



Te Kārearea Agenda

Date: Wednesday, 19 August, 2020
Time: 9:00 am
Location: Council Chamber
Forum North, Rust Avenue
Whangarei
Attendees: Cr Phil Halse (Co-Chairperson -
Council Chambers)
Taipari Munro (Co-Chairperson -
Marae based hui)
Her Worship the Mayor Sheryl Mai
Cr Gavin Benney
Cr Ken Couper
Cr Greg Innes
Cr Anna Murphy
Cr Carol Peters
Cr Simon Reid
Delaraine Armstrong
Janelle Beazley
Deborah Harding
Merepeka Henley
Sharon Kaipo
Mike Kake
Violet Gough-Sade

For any queries regarding this meeting please contact
the Whangarei District Council on (09) 430-4200.

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| 2. Karakia/Mihi | |
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Te Kārearea Strategic Partnership Forum – Terms of Reference

Membership

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| Chairperson | Council based meetings: Councillor Phil Halse Marae based hui: Taipari Munro |
| Members | Her Worship the Mayor Sheryl Mai Councillors Gavin Benney, Ken Couper, Greg Innes, Anna Murphy, Carol Peters, Simon Reid Seven mandated hapū representatives Delaraine Armstrong, Janelle Beazley, Violet Gough-Sade, Deborah Harding, Merepeka Henley, Sharon Kaipo, Mike Kake |
| Meetings | Monthly to September 2020, alternating between Council Chambers and Marae based hui |
| Quorum | 8 comprised of 4 councillor and 4 hapū members |

Preamble

Te Kārearea Strategic Partnership Forum was formed late in 2012 between Te Huinga (as advocates of the hapū of Whangarei) and Whangarei District Council. The desire to 'develop more robust partnership arrangements over time' was signaled in the agreement. This partnership Committee Represents an important step in that process. While the Purpose, Key Responsibilities and Delegations form the basis for the Terms of Reference to determine what the Committee will do, it is important that the respective principles of each of the Partners continue to underpin the relationship. The Statement of Principle for each of the Partners, as established in the foundation relationship agreement, is below.

Te Huinga Statement of Principles

He Whakaputanga o Te Rangatiratanga o Nu Tirenī (Declaration of Independence – 1835) and Te Tiriti o Waitangi, 1840 provides the foundational doctrines of authority and partnership that are being sought after by the hapū of Whangārei as the relationship develops with the Whangārei District Council.

Te Huinga will work towards achieving the strategic intent.

Strategic Intent

- Vision/Te Pae Tawhiti: 'Ma nga hapū ano nga hapū e korero' - 'Hapū self reliance and prosperity'
- Mission/Te Kaupapa: 'Achieving hapū aspirations through effective and enduring relationships'
- Whangārei - Māori Community Outcomes:
 - a A rohe with a vibrant Māori culture
 - b A Māori community, which is healthy and highly educated
 - c A society that protects and cares for all its members

- d A rohe with a flourishing Māori economy
- e A society that appreciates and cares for its natural environment
- Nga tikanga – Values
 - a Whanau – the extended family is the social unit that Māori identify with.
 - b Mana Hapū - Hapū are the cornerstone of the Māori community and identity.
 - c Mana Motuhake – self-determination, self-reliance and self-sustainability.
 - d Whakarite – Invest time and energy in building decision-making capacity and capability.
 - e Te Manawatoopu – Of one heart and mind. We are stronger working together.
 - f Kia maia – Providing leadership through courage.

Whangārei District Council Statement of Principles

In order to improve and enhance relationships with Māori, Council acknowledge a strategic platform is required upon which to continue to build strong relationships. Council is committed to collaboration with Māori organisations within the District.

Council has a contribution to make towards Māori wellbeing, be it environmental, social, cultural/spiritual or economic. Additionally, further collaboration and relationship building processes with Crown agencies and other local territorial authorities will continue as all such organisations make up part of the many services that impact on Māori wellbeing.

Whangārei District Council wishes to engage with Māori hapū and to recognize the Treaty of Waitangi. The Local Government Act 2002 outlines the obligations of local authorities around the Treaty of Waitangi.

Purpose

To enable the primary partners (Council and hapū of Whangārei) to work closely together to achieve the agreed vision 'He Whenua Rangatira - Whangārei, a district of prosperity, wellbeing and empowered communities' and mission 'Ka tūtuki te Kāwanatanga ā-rohe, ka puāwai hoki te kotahitanga me ōna tini kaupapa - Local Government that works through effective partnership and shared decisions to provide practical solutions'. Central to this is continued development of robust partnerships through learning conversations.

The Committee provides a platform for high level/strategic discussions and priority setting between the primary partners, with preference given to *kanohi ki te kanohi* (face-to-face) and preserving tikanga. Areas of focus include, but are not limited to;

- Identifying the cultural, economic, environmental, and social issues/decisions of Council that are significant for Māori¹ in the Whangareei District. (participation)
- Ensuring Council complies with statutory provisions that refer to Te Tiriti o Waitangi (the Treaty of Waitangi), including providing oversight of key processes and controls (assurance)
- To agree mutual strategic priorities (direction)

¹ Māori in this context is defined as people that affiliate to a whanau, hapū, Iwi, mana whenua groups

Key responsibilities

- Participation
 - Develop pathways (and processes) that will achieve lasting and meaningful relationships between Māori and Council.
 - Ensure the views of Māori are taken into account.
 - Recommend ways to develop Māori capacity to contribute to decision making processes
 - Recommend ways to develop Council capacity for He Whakaputanga and Te Tiriti o Waitangi
 - Provide for equitable participation
- Direction
 - Provide advice on topics referred by Council and Māori
 - Provide advice and recommendations on key strategic policies, plans and projects of Council, including but not limited to growth strategies, the Long Term Plan and the District Plan
 - Identify matters of significance to Māori that may require joint positions/advocacy with external agencies (i.e. co-governance) or recommendations to Council
 - Identifying joint/agreed strategic priorities of the partners, along with the mechanisms for implementation
 - Monitor progress of each partner on strategic priorities
 - Recommend to Council the name for a new Standing Committee
- Assurance
 - Monitor and advise on council's compliance with its legislative obligations to Māori, including under the Local Government Act 2002 and the Resource Management Act 1991.
 - Receive and consider audit reports on Council's compliance with its legislative obligations
 - Monitor and ensure that appropriate action is being taken
 - Monitor and assess the primary partner relationship against its vision and mission
 - Monitoring compliance with statutory provisions that refer to Te Tiriti o Waitangi (the Treaty of Waitangi), including providing oversight of key processes and controls



Item 5.1

Te Kārearea Strategic Partnership Forum Meeting Minutes

Date: Wednesday, 22 July, 2020
Time: 9:00 a.m.
Location: Takahiwai Marae

In Attendance

Cr Phil Halse (Chairperson Council Chambers)
 Her Worship the Mayor Sheryl Mai
 Gavin Benney
 Cr Ken Couper
 Cr Greg Innes
 Cr Carol Peters
 Cr Simon Reid
 Delaraine Armstrong
 Janelle Beazley
 Deborah Harding
 Merepeka Henley

Not in Attendance

Taipari Munro (Chairperson - Marae based hui)
 Cr Anna Murphy
 Mike Kake
 Sharon Kaipo
 Violet Gough-Sade
 Cr Shelley Deeming
 Rob Forlong
 Marrilyn Cox

Cr Phil Halse and Merepeka Henley co-chaired the hui in the absence of Taipari Munro.

1. **Introductions (Whakawhanaungatanga)**
2. **Community Forum (Hui a Hapori)**

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| Te Kārearea Standing Committee | <ul style="list-style-type: none"> Cr Phil Halse outlined the potential for a standing committee to be considered in September. The challenge was set six months |
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| | <p>ago, to meet this challenge, progress must be made at each meeting. Te Huinga's progress has been impressive and Te Huinga have shown they are more than up to the challenge. WDC Councillors will also need to rise to the challenge. The Marae forum is important.</p> <ul style="list-style-type: none"> • It was asked what is meant by a standing committee. Cr Phil Halse explained the difference between a Standing Committee and a Maori ward and the timeframe for both. He detailed the progression of a potential standing committee from six months ago to now. • Mere Kepa stated that there is still uncertainty about what Te Huinga is, although this has been clarified by Aperahama Edwards. There is a lot to be done in terms of community education. • Cr Carol Peters expressed interest in pursuing both options by forming a Standing Committee and starting the process on Maori wards. • Delaraine Armstrong expressed her support for any opportunity for Maori involvement across all layers. |
| COVID-19 | <ul style="list-style-type: none"> • A point of contention was raised around the legality of the health order and enforcement of lockdown. The Prime Minister advised New Zealanders that we needed to pull together and to stay in our bubbles during alert level 4. Yet, five trucks went through a Takahiwai farm and not just for 'mettling a road'. Why did Council not prosecute that company? Is it because Council are racist? Cr Phil Halse replied that Council is not racist but can only act in our jurisdiction. The police are responsible for enforcing lockdown. He explained the processes for the establishment legal access. • Her Worship the Mayor apologized for who the response went to. |
| Development of Fraser Farm | <ul style="list-style-type: none"> • Point of contention within the community. • Discussion of the potential for a through road. Clarification has been sought from the Fraser Family. The community are absolutely against a through road and need to be consulted on this issue. They want assurance from Council that the community, not the trust or kaumatua, will be consulted. Cr Ken Couper offered to attend community meetings to keep the |

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| | <p>dialogue open. This offer was accepted by the community.</p> <ul style="list-style-type: none"> • Will this be considered for consent? Council cannot speculate until an application has been received, but if there are adverse effects and it is a non-complying activity, there will be a resource consent process to work through, and difficulties given the provisions of the District Plan. • Brendan Chetham clarified how the issue was made public and the Trust Boards involvement. He stressed that it is important to keep a balanced and open mind as the community grows. • It was noted that the conversation had been constructive and people wanted to move forward with momentum. Baileys paid to put the message out, Frasers need to take some ownership. Frasers are part of the community, need to recognize close relationship. Not anti progress, but large amount of traffic will change community. Given a lot already. Concerned about both roads, Fraser and the paper road. • Dominic Kula clarified not a paper road and we don't know what any future development would look like until we have a consent and can't say for certain whether it will be notified (likely if under 20ha though). • A Kaumatua who was on the Council in 1975 noted it was on the list for a road then but impossible to build. • It was stated that if you have been to top of the hill you will understand why heart is beating. Kanohi ki te kanohi so important. • Kaumatua noted what has happened has happened. 1 acre and nine blocks in the land. What happens if the land sells? A lot of paper roads out there, why are we paying rates on private land? Supposed to be an urupa. |
| <p>Discussion on the port, refinery shutting and loss of jobs</p> | <ul style="list-style-type: none"> • Cr Halse discussed the port, UNISA and the historic work around the port. New Zealand needs efficient ports, Northport has grown but its use is directed by shipping companies. His personal view is that the government will not be changing the location at this point. This is a complicated issue. • Brendon Chetham talked about the refinery and his concerns. From an environmental point of view, he is against the refinery, but |

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| | employment is so important. If it does shut down, the cost of clean-up will be so expensive to fix. Is there any environmental monitoring? |
| Sustainable Solvents | <ul style="list-style-type: none"> Discussion on sustainable solvents and the need to just get it done. Council is working with other agencies and committed to that. |
| Funding of Marae. | <ul style="list-style-type: none"> The definition of community halls has changed to recognize maraes that act in the nature of a community hall. |
| Discussion of Pukekauri Dam | <ul style="list-style-type: none"> An update on discussions with Juliane Chetham and the need to keep the korero going and pick up on where to from here. |
| | <ul style="list-style-type: none"> Cr Carol Peters has been involved in Poriti. |
| | <ul style="list-style-type: none"> Delaraine Armstrong - we need a similar policy change for waihi tapu. |
| | <ul style="list-style-type: none"> Update on Urupa site, negotiations provided. |
| | <ul style="list-style-type: none"> Cr Simon Reid provided an overview of his whakapapa. We need feedback at the start of any early engagement, what you are providing today is so important. So important to hear your views. We need early involvement. |
| | <ul style="list-style-type: none"> Dominic Kula provided an overview of the potential for a Northland to Auckland corridor spatial plan to align different Government initiatives |

3. Previous Minutes

3.1 Minutes Te Karearea Strategic Partnership Forum meeting held 23 June 2020

The minutes of the Te Karearea Strategic Partnership Forum meeting held 23 June 2020, having been circulated, were taken as read and were confirmed as a true and correct record of proceedings of that meeting.

4. Reports:

4.1 Te Huinga, Te Kārearea Strategic Partnership Forum and Maori Participation in Decision Making

Moved By Cr Phil Halse

Seconded By Deborah Harding

That Te Kārearea Strategic Partnership Forum:

a. Notes the report

- b. Notes the meeting schedule for Te Kārearea Strategic Partnership Forum as outlined under section 4.4.
- c. Notes the Chairpersons' will amend or add to the meeting schedule if required.

Carried

Discussion

Delaraine Armstong gave an overview of Te Huinga and a call to bring forward strategic issues.

Dominic Kula provided an overview of the korero between hapu and Council since the election.

Deborah Harding outlined the working relationship between Te Huinga and Councilors. There is a lot of work to do before September. We need to know the view of hapu across the roopu, and who would be put up. Deborah Harding stressed that Te Huinga doesn't compromise relationships that Council has with hapu, it is Council's priority to have these relationships.

Mere Kepa, discussed the Local Government Act and the potential for maori to be taken over. As a long-time resident and someone who has been involved in politics, we should be thinking about green recovery. Refining NZ will need people to recover. There needs to be a strategy. We need digitalization and communication that is always working. The core should be on climate change.

Her Worship the Mayor clarified that the Local Government Act provides for the facilitating of maori participation in decision making. There are those that have been through an election process and don't believe in non-elected representation. She would love a unanimous decision for standing committee with representation of Maori but acknowledged that it is a numbers game. It is important to know what decisions we want the committee to be making in the context of what will be real and meaningful for hapu. Both of these must be nailed points by September.

Merepeka Henley responded to Her Worship the Mayor. Maori go through a rigorous process as well for Te Huinga and Te Karearea. It isn't an easy task to get out there and sell yourself to your people, equally if not more challenging. At the level we are today, there is a partnership. Merepeka Henley acknowledged Cr Phil Halse, Her Worship the Mayor and Council that have come outside of the comfort zone. Not easy, mihi to you all.

Cr Phil Halse stated that we need a name, the working party will get together to work on next steps. Everytime you try to change the system, there will be concerns. Need to claw back initiatives that best fit. Co governance and history and values need to be considered. The Working Group will reform and work through this in August.

Cr Greg Innes stated that on his first term on Council, they were fortunate enough to get Julianne Chetham on the Planning Committee. Julianne Chetham added significant value and a different perspective which helped to influence the outcome of decisions.

This was a hard ask for Julianne Chetham as she had to represent the wider hapu. In his second term, Council couldn't get it across the line. Need to pull together to get these things over the line. The Terms of Reference has to be incredibly strategic, what do you want to influence, need to be focused. The audit and process monitoring function is incredibly important for this committee. Needs to show participation and input. If we have that discussion earlier, issues could be resolved a lot earlier.

5. General Business

6. Closure of Meeting - Karakia

7.1 Māori Participation in Decision Making

Meeting: Te Kārearea Strategic Partnership Forum
Date of meeting: 11 August 2020
Reporting officer: Dominic Kula (General Manager Strategy and Democracy)

1 Purpose

For the partners to update one another and korero on the on the process for, and potential focus of, a Standing Committee prior to reporting back to the September 2020 Council meeting.

2 Recommendation

That Te Kārearea Strategic Partnership Forum notes the report.

3 Background

Councils are required under the Local Government Act 2002 (LGA) to facilitate participation by Māori in local authority decision-making. This has taken a number of different forms across the Country.

In Whangārei Te Kārearea Strategic Partnership Forum was formed late in 2012 between Te Huinga (as advocates of the hapū of Whangarei) and Whangarei District Council (WDC). The desire to 'develop more robust partnership arrangements over time' was signaled in the agreement, which was superseded by a Strategic Relationship Agreement in 2014.

Since that time different representation and relationship structures have been in place alongside Te Kārearea. These have included advisory representation on committees and a strategic alliance between Te Kārearea and the Northland Regional Council's Te Tai Tokerau Māori and Council (TTMAC) Working Party.

Since the beginning of this term (October 2019) there has been extensive korero between hapū and Council around how to build on the relationship. A key theme has been a desire to be more strategic, with the potential for a Standing Committee of Council also being highlighted.

In May 2020, following delays as a result of COVID-19, Council resolved to 'establish Te Kārearea Strategic Partnership Forum from June 2020 - September 2020 in order to bed in a new way of working, and test Terms of Reference'. In doing so it 'noted that Terms of Reference will be reviewed and reported back to Council along with the procedure for establishment of the Standing Committee in September 2020'.

4 Discussion

Immediately following the 2019 election (08 November 2019) a hui was held between councillors and hapū. The hui identified a desire from both parties for the Partnership to be more strategic. While not a decision-making forum, participants also indicated initial support for Te Kārearea becoming a Standing Committee of Council.

Following the hui each of the Partners worked through the potential for Te Kārearea to become a Standing Committee of Council. Further workshops and public Briefings were then held to work through draft terms of reference, alongside other options for Māori participation in decision making.

At a February 2020 Briefing a Working Group of hapū representatives and councillors (Deborah Harding, Merepeka Henley, Delaraine Armstrong and Councillors Halse, Couper and Reid) was formed to find a path forward and present a recommendation to the March 2020 Council meeting.

The Working Group met twice before informally reporting its recommendations back to Council (via a further workshop on 11 March 2020) and Te Huinga. Its recommendation was then presented to the Council meeting of 26 March 2020 for a decision. However, the meeting of 26 March was cancelled due to the announcement of COVID-19 Alert Level 4

Having met to work through the implications of COVID-19 the Working Group took its recommendations back to Council on 28 May 2020. At that meeting Council established Te Kārearea Strategic Partnership Forum from June 2020 - September 2020, noting that Terms of Reference will be reviewed and reported back to Council, along with the procedure for establishment of the Standing Committee, in September 2020. An understanding of collective strategic priorities will be fundamental to identifying areas of focus (and potential delegations) for the Terms of Reference.

4.1 Progress made

The first hui of Te Kārearea on 23 June 2020 therefore provided an opportunity for the Partners to work through their aspirations and start the discussion of 'what strategic looks like'. At that meeting there was discussion of key processes and mechanisms where hapū and Council could work together to implement strategic outcomes including through:

- Resource Management Act 1991 processes.
- The Long Term Plan.
- Implementation of Tane Whakapiripiri..

This was followed by a hui at Takahiwai Marae on 22 July 2020 where the partners worked through the relationship between Te Huinga and Te Kārearea Strategic Partnership Forum, and the journey that both partners have been on regarding Māori Participation in Decision Making. This include an overview of Te Huinga's hapū led process for consultation and mandating through to September 2020, and discussion of the potential focus of any Standing Committee of Council. At the meeting the Council Chair committed to reconvening the Working Group to work through the potential areas of focus (and associated delegations) for Terms of Reference to be reported back to Council alongside the process for establishing a Standing Committee in September.

4.2 Potential Areas of Focus

The Working Group met 06 August 2020. In working through potential areas of focus the members agreed that a key benefit of any committee will be understanding/developing collective strategic priorities. However, in doing so it was acknowledged that priorities may be beyond the direct control of the committee, meaning that in some areas it could be operating in an advisory capacity.

Recognising this the Working Group undertook an initial exercise to identify those areas where Terms of Reference could provide for an advisory input/recommendations on Council and hapū processes, and those where decision making powers could be delegated. Key areas identified under each category (below) will be workshopped with Te Kārearea in this meeting:

Advice/recommendations

- Information sharing / discussions on Treaty Settlement processes and potential co-governance opportunities (where appropriate)
- Advice to, and relationships with, other committees of Council
- Recommendations on harbour and waterway matters (within the jurisdiction of WDC)
- Advice and recommendations on key strategic policies, plans and projects of Council, including but not limited to growth strategies, the Long Term Plan and the District Plan
- Recommend ways to develop Council capacity (the potential for Maori Relationships to sit under, and report to, the Committee was discussed)
- Recommend ways to develop Māori capacity to contribute to decision making processes
- Recommendations on Maori Representation (i.e. under the Local Electoral Act)

Decisions under delegated authority

- Audit Processes for statutory provisions relating to Te Tiriti o Waitangi (the Treaty of Waitangi). There would also be an ongoing monitoring function of key processes and controls
- Te Ao Maori framework for decision making
- Nominating hapū representatives to a Joint Climate Change Standing Committee, if adopted by Council
- Prioritising WDC's waterway/harbour focus (within the jurisdiction of WDC)
- Areas of focus for strategic relationships with NRC

Since the meeting staff have done further work on the areas where decision making could rest with a Standing Committee, and areas that could emerge in future through the current round of Central Government legislative and policy reforms.

In terms of existing functions, the implementation of Mana Whakahono ā Rohe under the Resource Management Act 1991 (RMA) is a possible area for decision making powers. Going forward new central government documents such as the National Policy Statement on Urban Development (NPS-UD) are focusing on councils demonstrating that hapū/iwi views/aspirations are part of decision making on strategic planning matters. An example of this, from the new NPS-UD, is below:

Policy 9: Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must:

- a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and*
- b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of hapū and iwi for urban development; and*
- c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significance to Māori and issues of cultural significance; and*
- d) operate in a way that is consistent with iwi participation legislation.*

Although not government policy, the RMA Review Panel report also has strong direction on the need for improved decision making processes to properly reflect our partnership with hapū and iwi. As more certainty is available on what reform will look like this could also be an area of focus for the committee.

These matters will also be worked through in this meeting.

7.2 Council decisions leading into 2022 Local Government Elections

Meeting: Te Kārearea Strategic Partnership Forum
Date of meeting: 19 August 2020
Reporting officer: Tracey Schiebli (Manager Democracy and Assurance)

1 Purpose

To discuss decisions that Council may need to make leading into the 2022 Local Government Elections.

2 Recommendations

That Te Kārearea Strategic Partnership note the report.

3 Background

The Local Electoral Act 2001 (LEA) provides for flexibility and local choice in several electoral related matters. The matters requiring consideration by local authorities in 2020-21 for the 2022 triennial elections are:

- the choice of electoral system (between FPP and STV)
- Council may consider whether or not to introduce Māori representation
- for some local authorities, to undertake a representation arrangements review.

Advice from Council's Electoral Officer, Dale Ofsoske, is included as **Attachment One**

4 Discussion

4.1 Choice of Electoral System

Council need to decide which electoral system to use for the 2022 triennial elections (first past the post (FPP) or single transferrable voting (STV), by 12 September 2020.

Council has adopted the FPP electoral system since the choice was made available to local authorities in 2001.

The FPP electoral system was confirmed by Council for the 2019 elections and now Council has a further opportunity to review the electoral system to be used for the 2022 elections.

The advice attached to this report includes a table comparing FPP and STV.

For the 2019 triennial elections, 67 of 78 local authorities used the FPP electoral system, and 11 of 78 local authorities used the STV electoral system.

Council shares its voting documents with the Northland District Health Board (DHB) and the Northland Regional Council (NRC). The DHB is required by law to use the STV electoral

system. The NRC resolved to use FPP for the 2019 election. The Far North District Council uses FPP and the Kaipara District Council uses STV.

The choice of electoral system has the potential to provide more effective representation, although it cannot be guaranteed that STV will provide increased diversity of representation. Other ways of doing this include; increasing the diversity of candidates standing for election and using other mechanisms for involvement of non-elected members to influence decision making.

4.2 Māori representation

Councils may consider whether or not to introduce Māori representation for the 2022 and 2025 triennial elections. Consideration of this is optional under the legislation. If Council decides to introduce Māori representation in time for the 2022 triennial elections, it must do so no later than 23 November 2020, unless it decides to hold a poll of electors.

The process that Council can follow to consider Māori representation for 2022 and beyond is set out in section 3.4 of the advice from Council's Electoral Officer, attached to this report.

4.3 Voting documents

Under Regulation 31 of the Local Electoral Regulations 2001, Council can choose the order of the candidate names on the voting documents for the election. There are three options available to Council – alphabetical, pseudo-random or random order. If no resolution is made by Council, the default position is alphabetical order. Whangarei District Council currently use the alphabetical system. This decision will be considered by Council in March 2022.

4.4 Representation Review

In order to achieve fair and effective representation at these elections, local authorities are required by the Local Electoral Act 2001 to review their representation arrangements at least once every six years. Council last undertook a representation review in 2018. The next review is due in 2024.

A representation review addresses the total number of councillors there should be for the district or region and the way they are elected. In the case of territorial authorities, this involves deciding whether councillors are elected from wards or 'at large' across the whole district, or by a mix of both wards and 'at large'. A review also covers the boundaries of wards and constituencies, and their names. In the case of territorial authorities, a review also needs to address whether there should be community boards in the district and, if so, the number of boards; their names and boundaries; the number of members for each board including any appointed members; and whether the board area should be subdivided for electoral purposes.

5 Significance and engagement

The decisions or matters of this Agenda do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via Agenda publication on the website.

Attachments

1. Advice from Council's Electoral Officer



T +64 9 973 5212
E info@electionservices.co.nz
W electionservices.co.nz

PO Box 5135, Wellesley Street, Auckland 1141, New Zealand
Level 2, 198 Federal Street, Auckland

// bringing change

Title: Electoral Decisions

Report to: Whangarei District Council

Author: Dale Ofsoske, Electoral Officer

Date: 27 July 2020

1.0 Summary and conclusions

The Local Electoral Act 2001 provides for Council, in 2020, to consider for the 2022 elections the electoral system and whether Māori representation should be introduced. There is no legal requirement to undertake a representation arrangements review as the last review was undertaken in 2018, although a further review or minor adjustments of internal boundaries may be undertaken in 2021.

The review of the electoral system must be completed by 12 September 2020 and is to consider whether:

- the First Past the Post (FPP) electoral system is retained; or
- the Single Transferable Voting (STV) electoral system is introduced; or
- a poll of electors is held on which electoral system is to be used for the next two triennial elections.

The introduction of Māori representation is optional, but if it is to be implemented for the 2022 elections, a decision is required by 23 November 2020. If introduced, and assuming a total of 13 councillors remain, there would be two councillors elected from one or more Māori wards, and 11 councillors elected from one or more general wards.

A representation arrangements review is not required to be undertaken unless Council wishes to undertake a further review or make minor internal boundary adjustments.

2.0 Recommendations

1. That the report titled 'Electoral Decisions' be received; and
2. That pursuant to section 27 of the Local Electoral Act 2001 Council resolves for the 2022 Whangarei District Council triennial elections to:
either
 - (i) retain the First Past the Post electoral system
or
 - (ii) change to the Single Transferable Voting electoral system
or
 - (iii) undertake a poll of electors on the electoral system to be used for the 2022 and 2025 elections

and that public notice be given by 19 September 2020 of the decision and of the right of electors to demand a poll on the electoral system to be used; and

3. That pursuant to section 19ZA of the Local Electoral Act 2001 Council considers whether or not to introduce Māori representation for the Whangarei District Council for the 2022 and 2025 elections; and
4. That Council not undertakes a representation arrangements review, as such a review is not legally required.

3.0 Narrative

3.1 Background

The Local Electoral Act 2001 (LEA) provides for greater flexibility and local choice in several electoral related matters. The principal matters requiring consideration by local authorities in 2020/2021 for the 2022 elections are (i) the choice of electoral system (between FPP and STV), (ii) whether or not to

introduce Māori representation and (iii) for some, to undertake a representation arrangements review.

Consideration of the electoral system is required by 12 September 2020; consideration of Māori representation by 23 November 2020 (optional); and a review of representation arrangements is not legally required (as this was last undertaken in 2018).

3.2 Legislative Requirements

The LEA requires a local authority, when considering certain electoral matters, to comply with set requirements and timeframes. These are detailed in **Appendix 1**.

The dates contained in Appendix 1 are generally the last compliance dates and it is anticipated that most of the matters can be completed prior to these dates.

3.3 Electoral System

Council is required under section 27 of the LEA to consider the electoral system to be used for the 2022 elections, by 12 September 2020.

Council has adopted the FPP electoral system since the choice was made available to local authorities in 2001.

The FPP electoral system was confirmed by Council for the 2019 elections and now Council has a further opportunity to review the electoral system to be used for the 2022 elections.

For the 2019 triennial elections, 67 of 78 local authorities used the FPP electoral system, and 11 of 78 local authorities used the STV electoral system.

It is noted that currently all district health board elections must use the STV electoral system, however if the recent Simpson report on the future of district health boards is adopted, elections for district health board members may no longer be required.

A table comparing FPP and STV (as used in a territorial authority's electoral system poll and approved by DIA) follows:

COMPARING FPP AND STV

A typical FPP voting document could look like this

| HYPOTHETICAL CITY COUNCIL DOWNTOWN WARD ELECTING THREE (3) COUNCILLORS You can tick up to three (3) candidates | |
|--|-----------------|
| <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 |

A typical STV voting document could look like this

| HYPOTHETICAL CITY COUNCIL DOWNTOWN WARD ELECTING THREE (3) COUNCILLORS Rank candidates in order of preference ... '1' '2' '3' etc | |
|---|-----------------|
| 3 | BROWN, Sandy |
| 1 | JONES, Sam |
| 5 | OWENS, Harry |
| 2 | TAWHIRI, Ngaire |
| 4 | WATSON, Alice |

| 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 eleven New Zealand Councils in 2019. 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 process that Council can follow to determine its electoral system for 2022 is:

- (i) Council can resolve which electoral system is to be used, with the required public notification to follow
- (ii) five per cent of electors can demand a poll on the matter
- (iii) Council can choose to hold a poll on the matter, irrespective of whether or not a poll is demanded by electors.

(I) COUNCIL TO RESOLVE WHICH ELECTORAL SYSTEM IS TO BE USED

Council can resolve to retain the current electoral system (FPP) or resolve to change the electoral system to STV. Such a resolution must be made no later than 12 September 2020 (two years prior to the next triennial election) unless it decides to hold a poll of electors.

Any resolution changing the electoral system would take effect for the 2022 and 2025 elections, and continue in effect until either Council resolves otherwise, or a poll of electors is held.

Council may also simply choose to retain the current electoral system (FPP).

(II) ELECTORS' RIGHT TO DEMAND A POLL

Under section 28 of the LEA, Council **must** give public notice by 19 September 2020, of the right of electors to demand a poll on the electoral system to be used for the 2022 and 2025 elections. If Council passes a resolution under section 27 of the LEA to change the electoral system from FPP to STV, the public notice must include:

- (a) notice of that resolution; and
- (b) a statement that a poll is required to countermand that resolution.

Section 29 of the LEA allows 5% of the electors enrolled at the previous triennial election to demand a binding poll be held on which electoral system is to be used for the next two triennial elections. The poll demand must be made in writing to the Chief Executive by a number of electors equal to or greater than 5% of the electors (3,080 electors) and can be made anytime, but to be effective for the 2022 elections, must be made by 21 February 2021.

(III) COUNCIL MAY DECIDE TO HOLD A POLL OF ELECTORS

Council can decide to hold a poll of electors at any time (section 31 of the LEA), but to be effective for the 2022 elections, must decide no later than 21 February 2021, irrespective of whether a valid demand has been received, or the time has expired for electors to demand a poll.

Public notice of the poll must be given no later than 21 February 2021 and the poll itself must be completed by 21 May 2021 (to be effective for the 2022 elections).

The result of the poll is binding and will determine whether FPP or STV is to be used for at least the next two triennial elections (2022, 2025), and for all subsequent elections until either a further resolution takes effect or a further poll is held.

3.4 Māori Representation

Council may consider (it is optional), under section 19Z of the LEA, whether or not to introduce Māori representation for the 2022 and 2025 elections, by 23 November 2020.

Should Māori representation be introduced, a formula to determine the number of Māori and general councillors is contained in Schedule 1A of the LEA and is:

$$\text{nmm} = \frac{\text{mepd}}{\text{mepd} + \text{gepd}} \times \text{nm}$$

where nmm = number Māori ward members
 mepd = Māori electoral population
 gepd = general electoral population
 nm = total number members

For the Whangarei District Council, the Māori electoral population is 17,397 and the general electoral population is 73,563 (as at the 2018 Census).

Assuming a total of 13 councillors (plus Mayor) remain, the formula when populated would require two (2.49 rounded down to two) councillors elected from one or more Māori wards and 11 councillors elected from one or more general wards.

The process that Council can follow to consider Māori representation for 2022 and beyond is:

- (ii) Council may make a decision to introduce Māori representation, but if it does, public notice must be given
- (ii) five per cent of electors can demand a poll on the matter
- (iii) Council may choose to hold a poll on the matter, irrespective of whether or not a poll is demanded by electors.

(I) COUNCIL TO RESOLVE TO ADOPT MĀORI REPRESENTATION

Council may resolve to introduce Māori representation for the next two triennial elections (2022, 2025). If it decides to introduce Māori representation in time for the 2022 elections, it must do so no later than 23 November 2020 (two years prior to the next triennial election), unless it decides to hold a poll of electors.

Any such resolution would take effect for the 2022 and 2025 elections, and continue in effect until either Council resolves otherwise, or a poll of electors is held.

Council may also simply choose to do nothing, in which case no public notice is required.

(II) ELECTORS' RIGHT TO DEMAND A POLL

If Council resolves to adopt Māori representation by 23 November 2020, it must give public notice of the right of electors to demand a poll on the matter. If Council passes a resolution under section 19Z of LEA to introduce Māori representation, the public notice must include:

- (a) notice of that resolution; and
- (b) a statement that a poll is required to countermand that resolution.

Section 19ZB of the LEA allows 5% of the electors enrolled at the previous triennial election to demand a binding poll to be held on a proposal whether or not Māori representation is to be introduced for the next two triennial elections. The poll demand must be made in writing to the Chief Executive by a number of electors equal to or greater than 5% of the electors (3,080 electors) and can be made anytime, but to be effective for the 2022 elections, it must be made by 21 February 2021.

(III) COUNCIL MAY DECIDE TO HOLD A POLL OF ELECTORS

Council can also decide to hold a poll of electors at any time (but must decide no later than 21 February 2021 to be effective for the 2022 elections), irrespective of whether a valid demand has been received, or the time has expired for electors to demand a poll.

Public notice of the poll must be given no later than 21 February 2021 and the poll itself must be completed by 21 May 2021 (to be effective for the 2022 elections).

The results of the poll are binding and will determine whether Māori representation is to be introduced for at least the next two triennial elections (2022, 2025), and subsequent elections until either a further resolution under section 19Z of the LEA takes effect or a further poll is held.

Consultation with Māori on whether Māori representation is desirable should be undertaken. For many local authorities, such consultation has resulted in Māori representation not being introduced, with many Māori believing there are better ways of achieving representation for their people (for example co-governance models - Māori Standing Committees or Iwi Partnership models e.g. Rotorua District Council/Te Arawa Partnership, Gisborne District Council's Joint Management Agreement/Iwi Management Plans).


3.5 Representation Arrangements Review

A representation arrangements review must be undertaken at least once every six years (section 19H of the LEA). As the last review was undertaken in 2018, a further review is not required until 2024.

However, a further review can be undertaken in 2021 if considered desirable but must be undertaken in 2021 if Māori representation is introduced.

Legislation does permit minor internal boundary alterations to occur in three-years following a full representation review e.g. where a retirement village has grown to spread over parts of two wards.

A recommended timetable is set out in Appendix 1.

| | Name and title of signatory | Signature |
|--------|--------------------------------|--|
| Author | Dale Ofoske, Electoral Officer |  |

APPENDIX 1



T +64 9 973 5212
E info@electionservices.co.nz
W electionservices.co.nz

PO Box 5135, Wellesley Street, Auckland 1141, New Zealand
Level 2, 198 Federal Street, Auckland

// bringing change

2020/2021 ELECTORAL SYSTEM, MĀORI REPRESENTATION REVIEW TIMETABLE

LEGISLATIVE REQUIREMENTS

| | | |
|-----------------------|--|---------------------------|
| By 12 September 2020* | A local authority MAY resolve to change the electoral system (from the system it used at the 2019 general election) for the next two triennial elections. | Section 27 of LEA |
| By 19 September 2020* | A local authority MUST give public notice that electors may at any time demand that a poll be held on the future electoral system to be used by the local authority for the next two triennial elections, and if a poll outcome is to apply to the next triennial election, a demand for a poll must be received by 21 February 2021. If a resolution has been made by a local authority by 12 September 2020, this must be included in the notice. | Section 28 of LEA |
| By 23 November 2020* | A local authority MAY resolve to introduce Māori representation for the next two triennial elections. | Section 19Z of LEA |
| By 30 November 2020* | IF a resolution has been made by a local authority to introduce Māori representation, a local authority MUST give public notice that electors may at any time demand that a poll be held on Māori representation, and if a poll outcome is to apply to the next triennial election, a demand for a poll must be received by 21 February 2021. | Section 19ZA of LEA |
| By 21 February 2021* | IF a demand for a poll that a specified electoral system be used for the next two triennial elections is received by 21 February 2021, a poll must be held by 21 May 2021. | Sections 29 and 30 of LEA |
| By 21 February 2021* | A local authority MAY also resolve to undertake a poll of electors that a specified electoral system be used for the next two triennial elections. | Section 31 of LEA |

| | | |
|----------------------|--|---------------------|
| By 21 February 2021* | If a demand for a poll on Māori representation is received by 21 February 2021, a poll must be held by 21 May 2021. | Section 192C of LEA |
| By 21 February 2021* | A local authority MAY also resolve to undertake a poll on Māori representation. | Section 192D of LEA |
| By 21 May 2021* | If a successful demand for a poll has been received by 21 February 2021, or a resolution for a poll has been made by a local authority by 21 February 2021 (that a specified electoral system be used for the next two triennial elections), then a poll MUST be held within 89 days of notification. | Section 33 of LEA |
| By 21 May 2021* | If a successful demand for a poll has been received by 21 February 2021, or a local authority has made a resolution by 21 February 2021 (on Māori representation), then a poll MUST be held within 89 days of notification. | Section 192F of LEA |

* may be earlier than but not later than

Dale Ofoske, November 2019

7.3 2021 – 2031 Long Term Plan Process

Meeting: Te Kārearea Strategic Partnership Forum
Date of meeting: 19 August 2020
Reporting officer: Dominic Kula – General Manager Strategy and Democracy

1 Purpose

To continue discussion of strategic outcomes in the context of the LTP process.

2 Recommendation

That Te Kārearea Strategic Partnership Forum note the report.

3 Background

Councils are required under the Local Government Act 2002 (LGA) to facilitate participation by Māori in local authority decision-making.

In Whangārei Te Kārearea Strategic Partnership Forum was formed late in 2012 between Te Huinga (as advocates of the hapū of Whangārei) and Whangārei District Council. Since that time Te Kārearea has been the key governance level mechanism for Māori participation in decision making.

In establishing Te Kārearea Strategic Partnership Forum from June 2020 - September 2020 Council and hapū identified a joint desire to have a strategic focus, and 'bed in a new way of working'.

4 Discussion

Having established Te Kārearea the inaugural meeting of 23 June 2020 provided an opportunity to start korero on 'what strategic looks like', with a focus on Resource Management Act 1991 processes, and the 2021 – 2031 Long Term Plan (LTP).

At this meeting staff will provide an update on the LTP process, with a view to the Partners continuing discussion of collective priorities.

4.1 Focus for this meeting

While Te Kārearea has been the a key governance level mechanism for Māori participation in decision since it's creation in 2012 many of the matters raised for discussion through the Forum have been operational. The desire for Te Kārearea to be more strategic provides an opportunity to 'recast' the discussion/focus.

To do this the Partners need to work through respective and collective priorities, including how they can be progressed (or not) within the context and frameworks that each are subject to. Success will involve the right issue being raised at the right time and in the right way (be that in accordance with Tikanga or through legislative processes).

As a key strategic/funding document for councils is the LTP. In this session it is proposed to provide an update on the LTP process, with the Partners then discussing potential priorities.