

3. **LOCAL GOVERNMENT COMMISSION  
DETERMINATION OF THE MEMBERSHIP AND BASIS OF ELECTION**

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The purpose of this report is to advise Councillors of the Determination by the Local Government Commission of the membership and basis of election for the election of the Christchurch City Council to be held on 13 October 2001.

**COMMISSION'S DETERMINATION**

It will be recalled that at its August 2000 meeting the Council resolved that the basis of the 2001 election be the Mayor, 24 members and 12 wards. At that meeting the Council also declined a request from the Spreydon/Heathcote and Hagley/Ferrymead Community Boards to alter the ward boundary between the Heathcote and Hagley wards affecting the Sydenham Business District, an area of Waltham and an area in the Avoca Valley.

Subsequently the Council received an objection from Mr Clearwater in respect of the Council's refusal to alter those ward boundaries and after hearing those objections, the Council reaffirmed its August 2000 decision.

Mr Clearwater subsequently appealed the Council's decision to the Local Government Commission and a hearing was held before the Commission in Christchurch on 12 February 2001.

On 27 March 2001 the Commission released its decision in respect of Mr Clearwater's appeal. A copy of the Commission's decision is tabled.

The Commission's decision covers two areas:

- (a) The specific subject matter of the appeal, namely, the alteration of the ward boundary between the Hagley and Heathcote wards; and
- (b) The wider issue of a review by the Council of the electoral system for Christchurch.

(a) **Hagley/Heathcote Ward Boundary**

The Commission found that Mr Clearwater and his witnesses gave compelling evidence with regard to the Sydenham Business District and the Waltham area that the existing boundary between the Hagley and Heathcote ward did split a long-standing community of interest in those areas and the Commission was satisfied that effective representation of those areas would be enhanced through the transfer from the Hagley ward to the Heathcote ward.

As there was no evidence presented in relation to the proposal that the Avoca Valley area be transferred from Heathcote ward to the Ferrymead ward, the Commission decided that the existing ward boundary in that area be retained.

(b) **Basis of Council Elections**

The Commission noted in its decision that in respect of the Council's proposal for the 1998 elections, the Council acknowledged that the existing ward boundaries divided some communities of interest. The Commission noted that the Council had commissioned a comprehensive and independent review of its electoral arrangements in 1999 but had rejected the recommendations of the local Commissioners and had decided to retain the status quo.

The Commission states that it expects the Council to meet the assurances it has given to the Commission in February 2001 that it will carry out a thorough review of its membership and basis of election for the 2004 elections. The Commission stated in part:

*“Given the recognition that the current ward system divides some communities of interest, the Commission would expect significant substantive changes to be made to the ward system as a result of the review. The Commission also expects the Council to make publicly available its identification and analysis of communities of interest, including options considered for their appropriate grouping into wards and the reasons for deciding on the option that the Council considers best meets the legislative criteria.”*

The Commission also commented on an argument the Council had made regarding the importance of wards having the equality of population. On this point the Commission stated:

*“Under the Local Government Act the Council, in undertaking its review, is required to identify communities of interest requiring separate representation by way of wards, and to determine what would be fair representation for the electors of each ward. In following this legislative approach, the Commission considers it unlikely that ward arrangements designed to appropriately reflect distinct communities of interest requiring separate representation would result in all wards having equality of population. Equality of population is not a prerequisite to achieving fairness of representation.”*

With regard to this issue of a review of the Council's membership for the 2004 election, under the Local Government Act any such review must be completed by 31 August 2003. In practical terms therefore the writer is of the view that any such review would need to be commenced by early 2002, particularly if it is intended to use persons independent of the Council to conduct such a review and also to allow adequate time for public submissions in relation to that review.

## **COMMUNITY BOARD ALTERATIONS**

One consequential effect of the Commission's decision is that as at the date of writing, the ward boundary between the Hagley and Heathcote wards is now different from the community boundary between the Hagley and Heathcote wards.

When the Council decided in August 2000 to set the basis for the 2001 elections, it did so on the basis that all the community boundaries and the ward boundaries would be the same for Christchurch City which has been the norm since 1989. However, technically they are two separate boundaries and there are two different processes for changing those boundaries.

Ward boundaries have a process whereby they are subject to objection to the Council and appeal to the Commission as occurred with Mr Clearwater's appeal.

The community boundary can only be altered by the Council with the consent of the affected community boards and the Council must first give 28 days public notice of its intention to alter a community boundary before it can make a resolution to do so. There is no right of objection to the Council nor a right of appeal to the Commission in respect of alterations of community boundaries.

With the Commission's decision now changing the ward boundary between the Hagley and Heathcote wards there is a need for the Council to alter the community boundary to meet the new ward boundary.

Both the Hagley/Ferrymead and Spreydon/Heathcote Community Boards had resolved in August 2000 that the ward boundaries (and I would include within that resolution an expectation by those Boards that included the community boundaries) be altered to reflect what is now being reached by the Commission's decision (with the exception of Avoca Valley).

Consequently it is necessary for the Council to give the required 28 days public notice in respect of changing the community boundaries regarding the Sydenham Business District and the Waltham area.

- Recommendation:**
1. That the Commission's decision regarding the change of the ward boundary for the Sydenham Business District and the Waltham area be received.
  2. That in early 2002 the Council consider the process whereby the electoral review for the 2004 elections is to be carried out.

3. That pursuant to section 101ZO(4) of the Local Government Act 1974 the Council:
  - (i) Prepare a plan showing the proposed alteration of the boundary of the Hagley/Ferrymead and Spreydon/Heathcote communities to be altered to incorporate the changes regarding the Sydenham Business District and the Waltham area;
  - (ii) That public notice be given that the plan is open for inspection by the public;
  - (iii) That the proposed change to this community boundary be considered by the Council at its meeting on 28 June 2001.

The Chairman comments:

As the person chiefly responsible for giving evidence on behalf of the Council to the Commission, I would like to make some comments, not on the alteration of the ward boundaries, but on other issues the Commission raised.

The Commission refers to "recognition that the present ward system divides some communities of interest". I made this admission in my evidence, but I made it in the context of explaining that, because Christchurch is situated on the edge of the plains and lacks defining geographical features, one suburb merges imperceptibly with another with the result that, wherever the boundaries are drawn, some communities of interest will be divided.

The Commission is eager to see "significant, substantive changes" to the ward system from the next review. The reason for this expectation is not clear. At each review in the past, the Council has carried out consultation on the ward system, and it has been clear that there is widespread support for the current system. In particular, residents groups, who number about 70 and are an important part of grass-roots local government in Christchurch, support the current 12 wards, six communities, 24 councillors and 26 community board members.

In the view of the residents groups, and of the Council, the boundaries proposed by the independent commissioners divided communities of interest more extensively than the status quo. It was for that reason that the Council decided not to adopt the scheme of the independent commissioners and to retain the status quo, which was determined by the Local Government Commission itself in 1989.

It is a matter of considerable surprise to me that the Commission appears not to attach any weight to the outcome of the extensive consultation the Council has engaged in at each review.

**Chairman's**

**Recommendation:** That the above recommendation be adopted.