



Determination

of representation arrangements to apply for
the election of the Canterbury Regional Council
to be held on 12 October 2019

Background

1. All regional councils are required by section 19I of the Local Electoral Act 2001 (the Act) to review their representation arrangements at least every six years. These reviews are to determine the number of constituencies, the name and boundaries of constituencies and the number of councillors to be elected by each constituency.
2. The Canterbury Regional Council, branded Environment Canterbury, (ECAN) last reviewed its representation arrangements prior to the 2007 local elections. It was required by the Environment Canterbury (Transitional Governance Arrangements) Act 2016 to undertake a review prior to the next elections in October 2019.

The 2007 review

3. The representation review carried out by ECAN prior to the 2007 local elections was ultimately determined by the Commission as three constituencies did not comply with the '+/-10%' rule in section 19V(2) of the Act, and because there were several appeals and objections against ECAN's proposal.
4. ECAN's initial proposal was as follows:

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region average population per councillor
North Canterbury	73,620	2	36,810	-380	-1.02
Christchurch North	79,230	2	39,615	+2,425	+6.52
Christchurch West	81,290	2	40,645	+3,455	+9.29
Christchurch East	80,620	2	40,310	+3,120	+8.39
Christchurch South	81,130	2	40,565	+3,375	+9.08
Selwyn-Banks Peninsula	36,870	1	36,870	-319	-0.86
Rakaia	32,480	1	32,480	-4,709	-12.66
South Canterbury	43,100	1	43,100	+5,911	+15.89
Waitaki	12,300	1	12,300	-24,889	-66.93
Total	520,640	14	37,190		

* Based on 2011 population estimates

5. The arrangements determined by the Commission were as follows:

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region average population per councillor
North Canterbury	68,840	2	34,420	-2,769	-7.45
Christchurch North	80,400	2	40,200	+3,010	+8.09
Christchurch West	81,680	2	40,840	+3,651	+9.82
Christchurch East	84,170	2	42,085	+4,896	+13.17
Christchurch South	83,410	2	41,700	+4,511	+12.13
Selwyn-Banks Peninsula	36,870	1	36,870	-319	-0.86
Rakaia	32,480	1	32,480	-4,709	-12.66
South Canterbury	55,400	2	27,700	-9,489	-25.52
Total	520,640	14	37,189		

* Based on 2011 population estimates

Commissioner control

6. In 2010 the Environment (Temporary Commissioners and Improved Water Management) Act 2010 was enacted by Parliament. This Act provided for Environment Canterbury's elected members to be replaced by commissioners appointed by the Minister for the Environment and the Minister of Local Government. Elections for members of Environment Canterbury were not to be held in 2010 and 2013 and no representation review was carried out during that period.
7. The Environment Canterbury (Transitional Governance Arrangements) Act 2016 provided that at the 2016 local elections seven members would be elected. The remainder of the council was to comprise between three and six appointed members.
8. The elected members for the 2016 local elections were to be elected from the following constituencies.

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region average population per councillor
North Canterbury	75,800	1	75,800	-11,643	-13.31
Christchurch	381,500	4	95,375	+7,932	+9.07
Mid-Canterbury	93,500	1	93,500	+6,057	+6.93
South Canterbury	61,300	1	61,300	-26,143	-26.90
Total	612,100	7	87,443		

* Based on 2017 population estimates

9. These arrangements were set out in the 2016 Act and did not have to be designed with regard to the criteria contained in the Local Electoral Act.

10. The 2016 Act also provided that the entire council would be elected at the 2019 local elections and that a representation review was to be carried out to determine membership arrangements for those elections.

The current review

11. Prior to deciding on its initial proposal ECAN considered nine options. These were discussed by councillors in a series of workshops. Subsequently, on 21 June 2018 ECAN resolved its initial proposal which was for:
- A 13-member council
 - retention of the North Canterbury, Mid-Canterbury and South Canterbury constituencies (from the transitional constituency arrangements) with these being based on the boundaries of territorial authority districts
 - division of Christchurch City into four constituencies based on groupings of wards
 - each constituency to have a dual English/Māori name
12. The specific membership arrangements proposed by ECAN were as follows.

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region average population per councillor
North Canterbury/ Ōpukepuke	75,800	2	37,900	-9,198	-19.53
Christchurch North/ Ōrei	100,400	2	50,200	+3,102	+6.59
Christchurch West/ Ōpuna	95,700	2	47,850	+402	+0.86
Christchurch Central/ Ōhoko	103,300	2	51,650	+5,102	+10.83
Christchurch South/ Ōwhanga	82,320	2	41,160	-6,138	-13.03
Mid-Canterbury/ Ōpakihi	93,440	2	46,720	-378	-0.80
South Canterbury/ Ōtuhituhi	61,320	1	61,320	+14,222	+30.20
Total	612,280	13	47,098		

* Based on 2017 population estimates

13. Sixty-four submissions on the initial proposal were received. Of these:
- 27 submissions supported the initial proposal
 - 20 submissions requested an additional member for the South Canterbury/Ōtuhituhi Constituency and a council of 14 members
 - Other submissions sought other variations to ECAN’s proposal
14. After considering submissions ECAN made the following changes to its initial proposal:
- The total number of members was increased from 13 to 14

- The number of members to be elected from the South Canterbury/Ōtuhituhi Constituency was increased from one to two
- The name of the Christchurch East/Ōrei Constituency was changed to Christchurch North East/Ōrei.

15. The final proposal therefore provided the following arrangements.

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region average population per councillor
North Canterbury/ Ōpukepuke	75,800	2	37,900	-5,834	-13.34
Christchurch North East/ Ōrei	100,400	2	50,200	+6,466	+14.79
Christchurch West/ Ōpuna	95,700	2	47,850	+4,116	+9.41
Christchurch Central/ Ōhoko	103,300	2	51,650	+7,916	+18.10
Christchurch South/ Ōwhanga	82,320	2	41,160	-2,574	-5.89
Mid-Canterbury/ Ōpakihi	93,440	2	46,720	+2,986	+6.83
South Canterbury/ Ōtuhituhi	61,320	2	30,660	-13,074	-29.90
Total	612,280	14	43,734		

* Based on 2017 population estimates

16. ECAN notified its final proposal on 29 August 2018, including advice of the non-compliance of four proposed constituencies with the statutory fair representation requirement, and invited appeals by 1 October 2018.
17. Given the non-compliance of four of the constituencies, ECAN was required under section 19V(4) of the Act to refer its proposal to the Commission for determination.

Appeals and objections against council's final proposal

18. Five appeals and 196 objections against the proposal were received. The appellants and objectors are listed in Appendix A.
19. Virtually all the appeals and objections express opposition to the non-compliance of some constituencies with the +/-10% rule and seek arrangements that do comply. The concerns expressed centre around perceived unfairness in the value of votes cast in different constituencies, that this benefits rural constituencies at the expense of urban constituencies. Some submissions argue that this is in breach of the New Zealand Bill of Rights Act and the Local Electoral Act. Some appeals and objections refer to the impact they see this having on ECAN's decision-making about water allocation, water quality and land use while others see the non-compliance as delaying ECAN's return to full democracy following the period when ECAN was run by appointed commissioners.

20. A small number of appeals and objections raised other matters. They are:
- A call for two Christchurch constituencies rather than four
 - A request (rather than an objection) for the public to be better informed about the roles and responsibilities of ECAN and ECAN's Water Zone committees
 - A general concern with ECAN's decisions and activities
21. Some objections also sought outcomes that are not permitted by the Local Electoral Act:
- A South Canterbury Constituency with two members but one vote between them
 - A 19-member council (the maximum allowable number of members being 14)

Hearing of appeals

22. The Commission met with ECAN and the ten appellants and objectors who wished to appear at a hearing held in Christchurch on 21 March 2019.
23. ECAN was represented by the chairperson Stephen Lowndes and member David Caygill, assisted by council staff.
24. Those appellants and objectors appearing at the hearing were:
- Greenpeace NZ (represented by Genevieve Toop)¹
 - Sue Piercey
 - Denis O'Connor
 - Daniel Murphy
 - Charles Drace
 - Stephen Howard
 - Concerned Canterbury Citizens for Fair Representation (represented by Keir Leslie, Phil Clearwater and Martin Ward)
 - Choose Clean Water NZ (represented by Marnie Prickett)²
 - Mariann Matai (represented by Axel Wilke)
 - Kyle Sutherland

Matters raised at hearing and in appeals

Environment Canterbury

25. Key points made by ECAN included:
- The appellants and objectors have focused on fair representation, but decisions on constituencies need to take into account both fair representation and effective representation. The +/-10% rule is not absolute.

¹ Appeared by videoconference.

² Appeared by videoconference.

- Effective representation should be considered first as it relates to the number of constituencies and their boundaries; fair representation should be considered next as it relates to the allocation of members to those constituencies
- The Rangitata River forms the logical northern boundary of South Canterbury, and Ashburton looks towards Christchurch rather than Timaru
- The South Canterbury Constituency (both existing and proposed) is a large area and the issues relating to it generates a great deal of work for regional councillors

Greenpeace NZ

26. Greenpeace NZ had appealed because regional councils are responsible for setting and enforcing environmental rules and the composition of a council impacted on how that is done. ECAN's proposal resulted in an imbalance of power in this respect. It also placed a constraint on ECAN reverting to full democracy. Greenpeace believed that the intention of the Local Electoral Act was that representation should provide for fair and effective representation and the proposal did not do so.

Sue Piercey

27. Sue Piercey rejected the idea that there is a rural-urban divide and herself was equally concerned about city and rural environments. She considered that the law as stated in section 19V(2) should be applied as stated and not breached. In particular she did not think that a group of people should gain more of a say because they live in a large geographic area. Her preference would be constituencies based not on territorial authority boundaries but purely on equality of population.

Dennis O'Connor

28. Dennis O'Connor had appealed on his own behalf but was also conveying the views of the Spreydon Neighbourhood Network. He strongly objected to ECAN's proposal believing that it unfairly advantaged one sector of the region amounting to a gerrymander. He believed that the proposal was a squandering of the region's re-acquired democratic rights. He acknowledged the travel demands larger constituencies could create but considered these could be eased by ECAN providing appropriate support and the use of technology.

Daniel Murphy

29. Daniel Murphy said that as a tourism operator for 20 years he had become concerned about changes in the environment, particularly in the Mackenzie Country, much of that related to conversion of farmland to dairying. He did not believe that current arrangements were working to deal with such issues. He considered that a system based on "one person/one vote" is the appropriate way to provide governance arrangements for the region to deal with ECAN's environmental responsibilities.

Charles Drace

30. Charles Drace stated that the basis of democracy is "one person/one vote". ECAN's proposal would not provide that and would mean a delay for the Canterbury Region returning to full democracy. He did not consider that variations to section 19V(2) of

the Local Electoral Act should be applied unless in very extreme circumstances and the current situation did not amount to that.

Stephen Howard

31. Stephen Howard stated that he was a member of “Keep Our Assets – Canterbury” and through that involvement was concerned about democracy in local government. Democracy had been removed from the Canterbury Region by the previous government and ECAN’s proposal delayed its full return. The proposal contained a heavy weighting to South Canterbury and this would lead to long term distortions in decision-making.

Concerned Canterbury Citizens for Fair Representation

32. The key points made by Concerned Canterbury Citizens for Fair Representation were:
- Under ECAN’s proposal ECAN residents would not receive fair representation as required by the Local Electoral Act
 - The assertion made by ECAN that city councillors can assist deliver regional representation is not possible
 - The region-wide zone committees set up by ECAN provide a strong connection with communities throughout the region
 - The inadequately represented city residents pay a disproportionate share of ECAN rates
 - There is an alternative arrangement described in the paper presented to ECAN’s meeting of 21 June 2018 that is a viable option³
 - That alternative has constituency deviations very modestly outside the +/- 10% range, one at +10.83% and one at -13.03%
 - This alternative complies in every other way with criteria for location of constituency boundaries
 - The populations in the constituencies proposed in the alternative have common interests thus meeting the community of interest test.

Choose Clean Water NZ

33. Chose Clean Water NZ is interested in the proper discharge of ECAN’s environmental responsibilities. It believes that New Zealanders value the concept of fairness in voting rights. The breach of the +/-10% rule in this case is excessive and approval of this would create a precedent that would open the door for other breaches. If the size of constituencies is an issue it should be dealt with by better resourcing councillors. Environmental problems are being disproportionately faced by younger people, and they would inherit them in the future. This is a further argument for constituencies based on the “one person/one vote” principle.

Axel Wilke (representing Mariann Matai)

34. Alex Wilke was concerned that the fair representation requirements of the Local Electoral Act were not being met by ECAN’s decision. He did not think that a -29% deviation is in line with the spirit of the legislation and created significant under-

³ This is “Option 4A” described in paragraph 68 of this determination.

representation for Christchurch. He referred to Sir Geoffrey Palmers' appeal which called ECAN's proposal a gerrymander. In the New Zealand context, it was reminiscent of the country quota that applied to rural parliamentary constituencies until 1945. If the proposal is approved, it will lead to further problems in the future as the region's urban population grows faster than the rural population.

Kyle Sutherland

35. Kyle Sutherland objected that the requirements of section 19V(2) are not met by ECAN's proposal which does not give democratic representation to the people of Christchurch. His specific concerns are both the over-representation of the North Canterbury/Ōpukepuke and South Canterbury/Ōtuhituhi constituencies and under-representation of the Christchurch North East/Ōrei and Christchurch Central/Ōhoko constituencies. The result is a devaluing of the votes of the Christchurch City voters. He believes this is a result of gerrymandering.

Matters for determination by the Commission

36. Section 19R of the Act makes it clear that the Commission, in addition to consideration of the appeals and objections against a council's final representation proposal, is required to determine, in the case of a regional council, all the matters set out in section 19I which relate to the representation arrangements for regional councils. This interpretation was reinforced by a 2004 High Court decision which found that the Commission's role is not merely supervisory of a local authority's representation arrangements decision. The Commission is required to form its own view on all the matters which are in scope of the review.
37. Given this requirement, any concerns expressed by appellants/objectors relating to ECAN's review process are not matters that the Commission needs to address.
38. The matters in scope for the review are:
- the number, boundaries and names of the proposed constituencies
 - the proposed number of councillors for each constituency.

Key considerations

39. The overall framework for regional council representation is contained in the Local Electoral Act in:
- Section 19D which provides that a regional council shall consist of between six and 14 members
 - Section 19E(1) which provides that a region must be divided into constituencies.
40. The specific criteria for determining representation arrangements for regional councils are set out in the following provisions of the Local Electoral Act
- Section 19U which requires that:
 - The number and boundaries of constituencies provide effective representation of communities of interest in a region
 - Constituency boundaries coincide with meshblock areas determined by Statistics New Zealand, and

- So far as is practicable, constituency boundaries coincide with the boundaries of territorial authority districts or wards
 - Section 19V(1) which requires that in determining the number of members to be elected by each constituency, electors of each constituency receive fair representation.
41. Fair representation by section 19V(2) is defined as being where “the population of each ... constituency ... produces a figure no more than 10% greater or smaller than the population of the ... region ... divided by the total number of elected members”. This is known as the ‘+/-10% rule’.
 42. Section 19(3)(b), however, provides that non-compliance with the ‘+/-10% rule’ is permissible if the regional council or the Commission considers that “effective representation of communities of interest so requires”.
 43. Based on these provisions, the Commission’s *Guidelines for local authorities undertaking representation reviews* identify the following three key factors when considering representation proposals:
 - a. communities of interest
 - b. effective representation of communities of interest
 - c. fair representation for electors.

Communities of interest

44. It is noted that regions must be divided into constituencies for electoral purposes (section 19E of the Act). For the purposes of effective representation of communities of interest, section 19U requires, among other things, that constituency boundaries, so far as is practicable, coincide with territorial authority boundaries or territorial authority ward boundaries.
45. We believe, given this requirement, it is reasonable to take the communities of interest reflected in existing territorial authorities or territorial authority wards as a starting point for communities of interest to be reflected in regional council constituencies.

Effective representation of communities of interest

46. The term “effective representation of communities of interest” is not defined in the Local Electoral Act. The Commission’s Guidelines note that what constitutes effective representation will be specific to each local authority but that the following factors should be considered to the extent possible:
 - a. avoiding arrangements that may create barriers to participation, such as at elections by not recognising residents’ familiarity and identity with an area
 - b. not splitting recognised communities of interest between electoral subdivisions
 - c. not grouping together two or more communities of interest that share few commonalities of interest
 - d. accessibility, size and configuration of an area including access to elected members and vice versa.

47. As noted above, section 19D of the Act provides that a regional council shall consist of between six and 14 members. ECAN initially comprised 17 members on its constitution in 1989. This reduced to 13 members in 1992 when the Local Government Act was amended to reduce the maximum number of members on a regional council to 14. It was increased to 14 in 1995 and remained at that number until commissioners were appointed in 2010. The total number of members per se does not seem to be in contention in the review, although it is one of the variables that could affect both effective representation and fair representation.
48. ECAN's proposal provides for constituencies based on territorial authority boundaries or, in the case of the constituencies covering Christchurch City, the boundaries of wards.
49. The rationale for the three constituencies outside Christchurch City – North, Mid and South Canterbury – referred to in an officers' paper to ECAN⁴ is that:
- The 3 Canterbury constituency model provides for fair and effective representation. Canterbury is the largest region in New Zealand and given the size and population of the region, diversity of land use patterns and geography, and the rural/urban balance between the Christchurch metropolitan area and the remainder of the region, the 3 Canterbury constituency model would not unreasonably compromise fair and effective representation across the balance of the region.*
50. In relation to the four constituencies covering Christchurch City the rationale was that:
- The 4 City constituency model reflects distinct and identifiable communities of interest that align to city ward boundaries, provides the ability for members to be recognisable and effectively represent the views of their electoral areas, and creates a balance of representation across the region (apart from South Canterbury) by each constituency being represented with two councillors each. The 4 City constituency model would not unreasonably compromise fair and effective representation across the city, nor compromise the balance of representation across the region.*
51. The submissions received by ECAN on its initial proposal generally agreed with the boundaries of the proposed constituencies. Opposition to the constituency arrangements was generally based on the level of representation given to areas outside Christchurch, particularly South Canterbury, rather than concern about the specific boundaries.
52. However, specific alternative boundary arrangements were put forward by some submitters. These were:
- Preference for an East Christchurch Constituency because of its unique environment and post-earthquake challenges
 - A single Christchurch Constituency or two Christchurch Constituencies rather than four

⁴ Report to ECAN meeting of 21 June 2018.

- Transferring Banks Peninsula to the Mid-Canterbury Constituency
- Moving the boundaries of the South Canterbury Constituency northwards so that the constituency is compliant with the ‘+/-10% rule’
- Splitting the South Canterbury Constituency into two single member constituencies

Fair representation for electors

53. Section 19V(2) of the Act requires that, with the exception discussed in the next paragraph, the population of each constituency divided by the number of members to be elected by that constituency produces a figure no more than 10 per cent greater or smaller than the population of the region divided by the total number of elected members (the ‘+/-10% rule’).
54. Section 19V(3)(b) provides that, if the 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 section 19V(2). If the council has proposed such an arrangement it must refer its proposal to the Commission.
55. Four of the constituencies do not comply with ‘the +/-10% rule’ – North Canterbury/Ōpukepuke, Christchurch North/ East/Ōrei, Christchurch Central/Ōhoko and South Canterbury/Ōtuhituhi constituencies. As required ECAN has referred its determination to the Commission. In addition, nearly all the appeals and objections also relate to the non-compliance of one or more constituencies.
56. The reasons given by ECAN for the non-compliance are as follows⁵.

South Canterbury/Ōtuhituhi Constituency

The election of two members is necessary to provide effective representation for communities of interest taking into account:

- *the large land area of the South Canterbury-Ōtuhituhi Constituency being 39.84% of the Canterbury region*
- *the significant amount of Canterbury Regional Council work undertaken in the South Canterbury-Ōtuhituhi Constituency together with the increased focus on freshwater management, indigenous biodiversity and land management issues in the constituency which are requiring greater Councillor involvement*
- *the diverse, relatively sparsely populated and widely spread communities that make up the South Canterbury-Ōtuhituhi Constituency*
- *the boundaries align with territorial authority boundaries and reflect the communities of interest of the districts in the South Canterbury-Ōtuhituhi area Consideration was given to extend the boundary from the Rangitata, North to the Rakaia however Council (and submitters) consider this violates the sense of communities of interest of the districts in the South Canterbury-Ōtuhituhi Constituency (part of Waitaki, Waimate, Mackenzie and Timaru Districts).*

⁵ Report to ECAN meeting of 23 August 2018.

North Canterbury/Ōpukepuke Constituency

The election of two members is necessary to provide effective representation for communities of interest taking into account:

- *the large land area of the North Canterbury-Ōpukepuke Constituency being 28.5% of the Canterbury region*
- *the significant amount of Canterbury Regional Council work undertaken in the North Canterbury-Ōpukepuke Constituency together with the increased focus on freshwater management, indigenous biodiversity, land management, and post Kaikoura Earthquake issues in the constituency which are requiring greater Councillor involvement*
- *the diverse, relatively sparsely populated and widely spread communities that make up the North Canterbury-Ōpukepuke Constituency*
- *the boundaries align with territorial authority boundaries and reflect the communities of interest of the districts in the North Canterbury-Ōpukepuke area.*

Christchurch North East/Ōrei and Christchurch Central/Ōhoko constituencies

The election of two members in each of these constituencies is necessary to provide effective representation for communities of interest taking into account:

- *prior experience in previous representation reviews has shown that moving boundaries to comply with the +/-10% rule compromised communities of interest and eroded relationships between constituents and regional councillors and also between the Regional Council and the City Council*
- *this proposal, on the other hand, ensures that each constituency will not just be represented by 4 City Councillors (1 from each ward), but will also be represented by 2 Regional Councillors. It will provide a greater likelihood that constituents will know who represents them. It is also more even handed in providing 2 councillors for each and every constituency*
- *this proposal which sees Christchurch City Council ward boundaries matching the Regional Councils constituency boundaries is well understood by electors allows more cooperation between the City Councillors and Regional Councillors, and therefore effective representation*
- *the boundaries align with territorial authority boundaries and reflect the communities of interest of the wards within the Christchurch North East-Ōrei and Christchurch Central-Ōhoko areas.*

57. Some appeals and objections argue that non-compliance of some constituencies is in breach of the New Zealand Bill of Rights Act and the Local Electoral Act.
58. The reference to the New Zealand Bill of Rights Act appears to be a reference to section 12 of that Act which states that “every New Zealand citizen who is of or over the age of 18 years ... has the right to vote in genuine elections of members of the House of Representatives, which elections shall be by equal suffrage and by secret ballot”. It is noted, however, that the provision applies only to elections for the House of Representatives not local government elections.

59. One of the principles cited in the Local Electoral Act is that the Act is designed to “implement fair and effective representation for individuals and communities” (section 4(1)(a)) and this is an overarching principle that applies to this review.
60. The Local Electoral Act does, however, contain a specific code for determining local government representation arrangements which permits exceptions from the fair representation or +/-10% rule in certain circumstances. It is part of the Commission’s role to determine whether the Canterbury Region is a case where exceptions are justified.

Consideration

What the Commission is required to do

61. In making a determination on this review the Commission must be satisfied that the requirements for both effective representation of communities of interest and fair representation of electors are being met. The two criteria cannot be considered in isolation.
62. In relation to those constituencies that do not comply with the ‘+/-10% rule’ the role of the Commission is to decide whether to:
 - Uphold ECAN’s proposal in relation to non-compliance
 - Alter the proposal so that it is more compliant
 - Alter the proposal so that it is totally compliant
63. In varying the proposal, the Commission has the following choices:
 - Alter constituency boundaries
 - Alter the total number of councillors
 - A mixture of these options

The options before the Commission

64. In theory the Commission could approach its task as if it were dealing with a blank sheet of paper without the constraint of exiting proposals. In reality though there are a number of propositions on the table that have been the focus of debate by ECAN, by the submitters on the initial proposal, and by the appellants and objectors to the final proposal. At various points in the process they are what the community has had the opportunity to consider and respond to.
65. The implication of a small number of appeals and objections was that the boundaries of constituencies should fall where the population statistics, on a strict application of the ‘+/-10% rule’, caused them to. We do not consider this is what the Local Electoral Act anticipates. The Act requires us to take into account a number of factors which have to be balanced off against each other.
66. The options on the table to our mind are therefore:
 - ECAN’s initial proposal (see paragraph 12)
 - ECAN’s final proposal (see paragraph 15)
 - “Option 4A” considered by ECAN prior to resolving its initial proposal and promoted by Canterbury Concerned Citizens for Fair Representation.

67. "Option 4A" is shown in the following table.

Constituencies	Population*	Number of councillors per constituency	Population per councillor	Deviation from region average population per councillor	% deviation from region average population per councillor
North Canterbury	135,100	3	45,033	-2,065	-4.38
Christchurch North	100,400	2	50,200	+3,102	+6.59
Christchurch West	95,000	2	47,500	+402	+0.85
Christchurch Central	104,400	2	52,200	+5,102	+10.83
Christchurch South	81,920	2	40,960	-6,138	-13.03
South Canterbury	95,460	2	47,730	+632	+1.34
Total	612,280	13	47,098		

68. Features that each of these three options have in common is that they contain constituency boundaries that coincide with the boundaries of territorial authority districts or the boundaries of wards, and they divide Christchurch City into four constituencies.

69. The distinguishing features of each are as follows:

- ECAN's initial proposal divides the region outside Christchurch into three constituencies. Three constituencies are outside the +/-10% range, and the percentage spread between the most over-represented and the most under-represented constituency is 49.73%, the largest spread of the three options
- ECAN's final proposal also divides the region outside Christchurch into three constituencies. Four constituencies fall outside the +/-10% range but the spread is slightly lower than the initial proposal, it being 45%.
- Option 4A divides the region outside Christchurch into two constituencies, with the Mid-Canterbury Constituency being divided between the North Canterbury and South Canterbury constituencies⁶. Two constituencies fall outside the +/-10% range and the spread at 23.86% is the smallest of the three options.

70. We do not favour ECAN's initial proposal because it does not provide fair representation for the South Canterbury Constituency, it being under-represented at +30.20%. This is in fact the reason that ECAN moved away from this proposal. Although it can be quickly discounted it does provide a useful point of comparison.

71. This leaves two options on the table - ECAN's final proposal and Option 4A.

72. The broader arguments for and against each approach to representation are summarised earlier in this determination. We have summarised the specific arguments put forward for and against these two options as follows:

⁶ Selwyn District is included in North Canterbury and Ashburton District is included in South Canterbury.

ECAN's final proposal

- The appellants and objectors have focused on fair representation, but decisions on constituencies need to take into account both fair representation and effective representation. The +/-10% rule is not absolute.
- Effective representation should be considered first as it relates to the number of constituencies and their boundaries; fair representation should be considered next as it relates to the allocation of members to those constituencies
- The Rangitata River forms the logical northern boundary of South Canterbury, and Ashburton looks towards Christchurch rather than Timaru
- The South Canterbury Constituency (both existing and proposed) is a large area and its issues generates a great deal of work for regional councillors

Option 4A:

- ECAN's proposal does not provide fair representation as required by the Local Electoral Act
- Option 4A, in contrast to the final proposal, has very modest deviations from the +/-10% range, at +10.83% and -13.03%
- Option 4A conforms with territorial authority district and ward boundaries
- The constituencies proposed in Option 4A have common interests thus meeting the community of interest test
- Much of the debate around representation has focused on the role ECAN plays in regulating natural resources, particularly water. However, ECAN plays a major role in the Christchurch urban area through its work on public transport, air quality and various aspects of water management including urban aquifer management
- Ancillary arguments put forward included, that Christchurch City residents pay a disproportionate share of ECAN's rates, the Water Zone committees established by ECAN provide a connection, and representation for communities of interest, and the assertion by ECAN that Christchurch City councillors will provide representation in addition to that provided by regional councillors is an invalid argument.

73. Dealing with the last-mentioned issues first:

- We do not agree that the proportion of rates paid can be a factor in determining representation. Prior to 2001 it was, indirectly, a factor that could be taken into account in that one of the factors that could be applied in apportioning representation between constituencies was "rateable value". Parliament removed this as a criterion when the current criteria in the Local Electoral Act were enacted.
- The Zone Committees established by ECAN do provide a useful means for community involvement with ECAN's decision-making. However, they are not a direct substitute for representation at the "council table". They are, in fact, one

of a range of means of participation and engagement across the region and across different functions.

- We agree that the assertion that city councillors add to the representation provided by regional councillors is a not a valid argument. Both types of councillors have different roles, and in any case all parts of the region have both regional councillors and district or city councillors. ECAN acknowledged at the hearing the fault in this argument.

74. Option 4A does have the attraction of being the option most compliant with the '+/- 10% rule'. The question is, however, to what degree it provides effective representation of communities of interest.
75. We believe that key components of effective representation are the ability for residents to have reasonable access to councillors, and for councillors to be able to interact with the communities in their constituencies.
76. A feature of the North Canterbury and South Canterbury constituencies under Option 4A is their geographic size. An issue that stems out of this is the affect this might have on effective representation of communities of interest in those constituencies.
77. We think that the size of these constituencies will have an impact on the ability of councillors to interact with residents and vice versa. Although regional constituencies are by their nature often large these, we think they would become amongst the largest in New Zealand if established.
78. We have looked at the driving times between the extremities for both of those constituencies. In the North Canterbury Constituency the driving time between Kekerengu and Lake Coleridge is 4 hours 25 minutes, and in the South Canterbury Constituency the driving time between Rakaia and Omarama is 4 hours 24 minutes. We do not necessarily expect that the councillors representing these constituencies would be driving those specific routes frequently. We merely cite them to illustrate the geographic scale of these areas.
79. Another impact of the geographic size of constituencies will be that the bigger the constituency the more distinct communities there are and, potentially, the more diverse the nature of the communities and their issues. We believe this will also affect the ability of constituencies to achieve effective representation. This might also be the case in predominantly urban constituencies but in those cases any possible spread in diversity is more likely to be mitigated by their geographic compactness.
80. ECAN also questioned whether Option 4A adequately reflected communities of interest, in particular in relation to Ashburton. It was argued that Ashburton looked northwards to Christchurch rather than Timaru. Although, as argued by Concerned Canterbury Citizens for Fair Representation, the nature of Ashburton means that it will have some common interests with South Canterbury we are not sure this equates, in this case, to community of interest. Our observation is that Mid-Canterbury is both a traditional community of interest within the Canterbury Region and a reflection on contemporary issues facing the area.
81. Overall, we believe in respect of the constituencies proposed in Option 4A:

- Their geographic size may create barriers to interaction between councillors and communities and electors
 - The grouping together of so many communities in each constituency and their varying nature would also lessen effective representation
82. Our conclusion is that compared to Option 4A, ECAN’s final proposal achieves the best balance between effective representation and fair representation. In particular:
- It results in constituencies that will better enable effective representation than other suggestions
 - The non-Christchurch constituencies are based on a traditional division of Canterbury, and therefore better reflect communities of interest
 - It provides fairer representation to South Canterbury than the initial proposal, without excessively detracting from fair representation for other constituencies.
83. The last issue to consider is that raised by one appellant seeking the division of Christchurch City into two constituencies rather than four. The argument for this was that councillors representing Christchurch constituencies need to be focused on a larger rather than a smaller geographic district to avoid representing narrow interests.
84. At the hearing ECAN argued that the proposed four constituency arrangement would result in more effective representation as elected councillors would be “more readily identifiable and close to their constituents than if there were two large Christchurch constituencies ... [and] that electors will find it easier to identify and interact with their representatives ...”. We tend to agree. We note that, where the issue was addressed, most submitters, appellants and objectors tended to favour four Christchurch constituencies. We have therefore determined that Christchurch City should be divided into four constituencies as proposed by ECAN.

Commission’s determination

85. Under section 19R of the Local Electoral Act 2001, the Commission determines that for the general election of the Canterbury Regional Council to be held on 12 October 2019, the following arrangements will apply:
- 1) Canterbury Region, as delineated on Plan LG-08-2019-Con-1 deposited with the Local Government Commission, will be divided into seven constituencies.
 - 2) Those seven constituencies will be:
 - a) North Canterbury/Ōpukepuke Constituency, comprising the area delineated on Plan LG-08-2019-Con-2 deposited with the Local Government Commission
 - b) Christchurch North East/Ōrei Constituency, comprising the area delineated on Plan LG-08-2013-Con-3 deposited with the Local Government Commission
 - c) Christchurch West/Ōpuna Constituency, comprising the area delineated on Plan LG-08-2019-Con-4 deposited with the Local Government Commission

- d) Christchurch Central/Ōhoko Constituency, comprising the area delineated on Plan LG-08-2013-Con-5 deposited with the Local Government Commission
 - e) Christchurch South/Ōwhanga Constituency, comprising the area delineated on Plan LG-08-2019-Con-6 deposited with the Local Government Commission
 - f) Mid-Canterbury/Ōpakihi Constituency, comprising the area delineated on Plan LG-08-2013-Con-7 deposited with the Local Government Commission
 - g) South Canterbury/Ōtuhituhi Constituency, comprising the area delineated on Plan LG-08-2013-Con-8 deposited with the Local Government Commission
- 3) The Canterbury Regional Council will comprise 14 councillors elected as follows:
- a) two councillors elected by the electors of North Canterbury/Ōpukepuke Constituency
 - b) two councillors elected by the electors of Christchurch North East/Ōrei Constituency
 - c) two councillors elected by the electors of Christchurch West/Ōpuna Constituency
 - d) two councillors elected by the electors of Christchurch Central/Ōhoko Constituency
 - e) two councillors elected by the electors of Christchurch South/Ōwhanga Constituency
 - f) two councillors elected by the electors of Mid-Canterbury/Ōpakihi Constituency
 - g) two councillors elected by the electors of South Canterbury/Ōtuhituhi Constituency.

86. As required by section 19U(b) of the Local Electoral Act 2001, the boundaries of the above constituencies coincide with the boundaries of current statistical meshblock areas determined by Statistics New Zealand and used for parliamentary electoral purposes.

Local Government Commission

Commissioner Pita Paraone (Chairperson)

Commissioner Brendan Duffy

Temporary Commissioner Sue Piper

10 April 2019

Appellants and Objectors

Appellants

Concerned Canterbury Citizens for fair Representation

Dirk De Lu

Gavin James

Katia De Lu

Matthew Baird

Objectors

Adrian [last name not provided]	Barry Anderson	Dale Muller
Alan Campbell	Bernard Wicht	Dan Murphy
Alastair Watson	Betty and David Purdue	Daniel Neville
Alexandra Blair	Betty Shore	Daniela Bagozzi
Alister McFadden	Bianca McKinnon-Gee	Dave Collins
Allan Campbell	Bill Carroll	David Clark
Allan Simpson	Bill Skelton	David Clark
Andrea Newman	Brian Turner	David Wynne
Andrei Moore	Bronwen Summers	Debbie Jones
Andrew Bell	Bronwyn Ward	Deborah Poi
Andrew Boyd Barber	Bryan Clearwater	Denis O'Connor
Andrew Hornblow	Carolyn Marks	Dennis Rowe
Andrew Massi	Charlene Herring	Dietrich Radel
Angus Macpherson	Charles Drace	Dot Lovell-Smith
Anna Brooke	Chris Calvert	Ernie Hall
Anne Gregory	Christopher Nelson	Graeme Hartnell
Anne Heins	Choose Clean Water NZ	Graham Hood
Anne Skelton	Cole Yoeman	Greenpeace NZ
Annette Hamblett	Connie Christensen	Hadleigh Stephenson
Antony van der Byl	Connor Ellison	Hazelle Tomlin
Archer McLeay	Cosmo Jeffery	Helen McMahon

Ian Blenkinsop	Laura Jackson	Nicki Williams
Ian Forne	Leonie Burrows	Nicola Wall
Islay-Mavora Christophers	Linda Carroll	Nicolette de Lautour
Jake Chinn	Lisa Beardsley	Ollie Clifton
James Falvey	Lisa Powers	Patrick Carroll
Jillian Woods	Liz Davidson	Paul Bealing
Jo Wynne	Malcolm Carr	Paul Corliss
Joanne Webber	Margaret Cottle	Paul Hardy
John Collis	Mariann Matai	Pauline Oliver
John Fox	Mark Jones	Pauline Sitter
John Minto	Mary de Roo	Peter Carey
John Rice	Mary Lovell-Smith	Peter Elder
Josephine Lunt	Matt Whitehead	Peter Galbraith
Joy McLeod	Maximillian Everett-Wells	Peter Hallinan
Judy Rogers	Megan Bond	Peter Ingham
Julian Addington	Megan Walsh	Peter Lamsdale
Julie Downard	Mercedes Walkham	Phil Constable
Juliet Neill	Michael Salmon	Prue Stringer
Kaitlyn White	Michele Laing	Ralph Boardman
Kate Bromby	Michelle Lomax	Raymond Mainprize
Kate Tully	Mike Currie	Rene Macpherson
Kathleen Gallagher	Mike Dunn	Rex Bource
Katrina Hoeft	Mike Newlove	Richard Dames
Kay Robertson	Morgan Price	Richard Tremewan
Keith Gunn	Murray Sanders	Robbie and Wendy Risdon
Keith Hay	Nan Gee	Robyn Webster
Ken Maynard	Nancy Vada Gibb	Roger Boyce
Kerry Moore	New Zealand Fish and Game Council	Rosalee Jenkin
Kevin Foley	Nic Cromarty	Sam Worsp
Kyle Sutherland	Nicci Lough	Samuel Gray
Lambert & Karin Wintergerst	Nick Hanafin	Samuel Williams

Raymond Mainprize	Sharon Hayward	Tom Philpott
Rene Macpherson	Simon Fox	Tony and Ursula Ryan
Rex Bourke	Simon Pollard	Tracey Christian
Richard Dames	Sir Geoffrey Palmer	Tracey McLellan
Richard Tremewan	Sophia White	Trudy Ballantine
Robbie and Wendy Risdon	Sophie Toutain	Ulrich Bergler
Robyn Webster	Stephen Howard	Ursula Klein
Roger Boyce	Steve Gay	Ursula Salzer
Rosalee Jenkin	Steve Sheere	Valerie Sykes
Sam Worsp	Steven Krijnen	Vera Holmes
Samuel Gray	Stuart Payne	Warren Hawke
Samuel Williams	Sue Piercey	Warwick Dowling
Sandra Negro	Suzanne Liggett	Water Rights Trust
Sarah McCallum	Tamsin Harrington	Wendy Butcher
Scott [last name not provided]	Teresa von der Heiden	Yvonne Curtis
Scott Hobson	Terry Moon	
Sean Brooks	Theresa Lynne	