

Local Electoral Act 2001

1 Requirement for effective representation of communities of interest

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

- (1) *In determining the matters specified in paragraphs (a) to (d) of section 19H(1), the territorial authority and, where appropriate, the Commission must ensure—*
 - (a) *that the election of members of the territorial authority (other than the mayor), in one of the ways specified in subparagraphs (i) to (iii) of section 19H(1)(a), will provide effective representation of communities of interest within the district; and*
 - (b) *that ward boundaries coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and*
 - (c) *that, so far as is practicable, ward boundaries coincide with any local board area or community boundaries.*
- (2) *In determining the matters specified in section 19H(1)(e) to (h), the territorial authority and, where appropriate, the Commission must ensure—*
 - (a) *that the election of members of the local board, in one of the ways specified in section 19H(1)(f)(i) to (iii), will provide effective representation of communities of interest within the local board area; and*
 - (b) *that the boundaries of subdivisions coincide with the boundaries of the current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes; and*
 - (c) *that, so far as is practicable, subdivision boundaries coincide with ward boundaries.*

2 Requirement for fair representation (the ten per cent rule)

19V Requirement for fair representation and other factors in determination of membership for wards, constituencies, and subdivisions

- (1) *In determining the number of members to be elected by the electors of any ward or constituency or subdivision, the territorial authority or regional council and, where appropriate, the Commission must ensure that the electors of the ward or constituency or subdivision receive fair representation, having regard to the population of every district or region or local board area or community and every ward or constituency or subdivision within the district or region or local board area or community.*
- (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 local board area 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).*
- (3) *Despite subsection (2), —*

- (a) *if the territorial authority or the Commission considers that 1 or more of the following apply, wards and subdivisions of a local board area or a community may be defined and membership distributed between them in a way that does not comply with subsection (2):*
 - (i) *non-compliance with subsection (2) is required for effective representation of communities of interest within island communities or isolated communities situated within the district of the territorial authority; or*
 - (ii) *compliance with subsection (2) would limit effective representation of communities of interest by dividing a community of interest between wards or subdivisions; or*
 - (iii) *compliance with subsection (2) would limit effective representation of communities of interest by uniting within a ward or subdivision 2 or more communities of interest with few commonalities of interest:*
 - (b) *if the 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 subsection (2).*
- (4) *A territorial authority or regional council that decides under subsection (3) not to comply with subsection (2) must refer that decision to the Commission together with the information specified in section 19Q(a) to (e).*
 - (5) *A reference under subsection (4) must be treated as if it were an appeal against the decision of the territorial authority or regional council, for the purposes of sections 19R (other than subsection (1)(b)), 19S, and 19Y, which apply with any necessary modifications.*
 - (6) *On receiving a reference under subsection (4), the Commission must determine, under section 19R(1), whether—*
 - (a) *to uphold the decision of the territorial authority or regional council; or*
 - (b) *to alter that decision.*

3 Provision of population data

19X Certificate of Government Statistician

- (1) *For the purposes of sections 19H to 19W, the certificate of the Government Statistician as to the population of any region, district, local board area, constituency, ward, community, or subdivision or any proposed constituency, ward, community, or subdivision is to be—*
 - (a) *a certificate of the ordinarily resident population as shown by the figures for the most recently published census (other than the figures for a census carried out in the year before a triennial general election of a territorial authority or regional council or the year in which such an election is to be held); or*
 - (b) *a certificate of the ordinarily resident population as assessed by the Government Statistician at any later date assessed by the Government Statistician.*