territorial authorities must ensure effective representation of communities of interest (see s. 19T)
- Effective representation of defined communities of interest must be achieved within five to 29 elected members, excluding the mayor (see s. 19A)
- The basis of election (ward, at large, or combination) used by the territorial authority, to provide the most effective representation of the identified communities of interest, must be determined
- LGC guidance notes that TA's that select "at large" tend to do so because:
  - The district is relatively compact
  - There is a shared common community of interest at the district level
  - Communities of interest are spread across the district rather than being geographically distinct
- If considering wards, consider respective merits of single-member vs. multi-member wards

- This step applies the +/- 10% rule
- Reason – to ensure the all votes are of approximately equal value unless there are good reasons to depart from that rule
- Exceptions are set out in s. 19V(3):
  - Non-compliance with the 10% rule is required for effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority; or
  - Compliance with the 10% rule would limit effective representation of communities of interest by dividing a community of interest between wards; or
  - Compliance with the 10% rule would limit effective representation of communities of interest by uniting within a ward two or more communities of interest with few commonalities of interest
- Exceptions must be referred to the LGC by the TA and are treated as appeals from the TA's decision

# Timaru DC Wards TDC 2018 Fair Representation Calculation



Ward	Pop	EMs	Pop/EM Ratio	Difference from Quota	% Difference from Quota
Geraldine	5730	1	5730	498	9.52
Pleasant Point-Temuka	9,560	2	4,780	- 452	-8.64
Timaru	31,800	6	5,300	68	1.3
<b>Total</b>	<b>47,090</b>	<b>9</b>	<b>5,232</b>		

# Timaru DC Wards

## LGC – 2022 Estimates (2018 Census Base)



Ward	Pop	EMs	Pop/EM Ratio	Difference from Quota	% Difference from Quota
Geraldine	6,220	1	6,220	833	15.47
Pleasant Point-Temuka	9,860	2	4,930	- 457	-8.48
Timaru	32,400	6	5,400	13	0.25
<b>Total</b>	<b>48,480</b>	<b>9</b>	<b>5,387</b>		

YULE || ALEXANDER

# Māori Wards?

Local Electoral Act 2001

## s. 19Z Territorial authority ... may resolve to establish Māori wards ...

- (1) Any territorial authority may resolve that the district be divided into 1 or more Māori wards for electoral purposes.
- Due date for any change resolution to apply to 2025 election – 23 November 2023 (after that date would apply to 2028 election – s.19(3)(b))
  - If a decision is taken to create a Māori ward(s) then processes are specified to determine representation levels
  - Date not affected by LG Electoral Legislation Bill for 2025 election
  - There is no longer any public right to demand a poll or to lodge an appeal to the LGC
  - New requirements will come into force on 12 October 2025 (if current amendment Bill proceeds) and will impose a positive obligation:
    - To consider the matter
    - Engage with Māori and other communities of interest before deciding

YULE || ALEXANDER

# Community Boards?

Local Electoral Act 2001



## 19J Review of community boards

- During a representation review a territorial authority must determine:
  - Whether there should community boards; and
  - If so, the nature of any community and the structure of any community board
- Questions to be determined, include:
  - Whether one or more communities should be constituted
  - Whether any community should be abolished or united with another community
  - Whether the boundaries of a community should be altered
  - Number of members of any community board (subject to s. 19F which sets upper and lower limits)
  - Number of members of a community board who should be elected and the number of members of a community board who should be appointed



# Consultation, Appeals, & Objections

Local Electoral Act 2001

- Council's Initial Proposal must be publicly notified
- Commences consultation period followed by Council consideration of submissions
- Following consideration of submissions, a Final Proposal is publicly notified
- Appeals:
  - Any person who or organisation (including a community board) that has made submissions on an Initial Proposal may lodge a written appeal against the decision of the territorial authority
- Objections:
  - If the territorial authority has amended the Initial Proposal, any interested person or organisation (including a community board) may lodge a written objection to the amended Proposal
- Appeals and objections must be forwarded to the LGC as soon as practicable, but no later than 15 January 2025 (with a LGC decision by 10 April 2025)



# Council Process

Local Electoral Act 2001

- Voting Method:
  - Period between 9 August 2023 and 12 September 2023 – workshops and Council meetings as required on the issue
  - Determine whether to change voting method to STV no later than 12 September 2023
  - Public notice of electors right to demand poll no later than 19 September 2023
  - For 2025 election, schedule poll (if required) no later than 14 March 2024

- Māori Ward(s):
  - For 2025 election - period between 9 August 2023 and 23 November 2023 – workshops and Council meetings as required on the issue
  - Determine consultation requirements by reference to Council Significance and Engagement policy
  - Note application of s. 81 LGA 2002 concerning opportunities for Māori to contribute to council decision-making processes
  - Determine whether to establish a Māori ward(s) no later than 23 November 2023

- **Representation Review – Preliminary Consultation** (9 August 2023 to period between 20 December 2023 and 31 July 2024):
  - Review previous assessments of communities of interest; effective representation; and fairness of representation, and determine whether changes are required
  - Prepare discussion document on those matters for consideration by elected members
  - Workshops with Council and three community boards
  - Consider nature of public input at this stage

- **Representation Review - Initial Proposal:**

- Schedule Council meeting to determine Initial Proposal
- Council decision is required in the period 20 December 2023 to 31 July 2024
- Issue public notice of Initial Proposal within 14 days of decision (but no later than 8 August 2024) inviting submissions
- Consider submissions, if any (including hearings if necessary), within eight weeks of closing date for submissions



# Indicative Council Process (Final Proposal)



## ▪ **Representation Review - Final Proposal:**

- Determine Final Proposal within eight weeks of submissions closing date
- If no submissions, Initial Proposal becomes Final Proposal (subject to appeals and objections)
- Give public notice of Final Proposal within eight weeks of submissions closing date
- Appeals and objections period commences (lodged from one month after public notice but no later than 3 December 2024)
- If no appeals or objections, then proposal becomes final and public notice is given of that fact
- Any appeals or objections are forwarded to LGC for its determination
- LGC must determine no later than 11 April 2025
- High Court appeal right on points of law – must be lodged within one month of LGC determination
- Decision of High Court is final

YULE || ALEXANDER

Malcolm Alexander

[malcolm@yulealexander.com](mailto:malcolm@yulealexander.com)

+64 21 737 681