

## 8. ECAN ELECTORAL REVIEW 2006

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| <b>General Manager responsible:</b> | General Manager Regulation and Democracy Services, DDI 941 8549 |
| <b>Officer responsible:</b>         | Secretariat Manager   |
| <b>Author:</b>                      | Max Robertson, Council Secretary                                |

### PURPOSE OF REPORT

1. The purpose of this report is to enable the Christchurch Council to express a view on a preliminary representation proposal developed by the Canterbury Regional Council (ECan).

### EXECUTIVE SUMMARY

2. As required by the legislation, ECan has recently completed a review of its present electoral arrangements. The proposal approved by ECan has been publicly notified, with submissions closing on Wednesday 13 September 2006.
3. ECan's proposal provides for the continuation of the existing Council structure comprising 14 members in total, with eight members being elected by Christchurch City electors, and the remaining six members being elected by electors outside Christchurch.
4. ECan's proposal envisages that both the North Canterbury and Selwyn/Banks Peninsula constituencies would incorporate parts of the edge of Christchurch City, in order to satisfy the +/-10% population tolerance requirements of the Local Electoral Act 2002.
5. Other key elements of the proposal include moving the Ellesmere area of Selwyn District to a new regional Rakaia constituency with Ashburton District (currently called Ashburton) and the confirmation of two Councillors south of the Rangitata, with separate South Canterbury and Waitaki constituencies. Other constituencies and Councillors proposed include two for North Canterbury, one for Selwyn and one for Ashburton (proposed to be called Rakaia). A fuller description of the changes proposed by ECan is set out in paragraphs 14-18 of this report.
6. Attached to this report are two separate maps showing:
  - The nine constituencies proposed by ECan (Schedule A).
  - A further map giving more details of the four Christchurch constituencies proposed (Schedule B).
7. Attached is a draft submission from the Canterbury Mayoral Forum (Schedule D). In relation to the Christchurch City Council's previous resolution dated 20 April 2006, the submission:
  - Supports the Council's view that Christchurch City members should be elected at large.
  - Differs from the Christchurch City Council's stance by supporting eight rather than nine Christchurch City members.
  - Expresses the view (which this Council should support) that the boundaries of ECan constituencies should coincide with territorial authority boundaries.
8. At its meeting on 20 April 2006 the City Council agreed to support a preliminary proposal previously advanced by ECan, which envisaged a total of 14 members, including nine Christchurch City members. At that time the City Council also advised ECan that it was of the opinion that, whichever option was chosen, the Christchurch City members should be elected at large across the city. While ECan's current proposal envisages the continuation of 14 members in total, it provides for eight rather than nine Christchurch City members, with the eight members being elected from within four separate city constituencies, as at present.
9. This Council is therefore requested to consider ECan's current proposal, and to decide whether or not it wishes to lodge a formal submission with ECan seeking the election of nine (rather than eight) Christchurch City members, with the Christchurch City members being elected at large, rather than from within constituencies.

## **FINANCIAL AND LEGAL CONSIDERATIONS**

10. There are no financial implications. The Local Electoral Act 2001 requires ECan to review its present electoral arrangements prior to the 2007 elections.

## **STAFF RECOMMENDATIONS**

It is recommended:

- (a) That the Council consider and decide whether it wishes to make a submission to ECan requesting the amendment of the current representation proposal to provide for nine (rather than eight) Christchurch City members, and/or the election of the city members at large across the city, rather than from within constituencies.
- (b) That the Mayor and/or a Councillor be appointed to represent this Council at the hearing to be held by ECan to consider the submissions on their electoral review.

## BACKGROUND ON ECAN ELECTORAL REVIEW 2006

11. Christchurch's present representation results from an appeal lodged by the Christchurch City Council with the Local Government Commission in respect of ECan's 1995 review, 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's appeal, which resulted in the City's representation being increased from seven to eight members. An extract from the decision made by the Local Government Commission in 1995 is attached as Schedule C.
12. 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:

| <b>Name of Constituency</b> | <b>Comprising</b>                              |
|-----------------------------|--|
| 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 |

13. Christchurch's present representation arrangements need to be reviewed, to reflect:
  - The recent inclusion of Banks Peninsula.
  - The fact that the City's present representation arrangements are based on the 12 former wards, rather than the seven present wards.
14. The following table set outs ECan's current representation arrangements, and the new arrangements proposed as a result of the current review:

| <b>No of Members<br/>(Present)</b> | <b>Name of Constituency</b> | <b>No of Members<br/>(Proposed)</b> |
|------------------------------------|-----------------------------|-------------------------------------|
| 1                                  | Waitaki                     | 1                                   |
| 1                                  | South Canterbury            | 1                                   |
| 1                                  | Ashburton                   |                                     |
|                                    | Rakaia                      | 1                                   |
| 1                                  | Selwyn/Banks Peninsula      | 1                                   |
| 2                                  | Christchurch South          | 2                                   |
| 2                                  | Christchurch North          | 2                                   |
| 2                                  | Christchurch East           | 2                                   |
| 2                                  | Christchurch West           | 2                                   |
| <u>2</u>                           | North Canterbury            | <u>2</u>                            |
| 14                                 | Total                       | 14                                  |

15. If agreed to, the new arrangements will change the shape of the Regional Council constituencies for the Christchurch constituencies, Ellesmere and Ashburton. Some areas of Christchurch, for example, Belfast, Northwood, North Shore through to Spencerville and Brooklands, would become part of an enlarged North Canterbury constituency. Templeton would move out of South Christchurch into Selwyn/Banks Peninsula. Yaldhurst and McLeans Island would move out of West Christchurch into Selwyn/Banks Peninsula.
16. At present, the Christchurch City constituencies (North, South, East and West) run along the Waimakariri River to the north and south along the Port Hills.
17. The other key change proposed is to include Ashburton and the Ellesmere Ward of Selwyn District in the one constituency, which would be renamed Rakaia. At present, the Ellesmere Ward is part of the Selwyn/Banks Peninsula constituency.
18. Under the proposal, the Akaroa/Wairewa and Lyttelton/Mt Herbert communities would remain in the Selwyn/Banks Peninsula constituency, which would spread further north and east into Christchurch and include Yaldhurst, Templeton and McLeans Island.
19. The South Canterbury and Waitaki constituencies remain unchanged under the proposal.
20. In an accompanying news release, Councillor Robert Johnston, Chairman of ECan's Representation Review Committee, stated:

*“The proposal for the four Christchurch city constituencies do contain departures from the existing boundaries brought about by some areas going into Selwyn/Banks Peninsula or North Canterbury and also internal rearrangements. Residents need to focus on whether this proposed internal structure for the Christchurch constituencies is satisfactory or whether these boundaries could be settled with more minor adjustments to the existing system.*

*Overall, the new proposal retains the six out-of-Christchurch, eight-in-Christchurch councillor balance; it retains a separate Waitaki constituency and it has virtual compliance with the Local Electoral Act's plus or minus ten percent population guideline with only one major exception (Waitaki). Importantly, this proposal received unanimous support from all councillors. These are major positive steps.”*

21. 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.

22. Owing to the small population of the proposed Waitaki constituency, ECan's proposal fails to comply with the requirement that the population of each constituency must be similar, within a +/- 10% tolerance. This is a conscious decision by ECan, on the basis that ECan proposes to make a case to the Local Government Commission for the creation of a Waitaki constituency, on the basis that this is necessary to give effective representation of communities of interest.

#### **Christchurch City Representation if Provisions of Legislation Strictly Applied**

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

#### **Review Timetable**

24. The review is being conducted in accordance with the following timetable adopted by ECan:
- Formal submission period 11 August - 13 September 2006.
  - Submissions considered by ECan by 9 October 2006.
  - Public notice of proposal adopted by ECan following the hearing of submissions by 13 October 2006.
  - Appeals/objections in respect of ECan's final proposal 13 October - 14 November 2006.

#### **Unitary Authority**

25. At its meeting on 20 April 2006 the City Council resolved that Council officers be requested to report back to the City Council on the possible formation of a unitary authority, in place of both ECan and the Christchurch City Council. This topic will be the subject of a separate report to a later Council meeting.

#### **Conclusion**

26. If ECan confirms its present proposal following the hearing of submissions, then the proposal must be referred to the Local Government Commission, as it deviates from the +/- 10% population rule. Any appeals/objections lodged by the Christchurch City Council will also be considered at that time by the Local Government Commission.