

## **Council Briefing Meeting Minutes**

**Date:** Wednesday, 16 August, 2017  
**Time:** 1:00 p.m.  
**Location:** Council Chamber  
Forum North, Rust Avenue  
Whangarei

<b>Elected Members In Attendance</b>	<b>Her Worship the Mayor Sheryl Mai (Chairperson) Cr Stu Bell Cr Vince Cocurullo Cr Tricia Cutforth Cr Sue Glen Cr Phil Halse Cr Cherry Hermon Cr Greg Innes Cr Sharon Morgan Cr Anna Murphy</b>
<b>Apologies/Absent</b>	<b>Cr Crichton Christie Cr Shelley Deeming Cr Jayne Golightly Cr Greg Martin</b>

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### **Also present:**

Dale Ofsoske and Craig Taylor (Independent Election Services)  
Chief Executive (Rob Forlong), General Manager Strategy and Democracy (Jill MacPherson), General Manager Corporate (Alan Adcock) Governance Manager (Jason Marris), Legal Counsel (Kathryn Candy), Legal Counsel (Kathryn Candy), Team Leader Democracy (Nicolene Pestana) and Senior Democracy Adviser (Carolyne Brindle)

## **1 Electoral Decisions**

**Facilitators:** Her Worship the Mayor  
Dale Ofsoske

Her Worship the Mayor convened the meeting.

Following introductions Council's Electoral Officer Dale Ofsoske, outlined the purpose of the briefing namely:

- To provide an overview on the upcoming democratic review processes:
  - Electoral system
  - Maori wards

- Representation arrangements
- Obtain general guidance.

Over the next 15 months, there are three separate processes required to be undertaken – consideration of the electoral system, consideration of Maori wards and the representation review.

- Electoral system
  - choice between FPP and STV
  - criteria
  - decision by 12 September 2017
- Maori wards
  - iwi consultation
  - criteria
  - decision by 23 November
- Representation arrangements review
  - communities of interest
  - effective representation
  - fair representation (+/-10% rule)
  - formal process 1 March – 31 August 2018
- Logistics
  - complex process
  - need to get right (compliance)
  - delivery model
  - community consultation

The reviews are complex to complete. There is detailed legislation to follow and the Local Government Commission has put out good guidelines. Council need follow good process and ensure the legislation is complied with. Mr Ofoske emphasised the need to adequately engage with our communities to get support for decisions made. To achieve this, council need to decide on the right delivery model.

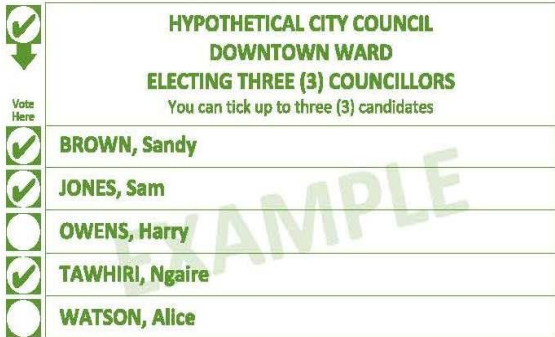
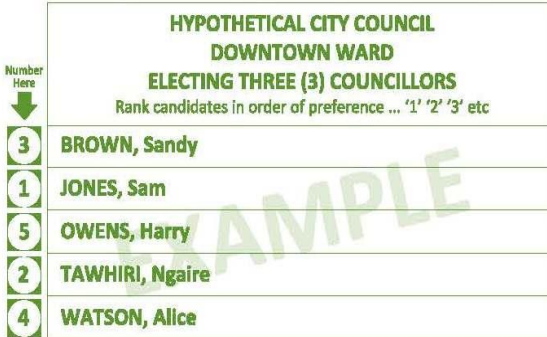
Mr Ofoske then covered the content of the briefing as follows:

#### Electoral system

- Every 3 years, council is required to consider electoral system which best suits its community.
- Council can choose between:
  - First Past the Post (FPP)
    - Candidate with the most votes wins
  - Single Transferable Vote (STV)
    - form of preferential voting
    - voters rank candidates in order of preference – 1,2,3 etc
    - to be elected candidate must achieve 'quota'.

For the 2016 local elections, of the 66 local authorities, 58 used FPP and 8 used STV, but all District Health Board elections, under legislation, must use STV.

The following chart comparing FPP and STV was issued with voting documents at a 2015 electoral system poll (Hamilton City Council).

COMPARING FPP AND STV																					
<p><b>A typical FPP voting document could look like this</b></p> <div>  <p><b>HYPOTHETICAL CITY COUNCIL DOWNTOWN WARD ELECTING THREE (3) COUNCILLORS</b> You can tick up to three (3) candidates</p> <table border="1"> <tr><td><input checked="" type="checkbox"/></td><td>BROWN, Sandy</td></tr> <tr><td><input checked="" type="checkbox"/></td><td>JONES, Sam</td></tr> <tr><td><input type="checkbox"/></td><td>OWENS, Harry</td></tr> <tr><td><input checked="" type="checkbox"/></td><td>TAWHIRI, Ngaire</td></tr> <tr><td><input type="checkbox"/></td><td>WATSON, Alice</td></tr> </table> </div>	<input checked="" type="checkbox"/>	BROWN, Sandy	<input checked="" type="checkbox"/>	JONES, Sam	<input type="checkbox"/>	OWENS, Harry	<input checked="" type="checkbox"/>	TAWHIRI, Ngaire	<input type="checkbox"/>	WATSON, Alice	<p><b>A typical STV voting document could look like this</b></p> <div>  <p><b>HYPOTHETICAL CITY COUNCIL DOWNTOWN WARD ELECTING THREE (3) COUNCILLORS</b> Rank candidates in order of preference ... '1' '2' '3' etc</p> <table border="1"> <tr><td>3</td><td>BROWN, Sandy</td></tr> <tr><td>1</td><td>JONES, Sam</td></tr> <tr><td>5</td><td>OWENS, Harry</td></tr> <tr><td>2</td><td>TAWHIRI, Ngaire</td></tr> <tr><td>4</td><td>WATSON, Alice</td></tr> </table> </div>	3	BROWN, Sandy	1	JONES, Sam	5	OWENS, Harry	2	TAWHIRI, Ngaire	4	WATSON, Alice
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FPP	STV																				
FPP has long been widely used in New Zealand, is familiar and is generally easy to understand.	STV is currently used in Australia, United States, Ireland and Malta. Along with all the DHBs it is also being used by seven New Zealand Councils in 2013. STV is also used by companies like Fonterra, to select board members.																				
Each voter is able to cast one vote for each vacancy to be filled. Voters place a tick beside the name of the candidate or candidates they wish to vote for.	Each voter gets one vote, no matter how many vacancies. Voters rank candidates in order of preference - "1" beside their most preferred candidate "2" beside the second-most preferred candidate, and so on. Voters do not have to rank all candidates, but must use consecutive numbers.																				
The candidate who receives the most votes is elected. Where there is more than one vacancy, the candidates (equal to the number of vacancies) who receive the most votes are elected.	A candidate must reach the quota to be elected. Where there is more than one vacancy, the candidates (equal to the number of vacancies) who reach the quota are elected.																				
FPP is not a form of proportional representation. Each tick is counted as a vote for that candidate and the candidate or candidates with the most votes are elected. A candidate may be elected by a small margin.	STV is a proportional electoral system. Proportional systems are intended to provide more effective representation for all significant points of view, although it cannot be guaranteed that STV will provide an increased diversity of representation.																				
A candidate may receive more votes than they need to get elected.	A candidate would not receive more votes than they would need to get elected, as surplus votes are transferred to the next preference.																				
Some voters may not have supported any of the candidates who get elected.	If voters rank every candidate, they are likely to have supported at least one successful candidate.																				
Where political parties or organised political groupings contest the elections, and there are say 3 vacancies, voters can vote for the 3 candidates representing a political party or organised political group ("block" voting). This can result in all candidates from a political party or organised political group being elected.	STV can moderate "block" voting as voters can rank every candidate therefore making it more difficult for all candidates from a political party or organised political group to be elected.																				

The FPP system is considered to be more simple to understand, transparent and is familiar to most voters – voters are able to vote for up to the maximum number of positions and the candidate with the most votes wins.

STV is a form of preferential voting and voters receive one vote which is then ranked to candidates eg 1, 2 3 etc. STV is better suited to larger multi-member wards eg 5 vacancies.

STV is considered harder for voters to understand but has the perception (i) that all votes matter, no wasted votes and (ii) enables more diversified representation.

- WDC currently/historically FPP
- Criteria to change is:
  - Poll called by Council
    - Council may resolve to either change the electoral system or retain status quo
    - Resolution required by 12 September 2017 (takes effect for the 2019 & 2022 elections)
    - Mandatory public notice required by 19 September 2017 (notice must include, right of 5% of electors (2,892) to demand a poll.
- Public poll
  - Council can resolve to hold a poll
    - Resolution required by 21 February 2018
    - Poll held by 21 May 2018
    - Results binding for 2019 & 2022 elections
  - Public can demand a poll at any time
    - If valid demand received by 21 February 2018, poll held by 21 May 2018
    - Results binding for 2019 & 2022 elections
- Cost implication (\$90K + GST).

### Maori Wards

- Establishment optional
- Legal obligations
  - Local Government Act sec 4 – Treaty of Waitangi “.... to maintain and improve opportunities for Maori to contribute to local government decision making processes.....”
  - LGA sec 14(d) – ‘ a local authority should provide opportunities for Maori to contribute to decision making’
  - RMA changes – iwi participate in resource management and decision making processes under the Act.
- Consult with hapu
  - Do hapu want Maori wards?
  - Are there other preferred options?
    - Maori Standing Committees
    - Iwi partnership models
    - Maori Statutory Board (Auckland only)

Mr Ofoske gave examples of partnership models used by other councils.

- Others with Maori wards/constituencies:
  - Bay of Plenty Regional Council (2001)
  - Waikato Regional Council (2013)
  - Wairoa District Council (2019)
- If established, formula based on Maori and General electoral populations
  - If retain 13 members – 2 Maori, 11 general

- Criteria to establish:
  - By council resolution
    - Optional
    - Public notice takes effect for the 2019 & 2022 triennial elections
    - Public notice required by 30 November 2017
    - In notice, right of 5% (2,892) electors to demand a poll
  - Public poll
    - Council can resolve or public demand at any time
- for result of poll for 2019 elections
  - resolution required or public demand received by 21 February 2018
  - poll held by 21 May 2018
  - results binding for 2019 & 2022 elections
- cost implication (\$90k + GST)
- other polls held.

### Representation Review

- must be undertaken every 6 years (WDC required to undertaken in 2018)
- Current arrangements – 13 Councillors elected from 6 wards, plus Mayor elected at large.
  - No community boards.
- Communities of interest'
  - Need to be identified
  - Area where one feels sense of community and belonging
  - Access to daily goods and services
  - Physical and topographical features
  - Can change over time
- Effective Representation
  - Consider how communities of interest are most effectively represented
    - Total number of elected members
    - Elected members elected from wards/'at large'/mix
    - Ward names, boundaries
    - Communities and Community Boards (retain, alter, disestablish, number, names boundaries, membership, subdivisions).
  - Note: Communities and Community Boards **must** be considered as part of the representation review process.
- Fair Representation
  - Population equity (+ / - 10% of average)
  - Generally means each elected member represents about the same number of people within + or – 10%
  - Current ward arrangements (with population estimates at 30 June 2016) comply with the +/- 10% rule.

- To consider
  - Communities change over time
  - Look at 'clean slate' approach
  - Are current arrangements best?

### Logistics

- Process
  - Complex, legislative compliance, Local Government Commission overview  
The processes are complex and need to be undertaken correctly and according to legislative requirements and timeframes. All processes need to be documented – if any objection or appeal is received, the whole process is then forwarded to the LGC for determination. As part of its determination the LGC looks at the processes undertaken and the level of consultation undertaken.
- Delivery model
  - In house task force, independent panel etc
- Engagement
  - Level of community and iwi consultation, research
  - Note section 14(1) Local Government Act.

### Timetable

- Maori Wards
  - by 23 November 2017 – resolution (if required)
  - by 30 November 2017 – public notice (if required)
  - by 21 November 2017 – demand for poll/Council resolution for poll
  - by 21 May 2018 – poll concluded (if required)
- Representation Review
  - August 2017 – February 2018 – informal consultation
  - 1 March – 30 April 2018 – initial proposal consideration
  - May 2018 – initial proposal resolution
  - End May 2018 – initial proposal public notice
  - June 2018 – submission period
  - July 2018 – hearing of submissions
  - August 2018 – final proposal resolution
  - September 2018 – appeal/objection period
  - October 2018 – basis of Election public notice – OR
  - October 2018 – appeals/objections to LGC
  - By 10 April 2019 – LGC determination

### Items to consider

- For consideration over the next 15 months
  - Electoral system decision (by 12 September 2017)
  - Maori wards decision (by 23 November 2017)
  - Identify communities of interest
  - The total number of elected members
  - The number of wards (or at large or mix)
  - Communities and community boards

- Indicate preference now:
  - The preferred electoral system (FPP/STV)
  - Initial community and iwi consultation on Maori Wards
  - The preferred representation review delivery model
    - In house project team, independent panel etc

Following the presentation Mr Ofsoske invited questions his responses to questions raised are provided below.

- Representation Review - 5% of electors (to demand a poll) is based on the number of electors as at the last triennial election.
- Decisions made on representation arrangements will impact on later decisions.
- Councils' will be reviewing their democratic processes at the same or similar time. All councils in NZ have to go through this exercise unless result of poll which is binding for 6 years.  
Council must review representation before considering the introduction of Maori Wards. The process is prescribed by legislation and is subject to review by the LGC.
- Community Boards must be considered as part of the review.
- Delivery model – can be all Councillors, delegated to a Committee, involve key leaders from the public sector, independent advisory panel – various models, about what best suits Whangarei. Most councils are favouring all Councillors.
- Communities of interest – legislation (2014) states communities of interest should not be split. If exceed threshold (+10/-10%) goes to LGC for review. Communities of interest have to be geographically connected.
- Community Boards – can be made up of between 4 & 12 members, council determines the numbers. Boards have a mix of elected members and community members. Once in place they are difficult to disestablish. LGC historically in favour of community boards. New Plymouth (similar size to Whangarei) have community boards.
- Electoral system - anecdotal evidence that STV is more difficult to understand and less transparent because you don't know where your vote went. DHB's have had STV since 2004. Indications are there is a higher number of informal votes with STV. Northland Regional Council, Far North District Council have resolved to use FPP, Kaipara have resolved to use STV (historically used this system).  
Electoral system – decision for council. Most council's do not consult with the community on this particular issue. Mr Marris advised a communications plan to raise awareness will be put in place.
- Maori Wards – introduced in:  
Bay of Plenty 2001  
Waikato Regional Council 2018  
Wairoa District Council 2019.

Noted that people on the Maori roll are excluded from voting on the general roll.  
Maori electoral population of district 16,100.  
General electoral population of district 75,100.

If council choose not to introduce Maori Wards – no public notice required.

- Next steps  
Additional guidance to elected members will be provided as further research and analysis is undertaken. Staff and the project team will come back to council for decisions on the next steps going forward.  
A report on the electoral system will be presented to the August council meeting.

**The meeting closed at 2.25pm**