



## Southern Canterbury Councils Joint Submission

**To:** Environment Canterbury

**Topic:** Initial Proposal for Representation Arrangements for Environment Canterbury 2019 Elections

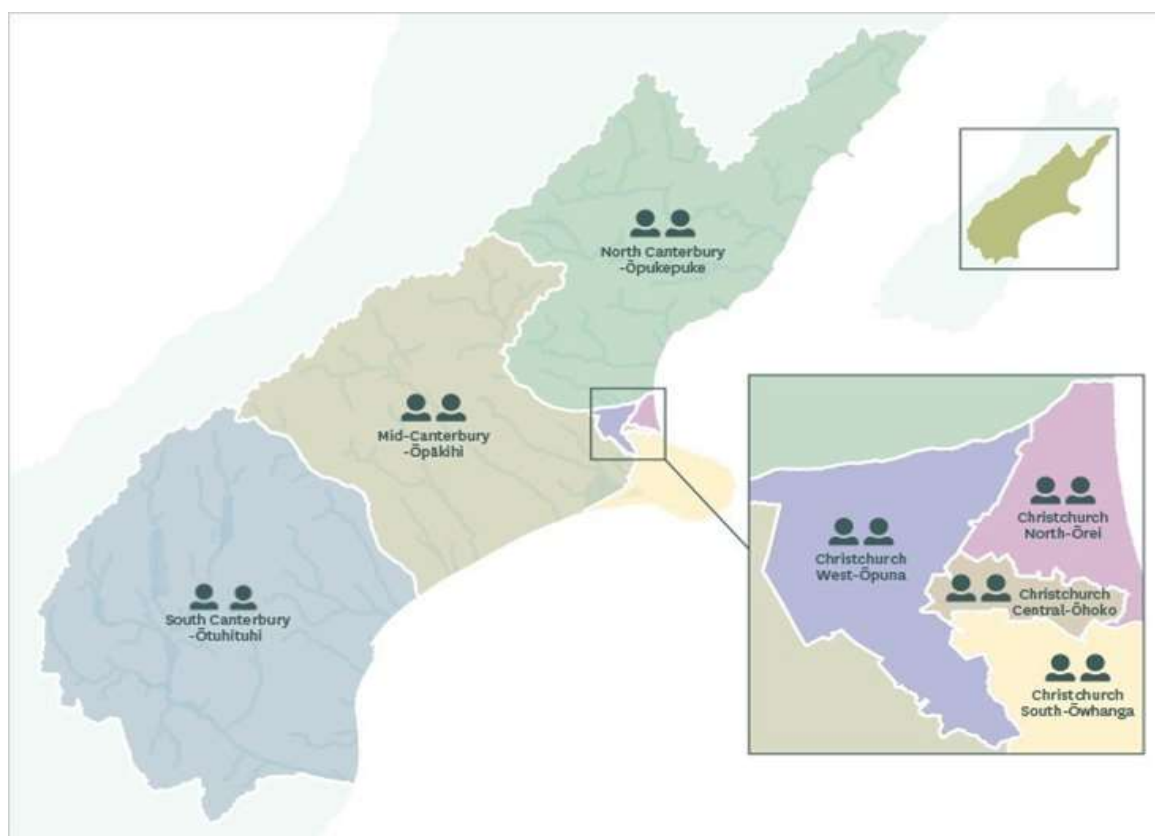
**Date:** 27 July 2018

**Submitters:** Mackenzie District Council, Timaru District Council, Waimate District Council, Waitaki District Council – referred to as the Southern Canterbury Councils

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**Hearings:** Representatives from the Southern Canterbury Councils wish to speak to this submission.

**Proposal:** The Southern Canterbury Councils proposal is for fair democratic representation through the election of two South Canterbury Representatives.



# Submission on the Initial Proposal for Representation Arrangements for Environment Canterbury 2019 Elections

## EXECUTIVE SUMMARY

- 1 The Southern Canterbury Councils agree that:
  - a **Effective representation** must be at the core of Environment Canterbury's (ECan) future governance structure
  - b An examination of ECan's governance structure must have regard to the **divergent interests** between metropolitan Christchurch and rural Canterbury
  - c The current electoral model predicated as it is on equal representation plus or minus 10% presents a number of **problematic issues** given the **distribution of Canterbury's population**.
  - d South Canterbury (including part of the Waitaki District) makes up **39.84%** of the total area of the Canterbury region, and as such, the current proposal is unsatisfactory as representation should not be predominately a population driven model, but rather **focused on a number of factors** including land area, population, complexity and the diversity of the region.
- 2 We therefore submit that our region requires **two representatives** in the South Canterbury constituency

## SOUTHERN CANTERBURY COUNCILS PROPOSAL

- 3 Environment Canterbury's representation prior to 2010 consisted of **14 elected members, two being located in the South Canterbury constituency**. This representation model worked successfully.
- 4 The Southern Canterbury Councils support **a return** to the **14 elected member Council** from seven constituencies. We support Environment Canterbury's proposed three Canterbury constituencies of North, Mid and South Canterbury and Christchurch City's 4 constituencies of North, West, Central and South Christchurch.
- 5 In our proposal all constituency boundaries align with territorial authority and city ward boundaries.
- 6 The Southern Canterbury Councils are aware that the 14-member option was discussed on 21 June 2018 at the Environment Canterbury Council Meeting. We are extremely disappointed that this option was not supported. As the report stated:  
  
*"The proposal for 1 member in South Canterbury does not comply with section 19V(2) (+/-10% rule) and would result in under representation (a +30.20 % deviation from the regional average councillor to elector ratio).*

- 7 The following table, presented in the 21 June 2018 report to the Environment Canterbury meeting by Team Leader Governance Services, reflects the fairness of our proposal:

33. **14 councillors from 4 constituencies (3 Canterbury, 1 Christchurch (2-2-2-8))**

Total estimated population (June 2017) 612,280 / 14 Councillors = 43,734  
Range +/- 10% = 39,361 to 48,107

4 Constituencies	Population	No. of Councillors per constituency	Population per councillor	Deviation from region average (43,734)	Percentage deviation from region average	+/-10%
North Canterbury	75,800	2	37,900	-5,834	-13.34	No
Mid-Canterbury	93,440	2	46,720	+2,986	+6.83	Yes
South Canterbury	61,320	2	30,660	-13,074	-29.90	No
Christchurch	381,720	8	47,715	+3,981	+9.10	Yes
	612,280	14				

This option creates two constituencies that do not comply with the +/- 10% rule, namely North and South Canterbury Constituencies are over represented.

- 8 On this model South Canterbury will always be deemed to be “over” or “under” represented. Given the other factors that have been raised in this submission, under representation **is not an acceptable position**.
- 9 The Initial Proposal does not clearly indicate the reasons for Environment Canterbury’s decision in the context of the Local Electoral Act, particularly relating to its decision for non-compliance with the +/-10% rule.

Reasons stated in the Act under Section 19V(3)b:

- *if the regional council or the Commission considers that effective representation of communities of interest so requires, constituencies may be defined and membership distributed between them in a way that does not comply with subsection (2).*

## KEY REASONS FOR SOUTHERN CANTERBURY COUNCIL'S PROPOSAL

### Democracy

- 10 The Southern Canterbury Councils believe that **fair representation** is paramount. The large and well represented metropolitan population vs the widespread and under-represented rural population as proposed by Environment Canterbury contradicts this. We argue there is more than sufficient reason for the **population-based model** to be disregarded in this circumstance. If, in the context of the Local Electoral Act, a proposal to be under-represented by 30% is acceptable, we fail to understand why a proposal to be over represented by 30% is any less acceptable.
- 11 In a New Zealand context, the Southern Canterbury Councils do not believe that a return to 14 Councillors for the Canterbury Regional Council is excessive. Canterbury has the largest population of all Regional Councils in NZ (estimated 612,100<sup>1</sup>). Many Regional Councils (e.g. Waikato, Bay of Plenty, Wellington) have at least 13 elected members. If the current proposal stands, the Canterbury region population will be the most-under represented regional Council population in New Zealand (based on current Council representation models). Each Councillor will represent 47,085 people.
- 12 Returning to the pre-Commissioner '14 Elected Representatives' model is the **only way** to achieve a fair governance model across Canterbury. We believe the below statements on democracy need to be observed:
  - a Democracy provides representation with the constitution limiting the majority and protecting the minority
  - b Democracy is a system of processing conflicts in which outcomes depend on what participants do, but no single force controls what occurs and its outcomes
  - c Democracy is where all forces struggle repeatedly for the realization of their interests
  - d Democracy is relevant to interest, not only to population

### Divergent Interests

- 13 For Environment Canterbury to reflect effective democratic representation it is imperative that its governance structure represents the strong **divergent interests** between metropolitan Christchurch and rural Canterbury.
- 14 The Southern Canterbury Councils submit that **communities of interest** centre on demographics and geography, and resources such as fresh water and its allocation.
- 15 While Environment Canterbury's governing legislation is the Local Government Act 2002, resource management, and in particular freshwater and land use management, dominate its functions.
- 16 Under the proposed model the rural constituency achieves very **limited representation** within Environment Canterbury.
- 17 The Southern Canterbury Councils believe the proposed representation model presents a predicament where the rural communities, which have a substantial interest and

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<sup>1</sup> Local Government Commission 2018 Representation Tables 2017 estimates.xlsx,  
[www.lgc.govt.nz/representations-reviews/about-representation-reviews](http://www.lgc.govt.nz/representations-reviews/about-representation-reviews)

concern with the management and allocation of freshwater and land use, are largely **shut out from the decision-making**.

- 18 It is strongly believed the two communities of interest (metropolitan and rural) **cannot be achieved** under a purely population driven governance model.
- 19 There are widely known differing and conflicting interests between rural/farming and metropolitan environments.
- 20 The presence of Environment Canterbury's operational team based in Timaru, and the Canterbury Water Management Zone Committees **is not** in any way a substitute for locally based democratically elected representation.

### **Geographical Representation**

- 21 The difficulty of one person being able to represent such a broad, diverse and geographically challenging area is under-estimated. Obtaining the balance **of skills, expertise and knowledge of various areas** in the region is important.
- 22 The total land area of Environment Canterbury is 45,332 square kilometres. The total land area of the South Canterbury Constituency (proposed) is 18,062 square kilometres, which is 39.84%, well over **a third** of the **total Canterbury area**.
- 23 Southern Canterbury has significant resource management issues across its diverse landscapes and waterways that deserve direct representation from more than one Councillor. It is a large and diverse area with complex challenges.
- 24 The Southern Canterbury Councils believe 14 elected members would ensure representation across Canterbury **better reflects the rural communities of interest** in geographically large but sparsely populated areas, and ensures their **resource management interests** are effectively represented. Enabling a greater sharing of workload amongst more Councillors can only provide benefit to the governance of Environment Canterbury and Southern Canterbury communities.
- 25 South Canterbury including part of Waitaki had been previously successfully represented by **two Councillors** before the Government Commissioners were appointed to govern Environment Canterbury. Therefore, we believe **this should be reinstated** with the return to full democracy. We question the reason and need for any change/reduction in the pre-Commissioner representation. We also note that no other constituency is being asked to reduce representation.
- 26 We point out Environment Canterbury initially discussed member numbers below 12, being 11 to the minimum of 6. This reduction of representatives was discarded early as it presented **significant challenges** for maintaining fair and effective representation across the region. We suggest that this same thinking should be applied to determine the need for two South Canterbury representatives.
- 27 The Southern Canterbury Councils acknowledge that the Local Government Commission, under Section 19V of the Local Electoral Act, will make the final decision on Environment Canterbury representation. While acknowledging the limitations of the Local Electoral Act, the Southern Canterbury Councils are disappointed that in the context of the last eight years of the central government influence over the makeup of Environment Canterbury, that the Council has not been able to determine their own destiny via the Representation Review process.

## CONCLUSION

- 28 The Southern Canterbury Councils firmly reiterate that in this instance there are **extenuating circumstances** where the population-based model is not the most appropriate governance model, and that the representation level return to pre-Commissioner period.
- 29 The Southern Canterbury Councils firmly submit the most appropriate governance model for Environment Canterbury is for a 14 Elected Member make up, including **two representatives in the South Canterbury constituency**, not one as proposed in Environment Canterbury's Representation Proposal.
- 30 We believe our proposed model will address the structural divide between metropolitan Christchurch and rural Canterbury and their differing interests. Only when this is achieved will there be an **enduring governance model** for the Canterbury region.
- 31 Returning to the pre-Commissioner '14 Elected Representatives' model is the **only way to achieve fair governance** model across Canterbury.
- 32 We look forward to elaborating on this submission at the hearings.