

16. ECAN ELECTORAL REVIEW 2006

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8559
Officer responsible:	Secretariat Manager
Author:	Max Robertson, Council Secretary

PURPOSE OF REPORT

1. The purpose of this report is to enable the Council to reach a view on some preliminary representation proposals which have been developed by the Canterbury Regional Council (ECan).

EXECUTIVE SUMMARY

2. The Canterbury Regional Council is required to complete a review of its present electoral arrangements by 31 August 2006.
3. ECan has recently formulated some preliminary representation proposals, prior to commencement of the formal review process. These preliminary proposals were discussed at a consultation meeting on 28 October 2005, and again at a Council seminar on 7 February 2006, when the Chairman (Sir Kerry Burke) and Deputy Chairman (Councillor Robert Johnston) outlined the three preliminary proposals which had been developed by ECan.
4. ECan's preliminary proposals were the subject of further discussion at a Council seminar held on 28 February 2006. This report summarises the discussions which took place at this seminar, and seeks guidance as to the Council's views on ECan's preliminary proposals.
5. However, since the 28 February seminar, the Chairman of ECan has written advising that Option 3 previously presented by ECan will now be virtually unacceptable to the Local Government Commission, and should not be considered further. Unfortunately, Option 3 was the option most favoured at the 28 February seminar, and it will therefore be necessary for the Council to form a view on which of the remaining preliminary options it favours. The Chairman of ECan has further advised that:
 - Option 1 is the strict implementation of the 10% requirement, and would be accepted by the Local Government Commission because it is fully compliant with the law.
 - Option 2, the retention of Waitaki as a single member constituency, even though it has less than one-third of the average population, might be promoted as an exception, if certain steps are followed, and it is accepted that a separate seat for Waitaki is the only way to achieve the affected representation of regional communities of interest, ie those activities that relate to regional council powers, duties and functions.
 - For both Options 1 and 2, it would be possible to have eight core councillors from Christchurch with some of the City's population also forming part of two surrounding constituencies, the so called "fuzzy edge" solution.. Banks Peninsula, for example, is now part of Christchurch City, but is currently included within the Selwyn/Banks Peninsula constituency which meets the 10% criteria, and could remain as at present.

FINANCIAL AND LEGAL CONSIDERATIONS

6. None.

STAFF RECOMMENDATIONS

It is recommended:

- (a) That, in view of the subsequent advice from ECan that Option 3 is unacceptable, the Council consider and decide whether it wishes to support any of the remaining preliminary representation options.
- (b) That ECan be advised that the City Council considers that, whichever option is chosen, the Christchurch City members should be elected at large across the city.
- (c) That Council officers be requested to report back to the Council on the possible formation of a unitary authority, in place of ECan.
- (d) That it be noted that the present statutory review criteria are under review, as a result of submissions to Parliament's Justice and Electoral Select Committee.

BACKGROUND ON ECAN ELECTORAL REVIEW 2006

7. Although the current pre-consultation process is not a requirement of the legislation, it represents an effort by ECan to get broad agreement amongst the constituent authorities before ECan finalises its draft representation proposal, and then releases that proposal for formal public consultation. ECan will be required to hear the resulting submissions, and to reach a final decision on the representation proposal to apply for the next triennium. It is almost certain that ECan's final proposal will be subject to review by the Local Government Commission, either as a result of appeals, or because the final proposal does not comply with the +/- 10% tolerance applicable in respect of the population of each constituency.
8. Christchurch's present representation results from an appeal lodged by the Christchurch City Council with the Local Government Commission in respect of a previous review by ECan, when ECan approved a proposal providing for the election of seven Christchurch City members. The City appealed this decision to the Local Government Commission. The Local Government Commission upheld the City Council's appeal, which resulted in the City's representation being increased from seven to eight members.
9. Currently, Christchurch City elects eight members of ECan, out of a total of 14 members. Christchurch City is divided into four constituencies for the election of eight ECan members, with two members being elected within each constituency, ie:

Name of Constituency	Comprising
Christchurch North	Former Papanui, Shirley and Burwood Wards
Christchurch East	Former Pegasus, Hagley and Ferrymead Wards
Christchurch South	Former Heathcote, Spreydon and Wigram Wards
Christchurch West	Former Fendalton, Riccarton and Waimairi Wards

10. Christchurch's present representation arrangements need to be reviewed, to reflect:
 - The recent inclusion of Banks Peninsula.
 - The fact that the present representation arrangements are based on the twelve former wards, rather than the six enlarged wards which resulted from the Local Government Commission's determination prior to the 2004 elections.
11. The Local Electoral Act 2001 provides that:
 - The boundaries of constituencies must be drawn in a way which ensures that the electors of the constituencies receive fair representation, having regard to the total population of the region.
 - The population of each constituency must be similar, within a +/- 10% tolerance.
 - The constituency boundaries must, as far as practicable, coincide with the boundaries of one or more territorial authority districts.
 - The +/- 10% population rule can in some circumstances be waived where the Regional Council **and** the Local Government Commission consider this is necessary to give effective representation of communities of interest.
 - If the proposal finally approved by ECan deviates from the +/- 10% population rule, the decision **must** be referred to the Local Government Commission, whose decision will be final.

ECan's Preliminary Proposals

12. For its future constituency arrangements, ECan originally proposed three options for its preliminary consultation, ie:

1. Applying the +/- 10% rule to the entire region - this would result in the Waitaki constituency not having its own member; a two-member Waitaki/South Canterbury/Ashburton constituency covering 59% of the region's total area; Timaru urban area being split between two constituencies; inclusion of Banks Peninsula in Christchurch City but a small proportion of Christchurch City being taken into Selwyn; splitting of the Rangiora urban area and taking 11,700 from Christchurch into North Canterbury; nine members for Christchurch.
 2. Retaining Waitaki as a separate constituency (1 member) and applying the +/- 10% to the remainder of the region - this would require a slight adjustment in the South Canterbury constituency; 8,500 being taken from Selwyn to Ashburton; 4,660 being taken from Christchurch to Ashburton/Selwyn-Banks Peninsula; 12,200 being taken from North Canterbury to Christchurch; nine members for Christchurch.
 3. Retaining Christchurch City as one area (eight members) and applying the +/- 10% to the remainder of the region - two members Waitaki/South Canterbury; one for Ashburton; Banks Peninsula to be included in Christchurch City leaving one member for Selwyn; two members for North Canterbury.
13. Another possible solution was offered at the 17 November meeting with ECan, referred to as the "fuzzy edge". This would provide for eight core Christchurch ECan councillors, with surrounding constituencies, eg North Canterbury and Selwyn/Banks Peninsula, making up any population shortages by including parts of the edge of the city. This would enable rural interests to remain strongly represented.
 14. Copies of the three preliminary proposals developed by ECan (described as Options 1, 2 and 3) are attached.
 15. As previously advised, the Chairman of ECan has since advised that it has been ascertained that Option 3 would be unacceptable to the Local Government Commission.

Christchurch City Representation if Provisions of Legislation Strictly Applied

16. Strict application of the provisions of the legislation would result in the enlarged Christchurch City electing nine (rather than eight) out of a total of 14 ECan members.
17. Should Christchurch City's representation be increased from eight to nine members, then these nine members could either be elected at large across the city, or elected from within three separate constituencies, each electing three members.

Unitary Authority

18. Some discussion took place at the 28 February seminar on the possible formation of a unitary authority, in place of ECan. Although this is a separate topic outside the ambit of ECan's current electoral review, it will be addressed in more detail by officers in a later report.

Possible Review of Formulae Applicable to Electoral Reviews

19. At the 28 February seminar there was general agreement that the present requirements relating to electoral reviews were too prescriptive, and should be relaxed. It was noted at the seminar that the present formulae had been the subject of submissions to the Justice and Electoral Committee following its Inquiry into the 2004 local authority elections, and that although the present formulae would not be relaxed in respect of current reviews, there was a strong possibility of future legislative changes, to allow more flexibility for future electoral reviews by both territorial authorities and regional councils.

Conclusion

20. There was general agreement at the 28 February seminar that, rather than being increased to nine members, the number of city members on ECan should remain at eight, to enable rural interests to remain strongly represented. There was also majority support for Option 3, although ECan has since advised that this option would be unacceptable to the Local Government Commission.