

Te Kārearea Strategic Partnership

Māori Wards and Representation Review
Briefing: 10am, 29 October 2020

Māori Wards 2020

- briefly, Māori wards can be established any time by:
 - a Council resolution; or
 - the favourable outcome of a poll of electors
 - either demanded by electors
 - or by a council resolution
- specific opportunity to consider every three-years
 - for 2022 triennial election, by 23 November 2020
- establishment optional

Māori Wards 2020

- if established
 - Māori wards sit alongside general wards
 - any elector can stand in a Māori ward
 - any elector can stand in a general ward
 - only electors on the Māori electoral roll can vote in a Māori ward
 - only electors on the general electoral roll can vote in a general 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 approved 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) unless overturned by poll

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) 40.4%
 - 2018 Palmerston North CC (31% for, 69% against)
 - 2018 Whakatane DC (45% for, 55% against) 44.3%
 - 2016 Wairoa DC (54% for, 46% against) 63%
 - 2015 Far North DC (32% for, 68% against) 35.1%
 - 2015 New Plymouth DC (17% for, 83% against) 45%
 - 2013 Hauraki DC (19% for, 81% against) 39.1%
 - 2012 Waikato DC (20% for, 80% against) 30.2%
 - 2012 Wairoa DC (48% for, 52% against) 47.3%

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
- 18,700 Māori Electoral Population (19.48%) – June 2019 estimates
- 77,300 General Electoral Population (80.52%) – June 2019 estimates
- if 13 councillors retained:
 - 3 Māori councillors (2.53 rounded up to 3)
 - 10 general councillors
 - previously 2 Māori/11 general based on 2018 Census

Māori Wards 2020

- currently three local authorities have Māori representation
 - Bay of Plenty Regional Council (2001)
 - Waikato Regional Council (2013)
 - Wairoa District Council (2019)
- NRC resolved to have Māori constituencies on 20 October 2020
- 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

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

- in summary, if establishing Māori wards
 - resolution required (by 23 November 2020)
 - public notice required (by 30 November 2020)
 - ability for electors to demand a poll (by 21 February 2021)
 - resolution to hold a poll (by 21 February 2021)
 - poll may be required (by 21 May 2021)
 - minimum period two triennial elections
 - need to undertake a representation review (by 31 August 2021)
 - need to potentially budget for a poll and a representation review

Representation Review 2021

- representation review required at least once every 6 years
- last review undertaken in 2018
- next review not legally required until 2024 - unless
 - Māori wards introduced
 - minor boundary alterations required
 - voluntarily undertake after 3 years
- if Māori wards introduced, then full review required in 2021
 - initial proposal between 1 March and 31 August 2021
 - final proposal by 19 November 2021
- process reasonably complex and prescribed
- ensure adequate budget and resource

Representation Review 2021

- when undertaking a representation review, must consider
 - communities of interest
 - perceptual, functional and political
 - sense of community/belonging/rohe
 - effective representation
 - total number councillors, wards, community boards etc
 - fair representation
 - each councillor represents about same number of people
 - +/-10% rule

Representation Review 2021

- representation review covers:
 - total number councillors
 - Māori (if established) and general
 - councillors elected from wards/'at large'/mix
 - if wards
 - number councillors elected from each ward
 - number, names, boundaries of wards
 - consider community boards
 - if establish
 - number, names, boundaries, if subdivided
 - number members elected and appointed

Representation Review 2021

- current arrangements
 - mayor
 - 13 councillors elected from 6 wards (1-4 per ward)
 - no Māori wards
 - no community boards
- must review arrangements if Māori wards introduced
 - if retain 13 councillors (can increase/decrease)
 - 3 Māori ward councillors, 10 general ward councillors
- how would councillors be represented?
 - 3 Maori councillors from 1-3 wards?
 - 10 general councillors from 1-10 wards?

Representation Review 2021

- timetable
 - to 21 February 2021: last date for demand for a poll
 - to 28 February 2021: informal review consultation
 - 1 March – 31 August 2021: consider review scenarios
 - by 21 May 2021: last date for a poll (if required)
 - by 31 August 2021: initial proposal
 - by 8 September 2021: public notice, call for submissions
 - 8 September – 8 October 2021: submission period

Representation Review 2021

- by 19 November 2021:
 - submissions heard
 - final proposal determined
 - public notice call for appeals/objections
- 19 November – 19 December 2021: appeal/objection period
- 15 January 2022: any appeal/objection to LGC
- by 11 April 2022: if required, determination by LGC

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