

14. ECAN ELECTORAL REVIEW 2006

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8549
Officer responsible:	Secretariat Manager
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PURPOSE OF REPORT

1. The Canterbury Regional Council (“ECan”) has publicly notified its final representation proposal for the 2007 local authority elections. ECan’s final proposal fails to address any of the concerns previously raised in the joint submission made by the Christchurch City Council and the nine remaining territorial authorities represented on the Canterbury Mayoral Forum.
2. The purpose of this report is to seek approval for the filing of an appeal against ECan’s final proposal, and to seek the appointment of two elected members to represent the Council when the appeal is heard by the Local Government Commission.

EXECUTIVE SUMMARY

3. Upon completion of its representation review, ECan publicly notified a draft representation proposal. The ten territorial authorities represented on the Canterbury Mayoral Forum made a joint submission regarding a number of provisions in the draft proposal. The draft proposal was the subject of a previous report by the Council Secretary (Max Robertson) in his report to the Council at its meeting on 7 September 2006.
4. The joint submission made by the ten affected territorial local authorities was not accepted by ECan, and none of the concerns raised in the joint submission have been addressed in ECan’s final proposal.
5. Attached as Appendix A is a draft appeal against ECan’s proposal, which has been prepared on behalf of the ten affected territorial authorities. The draft appeal reiterates the issues raised in the earlier joint submission. It is the position of the affected territorial authorities that outlying areas of Christchurch City should not be incorporated into adjoining rural constituencies. Also, the Christchurch City Council is of the view that the ECan councillors elected by Christchurch City should be elected at large across the whole city, rather than being elected within separate constituencies within the Council’s district.
6. Representatives of the ten affected territorial authorities are meeting on 27 November 2006 to discuss the proposed appeal. Because appeals need to be filed by 30 November 2006 there is no opportunity for staff to report back to their councils with a further report on any amendment/s which might result from that meeting. It is therefore recommended that the Manager, Legal Services Unit, be authorised to approve any such amendments that do not materially affect the Council’s position. If they do, then staff will prepare an urgent supplementary report for consideration at the Council’s next meeting on 30 November 2006 with a view to filing an amended appeal that day.
7. This Council was represented by the Mayor and Councillor Sue Wells at the earlier hearing held by ECan to hear submissions on its draft representation proposal. If the Council approves the filing of an appeal, it is recommended that the Mayor and Councillor Wells also represent the Council when the appeal is heard by the Local Government Commission. Although no firm dates have been set, it is likely that hearings will be held in late January or in February 2007.

FINANCIAL AND LEGAL CONSIDERATIONS

8. There are no financial implications. ECan’s current representation review is being conducted in accordance with the provisions of the Local Electoral Act, which also provides a mechanism for appeals to the Local Government Commission against ECan’s final representation proposal.

BACKGROUND ON ECAN ELECTORAL REVIEW 2006

9. As stated in the earlier report from the Council Secretary to the Council meeting on 7 September 2006, the present representation arrangements for Christchurch are the result of an appeal lodged by the Council following ECan's 1995 Electoral Review. ECan had proposed the election of seven Christchurch City members but the Local Government Commission accepted the Council's position and the City's representation was increased from seven to eight members.
10. The city's present representation arrangements need to be reviewed, bearing in mind that Banks Peninsula now forms part of Christchurch City, and the fact that ECan's present representation arrangements are based on the city's 12 former wards, rather than the current seven wards.
11. It is this Council's position that the Christchurch City representatives on ECan should be elected at large across the whole of the city. ECan's final proposal envisages the retention of four separate Christchurch constituencies, each electing two members. This proposal fails to recognise that Banks Peninsula now forms part of Christchurch City.

OPTIONS

12. The Council could decide not to join the other councils which are planning to appeal ECan's final proposal. However, the risk with this is that the Local Government Commission may make its own decision on the matter without hearing submissions from the Council on those parts of the proposal that it does not agree with.
13. The second option is that the Council files its own appeal, independently from the other councils. Whilst this option is available to the Council, the fact remains that to date it has joined with the other councils in making submissions to ECan on its proposal. The Local Government Commission has advised the Legal Services Unit that each council will be able to make its own submissions to the hearing of the appeal.
14. The third option is the one recommended, ie that the City Council joins with the other affected territorial authorities in filing an appeal against the proposal:

STAFF RECOMMENDATIONS

It recommended that the Council:

- (a) Consider and decide whether or not it wishes to file an appeal against ECan's final representation proposal for the 2007 local elections.
- (b) If so, approve the draft appeal attached to this report as Appendix A.
- (c) Authorise the Manager, Legal Services Unit, to approve any amendments to the appeal documents that do not materially affect the Council's position, prior to the appeal being filed.
- (d) Appoint the Mayor and Councillor Sue Wells to represent the Council at the hearing of the appeal by the Local Government Commission.