

Consideration of a Māori Ward

Meeting: Kaipara District Council
Date of meeting: 28 October 2020
Reporting officer: Jason Marris, GM Engagement and Transformation

Purpose/Ngā whāinga

To decide on establishing a Māori Ward for the 2022 and 2025 triennial elections.

Executive summary/Whakarāpopototanga

There are statutory considerations to improve opportunities for Māori to contribute to local government decision-making. This report recommends that Council approves the establishment of a Māori Ward, which would apply for the 2022 and 2025 triennial elections. Council's iwi partners, Te Roroa and Te Uri o Hau, have advised after engagement with Māori in their rohe, that preference is to establish a Māori ward in the Kaipara District. If approved by Council, the public have until 21 February 2021 to demand a poll on the matter, which would then need to be completed by 21 May 2021. If a poll occurs and the result is that a Māori ward be established, this will be included in the upcoming representation review process. If the result of any poll is not to establish a Māori Ward, council cannot revisit this again for a further six years.

Recommendation/Ngā tūtohunga

That Kaipara District Council:

- a) Agrees to establish a Māori ward in the Kaipara District, applicable for the 2022 and 2025 triennial elections.

Context/Horopaki

Local Authorities have the ability to establish Māori wards. The statutory basis for this is:

- The principle of fair and effective representation for individuals and communities (s4 (1)(a) Local Electoral Act).
- The purpose of Local Government to provide for democratic and effective local government that recognises the diversity of New Zealand communities. Specifically, the promotion of accountability of local authorities to their communities (s3, Local Government Act).
- Obligation to take appropriate account of the principles of the Treaty of Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes (s4, 14(d), 81 Local Government Act).

While Council could resolve to conduct a public poll or the public could demand a poll on the matter at any time, if Council wishes to establish a Māori ward applicable for the upcoming 2022 and 2025 local triennial elections, a decision must be made by 23 November 2020.

Staff reported to Council on this matter at the June council briefing. Direction provided at that briefing was for staff to engage with our iwi partners and report back to Council for a decision.

The process to establish a Māori Ward

The authority for Council to establish Māori ward(s) comes from the Local Electoral Act 2001 (LEA). The process is outlined below:

1. Council may decide by resolution to establish a Māori ward. To establish a Māori ward it needs to be resolved by 23 November 2020.

2. Public notice of this decision must then be made by 30 November 2020. The notice also advises that the public may demand a poll on the matter. A valid demand to conduct a poll would be one which is signed by at least 5% of electors across the district (approximately 790 electors).
3. Any demand for a poll must be received by Council by 21 February 2021.
4. If no demand for a poll is received, Council must then conduct a representation review to incorporate the Māori ward into the District's representation arrangements.

A representation review is a formal process that takes into account aspects such as population growth and distribution, community boards, ward(s)/names and number of elected members etc for the district.

Kaipara District Council (KDC) conducted a representation review prior to the 2019 local triennial elections. On approving the new representation arrangements, the Local Government Commission recommended that KDC conduct another review prior to the 2022 local government elections, due in part to the significant population growth across the district and this will commence in 2021. The representation review will be completed and will be the subject of future reporting.

5. If a valid demand for a poll is received, Council is then required to conduct a poll of all electors on the matter. This poll must be conducted by 21 May 2021. The estimated cost for conducting a poll is \$30k. There is no provision for this cost in the 2020/21 Annual Plan.
6. If the poll countermands the original Council decision to include a Māori ward, the Māori ward is not included in the arrangements for the 2022/2025 local government elections. If this occurs, council cannot revisit the option of establishing a Māori ward for a further six years.
7. Should a Māori ward be established either by way of a Council resolution or a poll, it must remain in place for at least two triennial elections (2022 and 2025).

How would a Māori ward work?

If Council ultimately establishes a Māori ward, candidates in future elections have an option to stand for the Māori ward or in a general ward. Candidates must be registered parliamentary electors. However, Māori ward candidates do not need to be on the Māori electoral roll (provided they're on the general electoral roll) and vice versa for candidates standing in the general ward(s).

Electors on the Māori electoral roll are then eligible to vote for candidate(s) in their Māori ward. Electors on the general electoral roll are then eligible to vote for candidate(s) in their general ward. Regardless of which roll an elector is on, an elector only has one vote (either for a Māori ward or a general ward). Every five years, electors have the opportunity to change from being on the general electoral roll to the Māori electoral roll and vice versa.

In Kaipara, the Māori electoral population is 3,630 and the general electoral population is 20,760. These are the estimates from Statistics New Zealand as at June 2019, based on the 2018 census. The Māori electoral population by ward is as follows:

Ward	Māori Electoral population
Kaiwaka-Mangawhai	720
Otamatea	790
West-Coast Central	960
Dargaville	1,160

Calculating the number of Māori and general members

There is a prescribed calculation to determine the number of Māori and general members in the LEA for a local authority. It is a proportionate calculation based on the Māori electoral population against the general electoral population. This is determined by Statistics New Zealand and provided to the Local Government Commission.

The number of councillors would be determined during the representation review. However, should the total number of councillors remain at eight (excluding the Mayor) this would mean that there would be one Māori councillor (elected at large by those on the Māori electoral roll at the election) and seven general councillors (elected from one or more wards by those on the general electoral roll).

The councillor remuneration pool is no longer based on the number of councillors. Therefore, the pool remains the same amount regardless of the number of councillors to be remunerated from the pool.

Discussion/Ngā kōrerorero

Engagement with Iwi

Following the June council briefing, staff engaged with our iwi partners, Te Roroa and Te Uri o Hau. Presentations and communication collateral providing all of the relevant information were created to easily allow our iwi partners to discuss broadly with Māori in their rohe. Both Te Roroa and Te Uri o Hau have formally advised that the preference of Māori is for a Māori ward to be established.

Options

Option 1: Agree to establish a Māori ward. This is the recommended option.

Option 2: Not agree to establish a Māori ward. This is the status quo option.

The advantages and disadvantages of each option are described below:

Option	Advantages	Disadvantages
Establish a Māori ward	<ul style="list-style-type: none"> Recognises the preference of Māori in the District and contributes toward a stronger relationship. Would provide a mandate for a Māori councillor to speak on behalf of Māori. A method to recognise Council's obligation under the LGA to increase participation of Māori in decision-making and to recognise the diversity of its communities. Consistent with the LEA requirements to consider the principle of fair and effective representation for individuals and communities. 	<ul style="list-style-type: none"> Can be divisive for certain parts of the community.
Not establish a Māori ward	<ul style="list-style-type: none"> Status quo would apply. May be less divisive for certain parts of the community. 	<ul style="list-style-type: none"> Would not reflect the request from Māori in the District. No formal mandate for Māori to be represented by a councillor Would not formally recognise this option of involving Māori in decision-making or fair and effective representation.

Policy and planning implications

Regardless of whether a Māori ward is established or not, staff will continue to progress the representation review process. Council's electoral officer, Dale Ofoske of Independent Election

Services Ltd has been engaged to conduct the process. This work will commence soon and be reported to Council.

Financial implications

If a request for a poll is received by Council, this will need to be conducted between March and May next year. Any cost to administer the poll, estimated at \$30k, would be unbudgeted expense in this 20/21 Annual Plan. The costs for the upcoming representation review have been budgeted for.

Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report 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.

The Council is not required to undertake community engagement or consultation on the decision to establish a Māori ward. To inform this report Te Roroa and Te Uri o Hau were consulted. If the decision is to proceed with the establishment of a Māori ward, public notice of this decision will be provided in our local papers.

Next steps/E whaiake nei

Staff will:

- Undertake the steps outlined in this report, depending on the decision made.
- Communicate with our community regarding the decision made and relevant information regarding that decision.
- Commence the representation review process.