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22. TIMING OF NEXT CHRISTCHURCH CITY COUNCIL REPRESENTATION REVIEW

General Manager responsible:	General Manager Regulation & Democracy Services, DDI 941-8462
Officer responsible:	Democracy Services Manager
Author:	Lisa Goodman

PURPOSE OF REPORT

1. The purpose of this report is to:
 - (a) Provide the Council with details of the requirements of the local government electoral review process, including the issues of:
 - i) establishing Māori wards, and
 - ii) changing the voting system for the local body elections
 - (b) Seek a decision from the Council on the timing of the next Christchurch City Council Representation Review.

EXECUTIVE SUMMARY

2. The Council is required to review its representation arrangements (a "Representation Review") at least once every six years. The last Representation Review was carried out in 2008/09 for the 2010 local authority election. The Council is not required to undertake another Review until 2014/15 in time for the 2016 election – but does have the option, should it wish, to undertake a Review for the 2013 election, which would need to start immediately and be completed by August 2012.
3. Representation Reviews cover a range of representation issues including the number of councillors, how the latter are elected (at large or by ward), and if wards are preferred what their boundaries and populations should be. They also include whether community boards should be established.
4. One key factor required to be considered for a Review is population. The Local Government Commission has stated it is important that each local authority applies population data that most accurately reflects its current situation. The next Census will not be undertaken until March 2013. Population estimates that are released annually by Statistics New Zealand may be used, however the estimates available for any Representation Review for the 2013 election would be drawn from information taken as at 30 June 2011. This would mean that population information would be used that did not reflect movements across the city from the post earthquake redzoning of residential properties.
5. What could also influence the timing of a Representation Review is the issue of Māori Representation. If a Council decision was made to establish a Māori ward, or there was a successful poll requesting it, one outcome would be to trigger the need for a Representation Review.
6. At any time the Council may decide, or a successful poll could determine, to establish a Māori ward, providing that a threshold of number of voters on the Māori electoral roll has been met. That is currently the case; the numbers on the Māori electoral roll as a ratio of the general Christchurch population are sufficient for one ward to be established. The Local Government Commission advises that local authorities need to consider appropriate consultation at an early stage with iwi and hapu on the issue of Māori representation. Council staff have only recently advised Christchurch Māori of this threshold being met, and there has been insufficient time for both Christchurch Māori and the Council to consider the implications if the Council was looking to make a decision (required by 23 November 2011) to establish a Māori ward for the 2013 election.
7. At any time the Council may decide, or a successful poll could be held, to change the voting system, i.e. to change from First Past the Post (FPP) to Single Transferable Vote (STV). As required by the Local Electoral Act 2001, public notice has already been given of the right for electors to demand a poll on the issue of changing the voting system for the 2013 election.

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8. It is proposed that the Council does not carry out its next Representation Review until 2014/15 in time for the 2016 elections, and delays giving full consideration to the establishment of a Māori ward until that Review is carried out. That will ensure there is sufficient time to consider communities of interest in light of impending population movements, that there is more up to date information on those movements to hand, and that there is sufficient time for Christchurch Māori and the Council to consider the range of scenarios and their implications for Māori representation.

FINANCIAL IMPLICATIONS

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

9. If a Representation Review was to be held for the 2013 elections, no operational funding has been set aside for that. If a Representation Review is held in 2014/15 in time for the 2016 elections, additional funding would be sought in the Council's Long Term Plan.

LEGAL CONSIDERATIONS

Have you considered the legal implications of the issue under consideration?

10. Yes. The main elements of the local electoral legislative framework are the Local Electoral Act 2001 and the Local Electoral Regulations 2001. Local authorities are also required to take into account the Guidelines for Undertaking Representation Reviews provided by the Local Government Commission. Relevant references to the legislation and guidelines are made throughout this report.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

11. Pages 157-161 relating to Democracy and Governance reflect the Council's obligations to comply with the Local Electoral Act 2001 and the Local Electoral Regulations 2001.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

12. Not applicable.

CONSULTATION FULFILMENT

13. No public consultation process is required in relation to decisions taken by the Council on the timing of a representation review, the establishment of Māori wards and/or the election system to be used. Council staff have discussed the recommendations of this report with Te Rūnanga o Ngāi Tahu, Mahaanui Kurataiao Ltd and Te Rūnanga o Ngā Maata Waka. At the time of writing this report informal feedback had not yet been received, and this will be provided to the Council prior to its meeting considering this report.

STAFF RECOMMENDATION

It is recommended that the Council:

- (a) delay giving full consideration to the option of establishing a Māori ward for Christchurch City Council's representation arrangements until the next Representation Review is carried out
- (b) undertake its next Representation Review in 2014/15 in time for the 2016 local authority election, once further population data reflecting post earthquake movements across the city is available.

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14. The Council is required to review its representation arrangements at least once every six years. Such a review must consider:
- The number of Councillors (between 6 and 30 including the Mayor).
 - Whether the elected members (other than the Mayor) are to be elected by the district as a whole or by wards (or a mixture of both systems).
 - If election by wards is preferred, the boundaries and names of those wards and the number of elected members that will represent them.
 - Whether to have Community Boards, and if so how many, what their boundaries and membership should be, and whether to subdivide a community for electoral purposes.
15. Decisions relating to the choice of electoral system, and the establishment of Maori wards/constituencies, are not formally part of the representation review process. Decisions on the establishment of a Maori ward, however, can impact on the representation review process. These impacts are described in paragraph 30 below.

2008/09 Review

16. The Christchurch City Council last carried out a comprehensive representation review in 2008/09. Essentially the "status quo" was retained for the 2010 local body elections, though with small changes to the boundaries of four wards to bring the Riccarton/Wigram and Shirley/Papanui wards into line with the requirements for population equality under the legislation.
17. It is a requirement of a representation review to define communities of interest. The Council noted during the 2008/09 review that the nature of Christchurch communities of interest had not changed markedly since comprehensive reviews of representation were undertaken in 2003/04 and 2005, and that there was little basis to change existing arrangements. In response, the Local Government Commission commented in its 2009 Determination that *"projected population changes across the City also signal the need for a comprehensive review of City-wide arrangements when the Council next undertakes a representation review. This should include the identification and evaluation of a range of ward options. The Council has assured us that this will happen."*

Timing of Next Review – Population Issues

18. While the Council is required to carry out a review at least once every six years, it also has the discretion to undertake a review three years after the last review. This means it could, if it so chose, commence a review process for representation arrangements for the 2013 local body elections. In such a case the Council would need to determine its proposed representation arrangements by 31 August 2012.
19. One critical issue in determining the timing of the next Representation Review is that of population. The Local Government Commission's guidelines for undertaking Representation Reviews state:
- It is important that each local authority applies population data that most accurately reflects its current situation.
 - If a district/region is experiencing significant population changes then the Census information, if more than one year old, is unlikely to provide an accurate picture of the current population of the district/region and its subdivisions. The Commission therefore recommends that in all cases the most recent population estimate is used.

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20. Statistics New Zealand has advised:

- The next Census will be taken on 5 March 2013, with data available in late 2013.
- New population estimates at the territorial authority level were released on 25 October 2011 (these show the population level as at 30 June 2011). They indicate that Christchurch City's population decreased by 8,900 (2.4 percent) in the June 2011 year. This population decrease was due to a net migration loss of 10,600, partly offset by a natural increase of 1,700.
- New estimates for area units within Christchurch (as at 30 June 2011) will be released on 19 December 2011.
- New estimates for wards and community board areas within Christchurch (as at 30 June 2011) will be released in late January 2012.

21. Prior to the earthquakes there was projected population expansion of Christchurch population in the southwest area. It is not yet known what impact the red zone residential areas will have on the southwest and other areas of Christchurch, though it can be assumed there will be some impact for a number of wards. If the Council undertook a Representation Review for the 2013 election, on the basis of population estimates that do not take into account population movements due to movement from the red zone areas, then the Council would be highly likely to have to undertake another Review in 2016.

22. The Council is not required to formally give consideration to the timing of the next comprehensive review, however, this information is provided as an opportunity for Councillors and the general public to be informed of the key issues. In any case, the Council also needs to be aware of two issues that could have an impact on the timing of the next representation review: Māori representation and the voting (electoral) system.

Maori Representation

23. The statutory provisions for establishing Māori wards for electoral purposes are set out in sections 19Z to 19ZH of the Local Electoral Act. At any time a decision to establish Māori wards can be made, i.e. it does not have to fit into a Representation Review Process. Such a decision can be initiated in two ways:

- a) a local authority may resolve that its district be divided into one or more wards, or
- b) a poll of electors of the local authority be held to determine the issue.

24. A poll can arise from either:

- a) a Council decision to conduct a poll, or
- b) a public demand. Five percent of electors may demand a poll at any time on whether a district or region should be divided into one or more Māori wards or constituencies.

25. Prior to contemplating any decision or poll around the establishment of Māori wards, however, a mathematical calculation must be made to determine whether (and if so, how many) members could be elected from Māori wards or constituencies, otherwise the debate around making such a decision is an academic one (Schedule 1A of the Act, section 2(1), (2) and (3)). This calculation is as follows:

$$\text{Formula: } nmm = (mepd / (mepd + gepd)) \times nm$$

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26. The general electoral population (gepd) and the Māori electoral population (mepd) are defined in section 3 of the Electoral Act 1993. The general electoral population is the total ordinarily resident population at the last census less the Māori electoral population. The Māori electoral population is a calculation based on the number of electors on the Māori roll and proportions of those of Māori descent not registered and those under 18 years of age. The Māori electoral population and the general electoral population are calculated by Statistics New Zealand
27. With current population data available (as at 30 June 2010¹), the calculation for Christchurch City Council is as follows:

mepd	Maori electoral population of the district	19,750
gepd	General electoral population of the district	356,900
nm	Proposed number of members of the territorial authority (other than the Mayor)	13
nmm	Number of Maori ward members	0.68

28. If the number of the Māori ward members calculated includes a fraction, the fraction must be disregarded unless it exceeds a half (.5). If the fraction exceeds a half, the number of Māori ward members must be the next whole number, i.e. one. The calculation in paragraph 27 above shows that, based on the current membership of 13 Council members (excluding the Mayor), one Māori ward member could be elected as the threshold used to qualify for the election of at least one member under the Local Electoral Act 2001 has been met.
29. If a Council resolution or poll demand for a Māori ward is to apply for the next triennial election (i.e. 2013), they must be made within a particular timeframe. Further information is provided in paragraph 36 below.
30. It should be noted that if, as a result of a resolution or a poll, a Māori ward was to be established, it would trigger the need for a Representation Review. The Local Electoral Act requires (Schedule 1A, clauses 1 and 3) that a comprehensive review of the representation arrangements of the local authority be undertaken. Key requirements of such a review in relation to Māori representation are outlined as **Attachment One**.

Electoral (Voting) System

31. The statutory provisions for changing a local authority's electoral system are set out in sections 27 to 34 of the Local Electoral Act.
32. The Local Electoral Act 2011 offers the choice between two electoral systems for local government elections: first past the post (FPP) and the single transferable vote (STV). Six Councils used STV at the 2010 elections, down from eight at the 2007 elections.
33. At any time a decision to establish change the electoral system can be made, i.e. it does not have to fit into a Representation Review Process. Such a decision can be initiated in two ways:
- a) a local authority may resolve to change its electoral system, or
 - b) a poll of electors of the local authority be held to determine the issue.
34. A poll can arise from either:
- a) a Council decision to conduct a poll, or
 - b) a public demand. Five percent of electors may demand a poll at any time on whether a specified electoral system may be used at the election of a local authority.

¹ New estimates of the Maori and general electoral population, at 30 June 2011, for all subnational geographies (regional council areas, territorial authority areas, wards etc) are likely to be available in mid-February 2012

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35. If a Council decision or poll demand to change the voting system is to apply for the next triennial election, they must be made within particular timeframes. Information on those timeframes that would apply for a Council resolution or poll demand to be made in time for the 2013 local body elections is provided below.

Comment

36. If a Council decision or valid poll for a Māori ward, or change in voting system, were intended to apply for the 2013 elections, these are the key steps and timeframes required:

12 September 2011	Deadline for any Council resolution to change the <i>voting system</i> (optional – note: this date has passed and therefore a Council decision could not apply for the 2013 elections)
19 September 2011	Deadline for public notice of the right for electors to demand a poll on the <i>voting system</i> (mandatory – note: this has already been actioned)
23 November 2011	Deadline for any Council resolution to establish <i>Māori wards</i> to apply for next triennial election (optional)
30 November 2011	Deadline for public notice of any Council resolution to establish <i>Māori wards</i> , to include a statement that a poll is required to countermand that resolution
28 February 2012	Last date for a valid demand for a poll, or for any Council resolution to hold a poll on <i>Māori representation</i> Last date for a valid demand for a poll on the <i>voting system</i>
21 May 2012	Last date for a poll to be held on <i>Māori representation</i> Last date for a poll to be held on the <i>voting system</i> for 2013 elections

If, as a result of a Council resolution or a poll, Māori wards or constituencies are to apply for triennial local elections, the Act requires that a review of representation arrangements be held

31 August 2012	Local authority determines proposed representation arrangements including provision of Māori wards/constituencies
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37. Given that:

- a) any Representation Review for the 2013 local body elections would need to get underway immediately and be concluded by 31 August 2012
- b) the 2011 Census, which will provide updated information on population changes, has been delayed to 2013 and that in the meantime the annual population estimates as at June 2011 do not take into account all population movements that will arise from the rezoning of residential properties post earthquake
- c) the Local Government Commission's comments in paragraph 17 above around communities of interest/population changes would mean considerable time and resource would need to be dedicated to the next Review
- d) there has been insufficient time for both the Council and Christchurch Māori to engage on the issue of establishing a Māori ward,

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staff are proposing that:

- a) a decision not be made on the issue of establishing a Māori ward at this point in time, and
 - b) the next Representation Review be carried out in 2014/15 in time for the 2016 elections
38. In 2014/15 there will be more up to date population information available, and more time to consider appropriate resourcing, to carry out an accurate and comprehensive review. There will also be more time to fully consider the implications of establishing a Māori ward.