

8.3 REPRESENTATION REVIEW

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Appendices: 1. Representation Review

1. PURPOSE

1.1. The purpose of this report is for Council to consider its representation arrangements.

RECOMMENDATION

The Electoral Officer RECOMMENDS that Council resolves to adopt an initial proposal as outlined in the OPTIONS, with a formal consultation process to occur from 18 June 2018 to 13 July 2018

EXECUTIVE SUMMARY

Local authorities are required to review their representation arrangements at least every six years. Council's last review was conducted in 2015. Council must undertake this review as the Wairoa community voted to establish Māori Wards at the last local body elections in 2016. As defined by the Local Electoral Act 2001 (LEA), representation reviews are reviews of the representation arrangements for a local authority.

Local authorities' representation reviews determine detailed arrangements for:

- the number of electoral subdivisions (if any), and
- their boundaries, names, and number of members.

For territorial authorities, the representation review includes deciding the:

- basis of election (at large, wards, or a mix of both), and
- the establishment of community boards.

In addition to the above representation arrangements, local authorities and communities have the opportunity to consider the:

- electoral system to be used for their elections: first past the post (FPP) or single transferable vote (STV), and
- the establishment of Māori wards/constituencies.

These processes are not formally part of representation reviews; they are matters for local discretion with no right of appeal to the Local Government Commission (the Commission). However, these options relate to identifying appropriate representation arrangements for a district, and need to be resolved before the detailed ward/constituency arrangements are determined. For fullness, it is worth noting what the status of these matters currently is.

The initial proposal of a representation arrangements review must be completed by 31 August 2018, and there are changes required due to the community voting for the establishment of Māori Wards in 2017. The formal process under the LEA is still required to be followed.

1. PROCESS

The process to follow when undertaking a representation arrangements review is:

- Identify the district's communities of interest.
- Determine the effectiveness of members by looking at the overall number of members, whether they represent the district as a whole or wards or by a mixture, in order to determine whether members are effective (i.e. are able to listen to and represent constituents effectively).
- If wards, or subdivisions of community boards, are adopted, determine that members fairly represent their constituents by ensuring the average population ratio is no more than a +/- 10% variance (noting the provision that this ratio can fall outside the range under certain circumstances).
- Determine whether or not to introduce/retain/abolish/alter communities and community boards.

The following formal process is recommended:

Council resolution (initial)	12 June 2018	(section 19H, LEA)
Public notice	14 June 2018	(section 19M, LEA)
Public submission period	18 June – 13 July 2018 (one month)	(section 19M, LEA)
Submissions heard	19 or 20 July 2018	(section 19M, LEA)
Council resolution (final)	24 July 2018 (late item)	(section 19N, LEA)
Public notice	26 July 2018	(section 19N, LEA)
Public objection period	30 July – 24 August 2018 (one month)	(section 19N, LEA)
Forward material to LGC	27 August 2018	(section 19V (4), LEA)

The formal consultative process involves the ability for the public to make submissions on the representation arrangements review. Any submissions received over the submission period will need to be heard by Council prior to making its final proposal resolution.

Once Council has resolved its final proposal, public notice of this is required providing the public with a one-month objection/appeal period. Should any objection/appeal be received, the whole matter is then required to be forwarded to the Local Government Commission for determination.

2. INITIAL CONSIDERATIONS

Prior to undertaking a representation arrangements review, two other issues require Council consideration – the choice of electoral system, and whether Māori representation is introduced.

Electoral System:

Council resolved at its Ordinary Meeting of 9 September 2014 to maintain the status quo of FPP and to publicly notify the right for 5% of electors to demand a poll on the electoral system. This was published on 11 September 2014 as required. Electors of the Wairoa District Council had until 28 February 2015 to demand a poll on the electoral system to be used at the 2016 triennial local elections. No poll demand was received.

Māori Wards:

Council conducted a public poll on the matter of introducing Māori wards during the 2016 local government elections. This poll was held on Saturday, 8 October 2016 with the following results:

Option	Votes received
FOR the establishment of Māori Wards	1,644
AGAINST the establishment of Māori Wards	1,444

Māori wards therefore will be introduced for at least the next two triennial elections (2019 and 2022) of the Wairoa District Council.

3. CURRENT SITUATION

The Wairoa District Council currently has no wards and comprises six Councillors (plus the Mayor), elected at large using the FPP electoral system. Community boards are not currently constituted in the district.

4. LEGISLATION

Part 1A of the LEA sets out the requirements for a representation arrangements review. Issues that a local authority is required to consider include:

- whether Councillors (other than the Mayor) are to be elected by electors of the district as a whole (at large), by electors of two or more wards, or in some cases by a mix of electors of the district (at large) and by electors of wards
- the proposed number of Councillors to be elected in each category (at large/ward/mixture – if applicable)
- the proposed name and boundaries for each ward
- whether there should be communities and community boards, and if so the nature of a community and structure of a community board
- whether one or more communities should be introduced/retained/abolished/united/or boundaries altered
- whether a community should be subdivided for electoral purposes
- the number of members of a community board (including the number elected and appointed)
- whether members of a community board are to be elected by electors of a community as a whole, or by electors of two or more subdivisions, or by electors of each ward (if a community comprises two or more wards)
- the name, boundaries and number of members of each subdivision of a community (if adopted).

Other relevant legislative information as it relates to Representation Reviews can be found at Appendix 1.

5. OPTIONS

There is a wide range of possible outcomes resulting from this review and the options below (and a number of combinations of these options) could be considered and adopted by Council.

5.1 Wards (General and Māori Wards Elected at Large)

Council will need to establish appropriate arrangements for Māori representation for at least the 2019 and 2022 triennials. Wairoa District Council will introduce designated Māori representation through the setting up of one or more Māori wards (in addition to general wards). Representatives for Māori wards will be elected by people who are enrolled on the Māori Parliamentary Electoral Roll. Electors of these wards would not be able to vote for members of the general wards. Similarly, people who are enrolled on the General Parliamentary Electoral Roll would vote for members of the general wards but not for members of the Māori wards. All electors would still vote for the Mayor.

Based on the size of the present Council (six members plus the Mayor), there would be three members elected from one or more Māori wards and three members elected from one or more general wards. All elected members, whether elected from general or Māori wards, represent the entire community.

These options are based upon the premise that there will be General and Māori representatives elected at large, each having the general interests of the district as their driving force.

According to the Local Government Commission¹, the characteristics that have generally been evident for those territorial authorities that have opted for elections at large include:

- the district has a relatively compact geographic area, and/or
- very strong commonalities of interest among identified communities of interest i.e. a shared common community of interest at the district level, and/or
- distinct communities of interest that are not geographically located, but spread across the district.

In cases where district-wide communities of interest are seen to prevail, elections at large may be appropriate. On the other hand, wards are likely to be appropriate in circumstances where a territorial authority district contains a number of distinct, geographically identifiable communities of interest best served by separate representation.

The advantages include:

- the general interests of the community as a whole, drive councillors' decision making
- Māori electors choose to register to vote on the General or Māori roll
- councillors' decision making is elevated to higher level.

The disadvantages include:

- electors' loss of "representation" association/relationship with councillors
- the ability of electors to influence councillors and obtain advocacy may be diminished
- the potential to isolate councillors from community.

As one community with a shared community of interest, it is considered that the district does not need to be divided into geographic wards. Accordingly, the General and Māori Wards elected 'at large' is considered to reflect the district's shared community of interest.

¹ Local Government Commission, Guidelines to Assist Local Authorities in Undertaking Representation Reviews, November 2008 (3rd Ed), p24.

On a population basis, the General and Māori communities are split as evenly as is realistic to achieve. Therefore the basis of this option is to get an equal representation of “General” and “Māori” councillors.

Table 1 - Proposed General/Māori Split for ‘at large’ representation

General and Maori Wards elected ‘At Large’	GENERAL	MĀORI
Total Population	3398	4805
(a) 6 Councillors (3 General/3 Māori)	1133	1602
(b) 8 Councillors (4 General/4 Māori)	850	1201

5.2 Wards (taking into consideration Urban/Rural communities of interest)

Wards must also be considered in terms of urban and rural representation as part of this representation review. Ward boundaries and geographic communities of interest are the consideration here, i.e. urban and rural. The urban ward boundary would be the same as the Wairoa ward boundary that was previously in existence and the rural wards of that same period would be merged into one Wairoa rural ward, with the councillors elected at large by the voters within each ward.

Table 2 - Proposed Rural/Urban Split

WARD	RURAL COMBINED	WAIROA URBAN
Total Population	3960	4240
8 Councillors (4 Rural / 4 Urban which includes 2 General and 2 Māori from each ward boundary)	990	1060

Slight adjustments to the fringe of either the rural or urban ward would bring these numbers into exact alignment but the disparity is within the limits of representation and calculation tolerances.

5.3 Wards (with Ward Boundaries)

In terms of ward boundaries, this is the easiest of the ward configurations for the community to understand and to redraw.

The strength of this option lies in the following:

1. It recognises that the issues facing the urban, rural and geographic communities are different and therefore retains a “community of interest” relationship and representation.

2. It is simple to understand.
3. It is highly likely to ensure there will be an election within each ward thereby ensuring each elector gets to exercise a vote.

Table 3 - Proposed Geographic Wards

PROPOSED GEOGRAPHIC WARDS
Mahia-Nuhaka
Frasertown-Tuhara
Waikaremoana-Ruakituri
Mohaka-Waiiau
Wairoa Urban

If geographic wards are considered, this option will utilise the ward boundary system previously in place within the Wairoa District, as noted in Table 3 above. This option would need to consider not only General/Māori representation, but also Urban/Rural representation and it would likely need an increase in Councillor numbers to get a fair representation across the district and wards. Consideration of this option must also give due consideration in terms of post settlement governance entities and that representation interests may vary across iwi boundaries.

5.4 Mix of Both (Partly by Wards and Partly at Large)

Council may also consider a mix of wards and at large representation. This option may provide some voters with more opportunity for representation than a ward system alone and, at the same time, may provide opportunities for enhanced diversity of opinion around the Council table, which can only be to the benefit of effective representation of the district's communities. Councillors elected by the district as a whole will also help address some of the arguments in favour of an at large system, such as improving accountability to all sectors of the community, and promoting unity between urban and rural populations.

5.5 Community Boards

At each representation review, Council is required to consider whether communities and community boards should be introduced/retained/abolished/united/or boundaries altered.

Section 19 of the LEA sets out the requirements for this consideration. Community boards, where established, must each contain between 4 and 12 members, of which at least 4 members must be elected by the electors of that community, and may contain appointed members from the ward in which the community is situated. The number of appointed members must be less than half of the total number of members.

Community boards may be subdivided for electoral purposes – this is generally appropriate when the community board area is made up of a number of distinct communities of interest and the formation of subdivisions will provide effective representation of these communities

of interest. The fair representation requirements (+/- 10% rule) apply in respect of subdivisions of communities.

The following table sets out specific decisions that need to be made in reviews of community boards under section 19J of the LEA:

Section	Decision
19J(1)	Whether to have communities and community boards If so, the nature of any community and the community board structure
19J(2)(a)	Whether to establish 1 or more communities
19J(2)(b)	Whether to abolish or unite any community
19J(2)(c) 19J(2)(e)	Whether to alter the boundaries of a community
19J(2)(d)	Whether to subdivide any community
19J(2)(f)	The number of members of a community board
19J(2)(g)	The number of elected and appointed members of a community board
19J(2)(h)	Whether the members to be elected need to be elected: <ul style="list-style-type: none"> • from the whole community • from subdivisions • where the community comprises two or more whole wards, from those wards
19J(2)(i)	Where members are to be elected from subdivisions: <ul style="list-style-type: none"> • the name and boundaries of subdivisions • the number of members to be elected from each subdivision (in accordance with the '+/-10% rule' set out in section 19V(2))

As one community with a shared community of interest, it is considered that the district does not need to have community boards.

6. PREFERRED OPTION

The preferred option is 5.1 (a), being 3 General Ward Councillors and 3 Māori Ward Councillors elected at large.

This meets the purpose of local government as it will help meet the current and future needs of communities for good-quality infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses.

7. CORPORATE CONSIDERATIONS

What is the change?

7.1 An initial proposal to change the representation arrangements of the Wairoa District.

What is the cost?

7.2 This Representation Review has been allowed for in current budgets

Who has been consulted?

7.3 The Wairoa District Council held a poll, as part of the 2016 Local Authority Elections, to see whether it should introduce one or more Māori wards for at least its next two triennial elections. Council is now undertaking a detailed review of its representation arrangements (number of wards, elected members etc.) including:

- the number of general and Māori wards;
- the number of representatives to be elected for general and Māori wards;
- the ward boundaries and names.

The review must be completed by 31 August 2018. There will be a right to make submissions on the Council’s proposals and a right of appeal to the Local Government Commission.

Māori Standing Committee

7.4 The Māori Standing Committee is aware that Council will establish Māori wards for the next two triennials. This Representation Review is a legislative requirement for Council, given the result of a recent poll to establish Māori wards. The Māori Standing Committee will be kept up-to-date of the progress of this review as it progresses.

8. SIGNIFICANCE



8.1 Community consultation is required for Representation Reviews. The community consultation timeframes are noted in this report.

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- containing sufficient information about the options and their benefits and costs, bearing in mind the significance of the decisions; and,
- is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

Signatories

	
<p>Author Kitea Tipuna</p>	<p>Approved by Steven May</p>

APPENDIX 1: REPRESENTATION REVIEW:

In general terms, the representation review process involves the following steps.

Procedure	Deadline	Relevant section
Local authority determines proposed representation arrangements	Initial proposals must be made: <ul style="list-style-type: none"> 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 time for the deadline for public notice 	<ul style="list-style-type: none"> 19H (territorial authorities, 19I (regional councils) 19J (community boards) Schedule 1A if establishing Māori wards/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	19M(1)
Submissions close	Not less than one month after public notice	19M(2)(d)
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	19Y(1)
Local authority considers submissions and may amend proposal	Within 6 weeks of closing date for submissions	19N(1)(a)
Local authority gives public notice of its "final" proposal	Within 6 weeks of closing date for submissions	19N(1)(b)
Appeals and objections close	<ul style="list-style-type: none"> 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 	19O 19P
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	19Y(1)
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	19Q 19V(4)
Commission considers resolutions, submissions, appeals and objections and makes determination	Before 11 April in election year	19R
Determination subject to appeal to High Court on a point of law ³	Appeals to be lodged within 1 month of determination	Clause 2, Schedule 5, <i>Local Government Act 2002</i>

The salient statutory provision in relation to this matter is section 19H, set out in full for information below:

19H *Review of representation arrangements for elections of territorial authorities*
(1) *A territorial authority must determine by resolution, and in accordance with this Part,—*

¹Under 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.

- (a) *whether the members of the territorial authority (other than the mayor) are proposed to be elected—*
 - (i) *by the electors of the district as a whole; or*
 - (ii) *by the electors of 2 or more wards; or*
 - (iii) *in some cases by the electors of the district as a whole and in the other cases by the electors of each ward of the district; and*
- (b) *in any case to which paragraph (a)(i) applies, the proposed number of members to be elected by the electors of the district as a whole; and*
- (c) *in any case to which paragraph (a)(iii) applies,—*
 - (i) *the proposed number of members to be elected by the electors of the district as a whole; and*
 - (ii) *the proposed number of members to be elected by the wards of the district; and*
- (d) *in any case to which paragraph (a)(ii) or paragraph (a)(iii) applies,—*
 - (i) *the proposed name and the proposed boundaries of each ward; and*
 - (ii) *the number of members proposed to be elected by the electors of each ward; and*
- (e) *the proposed number of elected members of any local board and, if an Order in Council under section 25 of the Local Government Act 2002 so provides, the proposed number of appointed members of that board; and*
- (f) *whether the elected members of any local board are proposed to be elected—*
 - (i) *by the electors of the local board area as a whole; or*
 - (ii) *by the electors of 2 or more subdivisions of the local board area; or*
 - (iii) *if the local board area comprises 2 or more wards, by the electors of each ward; and*
- (g) *in any case to which paragraph (f)(ii) applies,—*
 - (i) *the proposed name and the proposed boundaries of each subdivision; and*
 - (ii) *the number of members proposed to be elected by the electors of each subdivision; and*
- (h) *in any case to which paragraph (f)(iii) applies, the number of members of the local board proposed to be elected by the electors of each ward; and*
 - (i) *the proposed name of any local board.*
- (2) *The determination required by subsection (1) must be made by a territorial authority,—*
 - (a) *on the first occasion, either in 2003 or in 2006; and*
 - (b) *subsequently, at least once in every period of 6 years after the year in which the first determination was made.*
- (2A) *To avoid doubt, subsection (2) is subject to sections 19K(1AA) and 19M(1).*
- (3) *This section must be read in conjunction with section 19ZH and Schedule 1A.*

When applying the principles detailed above, the principles of the LEA (set out in section 4) need to be taken into account, particularly the principle of fair and effective representation for individuals and communities.

Additionally, Council must consider when deciding the basis of election (whether the Council should be elected at large, or by wards, or partly by wards and partly at large), the criterion to be met within the terms of section 19T, that is, the provision of effective representation of the various communities of interest within the district.

In considering the appropriate basis for election of the Wairoa District Council, the following factors may provide a context for the decision-making process:

- The ongoing trend of population decline in the district (the district's usually resident population at the time of the 2013 Census was 8,300, compared with 8,720 in 2006, 8,916 in 2001, 9,900 in 1996 and 10,125 in 1991).
- The rural nature of the district – the Wairoa urban community has a strong focus on rural servicing and is a focal point for the rural community.
- In the previous ward structure, in five of the six existing wards electors could only vote for one member of the Council.

With the exception of the 2006 and 2013 Census data, these matters were taken into account by the Commission in its 'Representation Review Determination of the membership and basis of election for the general election of the Wairoa District Council to be held on 9 October 2004'. After considering the information presented to it, and noting the strong support amongst submitters for an at large basis of election, the Commission was satisfied that an at large basis of election would provide effective representation for communities of interest in the district.

Nonetheless, communities of interest may alter over time. Local authorities need, therefore, to give careful attention to identifying current communities of interest within their district or region when undertaking representation reviews.⁴ The representation review ensures that Council considers these matters at least every six years.

Local Electoral Amendment Act 2013

The main changes made by the Amendment Act are as follows:

- Section 19V(3) was amended by adding to the circumstances in which a territorial authority's ward and membership arrangements (and those for community board and local boards with subdivisions) can fall outside the +/-10% range. In addition to ensuring the effective representation of island or isolated communities of interest, exceptions can be made where compliance would limit effective representation by: (i) dividing a community of interest; or (ii) combining communities of interest with few commonalities.
- Any decision not to comply with the +/-10% rule for the above reasons, will need to be referred to the Commission for final determination (in the same way that non-compliant regional council reviews are already required to) (see section 19V(4)-(6)).
- Very minor boundary alterations to wards, constituencies, communities and subdivisions will be able to be made by councils outside of the representation review process. Any such changes must be referred to the Commission for approval (see sections 19JA and 19B).
- Initial representation review proposals will not be able to be resolved by councils until 1 March of the year before the year of an election, although preliminary consultation could still take place prior to that date (see section 19K(1AA)).

Key factors and considerations

In reviewing representation arrangements, local authorities must provide for 'effective representation of communities of interest' (ss19T and 19U) and 'fair representation of electors' (s19V). Therefore, there are three key factors for local authorities to carefully consider. They are:

- communities of interest
- effective representation of communities of interest
- fair representation of electors.

Communities of interest

The term 'community of interest' is not defined in the LEA. It is a term that can mean different things to different people. Defining local communities of interest is an essential part of the representation review process and needs to be carried out before determining how to provide effective representation.

One definition⁵ of 'community of interest' describes it as a three-dimensional concept:

- perceptual – a sense of belonging to a clearly defined area or locality
- functional – the ability to meet with reasonable economy, the community's requirements for comprehensive physical and human services
- political – the ability of the elected body to represent the interests and reconcile the conflicts of all its members.

⁴ Local Government Commission, Guidelines for Local Authorities Undertaking Representation Reviews, October 2014 (5th Ed), p33.

⁵ *The Concept of Community of Interest* (1989) prepared by Helen Fulcher for the South Australian Department of Local Government.

The perceptual and functional aspects can be extended to define a community of interest as having:

- a sense of community identity and belonging reinforced by:
 - distinctive physical and topographical features (e.g. mountains, hills, rivers)
 - similarities in economic or social activities carried out in the area
 - similarities in the demographic, socio-economic and/or ethnic characteristics of the residents of a community
 - distinct local history of the area
 - the rohe or takiwā of local iwi
- dependence on shared facilities and services in an area, including:
 - schools, recreational and cultural facilities
 - retail outlets, transport and communication links.

Decisions relating to the representation of communities of interest (the political dimension) should reflect these interests and needs.

Effective representation of communities of interest

Territorial authorities must ensure effective representation of communities of interest (s19T).

Achieving effective representation requires identifying communities of interest that are geographically distinct.

Effective representation must be achieved within the following statutory limits:

- between 5 and 29 members (excluding the mayor) for territorial authorities.

Factors to consider include the size, nature, and diversity of the district.

The basis of election (at large, by ward, or a combination of both) used by a territorial authority, is the one determined by the territorial authority (or Commission, if relevant) to provide the most effective representation of communities of interest.

When practicable, the following factors need to be considered when determining effective representation for the local authority:

- avoiding arrangements that may create barriers to participation, for example, not recognising residents' familiarity and identity with an area during elections
- not splitting recognised communities of interest between electoral subdivisions
- not grouping together two or more communities of interest that have few common interests
- accessibility, size, and configuration of an area, including:
 - the population's reasonable access to its elected members and vice versa
 - the elected members' ability to:
 - effectively represent the views of their electoral area
 - attend public meetings throughout the area, and providing reasonable opportunities for face-to-face meetings.

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

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

The legislation is neutral on whether a territorial authority needs to be divided into wards. General characteristics of territorial authorities that have opted for elections at large include:

- the district has a relatively compact geographic area, and/or
- a shared common community of interest at the district level, and/or

- communities of interest that are spread across the district rather than being geographically distinct.

When there are a large number of communities of interest, consideration should be given to identifying any common interests and combining the communities of interest into one or more larger wards/constituencies.

In considering the relative merits of one and multi-member wards/constituencies, the following factors should be borne in mind:

- single-member wards/constituencies provide a close direct link between local electors and their representatives
- multi-member wards/constituencies can:
 - following the election, provide greater choice for residents on who to approach on local issues
 - allow for sharing and specialising in responsibilities between the ward/constituency representatives.

Members of a territorial authority may also be elected partly by wards and partly at large (a mixed system). This option may be best when there are clear district-wide communities of interest as well as specific geographically based communities of interest.

All members elected under a ward or mixed system make the same declaration on coming into office to act in the best interests of the whole district. In other words, the members under a ward or mixed system have the same obligation to the district as the members elected at large. Therefore, there is no functional difference in the decision-making role of members elected at large and members elected by way of a ward system.

The current number of Councillors is six (plus the Mayor). In determining the number of Councillors, the district's population needs effective representation that enables:

- good public accessibility to and the availability of Councillors
- an appropriate share of Councillor workload.

The current number of elected representatives is considered to adequately provide for effective representation for individuals and the Wairoa community generally.

Fair representation of electors

The LEA does not define 'effective representation'.

Section 19V of the LEA details the factors to be applied in determining the membership for wards/constituencies in order to achieve fair representation of electors.

Under this provision, membership of wards/constituencies 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.

In a nutshell, section 19V(2) requires that the population of each ward divided by the number of members to be elected by that ward produces a figure no more than 10% greater or smaller than the population of the district, divided by the total number of elected members.

In respect of territorial authorities, section 19V(3)(a) provides grounds for not complying with the fair representation requirements of section 19V(2). These grounds are:

- to provide for effective representation of communities of interest within:
 - island communities
 - isolated communities
- where compliance would limit effective representation of communities of interest by:

- dividing a community of interest
- grouping together communities of interest with few commonalities of interest.

A decision by a local authority not to comply with section 19V(2) must be referred to the Commission for determination. Referral to the Commission is required whether or not appeals or objections have been lodged against the local authority's proposal. That referral is treated by the Commission as an appeal under the LEA.

It is important that all local authorities clearly identify the grounds for any proposed non-compliance with the '+/-10% rule' of section 19V(2). This is required for the public notices under section 19M(2)(c) and section 19N(2)(bb) and assists the Commission in its deliberations.

In relation to isolated communities, the LEA does not specify the criteria to be met to warrant specific representation by a member or members on a territorial authority, but given the requirements of subsections (1) and (2) of section 19V, it does imply a significant test in this regard.

The principle of fair representation is not an issue for Council as there is no proposal to divide the district into wards or sub-divided community boards.