

Council Briefing Agenda

Date: Tuesday, 13 October, 2020

Time: 1:00 pm

Location: Council Chamber
Forum North, Rust Avenue
Whangarei

Elected Members: Her Worship the Mayor Sheryl Mai
(Chairperson)

Cr Gavin Benney

Cr Vince Cocurullo

Cr Nicholas Connop

Cr Ken Couper

Cr Tricia Cutforth

Cr Shelley Deeming

Cr Jayne Golightly

Cr Phil Halse

Cr Greg Innes

Cr Greg Martin

Cr Anna Murphy

Cr Carol Peters

Cr Simon Reid

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

1. Apologies

2. Reports

2.1. 2022 Elections – Māori Representation

1

3. Closure of Meeting

2.1 2022 Elections – Māori Representation

Meeting: Council Briefing
Date of meeting: 13 October 2020
Reporting officer: Tracey Schiebli (Manager Democracy and Assurance)

1 Purpose

To brief elected members on the process for Council to consider Māori representation through the establishment of a Māori ward(s).

Council's Electoral Officer, Dale Ofsoske, will provide a presentation at the briefing.

2 Background

The Local Electoral Act 2001 (LEA) allows for Council to decide on the establishment of Māori ward(s). Whangarei District Council does not currently have a Māori ward, so any decision to change the status quo, which would then take effect for the 2022 and 2025 elections, is required to be made by 23 November 2020.

3 Options for considering Māori representation

The options for the consideration of Maori representation for 2022 and beyond include:

3.1 Take no further action

It is a Council decision to introduce Maori ward(s), or to remain with the status quo. Council could decide to take no further action. In this case no public notice is required.

3.2 Resolve to adopt Māori representation

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

If this option is chosen, Council would then publicly advertise the resolution. The advertisement would also state that a public poll of 5% of electors (3,080 electors) would be required to overturn the decision.

3.3 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 the LEA to introduce Māori representation, the public notice must include:

- (a) notice of the resolution; and
- (b) a statement that a poll is required to countermand (reverse) 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 demand must be made in writing to the Chief Executive and can be made anytime, but to be effective for the 2022 elections, it must be made by 21 February 2021.

3.4 Council may decide to hold a poll of electors

Council can 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).

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 and 2025), and subsequent elections until either a further resolution under section 19Z of the LEA taken effect or a further poll is held.

Our Electoral Officer has indicated that the cost of a standalone poll for the Whangarei District would be approximately \$90,000. Additional expenditure for communications and advertising would also be required, estimated at \$15,000.

3.5 Conduct a poll of electors on the establishment of Māori ward(s) in conjunction with the 2022 elections

Council can decide to conduct a poll on the establishment of Māori ward(s), to be done at the same time as the postal vote for the 2022 elections.

The poll would be binding and if the result is for Māori ward(s) to be introduced, it would apply for the next two elections (2022 and 2025), and then continue until Council resolves otherwise.

Our Electoral Officer has indicated that the cost of incorporating this poll with the election voting papers would be approximately \$9,000 (about 10% of a standalone poll). Expenditure for communications and advertising would be incorporated into the election material and campaign.

4 Process and implications

A decision to introduce Māori ward(s) would trigger a Representation Review process, which would investigate the necessary changes to re-align ward boundaries and other detail.

Schedule 1A of the LEA has a set formula to determine the number of Māori and General Councillors. For the Whangarei District, assuming that the total of 13 Councillors plus a Mayor remains, two Councillors would be required to be elected from a Maori ward(s), and 11 Councillors from the general wards.

5 Engagement

While the Te Kārearea Strategic Partnership has previously (at it's meeting of 19 August) recommended that Council introduce Maori Representation for the 2022 and 2025 Local Government Elections it will not be possible to formally take this matter to the newly created Standing Committee prior to the October Council meeting.

However, members of the new Committee are being informally canvased on their views, any feedback received will be worked through at this briefing. If Council resolves to take further action at it's October meeting a communications/engagement programme will be developed in support of the preferred option.

6 Attachment

Maori Ward 2020

Māori Wards 2020

Whangarei District Council

Briefing

1pm, 13 October 2020

Dale Ofosoke, Electoral Officer

Māori Wards 2020

- can be established anytime but specific opportunity every three-years
- establishment optional
- sit alongside general wards
- any elector can stand in a Māori ward
- only electors on the Māori electoral roll can vote in a Māori ward

Māori Wards 2020

- legal obligation
 - LGA sec 4: 'Treaty of Waitangi to maintain and improve opportunities for Māori to contribute to local government decision-making processes...'
 - LGA sec 14(d): 'a local authority should provide opportunities for Māori to contribute to decision-making.'
- LEA secs 19Z-19ZH provides opportunity and mechanisms

Māori Wards 2020

- establishment of Māori Wards socialized with Te Huinga and through Te Kārearea (recommended)
- establishment of standing committee to support Māori participation in decision making considered by Council on 25 September
- the two mechanisms complement each other:
 - the first is about *representation* through the Local Electoral Act 2001
 - the second about *participation* through the Local Government Act 2002
- other mechanisms include:
 - appoint members to committees
 - working parties
- other Councils with partnership models
 - Rotorua Lakes Council/Te Arawa Partnership
 - Gisborne District Council Joint Agreement

Māori Wards 2020

- every three-years Council can consider:
 - whether or not to establish Māori wards
 - whether or not to hold a poll on the matter
- resolution (optional) by 23 November 2020
- if establishing Māori wards, public notice by 30 November 2020
- notice provides opportunity for public to demand a poll
- resolution takes effect for minimum two triennial elections (2022, 2025)

Māori Wards 2020

- Council can resolve to hold a poll any time:
 - if no date given, poll as soon as practicable
 - if by 21 February 2021
 - poll held by 21 May 2021
 - result binding for 2022 & 2025 elections
 - if after 21 February 2021
 - poll held after 21 May 2021 e.g. poll held with 2022 elections
 - result binding for 2025 & 2028 elections

Māori Wards 2020

- electors can demand a poll any time:
 - if received by 21 February 2021
 - poll held by 21 May 2021
 - result binding for 2022 & 2025 elections
 - if received after 21 February 2021
 - poll held after 21 May 2021 e.g. poll held with 2022 elections
 - result binding for 2025 & 2028 elections
- minimum 5% electors (3,080) can demand poll
- estimated cost of poll \$100-\$110k + GST

Māori Wards 2020

- recent poll results
 - 2018 Western Bay of Plenty DC (22% for, 78% against)
 - 2018 Palmerston North CC (31% for, 69% against)
 - 2018 Whakatane DC (45% for, 55% against)
 - 2016 Wairoa DC (54% for, 46% against)
 - 2015 Far North DC (32% for, 68% against)
 - 2015 New Plymouth DC (17% for, 83% against)
 - 2013 Hauraki DC (19% for, 81% against)
 - 2012 Waikato DC (20% for, 80% against)
 - 2012 Wairoa DC (48% for, 52% against)

Māori Wards 2020

- formula in LEA
 - $nmm = \frac{mepd}{(mepd + gepd)} \times nm$
 - nmm = number Māori members
 - mepd = Māori electoral population of district
 - gepd = general electoral population of district
 - nm = total number members
- 17,397 Māori Electoral Population (19.13%)
- 73,563 General Electoral Population (80.87%)
- if 13 councillors retained:
 - 2 Māori councillors (2.49 rounded down to 2)
 - 11 general councillors
- for 3 Māori councillors, would need 14 councillors

Māori Wards 2020

- currently three local authorities have Māori representation
 - Bay of Plenty Regional Council (2001)
 - Waikato Regional Council (2013)
 - Wairoa District Council (2019)
- if established
 - must apply for at least two triennial elections
 - must undertake a representation review
- SOLGM submitted to Justice Committee that legislation for Māori wards be aligned with creation of other wards
- matter of interest to Minister of Local Government
- watch this space

Māori Wards 2020

- next steps
 - resolve by 23 November 2020 to establish Māori wards for 2022 & 2025 elections; or
 - resolve by 21 February 2021 to hold a poll on Māori wards for outcome for 2022 & 2025 elections; or
 - resolve after 21 February 2021 to hold a poll on Māori wards with 2022 election for outcome for 2025 & 2028 elections; or
 - seek feedback from iwi/hapu for Māori wards or other forms of Māori participation in decision-making; or
 - consider again in 2023

Māori Wards 2020

Whangarei District Council

Briefing

1pm, 13 October 2020

Dale Ofosoke, Electoral Officer