



Determination

of representation arrangements to apply for
the election of the Southland Regional Council
to be held on 12 October 2019

Background

1. All regional councils are required by section 19I of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. These reviews are to determine the number of constituencies, the name and boundaries of those constituencies and the number of councillors to be elected by each constituency.
2. The Southland Regional Council, branded Environment Southland, (the council) last reviewed its representation arrangements prior to the 2013 local authority elections. Accordingly, it was required to undertake a review prior to the next elections in October 2019.
3. No appeals/objections were received on the council's last review. However, as three constituencies did not comply with statutory fair representation requirements, the proposal was referred to the Commission for determination. As a result of that determination, the representation arrangements set out in the following table, providing for 12 councillors elected from six constituencies, applied for the 2013 and subsequent 2016 elections.

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region average population per councillor
Fiordland	3,520	1	3,520	-4,387	-55.48
Eastern-Dome	16,150	2	8,075	+168	+2.13
Western	7,660	1	7,660	-247	-3.12
Hokonui	7,630	1	7,630	-277	-3.50
Southern	6,620	1	6,620	-1,287	-16.28
Invercargill-Rakiura	53,300	6	8,883	+976	+12.34
Total	94,880	12	7,907		

* These figures are 2011 population estimates

4. The council began its current representation review with a workshop in November 2017 at which the council considered a number of representation scenarios. These included variations to status quo arrangements involving different numbers of constituencies and councillors with a view to achieving closer compliance with the +/- 10% fair representation requirement.
5. At this workshop it was agreed to retain existing arrangements but to consider a possible boundary adjustment between the Invercargill-Rakiura and Southern constituencies in order to comply with the +/-10% requirement. It was noted, however, that an adjustment to achieve compliance would result in these two constituencies no longer coinciding with territorial authority and territorial authority ward boundaries. Following consultation with Invercargill City Council, the council subsequently decided not to pursue this option.
6. At a meeting on 23 May 2018 the council resolved its initial representation proposal to retain the existing six constituencies represented by 12 councillors as set out in the following table.

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region average population per councillor
Fiordland	3,630	1	3,630	-4,563	-55.69
Eastern-Dome	16,750	2	8,375	+182	+2.22
Western	8,110	1	8,110	-83	-1.01
Hokonui	7,910	1	7,910	-283	-3.45
Southern	6,720	1	6,720	-1,473	-17.98
Invercargill-Rakiura	55,200	6	9,200	+1,007	+12.29
Total	98,320	12	8,193		

* These figures are 2017 population estimates

7. The council notified its initial proposal on 2 June 2018. In doing so it acknowledged that three of the six proposed constituencies were outside the statutory +/-10% fair representation requirement.
8. The council received three submissions on its initial proposal by the deadline of 6 July 2018.
9. At a meeting on 15 August 2018, the council, after considering the submissions, resolved to adopt its initial proposal as its final representation proposal.
10. The council notified its final proposal and invited appeals by 28 September 2018. No appeals were received.
11. In notifying the proposal the council advised, given the non-compliance of three constituencies with the fair representation requirement, the proposal was subject to final determination by the Local Government Commission. Accordingly the proposal was referred to the Commission under section 19V(4) of the Act.

Matters for determination by the Commission

12. Section 19V(3)(b) of the Act makes it clear that if a regional council considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with the fair representation requirement (the '+/-10% rule'). Section 19V(4) then provides that in such a case, the regional council must refer its decision to the Commission for determination.
13. Section 19V(6) provides that on receiving a reference under subsection (4), the Commission must determine whether to:
 - a. uphold the decision of the regional council, or
 - b. alter that decision.
14. Accordingly, the matters for determination by the Commission are limited to the council's decision to retain the current Fiordland, Invercargill-Rakiura and Southern constituencies with their current membership, despite these constituencies not complying with the '+/-10% rule'. It is noted, however, that if the Commission does not uphold the council's decision, alteration of that decision may impact on the other constituency arrangements.

Key considerations

15. Based on the legislative requirements, the Commission's *Guidelines for local authorities undertaking representation reviews* identify the following three key factors when considering representation proposals:
 - a. communities of interest
 - b. effective representation of communities of interest
 - c. fair representation for electors.

Communities of interest

16. We note regions must be divided into constituencies for electoral purposes (section 19E of the Act). For the purposes of effective representation of communities of interest, section 19U requires constituency boundaries, so far as is practicable, to coincide with territorial authority boundaries or with territorial authority ward boundaries.
17. Given these requirements, we believe it is reasonable to take the communities of interest reflected in existing territorial authorities or their wards, as a starting point for communities of interest to be reflected in regional council constituencies.
18. In the case of Southland Region, the current constituencies, are seen to reflect "so far as is practicable" either territorial authority boundaries or territorial authority ward boundaries as they existed at the time of the 2013 review. Accordingly, sub-regional communities of interest largely match territorial district/ward communities of interest.

Effective representation of communities of interest

19. The Commission's Guidelines note that what constitutes effective representation will be specific to each local authority but that the following factors should be considered to the extent possible:

- a. avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents' familiarity and identity with an area
 - b. not splitting recognised communities of interest between electoral subdivisions
 - c. not grouping together two or more communities of interest that share few commonalities of interest
 - d. accessibility, size and configuration of an area including access to elected members and vice versa.
20. The Southland Region has had a variable number of constituencies since its constitution in 1989 reflecting to a large extent, territorial authority/ward boundaries. The current six constituencies were established by the Commission in 2007, again based on territorial authority/ward boundaries, including three non-complying constituencies, electing a total of twelve members. These arrangements were reconfirmed in 2013.
21. For the upcoming 2019 elections, the council, for the purpose of achieving effective representation for communities of interest, is proposing the retention of existing constituency arrangements.

Fair representation for electors

22. Section 19V(2) of the Act requires that the population of each constituency divided by the number of members to be elected by that constituency must produce a figure no more than 10 per cent greater or smaller than the population of the region divided by the total number of elected members (the '+/-10% rule').
23. However, section 19V(3)(b) provides that, if a regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with section 19V(2).
24. The council is proposing, for the purposes of effective representation of communities of interest, the Fiordland (-55.70%), Invercargill-Rakiura (+12.29%), and Southern (-17.98%) constituencies not comply with 'the +/-10% rule'.
25. Accordingly, we needed to consider whether closer compliance with the '+/-10% rule' is desirable, possibly at the expense of effective representation of communities of interest.
26. In respect of the Fiordland Constituency, this was established to coincide with the former Te Anau Ward of Southland District which was combined with other wards in 2013 to form the current Mararoa Waimea Ward. Technically, therefore, the constituency no longer coincides with ward boundaries in accordance with section 19U(c).
27. The constituency, however, is already the largest in the region and geographically quite distinct. To combine it with other areas in the Mararoa Waimea Ward would raise significant questions about the achievement of effective representation for the Fiordland community of interest. It would also impact on the neighbouring Eastern Dome Constituency which extends beyond the area of the Mararoa Waimea Ward to also include Gore District. This constituency does comply with the '+/-10% rule'.

28. These comments in respect of the Fiordland Constituency are in line with the finding of the Local Government Commission as set out in its 2007 determination. It found that a separate constituency was necessary to ensure effective representation of this community of interest for the following reasons:

- a. *the area in the proposed constituency has a community of interest distinct from the rest of the region both physically and socio-economically*
- b. *effective representation of this community of interest is most unlikely to be achieved for either constituency by merging Fiordland into another constituency (in order to comply with the +/-10% rule) because of the size and configuration of the resulting constituency*
- c. *effective representation (of a combined constituency) would be compromised in terms of both access to a councillor and representation of the diversity of the constituency*
- d. *the demands on a councillor servicing such a large area (i.e. a combined constituency) would be unreasonable.*

29. In 2013, the then Commission endorsed this conclusion by its predecessor.

30. Given the above information, we have also decided to uphold the council's decision not to comply with the '+/-10% rule' for the Fiordland Constituency.

31. In respect of the Invercargill-Rakiura Constituency, the boundaries coincide with those of Invercargill City as well as including the Stewart Island/Rakiura Ward of Southland District. In 2007 the Commission noted one appellant proposed that Stewart Island be transferred to the Southern Constituency on the basis that both constituencies would comply with the '+/-10% rule'. The Commission was not persuaded by these arguments, saying:

Firstly we note that the Stewart Island Community Board has expressed a wish for the island to be included in the same constituency as Invercargill. The board sought this on the basis of community interest. Although Stewart Island might have some commonality of interest with the Southern Constituency, with them both being rural areas, this does not necessarily equate to a community of interest. There is no direct transport link between the two, whereas there is between the island and Bluff in Invercargill City. This is in fact the only transport link serving Stewart Island. This sets Stewart Island apart from most other rural communities of interest in rural Southland, which have direct transport links with a number of other communities.

Stewart Island has formed part of the Awarua-Rakiura Constituency for some years. In supporting inclusion of the island in the Invercargill/Rakiura Constituency, the Stewart Island Community Board, therefore, had some basis on which to make the judgement it did. We also note that for many years Stewart Island has been included in the same parliamentary electorate as Bluff and more recently Invercargill as well.

Taking the above into account, we determine that Stewart Island will form part of the Invercargill/Rakiura Constituency.

As noted in one of the appeals, including Stewart Island in the Southern Constituency would ensure that both the Invercargill/Rakiura and Southern Constituencies comply with the +/-10% rule. However, taking into account the issues identified above, we consider that doing so would not ensure the effective representation of the community of interest on Stewart Island.

There potentially are other means of ensuring that the constituencies comply but these would involve the transfer of an area from the Invercargill/Rakiura Constituency to the Southern Constituency. There is a risk that any such transfer would result in an arbitrary boundary and not reflect communities of interest. This would also not meet the intent of section 19U of the Act which provides, among other things, that so far as is practicable, constituency boundaries coincide with the boundaries of one or more territorial authority districts or the boundaries of wards.

32. In 2013 the Commission endorsed this conclusion by its predecessor.
33. We believe the same arguments apply in respect of the Invercargill-Rakiura Constituency in the current review. We also note that the council did consider the option of a boundary alteration with the Southern Constituency but rejected it on the same grounds as the Commission did in 2013. Accordingly, we have decided to also uphold the council's decision not to comply with the '+/-10% rule' for the Invercargill-Rakiura Constituency.
34. In respect of the Southern Constituency, this was established to cover the former Waihopai and Toetoe wards of Southland District which were combined in 2013. It also covered part of the former Te Tipua Ward of Southland District.
35. We note firstly that the Commission has extended the now combined Waihopai Toetoe Ward as part of its determination on the current review of Southland District. If the boundary of the proposed regional Southern Constituency was moved north to coincide with the new district ward boundary, this would reduce the non-compliance of the Southern Constituency by 99.
36. We believe this would be an appropriate step given we have found the extended Waihopai Toetoe Ward in Southland District better reflects the local community of interest in that area and the desirability of constituency boundaries coinciding with ward boundaries in line with section 19U(c) of the Act. We have therefore decided to extend the Southern Constituency by moving the boundary northward to include three further meshblocks (3087600, 3087400, 30887302) in the vicinity of Te Tipua and currently in the Eastern-Dome Constituency.
37. We note that this alteration does not result in the complete coinciding of Southern Constituency boundaries with local ward boundaries. There will still be a non-alignment of the Southern and Hokonui constituencies with territorial authority/ward boundaries adjacent to the boundary with Invercargill. To achieve full alignment would require the moving of 453 people from the Southern Constituency to the Hokonui Constituency. This would significantly increase the present non-compliance of the Southern Constituency.
38. We recommend, however, that the council considers this remaining non-alignment of boundaries in its next representation review.

39. While considering the boundary alteration, described above, between the Southern and Eastern-Dome constituencies, Commission officers noted that in the area immediately to the north the boundary between the Eastern-Dome and Hokonui constituencies also does not coincide with district ward boundaries.
40. The officers raised this matter with council officers who then discussed it with the councillors for the area concerned. We understand there is now agreement that the Commission should proceed with a further boundary alteration in the area concerned, in line with section 19U(c) of the Act. Accordingly, we have determined that the Hokonui Constituency will be extended eastward as far as the boundary with Gore District. This involves the transfer of seven meshblocks (3088900, 3087202, 3088502, 3087201, 3087301, 3088501, 3052600) from the Eastern-Dome Constituency to the Hokonui Constituency.
41. In summary, we have determined to:
- uphold the council’s proposal in respect of both the Fiordland and Invercargill-Rakiura constituencies
 - alter the boundary between the Southern and Eastern-Dome constituencies in order to achieve slightly closer compliance with the ‘+/-10% rule’ and to achieve better alignment with local ward boundaries in line with section 19U(c) of the Act
 - alter the boundary between the Eastern-Dome and Hokonui constituencies also to achieve alignment of boundaries in line with section 19U(c).
42. The amended arrangements are set out in the following table.

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region population per councillor
Fiordland	3,630	1	3,630	-4,563	-55.69
Eastern-Dome	16,555	2	8,278	+85	+1.04
Western	8,110	1	8,110	-83	-1.01
Hokonui	8,006	1	8,006	-187	-2.28
Southern	6,819	1	6,819	-1,374	-16.77
Invercargill-Rakiura	55,200	6	9,200	+1,007	+12.29
Total	98,320	12	8,193		

* These are 2017 population estimates

43. In conclusion, we believe these decisions provide an appropriate balance between the statutory requirements for both fair representation for electors and effective representation for communities of interest in Southland Region.

Commission's determination

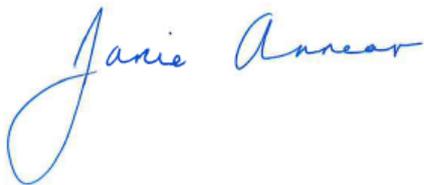
44. Under section 19R of the Local Electoral Act 2001, the Commission:
 - a. upholds the decision of the Southland Regional Council not to comply with the section 19V(2) +/-10% fair representation requirement in respect of the Fiordland and Invercargill-Rakiura constituencies as non-compliance is required for effective representation of communities of interest within these constituencies
 - b. upholds the decision of the Southland Regional Council not to comply with the section 19V(2) +/-10% fair representation requirement in respect of the Southern Constituency, subject to a minor boundary alteration between this constituency and the Eastern-Dome Constituency, as non-compliance is required for effective representation of communities of interest within this constituency and it achieves the objective of section 19U(c) for constituency boundaries to coincide with ward boundaries.
 - c. determines that there be a boundary alteration between the Eastern-Dome and Hokonui constituencies in line with the objective of section 19U(c) for constituency boundaries to coincide with ward boundaries.
45. Accordingly, for the triennial Southland Regional Council elections to be held on 12 October 2019, there will continue to be Fiordland, Eastern-Dome, Western, Hokonui, Southern and Invercargill-Rakiura constituencies, subject to the transfer of three meshblocks (3087600, 3087400, 30887302) from Eastern-Dome Constituency to Southern Constituency and the transfer of seven meshblocks (3088900, 3087202, 3088502, 3087201, 3087301, 3088501, 3052600) from Eastern-Dome Constituency to Hokonui Constituency, electing one, two, one, one, one and six councillors respectively.
46. Therefore, for those elections for the Southland Regional Council, covering the area delineated on Plan LG-15-2019-Con-1, the following arrangements will apply:
 - a. Fiordland Constituency, comprising the area delineated on SO Plan 11503 deposited with Land Information New Zealand, electing one councillor
 - b. Eastern-Dome Constituency, comprising the area delineated on Plan LG-15-2019-Con-2 deposited with the Local Government Commission, electing two councillors
 - c. Western Constituency, comprising the area delineated on SO Plan 386355 deposited with Land Information New Zealand, electing one councillor
 - d. Hokonui Constituency, comprising the area delineated on Plan LG-15-2019-Con-3 deposited with the Local Government Commission, electing one councillor
 - e. Southern Constituency, comprising the area delineated on Plan LG-15-2019-Con-4 deposited with the Local Government Commission, electing one councillor
 - f. Invercargill-Rakiura Constituency, comprising the area delineated on SO Plan 301281 deposited with Land Information New Zealand electing six councillors.

47. As required by section 19U(b) of the Local Electoral Act 2001, the boundaries of the above constituencies coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes.

Local Government Commission

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Commissioner Pita Paraone (Chairperson)

A handwritten signature in blue ink, appearing to read 'Janie Annear', with a large, stylized initial 'J'.

Commissioner Janie Annear

A handwritten signature in black ink, appearing to read 'B. J. Duffy', with a large, stylized initial 'B'.

Commissioner Brendan Duffy

1 April 2019