

## Objection to proposed Environment Canterbury representation arrangements

### Objector

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I wish to be heard if meeting/s are held under s.19R(2) of the Local Electoral Act 2001

### Introduction

As a resident of the proposed Christchurch Central-Ōhoko Constituency, I strongly object under s.16P of the Local Electoral Act 2001 (the Act) to the proposed Environment Canterbury's (ECan) representation arrangements of 14 councillors in total, including two councillors for the South Canterbury-Ōtuhituhi Constituency (the current proposal).

I urge the Local Government Commission (the Commission) to reject the current proposal of ECan, and replace it with the preferred option put to the ECan meeting of 21st June 2018, of 13 councillors in total and only one South Canterbury-Ōtuhituhi councillor, (the original preferred option).

See Appendix One for the current proposal, and Appendix Two for the original preferred option.

My reasons are as follows:

#### 1. Fair and effective representation

In s.4(1)(a) of the Local Electoral Act 2001 (the Act), the principles of the Act are **fair and effective representation for individuals and communities**.

S.19V Requirement for fair representation and other factors in determination of constituencies,  
(1) In determining the number of members to be elected by the electors of any constituency, the regional council and, where appropriate, the Commission must ensure that **the electors of the constituency receive fair representation**, having regard to the population of every constituency within the region.

Fair and effective representation should have been the central consideration of ECan when they made their decision, and they erred in not complying.

- a) Fewest possible constituencies breaching the 10% rule - the original preferred option was the fairest of the available options. It resulted in only three constituencies breaching the 10% rule required by s.19V(2). Namely, under representation in South Canterbury-Ōtuhituhi, and over representation in North Canterbury-Ōpukepuke, and Christchurch South-Ōwhanga.

The current proposal has four constituencies breaching the 10% rule. Namely under representation in Christchurch North East-Ōrei, Christchurch Central-Ōhoko. And over representation in South Canterbury-Ōtuhituhi North Canterbury-Ōpukepuke

It should also be noted that under the current proposal, the Christchurch West-Ōpuna Constituency narrowly avoids breaching the rule too, at under representation of 9.41%.

It is unfortunately not possible to make representation arrangements in Canterbury where no constituency breaches the 10% rule. But when ECan initially investigated a large number of options for representation, it rightly concluded that the original preferred option was the fairest available option.

In making this decision, it considered the current proposal, but did not endorse it as the preferred option. As noted in the original ECan paper, “it was not possible to achieve compliance and in this case the principles of fair and effective representation are balanced between one area [namely South Canterbury-Ōtuhituhi] and the remainder of the region”.

- b) Balance between urban and rural constituencies – the current proposal results in rural constituencies having six councillors, and urban constituencies having eight councillors.

Or to put it another way, a population of 230,560 rural Canterbury constituents have six councillors, or 38,426 constituents per councillor. While the population of 381,720 Christchurch constituents have eight councillors, or 47,715 constituents per councillor. This is manifestly unfair to Christchurch constituents.

Under the original preferred option, there was still a slight skew towards rural constituents, but it was much less. Namely 46,112 constituents per rural councillor, compared to the 47,715 constituents per Christchurch councillor. This is clearly the fairer option.

- c) Adequate representation of the South Canterbury-Ōtuhituhi is permitted with one councillor. It does not have any significant geographical, demographic or community considerations that justify over representation, when the result is such unfairness to other constituencies in the region.
- d) ECan allowed the representation process to be hijacked by a small minority South Canterbury-Ōtuhituhi constituents, many of whom are likely to have vested interests. The lack of submissions from Christchurch constituents probably reflects their satisfaction with the original preferred option.

The submissions process did not introduce anything ECan had not already considered in developing the original preferred option. The current proposal is neither fair, nor democratic. I believe the Act requires the decision of the Commission to cover these very circumstances, where there has been manipulation of the process.

- e) ECan erred in considering that the significant ECan work already taking place in South Canterbury, and the increasing focus on freshwater management, indigenous biodiversity and land management means South Canterbury-Ōtuhituhi constituents should have greater representation.

The risk of capture of ECan seats by vested South Canterbury interests, means the current proposal may in fact create adverse effects to ECan’s mandated activities. Given the problems with water and land degradation, and biodiversity caused by current practices, it is more

important than ever that there is a whole of region response, not one where rural constituencies, and South Canterbury-Ōtuhituhi in particular have undue influence.

- f) The current proposal was decided by a council that is not fully democratically elected, and so does not necessarily represent the interests of all constituents. Canterbury needs the Commission to step in, so as to comply with the provisions of the Act, and provide the whole of Canterbury with fair and effective representation.
- g) The current proposal will render my vote for an ECan councillor of over 40% less value than that of a voter in South Canterbury-Ōtuhituhi. This is unfair and unacceptable, when a much better option exists.

#### Effective representation of communities of interest

S.19V(3) of the Act requires that despite subsection (2),—  
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).

- a) ECan erred by prioritising the community of interest of South Canterbury-Ōtuhituhi at the expense of Christchurch North East-Ōrei and Christchurch Central-Ōhoko (and to a lesser extent Christchurch West-Ōpuna).
- b) There is a community of interest between the rural constituencies of South Canterbury-Ōtuhituhi, Mid Canterbury-Ōpākihi, and North Canterbury-Ōpukepuke; and a community of interest between the Christchurch constituencies of West-Ōpuna, Christchurch South-Ōwhanga, Christchurch North East-Ōrei and Christchurch Central-Ōhoko. ECan erred by significantly prioritising rural communities of interest over the communities of interest of Christchurch.
- c) ECan erred in considering the large land area of the South Canterbury-Ōtuhituhi, given the small size of their population, as a factor relevant to effective representation of the South Canterbury-Ōtuhituhi community of interest.

#### Practicable in the circumstances

S.4(2) of the Act requires Local authorities, electoral officers, and other electoral officials must, in making decisions under this Act or any other enactment, take into account those principles specified in subsection (1) that are applicable (if any), **so far as is practicable in the circumstances**.

- a) S.4(2) does not allow the principles of the Act to be ignored, but rather acknowledges that a result which completely complies with the principles of the Act may not always be possible because of demographic, geographical and community considerations.

However, in this case there is a practicable option to achieve a fairer outcome and give better effect to the principles of the Act than the one chosen by ECan, namely the original preferred option.

## Conclusion

For the above reasons, I urge the Commission to exercise its powers under the Act to replace the current proposal with the original preferred option to restore democratic and fair regional council representation to Canterbury.

## Appendix One – the current proposal

At the ECan meeting of 23<sup>rd</sup> August 2018, the current proposal for representation was agreed, namely:

Total estimated population (June 2017) 612,280 / 14 Councillors = 43,734

Range +/- 10% = 39,361 to 48,107

7 Constituencies	Population	No. of Councillors per constituency	Population per councillor	Deviation from region average (43,734)	Percentage deviation from region average	+/-10%
North Canterbury-Ōpukepuke	75,800	2	37,900	-5,834	-13.34	No
Mid-Canterbury-Ōpākihi	93,440	2	46,720	+2,986	+6.83	Yes
South Canterbury-Ōtuhituhi	61,320	2	30,660	-13,074	-29.90	No
Christchurch North East-Ōrei	100,400	2	50,200	+6,466	+14.79	No
Christchurch West-Ōpuna	95,700	2	47,850	+4,116	+9.41	Yes
Christchurch Central-Ōhoko	103,300	2	51,650	+7,916	+18.10	No
Christchurch South-Ōwhanga	82,320	2	41,160	-2,574	-5.89	Yes
	<b>612,280</b>	<b>14</b>				

## Appendix Two – the original preferred option

At the ECan meeting of 21<sup>st</sup> June 2018, in a paper put to the ECan meeting, the preferred option for representation was presented, namely

Total Canterbury population: 612,280 / 13 = 47,098

Range +/- 10% = 42,389 to 51,807

7 Constituencies	Population	No. of Councillors per constituency	Population per councillor	Deviation from region average (47,098)	Percentage deviation from region average	+/-10%
North Canterbury	75,800	2	37,900	-9,198	-19.53	No
Mid-Canterbury	93,440	2	46,720	-378	-0.80	Yes
South Canterbury	61,320	1	61,320	+14,222	+30.20	No
Christchurch North	100,400	2	50,200	+3,102	+6.59	Yes
Christchurch West	95,700	2	47,850	+752	+1.60	Yes
Christchurch Central	103,300	2	51,650	+4,552	+9.67	Yes
Christchurch South	82,320	2	41,160	-5,938	-12.61	No
	<b>612,280</b>	<b>13</b>				