

Environment Canterbury (Democracy Restoration) Amendment Bill

Member's Bill

Explanatory note

General policy statement

On 31 March 2010, Parliament passed the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act, sacking the elected representatives of Environment Canterbury and replacing them with unelected commissioners. The commissioners will hold power until the regular 2013 local authority elections (at the latest).

Such a long period of unelected rule is unacceptable in a democracy. The right of the people to elect their local authority representatives is fundamental, and affirmed by article 25 of the International Covenant on Civil and Political Rights,¹ to which New Zealand is a party. The abrogation of democracy in Canterbury violates both democratic principles and international law.

This Bill remedies this appalling situation by requiring the commissioners of Environment Canterbury to immediately call a special general election, to be held within 3 months of the Bill becoming law.

¹ United Nations Human Rights Committee, *General Comment No 25: The right to participate in public affairs, voting rights and the right of equal access to public service (Art 25)*, 12/07/96.

Clause by clause analysis

Clause 1 is the Title provision.

Clause 2 provides for the Bill to come into force on the day after the date on which it receives the Royal assent.

Clause 3 provides that the Bill amends the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010 (the **Act**).

Clause 4 sets out the purpose of the Bill.

Clause 5 inserts *new section 23A*, requiring the commissioners to immediately call a special general election.

Brendon Burns

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Environment Canterbury (Democracy Restoration) Amendment Act **2010**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

3 Principal Act amended

This Act amends the Environment Canterbury (Temporary Commissioners and Improved Water Management) Act 2010.

4 Purpose

The purpose of this Act is to restore democratic elections for Environment Canterbury. 5

5 New section 23A inserted

The following new section is inserted after section 23:

“23A Election to be called

“(1) The commissioners shall immediately instruct the electoral officer under section 8 of the Local Electoral Act 2001 to hold a special general election for Environment Canterbury. 10

“(2) The special general election referred to in **subsection (1)** must be held no later than 3 months after the commencement of this Act.” 15
