



Timaru District Council Workshop: 2023-24 Representation Review

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Workshop Topics

1. Recap: Why is a representation review required?
2. Key Considerations to achieve Effective Representation of Communities of Interest
3. Community Boards
4. Consultation, Appeals, & Objections
5. 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 – TDC's review now is due
- 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)



Representation Review: Key Considerations

Local Electoral Act 2001

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

A territorial authority must determine by resolution whether the elected members (other than the mayor) are elected:

- By the district as a whole (“at large”), including the proposed number of elected members
- By two or more wards, including the proposed name and boundary of each ward and the number of elected members per ward
- By a combination of “at large” and wards, including the proposed number of elected members elected “at large” and by ward

s. 19T Requirement for effective representation and other factors in determination of membership and basis of election of territorial authorities and local boards

A territorial authority must ensure:

- That the election of members of a territorial authority will provide effective representation of communities of interest within the district
- That ward boundaries coincide with the boundaries of current statistical meshblock areas determined by Statistics NZ and used for parliamentary electoral purposes
- That, so far as is practicable, ward boundaries coincide with any local board area or community boundaries

- 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 (para 5.21) 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

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

- 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 islanded 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
Total	47,090	9	5,232		

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
Total	48,480	9	5,387		

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Working through the decision- points

Local Electoral Act 2001

Decisions to be made

- Will TDC retain a Ward only system or move to “at large” or a combination of “at large” and wards?
 - If council wishes to consider a more wide-ranging review of current wards, officers will need guidance as to the differing communities of interest to which elected members wish to give further consideration
 - If TDC wishes to consider a combination approach, officers will need guidance as to the type of combination options that should be brought to council for further debate and ultimate decision
- If Wards are to be retained, what are the names and boundaries of those Wards?
- If a preference is indicated to maintain the present Ward approach, then consideration of the application of the 10% rule will be required
 - Three scenarios have been prepared for the purposes of this workshop
- How many elected members are required?
- These decision-points are governed by the effective representation of communities of interest obligation

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Communities of Interest

Local Electoral Act 2001

- 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

Current Communities of Interest



- Timaru
- Geraldine
- Pleasant Point-Temuka
- Officers are unaware of any substantial demographic change since the last representation review which may indicate that a change to the previously identified communities of interest is not required
- This suggests that an “at large” approach is undesirable as there may be a risk that one or more communities of interest would not achieve effective representation after an election
- There may be a stronger case for a combination approach but given the lack of substantial demographic change, the case for re-affirming the previously identified communities of interest may be more compelling
- Views?



Wards, “at large”, or combination

Local Electoral Act 2001

- These decision-points are governed by the effective representation of communities of interest obligation
- Will TDC retain a Ward only system or move to “at large” or a combination of “at large” and wards?
 - If council wishes to consider a more wide-ranging review of current wards, officers will need guidance as to the differing communities of interest to which elected members wish to give further consideration
 - If TDC wishes to consider a combination approach, officers will need guidance as to the type of combination options that should be brought to council for further debate and ultimate decision
- If a Ward only approach is likely to be retained, what are the names and boundaries of those Wards?
 - If the communities of interest are little changed since the last representation review, then the case for the retention of the present names may be stronger
- If a preference is indicated to maintain the present Ward approach, then consideration of the application of the 10% rule will be required

Timaru DC Wards LGC – 2022 Estimates (2018 Census Base)



Ward	Pop	EMs	Pop/EM Ratio	Difference from Quota	% Difference from Quota
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Presentation - Possible Ward boundaries

Three Scenarios



Number of Elected Members

Local Electoral Act 2001

Number of Elected Members

- Effective representation of defined communities of interest must be achieved within five to 29 elected members, excluding the mayor (see s. 19A LEA - six to 30 including the mayor)
- Presently Timaru District Council has 10 elected members comprised as follows:
 - Mayor (elected “at large”)
 - Timaru Ward (6 councillors)
 - Pleasant Point-Temuka Ward (2 councillors)
 - Geraldine Ward (1 councillor)
- Accordingly, within the statutory limits, TDC’s range of action means it could increase the number of councillors by 19 or reduce it by 5, or achieve any number within that range (subject to the effective and fair representation requirements)
- However, remuneration is determined by a pool approach, so the overall numbers affect councillor remuneration
- The number of elected members per ward does affect the 10% rule calculation

Factors to Consider

- Decisions need to comply with effective and fair representation of communities of interest
- +/- 10 % Rule must be met if a Ward system is maintained
- If the number of elected members is kept at nine, and the Ward system is retained, then some changes to Ward boundaries will be required to bring the Geraldine Ward into compliance with the +/- 10% Rule
- If an alteration to the present number of councillors is worthy of future work by officers, some indicative basis for that change should be stated
- Views?



Community Boards

Local Electoral Act 2001

s. 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 (between 4 and 12 members)?
 - Number of members of a community board who should be elected (at least four) and the number of members of a community board who should be appointed (must be councillors and comprise less than 50% of CB membership)?

- Do Elected members wish to reconsider having Community Boards?
 - There are a mix of models across the sector ranging from none to many
 - The case for Community Boards may be stronger in geographically large districts
 - The functions and delegations under which a community board operates are outside the scope of a representation review
- If Community Boards are to be retained, should there be any change to the present three (Geraldine, Pleasant Point, Temuka)?
- Is there any reason to alter the number of elected members of each community board (noting Council may appoint councillors to each Board subject to statutory limits)?
- Views?



Consultation, Appeals, & Objections

Local Electoral Act 2001

Proposal Process, and Appeal, & Objection Rights



- 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

- **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

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