



**AGENDA FOR THE
ORDINARY MEETING OF THE
REPRESENTATION REVIEW
COMMITTEE**

**TO BE HELD IN THE
COUNCIL CHAMBERS,
2 NORMAN KIRK DRIVE,
ROLLESTON**

WEDNESDAY 28 OCTOBER 2020

COMMENCING AT 10AM

**AGENDA OF AN ORDINARY MEETING OF THE
REPRESENTATION REVIEW SUBCOMMITTEE
TO BE HELD IN THE COUNCIL CHAMBER,
SELWYN DISTRICT COUNCIL, ROLLESTON
ON WEDNESDAY 28 OCTOBER 2020 COMMENCING AT 10AM**

MEMBERS

Mayor S T Broughton, Councillors M A Alexander, S Epiha, J A Gallagher and G S Miller, and J B Morten (Malvern Community Board Chair)

KARAKIA

APOLOGIES

CONFLICTS OF INTEREST

CONFIRMATION OF MINUTES (Pages 4 - 7)

Recommendation:

‘That the Representation Review Committee confirm the minutes of its Inaugural Meeting held on 19 August 2020, as circulated.’

ACTION POINTS

Action	Update
Further consultation with Rūnanga	Update provided at today’s meeting
Mesh blocks made available at October meeting	Update provided at today’s meeting

REPORTS

- Deputy Electoral Officer (Pages 8 - 20)**
Consideration of Establishing Maori Wards or Constituencies

Recommendation:

‘That the Representation Review Subcommittee:

- (a) uplifts the report 'Consideration of establishing Māori wards or constituencies', left to lie on the table at the meeting of the Subcommittee on 19 August 2020; and*
- (b) considers further information in relation to the report on the consideration of establishing Māori wards or constituencies;*
- (c) recommends to Council to resolve that no Māori Ward be established for the 2022 and 2025 local government triennial elections.'*

2. Deputy Electoral Officer (Pages 21 - 35)
Population – Representation Tables Update 2019

Recommendation:

'That the representation review subcommittee receive the report for information.'

3. Deputy Electoral Officer (Pages 36 - 39)
Representation Review Timeline and Preliminary Consultation

Recommendation:

'That the representation review subcommittee receive the report for information.'

**MINUTES OF THE INAUGURAL MEETING OF THE
REPRESENTATION REVIEW SUBCOMMITTEE
TO BE HELD IN THE COUNCIL CHAMBERS,
SELWYN DISTRICT COUNCIL, ROLLESTON
ON WEDNESDAY 19 AUGUST 2020 COMMENCING AT 8.30AM**

PRESENT

Mayor S T Broughton, Councillors M A Alexander, S Epiha, J A Gallagher and Mr J B Morten (Malvern Community Board Chair)

IN ATTENDANCE

Messrs. D Ward (Chief Executive), S Hill (Group Manager Communication and Customers), Mrs N Smith (Executive Assistant); and Ms T Davel (Governance Coordinator)

The Chief Executive presided as Chair until a Chair was elected. He provided background information on the purpose of the Committee, noting the membership is the Mayor, one member of each Ward and the Malvern Community Board Chairperson. The Chief Executive said the process would take approximately 12 months.

APOLOGIES

An apology was received from Councillor G S F Miller.

Moved – Councillor Alexander / **Seconded** – Councillor Gallagher

‘That the apology from Councillor Miller be received, for information.’

CARRIED

CONFLICTS OF INTEREST

None.

APPOINTMENT OF CHAIR AND DEPUTY CHAIR

1. Chief Executive

Election of the Chair and Deputy Chair of the Representation Review Subcommittee

The Chief Executive called for nominations for the position of Chair.

Moved – Mayor Broughton / **Seconded** – Councillor Epiha

‘That the Representation Review Subcommittee

(a) elects Councillor Mark Alexander as the Chair; and

The Chief Executive called for nominations for the position of Deputy Chairperson.

Moved – Mayor Broughton / **Seconded** – Councillor Alexander

‘That the Representation Review Subcommittee

(b) elects Councillor S Epiha as the Deputy Chair.’

Councillor Alexander took his place at the top table and asked the Chief Executive to present his reports.

REPORTS

1. Chief Executive

Representation Review – Procedural Requirements

The Chief Executive said this report was for background, acknowledging the purpose of the subcommittee was to provide procedural advice to matters Council need to consider.

The Chief Executive noted part of the Local Electoral Act was included in the agenda for today’s meeting. He said the first thing the subcommittee needed to do was to choose an electoral system. Whatever is chosen would apply to Council and Community Boards for the 2022 and 2025 elections. He said Council should at all times provide effective and fair representation of our communities. It was important to avoid arrangements that may create barriers to participation in respect to familiarity of geographical areas and to not split townships.

The subcommittee need to consider ward boundaries. The mesh blocks will be made available by early 2021. There would be consideration as to whether community boards were appropriate.

There was a brief discussion about the timeframes for making each decision with the Chair adding that there was a flow chart identifying milestones to be met. The Deputy Electoral Officer also referred to some of the deadlines as per the reports.

Councillor Epiha asked whether the subcommittee could start each meeting with karakia.

Moved – Councillor Gallagher / **Seconded** – Councillor Epiha

‘That the Representation Review – Procedural Requirements report be received for information.’

CARRIED

2. Chief Executive

Adoption of the Terms of Reference

The Chief Executive referred to the Terms of Reference for the Subcommittee outlining their roles and responsibilities.

Moved – Mayor Broughton / **Seconded** – Councillor Gallagher

‘That the Representation Review Subcommittee adopt the Terms of Reference.’

CARRIED

3. Deputy Electoral Officer

Choosing of an Electoral System

The Deputy Electoral Officer said this report was not officially part of a representation review but had to take place prior. He explained the two systems – first past the post (FPP) or single transferable vote (STV), which is not widely used. Neighbouring Canterbury Councils use the FPP.

He explained the options to the Subcommittee and there ensued some discussion about the pros and cons of each. It was acknowledged that FPP is a much easier system but that STV probably provides for a fairer outcome as it allows for preferences to be ranked.

It was also acknowledged it was unfortunate timing that the first decision of the Subcommittee will have a significant impact rather than wait for 12 months when the number of councillors and ward structure were known. There was also concern that STV could be confusing to electors.

Moved – Councillor Gallagher / **Seconded** – Mr Morten

‘That the Representation Review Subcommittee recommends to Council to resolve to confirm continued use of First Past Post (FPP) for the 2022 and 2025 local government triennial elections.’

CARRIED

4. Deputy Electoral Officer

Consideration of Establishing Māori Wards or Constituencies

The Deputy Electoral Officer briefly went through the report. The 2018 census data on the District's population showed the numbers did not meet the threshold for a member to be elected from a Maori Ward. He added that to meet the threshold elected members would need to be increased to 14.

The Deputy Electoral Officer also spoke about the timelines for the process and added if there was to be a poll, it could run alongside the 2022 election, which would bring a potential Maori Ward in time for the 2025 election.

The Mayor noted that at a recent Taumutu executive meeting the matter was discussed. The Mayor asked whether the decision could be delayed and there was support for this suggestion.

Councillor Epiha added his support, noting that alongside this the Subcommittee would need a view of the wider district and other rūnanga and iwi who are not necessarily from Selwyn but live here. Their views need to be respected as well. He wanted wider representation and views from the total amount of Maori in the District. He said there were many digital platforms alongside advice of the rūnanga and he would be happy to front-foot this.

The Mayor moved a procedural motion that the matter lay on the table in order for further consultation to take place.

Moved (as amended) – Mayor Broughton / Seconded – Councillor Alexander

'That the Representation Review Subcommittee let this report lie on the table awaiting further consultation with iwi and other parties.'

CARRIED

The Subcommittee decided to meet again on 28 October 2020 at 8.30am and 9 December 2020 at 8.30am. Monthly meetings will be held in 2021, starting early February. In preparation for the October meeting, the mesh blocks used in the last review would be provided.

The meeting closed at 9.25am

DATED this day of 2020

CHAIRPERSON

REPORT

TO: Representation Review Subcommittee

FOR: 28 October 2020

FROM: Deputy Electoral Officer

DATE: 16 October 2020

SUBJECT: CONSIDERATION OF ESTABLISHING MĀORI WARDS OR CONSTITUENCIES

RECOMMENDATION

That the Representation Review Subcommittee:

- (a) uplifts the report 'Consideration of establishing Māori wards or constituencies', left to lie on the table at the meeting of the Subcommittee on 19 August 2020; and*
- (b) considers further information in relation to the report on the consideration of establishing Māori wards or constituencies;*
- (c) recommends to Council to resolve that no Māori Ward be established for the 2022 and 2025 local government triennial elections.*

1. PURPOSE

The purpose of this report is to allow the Subcommittee to receive and consider further information relating to the process for any Council decision on the establishment of Māori wards or constituencies, prior to the 2022 triennial local elections; and to consider the .

2. BACKGROUND AND FURTHER INFORMATION

The inaugural meeting of the Representation Review Subcommittee on 19 August 2020 received a report on Consideration of establishing Māori wards or constituencies. The recommendation of the report was:

“That the Representation Review Subcommittee recommends to Council to resolve that no Māori Ward be established for the 2022 and 2025 local government triennial elections.”

A procedural motion was moved that the matter lay on the table in order for further consultation to take place.

Moved (as amended) – Mayor Broughton / Seconded – Councillor Alexander

‘That the Representation Review Subcommittee let this report lie on the table seeking further information for consultation with parties.’

The Chief Executive and Mayor will brief the Subcommittee further on discussions which have been held with rūnanga since the last meeting of the Subcommittee. Both Te Taumutu Rūnanga and Te Ngāi Tūāhuriri Rūnanga have indicated that they do not support the establishment of a Māori Ward/s at the present time.

3. MĀORI ELECTORAL POPULATION

The report to the meeting of 19 August 2020 included a table showing, at a district level, the current Māori electoral population (MEP) and general electoral population (GEP) along with the number of members who would be elected from Māori wards or constituencies in each local authority (based on their current size). The Subcommittee requested a breakdown of these figures by Ward. The Local Government Commission has provided the following breakdown:

	MEP	GEP
Malvern Ward	294	8,319
Selwyn Central Ward	1,029	24,474
Ellesmere Ward	546	8,370
Springs Ward	381	17,148

Note: The formula for calculating the number of members for Māori wards or constituencies is set out in the Local Government Commission Guidelines, chapter 4, Māori wards or constituencies, attached as Appendix 1.

4. TIMELINE

As noted in the report to the meeting of 19 August 2020, if the Council chooses to make a resolution on Māori representation to be effective for the 2022 local election, it must do so no later than 23 November 2020 and must publicly notify the resolution, including public notice of the right to demand a poll.

A valid demand for a poll must be received by 21 February 2021 or the Council can also decide to hold a poll by 21 February 2021. This is notified to the Electoral Officer and the poll must be held not later than 89 days after the notification, ie not later than 21 May 2021.

The results of the poll are binding and take effect for the next two elections, ie 2022 and 2025. If the poll fails to establish a Māori ward this will not be considered for another six years.



Stephen Hill
Group Manager Communication and Customers/Deputy Electoral Officer

Appendix 1: Local Government Commission, Guidelines for local authorities undertaking representation reviews, Chapter 4, Māori wards or constituencies.

REPORT

TO: Representation Review Subcommittee

FOR: Inaugural Meeting – 19 August 2020

FROM: Deputy Electoral Officer

DATE: 10 August 2020

SUBJECT: CONSIDERATION OF ESTABLISHING MĀORI WARDS OR CONSTITUENCIES

RECOMMENDATION

‘That the Representation Review Subcommittee recommends to Council to resolve that no Māori Ward be established for the 2022 and 2025 local government triennial elections.’

1. PURPOSE

The purpose of this report is to provide background information on the process for any Council decision on the establishment of Māori wards or constituencies, prior to the 2022 triennial local elections, and to assist in preliminary discussions with mana whenua prior to any such decision.

The Local Electoral Act provides for decisions on the establishment of Māori wards or constituencies to be made apart from, and prior to, the formal representation review process.

2. BACKGROUND

The Local Electoral Act 2001 provides that Māori wards (territorial authorities) or constituencies (regional councils) may be established. The statutory provisions for establishing Māori wards/constituencies are set out in sections 19Z to 19ZH, Local Electoral Act 2001.

Establishing Māori wards/constituencies can be achieved by a:

- local authority resolution or
- favourable outcome of a poll of electors. This poll may be:
 - demanded by electors or
 - the result of a local authority resolution.

If the Council chooses to make a resolution on Māori representation to be effective for the 2022 local election, it must do so no later than 23 November and must publicly notify the resolution, including public notice of the right to demand a poll.

A valid demand for a poll must be received by 21 February 2021 or the Council can also decide to hold a poll by 21 February 2021. This is notified to the Electoral Officer and

the poll must be held not later than 89 days after the notification, i.e. not later than 21 May 2021.

The results of the poll are binding and take effect for the next two elections, i.e. 2022 and 2025. If the poll fails to establish a Māori ward this will not be considered for another six years.

Notes:

- At the Council's last Representation Review in 2016 the Representation Review Sub-Committee noted that during discussions and subsequent informal discussions with the local Rūnanga, there was no expressed desire to consider a change to the ward structure.
- 2018 Census data (Statistics NZ) indicates that of the then total population of Selwyn district (60,561), 4,788 (7.9%) identify as Māori (2016: 3,036).
- Three councils in New Zealand had Māori representation at the 2019 local elections: Bay of Plenty Regional Council (introduced 2001 by specific legislation), Waikato Regional Council (introduced 2013 by Council resolution – no poll received in response to council resolution) and Wairoa District Council (result of poll in 2016 50% for, 42.5% against).
- The Society of Local Government Managers (SOLGM) included in its submission to the Justice and Environment Select Committee inquiry into the 2019 elections that the process by which councils can establish Māori wards (territorial authorities) and Māori constituencies (regional councils) be aligned with the same process by which councils can establish general wards and constituencies, i.e. that it is rolled into the overall representation process and not be subject to a separate poll. SOLGM will be briefing the incoming Minister of Local Government following the 2020 general elections on this matter and will be looking for legislative change.

The LGC publishes a table showing the current Māori electoral population (MEP) and general electoral population (GEP) along with the number of members who would be elected from Māori wards or constituencies in each local authority (based on their current size); the data for Selwyn based on the 2018 Census is as follows:

District	Maori Electoral Population	General Electoral Population	Total Population	Total Members	Maori Ward Members	Maori Ward Members (Rounded)
Selwyn District	2,229	58,332	60,561	11	0.40	0

i. The Local Electoral Act 2001

The statutory provisions for changing the electoral system are set out in *sections 19Z to 19ZH, Local Electoral Act 2001 (copy attached)*.

ii. Local Government Commission Guidelines

The Local Electoral Act 2001 provides that Māori wards (territorial authorities) or constituencies (regional councils) may be established. The statutory provisions for establishing Māori wards/constituencies are set out in sections 19Z to 19ZH, Local Electoral Act 2001.⁴

Establishing Māori wards/constituencies can be achieved by a:

- local authority resolution or
- favourable outcome of a poll of electors. This poll may be:
 - demanded by electors or
 - the result of a local authority resolution.

A local authority resolution (to establish a Māori ward/constituency, or to hold a poll) or a valid poll demand (by 5% of electors) may be made at any time, but to apply for the next election they must be made within the timeframe described in the Local Electoral Act 2001 (resolution – s19Z(1), poll demand – 19ZC(4)). These timeframes ensure this process follows the choice of electoral system, as the choice of electoral system may influence a decision on the establishment of Māori wards/constituencies but precedes a representation review.

If the local authority resolves to establish Māori wards/constituencies it must give public notice of this resolution. The public notice must include a statement that a poll is required to countermand the local authority resolution (s19ZA).

If a local authority's district/region is required to be divided into Māori wards/constituencies at the next election, that local authority must undertake a representation review (whether or not it conducted a review before the previous election). A local authority must resolve its initial representation proposals after 21 February in the year before the next election (s19ZC(4)). This is to ensure that the resolution is made after the time for lodging demands for a poll on Māori representation prior to the next election.

The local authority needs to be fully aware of the relevant provisions and possible implications of establishing Māori wards/constituencies for any representation review.

The Commission's role in respect of determination of appeals and objections on representation arrangements:

- does not extend to whether or not Māori wards/constituencies need to be established
- is limited to consideration of the detailed arrangements for such wards/constituencies such as the number of wards/constituencies, their boundaries, and number of members.

Key statutory provisions for establishing Māori wards/constituencies

The relevant provisions of the Local Electoral Act 2001 relating to the establishment of Māori wards/constituencies are:

- a local authority may resolve to establish Māori wards/constituencies and, if made by 23 November two years before the next election, the resolution takes effect for the next election (s19Z)
- if a local authority makes such a resolution to establish Māori wards/constituencies by 23 November it must give public notice of this fact by 30 November two years before the next election year, including a statement that a poll is required to countermand that resolution (s19ZA)
- 5% of electors may demand a poll at any time on whether a district/region needs to be divided into one or more Māori wards/constituencies (19ZB)
- a local authority may resolve at any time to conduct a poll on whether the district/region needs to be divided into Māori wards/constituencies (19ZD)
- if, before 21 February in the year before election year, either a valid demand for a poll is received (s19ZB) or the local authority resolves to hold a poll (s19ZD) this is notified to the electoral officer and the poll must be held not later than 89 days after the notification, that is, not later than 21 May in that year, and the result of the poll takes effect for the next two elections (s19ZF)
- if a valid demand for a poll is received after 21 February in the year before the next election, the poll must be held after 21 May in that year and takes effect for the next but one election and the subsequent election (s19ZC)
- sections 19Z to 19ZD do not apply if the result of a poll took effect at the previous election or takes effect at the next election (s19ZE).

If, as a result of a resolution or poll, Māori wards/constituencies are to apply for an election then a representation review must be carried out (cls1 and 3, Schedule 1A, Local Electoral Act 2001). In such cases the requirements of Part 1A, Local Electoral Act 2001 are subject to the provisions of Schedule 1A.

Clauses 1 and 3, Schedule 1A provide that the local authority is required to determine:

- the proposed total number of members of the local authority
- whether (for territorial authorities only):
 - all members are to be elected from either Māori or general wards, or
 - some members are to be elected from either Māori or general wards, and some are to be elected at large
- the proposed number of members to be elected from the Māori wards/constituencies and the number from the general wards/ constituencies
- the proposed name and boundaries of each ward/constituency
- the proposed number of members to be elected from each Māori and general ward/constituency.

Additional details on the Processes for these steps are published by the LGC in their Guidelines at:

www.lgc.govt.nz/assets/Representation-Reviews/Representation-Review-Guidelines-2020.pdf

3. OPTIONS

The Council has the following choices:

- a) Take no action
- b) Council resolution and poll for the 2022 elections
- c) Council resolution and poll for the 2025 elections
- d) Resolve that no Maori Ward be established

a) *Option One – Take no action*

If there is no change there is no requirement to notify the public of the right of 5% of the electors to demand a poll.

b) *Option Two – Council resolution and poll for the 2022 elections*

If Council resolves to introduce Māori Representation this must be done by 23 November 2020 (to be in time for the 2022 election).

If a resolution has been made by the Council, the Council must give public notice by 30 November 2020 of the right for electors to demand a poll be held on Māori Representation.

If a demand for a poll is received by 21 February 2021, a poll must be held by 21 May 2021. (Section 19ZC of LEA)

The Council may also resolve to undertake a poll on Māori Representation by 21 February 2021.

c) *Option Three - Council resolution and poll for the 2025 elections*

The Council has the option of resolving after the 23 November 2020 to establish a Māori ward and to run a poll in conjunction with the 2022 elections.

d) *Option Three – Resolve that no Māori Ward be established*

If there is no change there is no requirement to notify the public of the right of 5% of the electors to demand a poll.



Stephen Hill
GROUP MANAGER COMMUNICATION AND CUSTOMERS |
DEPUTY ELECTORAL OFFICER

Chapter 4: Māori wards & constituencies

Introduction

- 4.1 The *Local Electoral Act 2001* provides that Māori wards (territorial authorities) or constituencies (regional councils) may be established. The statutory provisions for establishing Māori wards/constituencies are set out in *sections 19Z to 19ZH, Local Electoral Act 2001*.⁴
- 4.2 Establishing Māori wards/constituencies can be achieved by a:
- local authority resolution or
 - favourable outcome of a poll of electors. This poll may be:
 - demanded by electors or
 - the result of a local authority resolution.
- 4.3 A local authority resolution (to establish a Māori ward/constituency, or to hold a poll) or a valid poll demand (by 5% of electors) may be made at any time, but to apply for the next election they must be made within the timeframe described in the *Local Electoral Act 2001* (resolution – *s19Z(1)*, poll demand – *19ZC(4)*). These timeframes ensure this process follows the choice of electoral system, as the choice of electoral system may influence a decision on the establishment of Māori wards/constituencies but precedes a representation review.
- 4.4 If the local authority resolves to establish Māori wards/constituencies it must give public notice of this resolution. The public notice must include a statement that a poll is required to countermand the local authority resolution (*s19ZA*).
- 4.5 If a local authority's district/region is required to be divided into Māori wards/constituencies at the next election, that local authority must undertake a representation review (whether or not it conducted a review before the previous election). A local authority must resolve its initial representation proposals after 21 February in the year before the next election (*s19ZC(4)*). This is to ensure that the resolution is made after the time for lodging demands for a poll on Māori representation prior to the next election.
- 4.6 The local authority needs to be fully aware of the relevant provisions and possible implications of establishing Māori wards/constituencies for any representation review.

⁴ The *Bay of Plenty Regional Council (Maori Constituency Empowering) Act 2001* requires the Bay of Plenty Regional Council to include provision for 1 or more Māori constituencies in representation reviews conducted by it. *Sections 19Z to 19ZG, Local Electoral Act 2001* do not, therefore, apply to the Bay of Plenty Region. In carrying a representation review the Bay of Plenty Regional Council must follow both the process set out in the *Local Electoral Act* and the *Bay of Plenty Regional Council (Maori Constituency Empowering) Act*.

4.7 The Commission's role in respect of determination of appeals and objections on representation arrangements:

- does not extend to whether or not Māori wards/constituencies need to be established
- is limited to consideration of the detailed arrangements for such wards/constituencies such as the number of wards/constituencies, their boundaries, and number of members.

Key statutory provisions for establishing Māori wards/constituencies

4.8 The relevant provisions of the *Local Electoral Act 2001* relating to the establishment of Māori wards/constituencies are:

- a local authority may resolve to establish Māori wards/constituencies and, if made by 23 November two years before the next election, the resolution takes effect for the next election (*s19Z*)
- if a local authority makes such a resolution to establish Māori wards/constituencies by 23 November it must give public notice of this fact by 30 November two years before the next election year, including a statement that a poll is required to countermand that resolution (*s19ZA*)
- 5% of electors may demand a poll at any time on whether a district/region needs to be divided into one or more Māori wards/constituencies (*19ZB*)
- a local authority may resolve at any time to conduct a poll on whether the district/region needs to be divided into Māori wards/constituencies (*19ZD*)
- if, before 21 February in the year before election year, either a valid demand for a poll is received (*s19ZB*) or the local authority resolves to hold a poll (*s19ZD*) this is notified to the electoral officer and the poll must be held not later than 89 days after the notification, that is, not later than 21 May in that year, and the result of the poll takes effect for the next two elections (*s19ZF*)
- if a valid demand for a poll is received after 21 February in the year before the next election, the poll must be held after 21 May in that year and takes effect for the next but one election and the subsequent election (*s19ZC*)
- *sections 19Z to 19ZD* do not apply if the result of a poll took effect at the previous election or takes effect at the next election (*s19ZE*).

4.9 If, as a result of a resolution or poll, Māori wards/constituencies are to apply for an election then a representation review must be carried out (*cls1 and 3, Schedule 1A, Local Electoral Act 2001*). In such cases the requirements of *Part 1A, Local Electoral Act 2001* are subject to the provisions of *Schedule 1A*.

4.10 *Clauses 1 and 3, Schedule 1A* provide that the local authority is required to determine:

- the proposed total number of members of the local authority
- whether (for territorial authorities only):
 - all members are to be elected from either Māori or general wards, or
 - some members are to be elected from either Māori or general wards, and some are to be elected at large
- the proposed number of members to be elected from the Māori wards/constituencies and the number from the general wards/constituencies
- the proposed name and boundaries of each ward/constituency
- the proposed number of members to be elected from each Māori and general ward/constituency.

Processes

4.11 The processes involved with these steps and the factors and considerations to be taken into account are described below.

Calculating the number of members

4.12 The general and Māori electoral population requirements described below may limit options available to a local authority in terms of the number of elected members from Māori wards/constituencies, including that no members could be elected from such wards/constituencies.

4.13 Therefore local authorities need to determine their Māori and general electoral populations at the beginning of determining the range of options for Māori and general wards/constituencies to ensure that any debate occurs in the context of what is possible.

4.14 The process for determining the number of members to be elected from both Māori and general wards/constituencies is set out in *clauses 2 and 4, Schedule 1A* and involves:

- determining the total number of members of the local authority
- multiplying the total number of members by the ratio of the Māori electoral population to the total (Māori and general) electoral population.

4.15 For territorial authorities the following formula is applied:

$$nmm = \frac{mepd}{mepd + gepd} \times nm$$

where:

- nmm – number of Māori ward members
- mepd – Māori electoral population of the district
- gepd – general electoral population of the district
- nm – proposed number of members of the territorial authority (other than the mayor).

4.16 For regional councils the following formula is applied:

$$nmm = \frac{mepr}{mepr + gepr} \times nm$$

where:

- nmm – number of Māori constituency members
- mepr – Māori electoral population of the region
- gepr – general electoral population of the region
- nm – proposed number of members of the regional council.

In both cases, fractions are rounded up or down to the nearest whole number.

4.17 *Section 3, Electoral Act 1993* contains definitions for “general electoral population” and “Māori electoral population”. Summaries of those definitions are :

- general electoral population – the total ordinarily resident population at the last census less the Māori electoral population.
- Māori electoral population – a calculation based on the number of electors on the Māori electoral roll and proportions of those of Māori descent not registered and those under 18 years of age.

4.18 The Māori electoral population, and the general electoral population, are calculated by Statistics New Zealand and must be provided on request to a local authority by the Government Statistician. These populations (at the regional and district level) can also be found on the Local Government Commission’s website.

4.19 For further information about how the Māori electoral population is calculated search for the following titles on the *Statistics New Zealand* website www.stats.govt.nz:

- Statistics New Zealand, [‘The mathematics of electorate allocation in New Zealand based on the outcome of the 2018 Census and the Māori Electoral Option 2018’ \(2018\)](#)

- Statistics New Zealand, [‘Deriving the 2018 Māori Descent electoral Calculations’ \(2018\)](#).

Number and boundaries of wards/constituencies

4.20 In determining arrangements for Māori wards/constituencies, *clause 6, Schedule 1A* requires local authorities to:

- satisfy the requirements of *sections 19T and 19U*, which require:
 - that the election of members provides effective representation of communities of interest within the district/region
 - conformity with meshblock boundaries
 - to the extent that is practicable, conformity of ward boundaries with community board boundaries, and conformity of constituency boundaries with the boundaries of territorial authority districts or wards.
- have regard to:
 - the boundaries of any existing Māori parliamentary electoral district
 - communities of interest and tribal affiliation.

Number of members to be elected by each ward/constituency

4.21 *Clause 6, Schedule 1A* sets out particular requirements when determining the number of members to be elected by each Māori ward/constituency (where there are two or more wards/constituencies). The local authority is required to ensure that the ratio of members to Māori electoral population in each Māori ward/constituency produces a variance of no more than +/-10% (to the extent that is reasonably practicable and consistent with the above considerations relating to Māori electoral districts, communities of interest, and tribal affiliations).

4.22 This may require a judgment to be made in individual cases as to the relative importance to be given to each of these sets of factors when determining the number of members from each Māori ward/constituency. Local authorities need to record in detail the decisions they reach on this issue.

4.23 Where Māori wards/constituencies are established, the ‘+/-10% rule’ for general wards/constituencies is calculated separately using the general electoral population (which excludes the Māori electoral population).

General

- 4.24 In working through the requirements of *Schedule 1A, Local Electoral Act 2001*, local authorities need to consider appropriate consultation at an early stage with iwi and hapū over the boundaries of their rohe. This helps determine the appropriate number of Māori wards/constituencies (subject to Māori and general electoral populations) to reflect Māori communities of interest and areas of tribal affiliation.
- 4.25 The legislation does not provide for Māori electoral subdivisions to be constituted for community board or local board areas.

REPORT

TO: Representation Review Subcommittee

FOR: 28 October 2020

FROM: Deputy Electoral Officer

DATE: 20 October 2020

SUBJECT: REPRESENTATION REVIEW TIMELINE AND PRELIMINARY CONSULTATION

RECOMMENDATION

That the representation review subcommittee:

- (a) receive the report for information*
- (b) set an indicative timeline for the representation review process in 2021*
- (c) give consideration to undertaking preliminary consultation before beginning the formal statutory representation review process*

1. PURPOSE

The purpose of this report is to provide information on the timeline and key processes for undertaking the representation review; and to provide information to allow the Subcommittee to consider whether to undertake any preliminary consultation prior to the formal statutory representation review process.

2. BACKGROUND AND TIMELINE

Local authorities are required to undertake a representation review each six year period. Selwyn District Council last undertook a review during the 2015 calendar year in preparation for the 2016 elections.

The processes with respect to representation arrangements, procedural steps and timelines are clearly identified in section 19 of the Local Electoral Act 2001 (previously circulated).

Attached as Appendix 1 is a graphic summary of the timeline for the representation review process.

The following table sets out the timelines and process steps. Key points include;

- The Council must publicly notify its initial proposal for consultation, no earlier than 1 March and no later than 8 September
- Public submissions on the initial proposal must be open for at least one month
- The Council may resolve to make amendments to the initial proposal, following consideration of submissions
- The Council must give notice of its final proposal within six weeks of the close of public submissions

- The Council must forward any appeals or objections to the Local Government Commission no later than 15 January 2022
- The Commission makes its determination by 11 April 2022

Procedure	Deadline	Relevant section
Local authority determines proposed representation arrangements	Initial proposals must be made: no earlier than 1 March in the year before election year by 31 August in the year before election year, if establishing Māori wards/constituencies in any other case, in time for the deadline for public notice (i.e. by 7 September)	<i>19H</i> (territorial authorities) <i>19I</i> (regional councils) <i>19J</i> (community boards) <i>Schedule 1A</i> for Māori wards or constituencies
Local authority gives public notice of "initial" proposal and invites submissions	Within 14 days of resolution, and not later than 8 September in the year before election year	<i>19M(1)</i>
Submissions close	Not less than one month after public notice	<i>19M(2)(d)</i>
If no submissions then proposal becomes final ¹	Public notice to be given when there are no submissions but no date fixed for doing this	<i>19Y(1)</i>
Local authority considers submissions and may make resolution to amend proposal	Within 6 weeks of closing date for submissions	<i>19N(1)(a)</i>
Local authority gives public notice of its "final" proposal	Within 6 weeks of closing date for submissions	<i>19N(1)(b)</i>
Appeals and objections close	Must be lodged: not less than 1 month after the date of the public notice issued under section 19N(1)(b) not later than 20 December in the year before election year	<i>19O</i> <i>19P</i>
If no appeals or objections then proposal becomes final ¹	Public notice to be given when there are no appeals/objections, but no date fixed for doing this	<i>19Y(1)</i>
Local authority forwards appeals, objections and other relevant information to the Commission ²	As soon as practicable, but not later than 15 January in election year	<i>19Q</i> <i>19V(4)</i>
Commission considers resolutions, submissions, appeals and objections and makes determination	Before 11 April in election year	<i>19R</i>
Determination subject to appeal to High Court on a point of law ³	Appeals to be lodged within 1 month of determination	<i>Clause 2,</i> <i>Schedule 5,</i> <i>Local Government Act 2002</i>

(Local Government Commission: Guidelines for local authorities undertaking representation reviews)

¹ Under *section 19V(4)* proposals that do not comply with the +/-10% fair representation requirement are subject to confirmation by the Commission.

² Includes any proposal that does not comply with the +/-10% fair representation requirement.

³ Commission determinations may also be subject to judicial review.

In its guidelines the Commission also notes:

The Commission encourages all local authorities to get the planning for their reviews underway as early in the relevant triennium as possible, and to set internal deadlines that enable the local authority sufficient flexibility to respond to issues that may arise during the process, while also ensuring the local authority can meet the statutory deadlines.

3. RECOMMENDED PROCESS STEPS

The key recommended process steps to be undertaken by the Council in developing its representation arrangements proposal are outlined in the Local Government Commission Guidelines for local authorities undertaking representation reviews, chapter 8, consultation, and chapter 9, Recommended practice process. A copy of these chapters is included in attached Appendix 2.

In summary they include:

- i. Consider preliminary consultation
- ii. Identify communities of interest
- iii. Determine effective representation for communities of interest
- iv. Consider fairness of representation for electors of constituencies and wards

A separate report for information is provided on 'Communities of interest' and 'Fair and effective representation'.

4. TIMELINE 2015/16

For reference, the timeline for the last Representation Review, held in 2015/16, was as follows:

- Preliminary consultation - July 2015

The Council asked for community feedback on a range of options for future representation, including possible changes to the number of wards, ward boundaries, the number of councillors, whether councillors should be elected across the whole district or within wards, and whether there should be Community Boards.

- Initial proposal and consultation – August 2015

Following preliminary consultation the Council adopted an Initial Proposal for representation arrangements on 26 August 2015. Submissions closed on 5 October 2015

- Public hearing and deliberations on submissions – 12 October 2015
- Final Proposal for representation arrangements was adopted by the Council on 28 October 2015 and publicly notified on Wednesday 11 November 2015
- 12 appeals and a petition were submitted on the proposal. The Local Government Commission met held a hearing on 14 March 2016
- The commission's final decision was released on 7 April

The Council could follow a similar timeline in 2021, but an earlier start would provide greater opportunity for community engagement and consultation. For example, preliminary consultation could commence in the new year, or May/June, once LTP consultation was completed.

5. PRELIMINARY CONSULTATION

The Commission's guidelines on consultation (included in attached [Appendix 2](#)) note that local authorities can elect to undertake preliminary consultation before beginning the formal statutory representation review process.

Such consultation can be carried out using methods such as community surveys or referenda, discussion documents, advertising, focus groups, email groups of interested citizens, and public workshops and meetings. These activities may be led or facilitated by local councillors, community boards, or other community groups. Targeted consultation may also be appropriate, including with iwi and hapu.

Local authorities may also consider using independent panels to undertake preliminary consultation and then make recommendations on options for representation arrangements. This avoids potential perceptions of parochialism and self-interest arising from elected members' involvement at least in the early stages of the review process.

The Commission notes that preliminary consultation complements but does not substitute for the formal statutory consultation required under legislation.

Matters that might be canvassed in preliminary consultation include community views on particular representation options, and on current communities of interest.

Potential matter for preliminary consultation: Communities of interest/Basis of election

The Local Electoral Act 2001 allows territorial authorities to elect their representatives by wards, at large, or a combination of both. At the 1989 local government reorganisation two territorial authorities used elected at large while the balance used elected by ward. Over subsequent years there has been a move towards more territorial authorities using the at large basis and a small number have moved to the mixed basis.

By the 2019 elections the proportions were:

- a) 51 Councils electing members by wards
- b) 12 Councils electing members at large
- c) 4 Councils electing members by a mixed system

Selwyn District Council presently elects its members on the ward system basis.

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 lesser than the population of the district divided by the total number of members (the '+/-10% rule')

With the district's population rapidly expanding to the east of SH1 the '+/-10% rule' will become increasingly more difficult to meet. In past representation reviews this issue was dealt with by adjusting ward boundaries however boundaries can only be changed so much before issues relating to communities of interest and fair representation occur.

A review of the Local Government Commissions calculations showed that changing to a mixed basis does not resolve the +/-10% rule issue on its own as the +/-10% rule continues to apply to the representatives that are voted in by ward. However, this question raises some important points around the mixed approach that the Council may wish to explore via pre-consultation.

The application of community of interest is concerned with identifying the distinctive interests of the community and examining those interests in relationship to the existing ward boundaries. Communities of interest need to be conceived in a broad operational manner. This means identifying the clusters of localised communities which have significant interactions and involves the premise that ward boundaries should reflect the spatial patterns of human activities.

Gauging the opinion of the public early in the process would be beneficial particularly if the basis for election was raised by submitters later in the process. If the Local Government Commission does become involved in the process, they will be interested in understanding what pre-consultation the council undertook when making its decisions.

Pre-consultation is about gaining information early in the representation process to ensure that the Council better understands the communities of interest and other representation issues. This improved understanding will enable the representation proposal to more accurately align with the views of ratepayers.

Common techniques used for pre-consultation are online surveys both self-selected and random, citizens' panels, pop up groups, social media and focus groups. The techniques used need to be align with the time and resources available, the complexity of the issue and the number of people you want to involve.

Examples of questions that could be asked as part of pre-consultation:

1. Do you know what ward you belong to?
2. How satisfied are you with Councils current representation?
3. How should councillors be elected
 - a. Ward only
 - b. At large only
 - c. Mix of ward and at large
4. Do you work in the ward you live in, other parts of the district or outside the district?
(These types of questions could be quite specific so that an understanding of economic activity can be gained)
5. Do you do your routine weekly shop in the ward you live in, other parts of the district, or outside the district?
6. Where do you do most of your recreation, in the ward you live, in other parts of the district, or outside the district?
7. What memberships and participation in organisations do you have in your ward?

Information could also be provided on the advantages and disadvantages of both systems, eg:

Ward System

Pro

- a) Each member represents their community of interest as well as the district.
- b) Easier for newer residents to stand for election to the Council.

Con

- a) A smaller pool of candidates available.
- b) Members can find it difficult to take the view of the district at large.

Mixed System

Pro

- a) Provides a mix of district and communities of interest.

- b) Can make it easier to get candidates to stand as there is a district wide pool for some of the candidate vacancies.
- c) Reduces the creation of artificial boundaries where there is no community of interest.

Con

- a) Can lead to interest groups exerting greater influence over the Council.
- b) The election is more complex to administer.
- c) More difficult for new residents to be elected to the Council.

The subcommittee may wish to consider whether it wants to undertake pre-consultation on this or any other matters.



Stephen Hill

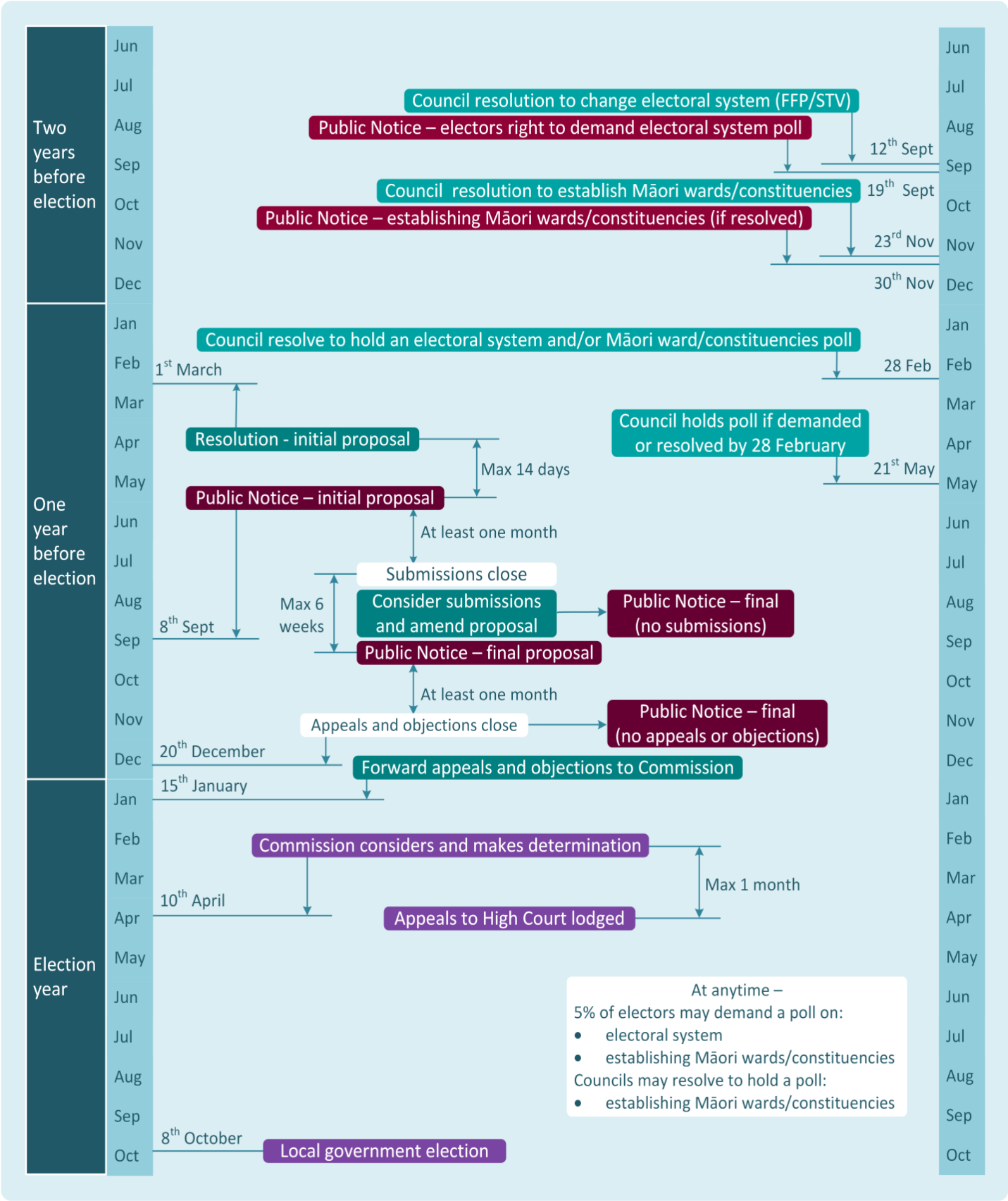
Group Manager Communication and Customers/Deputy Electoral Officer

Appendix 1: Local Government Commission, Guidelines for local authorities undertaking representation reviews, Timelines diagram.

Appendix 2: Local Government Commission, Guidelines for local authorities undertaking representation reviews, chapter 8, Consultation, and chapter 9, Recommended practice process.

Timelines diagram

Figure 1 below is a summary of the timelines leading up to a round of local government elections. Refer to the relevant sections in these guidelines for detailed information about the associated requirements. This includes the dates relating to choosing electoral systems and establishing Māori wards/constituencies that must be met for any new resolutions to apply in the upcoming local government elections.



Chapter 8: Consultation

Introduction

- 8.1 *Part 1A, Local Electoral Act 2001* sets out requirements for conducting representation reviews, including providing opportunity for the public to make submissions on a local authority's proposals.
- 8.2 The following sections of the *Local Government Act 2002* contains sections that apply to local authorities performing functions under all enactments:
- *sections 10, 11, 12(2), and 14* – relating to the purpose of local government and the role, status, powers and principles for local authorities
 - *sections 76 to 82* – relating to decision-making and consultation requirements.
- 8.3 During representation reviews local authorities need to be mindful of the principles set out in *section 14, Local Government Act 2002*, including:
- being aware of, and regarding the views of all of its communities
 - accounting for the diversity of the community
 - providing opportunities for Māori to contribute to decision-making processes.

Preliminary consultation

- 8.4 Some local authorities undertake preliminary consultation before beginning the formal statutory representation review process, including community surveys or referenda, discussion documents, newspaper advertising, focus groups, email groups of interested citizens, and public workshops and meetings. These activities are often led or facilitated by local councillors, community boards, or other community groups. Targeted consultation may also be appropriate, including with iwi and hapū.¹¹
- 8.5 Preliminary consultation may seek views on particular representation options as well as on factors such as current communities of interest. This consultation can assist local authorities to identify issues relevant to the review process and enable them to consider a wider range of representation options when developing their formal proposal.

¹¹ Specific consultation with iwi and hapū may be required if determining the number, area, names and boundaries of Māori wards/constituencies.

- 8.6 Preliminary consultation is not a substitute for the formal statutory steps. For example, the results of a referendum may indicate overall public opinion but should not be used as the only justification of a particular ward/constituency configuration. The review must seek to achieve the statutory principles of fair and effective representation for all individuals and communities of interest of the district/region, and not be limited to reflecting majority community views on particular aspects of arrangements.
- 8.7 Local authorities should consider using independent panels to undertake preliminary consultation and then make recommendations on options for representation arrangements. This avoids potential perceptions of parochialism and self-interest arising from elected members' involvement at least in the early stages of the review process.
- 8.8 When convening an independent panel:
- select people who have relevant skills, and a good knowledge of the district/region
 - provide clear terms of reference
 - fully brief the panel on its task, ensuring it has a good understanding of the statutory requirements for reviews.

Statutory requirements

- 8.9 The statutory consultation requirements for initial and final proposals:
- have their timelines summarised in [Table 1: Representation review timelines](#) on page 8
 - are detailed under *sections 19M* (initial) and *19N* (final) of the *Local Electoral Act 2001*
 - are based on the special consultative procedure provided for in the *Local Government Act 2002*.
- 8.10 The following appendices contain sample public notices based on the requirements of *sections 19M and 19N*:
- [Appendix E: Sample public notice – initial proposal](#) on page 62
 - [Appendix F: Sample public notice – final proposal](#) on page 66
 - [Appendix G: Sample public notice – no submissions](#) on page 71
 - [Appendix H: Sample public notice – no appeals or objections](#) on page 74
- 8.11 *Sections 19M and 19N* describe the minimum required. Local authorities need to consider additional steps to encourage feedback from the community on their proposals.
- 8.12 Providing full information to the public on representation proposals is good practice and may reduce the potential for appeals and/or objections.
- 8.13 For example, to improve the public's access to information about the local elections, consider using:

- local authority facilities and communications channels such as displays at council offices and libraries
- council publications, newsletters, and websites
- news media and social media.

8.14 Ensure that information is easy to understand. For example, clarify proposed electoral subdivisions by including suitable maps (or details of where to view them physically or electronically) in public notices.

Chapter 9: Recommended practice processes

- 9.1 The *Local Electoral Act 2001* does not prescribe the representation review decision-making process. Each local authority may determine its own process for undertaking its review provided the statutory requirements are met. The following recommended process steps are designed to assist local authorities to achieve a robust outcome that accords with the statutory requirements and other relevant considerations.

Preliminary steps

Step 1: Identify criteria for assessing need for review after three years

- 9.2 Local authorities must carry out a representation review at least every six years, and may choose to carry out a review after three years. If considering whether to undertake a review more than once within a six year period, consider:
- What are the local authority's and/or community's views on the current electoral system?¹²
 - Given the establishment of Māori wards/constituencies triggers a representation review, what are the local authority's, iwi/hapū's and/or community's views on the issue of separate Māori representation?¹³
 - What are the local authority's and/or community's views on current community boards (if any) and/or the establishment of new boards? (applies only to territorial authorities)
 - What are the local authority's and/or community's views on the current basis of election; that is, does it need to be a ward, at large or mixed system? (applies only to territorial authorities)
 - What are the local authority's and/or communities' views on the present number of councillors?
 - Have there been significant changes in population in some areas which impact on fair representation, that is, approximate equality between councillors in the numbers represented?
 - Is the determination for the previous election now seen as resulting in less than optimum effectiveness of representation for communities of interest?
 - Are there any other reasons (current or future considerations) that suggest a review needs to be undertaken at this time?
- 9.3 In addition, local authorities have the option of making minor boundary alterations after three years rather than undertaking a full review (see [Chapter 13: Minor boundary alterations](#) on page 51).

¹² Not relevant if the electoral system was determined by poll for the last election.

¹³ Not relevant if Māori representation was determined by poll for the last election.

- 9.4 Local authority officers are advised to consider these questions and discuss whether to carry out a review after three years with elected members (formally or informally).

Step 2: Consider preliminary consultation

- 9.5 Once a local authority is either required or has decided to carry out a representation review, it needs to consider whether to carry out preliminary consultation with the community (including local Māori) on the representation issues including:
- the electoral system
 - Māori representation
 - communities of interest.
- 9.6 The local authority also needs to liaise with the other local authorities in the region or area over the timing of representation reviews, including the possibility of carrying out joint consultation activities.

Representation review steps

Step 3: Identify communities of interest

- 9.7 Identify the communities of interest of the district/region considering the factors set out in [*Chapter 5: Fair and effective representation*](#) and other relevant information available to the local authority.

Step 4: Determine effective representation for communities of interest

- 9.8 Territorial authorities need to consider whether effective representation for identified communities of interest is best achieved by way of elections held at large, wards, or a mix of both. Considerations will include the:
- accessibility, size, and configuration of the district
 - the existence of community boards
 - the electoral system
 - any Māori wards
 - single versus multi-member wards
 - the wider statutory role of local authorities encompassing overall community well-being, sustainability and the interests of future generations
 - the diversity of the population and the geographical location of particular communities of interest
 - improved communications mechanisms.
- 9.9 Regional councils must have constituencies.

- 9.10 Local authorities need to consider what council size, or range in membership, would be appropriate to provide effective representation for the district/region as a whole, bearing in mind:
- the diversity of the district/region
 - statutory obligations (for example, does it have the responsibilities of a unitary authority)
 - the need for efficient and effective governance of the district/region.
- 9.11 Consider whether each identified community of interest needs separate representation in a ward/constituency, or whether some communities of interest can be grouped together to achieve effective representation considering the need to:
- facilitate elector and resident participation
 - avoid dividing recognised communities of interest between wards/constituencies
 - avoid grouping communities of interest with few commonalities
 - factor in the accessibility, size, and configuration of the area concerned.
- 9.12 Regarding wards/constituencies, determine:
- the number of wards/constituencies based on communities of interest, or groupings of communities of interest (see previous paragraph)
 - the boundaries of wards/constituencies including the requirement, as far as practicable, for constituencies to coincide with territorial authority or ward boundaries, and for ward boundaries to coincide with community boundaries
 - the names of the wards/constituencies (see [*Names of electoral subdivisions*](#) on page 42).

Step 5: Consider fairness of representation for electors of constituencies and wards

- 9.13 In relation to the range of options for the total membership of the local authority:
- identify the ratio of population per member for each proposed ward/constituency
 - compare the ward/constituency ratios calculated with the average population per member for the local authority as a whole.
- 9.14 Under any of the options for total membership, do the ward/constituency ratios fall within +/-10% of the average population per member?
- If “yes”, which option would provide the optimum local authority size in terms of providing effective and fair representation?

- If “no”, consider altering ward/constituency boundaries or reconfiguring these (to the extent practicable to provide effective representation of communities of interest) so that the ratios fall within +/-10% of the average population per member.

- 9.15 If the alteration or reconfiguration does not achieve the required ratios, consider whether there are sufficient grounds to not comply with the requirements of *section 19V(2)* – that is, are there sufficient grounds for applying the provisions of *sections 19V(3)(a) or (b)*?
- 9.16 If sufficient grounds for an exception:
- are identified, document these in appropriate detail
 - cannot be identified, consider altering or reconfiguring the boundaries.
- 9.17 Steps 4 and 5 may need to be repeated a number of times until a proposal has been identified that best meets both criteria.

Step 6: Consider communities and community boards (for territorial authorities only)

- 9.18 In light of the principle of fair and effective representation for individuals and communities, consider and document whether:
- there need to be communities and community boards
 - the nature of any community and the structure of any community board
 - community boards should cover all or only parts of the district, and the rationale for the approach taken.
- 9.19 Where community boards are to be established or retained, consider whether effective representation for identified communities of interest is best achieved by way of:
- an at large system
 - subdivision of the community, including boundaries and names of subdivisions
 - whole territorial authority wards within the community.
- 9.20 Where community boards are to be established, a similar process for territorial authority reviews is to be undertaken to:
- identify the total number of members required (both elected and appointed)
 - the number of members per subdivision (if any) to ensure compliance with the ‘+/-10% rule’, or number per ward (if any)
 - the number (if any) of members to be appointed by the parent territorial authority.

Local authority decision-making

- 9.21 When resolving its initial proposal, each local authority must act in accordance with the requirements of the:

- *Local Electoral Act 2001*, and
 - the consultation and decision-making provisions of the *Local Government Act 2002*.
- 9.22 Local authority officers and members involved with the review process need to be familiar with relevant administrative law issues, and need to seek advice from their legal advisers when necessary.
- 9.23 If a local authority receives submissions on its initial proposal, it must ensure that it acts in a legally 'fair' way in considering them. For instance, if any person exercises the right to be heard under *section 19M(3), Local Electoral Act 2001* it is typically appropriate that only local authority members who hear the submissions participate in the decision-making on those submissions. If an elected member has very good reason for being unable to attend oral submission presentations, it may be possible for them to still participate in the decision-making, provided that they take all reasonable steps to inform themselves about the oral submissions concerned.
- 9.24 Each local authority needs to consider all submissions received, and must be able to demonstrate that it has done this by providing reasons for the acceptance or rejection of submissions. Amendments in a local authority's final proposal should be made in response to submissions, or else the initial proposal needs to be retained. Otherwise the community has not had an opportunity to give feedback on all aspects of the proposal, and community members may have grounds to submit appeals and/or objections.
- 9.25 The local authority's public notice of its final proposal under *section 19N(2)* is required to state the reasons for amendments and the reasons for any rejection of submissions, so the reasons must be recorded in the local authority's resolution of its final proposal.
- 9.26 It is important to carefully consider the following issues in particular, and to record detailed reasoning for all related decisions:
- identification of communities of interest
 - the basis of election (territorial authorities only)
 - establishment or retention of community boards (territorial authorities only)
 - provision of fair and effective representation for electors and communities of interest, and compliance with the '+/-10% rule' in particular
 - where the '+/-10% rule' has not been complied with the specific grounds for not complying and the supporting reasons for that decision
 - consideration by regional councils of the practicality of constituency boundaries coinciding with territorial authority or ward boundaries, and
 - consideration by territorial authorities of ward boundaries coinciding with community boundaries.

REPORT

TO: Representation Review Subcommittee

FOR: 28 October 2020

FROM: Deputy Electoral Officer

DATE: 16 October 2020

SUBJECT: POPULATION – REPRESENTATION TABLES UPDATE 2019

RECOMMENDATION

That the representation review subcommittee receive the report for information.

1. PURPOSE

The purpose of this report is to provide updated information on population data which the Council will need to consider when undertaking the representation review.

2. BACKGROUND

Fair representation of electors

Section 19V, Local Electoral Act 2001 details the factors to be applied in determining the membership for wards/constituencies/subdivisions in order to achieve fair representation of electors.

Under this provision, membership of wards/constituencies/subdivisions is required to provide approximate population equality per member, that is, all votes are of approximately equal value (referred to as the ‘+/-10% rule’) unless there are good (prescribed) reasons to depart from this requirement.

Section 19V outlines the specific requirements as follows:

(2) For the purposes of giving effect to subsection (1), the territorial authority or regional council and, where appropriate, the Commission must ensure that the population of each ward or constituency or subdivision, divided by the number of members to be elected by that ward or constituency or subdivision, produces a figure no more than 10% greater or smaller than the population of the district or region or community 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).

When carrying out its representation review, the local authority must (s19X) apply the “ordinarily resident population” figures derived from either:

- the most recent census, or
- population estimates prepared by Stats NZ.

The Commission recommends that most recent population estimate is used, so that each local authority is applying population data that most accurately reflects its current situation. Stats NZ produces sub-national population estimates annually. Estimates for local authority districts and existing electoral areas are published by Statistics New Zealand and on the Local Government Commission's website.

2019 population estimates

Stats NZ has recently released population estimates for local government electoral areas as at 30 June 2019.

These tables show for each local government electoral area in New Zealand the following information:

- The population
- The number of members elected from each area
- The population to member ratios for each area
- Where applicable, the difference, for each area, from the average population to member ratio for the overall district, community, local board area or region (in both numerical and % terms)

The tables showing 2019 population estimates for Selwyn District Council wards and community board are attached at [Appendix 1](#).

The updated data indicates that the population to member ratios for Malvern, Selwyn Central and Ellesmere wards now fall well outside the +/-10% rule.

2020 population estimates

The June 2020 population estimates for sub-national areas – including wards, communities, local board areas, subdivisions and constituencies – are expected to be available on 22 October 2020. The estimates will be provisional – largely reflecting the provisional status of the international migration estimates at that point – so will be subject to later revision. The precise timing of the subnational revisions has yet to be decided.



Stephen Hill
Group Manager Communication and Customers/Deputy Electoral Officer

INTRODUCTION

These tables show for each local government electoral area in New Zealand the following information:

- * The population
- * The number of members elected from each area
- * The population to member ratios for each area
- * Where applicable, the difference, for each area, from the average population to member ratio for the overall district, community, local board area or region (in both numerical and % terms)

The populations used are the estimated resident population as at 30 June 2019 provided by the Statistics NZ. They use the 2018 census as their base. The population estimates are based on customised Stats NZ's data which is licensed by Stats NZ for re-use under the Creative Commons Attribution 4.0 International licence.

The local government boundaries are those that existed as at 1 January 2020.

The % difference column shows the calculation applied when determining whether an area complies with the +/-10% rule in section 19V(2) of the Local Electoral Act 2001. Where this difference falls outside the +/-10% range it is shown in bold.

Further information about population estimates (including how they are calculated, rules for rounding and limitations of sub-national estimates) can be found on Stats NZ's website.

Further notes:

- (a) Where a region or district is divided into General and Māori constituencies or wards, populations are calculated as follows. For each area, the Māori electoral population at 30 June 2018 is derived by applying a ratio to the estimated resident population of Māori descent at 30 June 2018; this ratio is attained by dividing the number of people of Māori descent who were on the Māori electoral roll by the number of people of Māori descent who were on either the general or Māori electoral roll. The general electoral population is calculated as the difference between the estimated residential population and the Māori electoral population.
- (b) Due to independent calculation of populations at specific geographic levels, figures for the electoral areas in a district or region may not sum to the separate estimates for the district or region as a whole.

Local Government Commission
23 September 2020

TERRITORIAL AUTHORITIES

DISTRICT	WARD	Population	Members	Population- member ratio	Difference from quota	% Difference from quota
Selwyn District	Malvern Ward	9170	2	4,585	-1,441	-23.92
	Selwyn Central Ward	28400	4	7,100	1,074	17.82
	Ellesmere Ward	9520	2	4,760	-1,266	-21.01
	Springs Ward	19200	3	6,400	374	6.20
	Total	66,290	11	6,026		

COMMUNITY BOARDS AND LOCAL BOARDS

DISTRICT	COMMUNITY/LOCAL BOARD AREA & SUBDIVISION	Population	Members	Population- member ratio	Difference from quota	% Difference from quota
Selwyn District	Malvern Community	9,170	5	1,834		
	Area outside community	57,100				
	Total	66,270				
	Malvern Area Community					
	Tawera Subdivision	3,500	2	1,750	-84	-4.58
	Hawkins Subdivision	5,670	3	1,890	56	3.05
	Total	9,170	5	1,834		