



**The Extraordinary Meeting of the
Kawerau District Council will be
held on Wednesday 6 September 2023
commencing at 11.00am**

A G E N D A

GUIDELINES FOR PUBLIC FORUM AT MEETINGS

1. A period of thirty minutes is set aside for a public forum at the start of each Ordinary Council or Standing Committee meeting, which is open to the public. This period may be extended on by a vote by members.
2. Speakers may address meetings on any subject. However, issues raised must not include those subject to legal consideration, or be issues, which are confidential, personal, or the subject of a formal hearing.
3. Each speaker during the public forum is permitted to speak for a maximum of three minutes. However, the Chairperson has the discretion to extend the speaking time.
4. Standing Orders are suspended for the duration of the public forum.
5. Council and Committees, at the conclusion of the public forum, may decide to take appropriate action on any of the issues raised.
6. With the permission of the Chairperson, members may ask questions of speakers during the period reserved for public forum. Questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

**The Extraordinary Meeting of the Kawerau District Council
will be held on Wednesday 6 September 2023
commencing at 11.00am**

A G E N D A

Opening Prayer

Apologies

Leave of Absence

Public Forum

Declarations of Conflict of Interest

Any member having a “conflict of interest” with an item on the Agenda should declare it, and when that item is being considered abstain from any discussion or voting. The member may wish to remove themselves from the meeting while the item is being considered.

1 Electoral Decisions (Communications and Engagement Manager) (101200)

Pgs.1 - 13

Attached is a report from Electoral Services on Electoral Decisions.

Recommendations

1. *That the Election Services’ report “Electoral Decisions” be received.*
2. *That pursuant to section 27 of the Local Electoral Act 2001 Council resolves for the 2025 Kawerau District Council triennial elections to:*

Either

(i) Retain First Past the Post electoral system;

or

(ii) Change to the Single Transferrable Voting electoral system;

or

(iii) Undertake a poll of electors on the electoral system to be used for the 2025 and 2028 triennial elections;

And that public notice be given by 19 September 2023 of the decision and of the right of electors to demand a poll on the electoral system to be used;

3. *That pursuant to section 19ZA of the Local Electoral Act 2001, Council considers whether to introduce one or more Māori wards for the Kawerau District for the 2025 and 2028 triennial elections and that Iwi and public consultation takes place in August/September 2023; and*
4. *That if one or more Māori Wards are to be introduced, pursuant to clause 1, Schedule 1A of the Local Electoral Act 2001, Council undertakes a representation arrangements review with an initial proposal required no earlier than 20 December 2023 and no later than 31 July 2024.*

R B George

Chief Executive Officer

Z:\KDC Taxonomy\Governance\Democratic Services\Meetings\Extraordinary Council\Agenda's\Extraordinary 2023.09.06 .docx

Meeting: Extraordinary Council

Meeting Date: 6 September 2023

Subject: Electoral Decisions

File No: 101200

1 **Purpose**

The purpose of this report is to provide the Council with Election Services' Report on Electoral Decisions and to provide the 2023-2024 Electoral System, Māori Representation and Representation Arrangements Review Timetable.

Election Services' Electoral Officer Dale Ofsoske and Ben Roser will attend the Extra Ordinary Meeting via zoom.

2 **Background**

On 31 May, a Council workshop was held for Election Services Electoral Officer Dale Ofsoske to present a briefing on the upcoming reviews including the electoral system, representation review and community engagement strategy.

Another workshop was held on 21 August 2023, whereby Dale Ofsoske outlined the decisions regarding the electoral system and also the process regarding Māori Wards and the process of engaging with Iwi and Tangata Whenua and the wider community and get feedback for the decision to be made by Council by 23 November 2023.

As outlined by Election Services, Council has a three-step decision process to work through in line with the Local Electoral Act. This requires Council to resolve the electoral system by 12 September 2023; whether or not to adopt Māori Ward or Wards by 23 November 2023; and if it does so, to finalise an initial proposal for a Representative Arrangements Review by 31 July 2024

3 **Options**

The report by Election Services outlines the options and processes for Council with regard to the Electoral System, the first step of this process. The appendix outlines the legislative requirements for these decisions.

4 **Legal Considerations**

Council must meet the legislative requirements of the Local Electoral Act 2001.

5 **RECOMMENDATIONS**

1. *That the Election Services' report "Electoral Decisions" be received.*
2. *That pursuant to section 27 of the Local Electoral Act 2001 Council resolves for the 2025 Kawerau District Council triennial elections to:*

Either

- (i) Retain 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 2025 and 2028 triennial elections;*

And that public notice be given by 19 September 2023 of the decision and of the right of electors to demand a poll on the electoral system to be used;

3. *That pursuant to section 19ZA of the Local Electoral Act 2001, Council considers whether to introduce one or more Māori wards for the Kawerau District for the 2025 and 2028 triennial elections and that Iwi and public consultation takes place in August/September 2023; and*
4. *That if one or more Māori Wards are to be introduced, pursuant to clause 1, Schedule 1A of the Local Electoral Act 2001, Council undertakes a representation arrangements review with an initial proposal required no earlier than 20 December 2023 and no later than 31 July 2024.*



Tania Humberstone
Communications and Engagement Manager



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

PO Box 5135, Victoria Street West, Auckland 1142
Level 2, 198 Federal Street, Auckland 1010

// bringing change

Title: Electoral Decisions

Report to: Kawerau District Council

Author: Dale Ofoske, Electoral Officer

Date: 30 August 2023

1.0 Summary / Te Whakarāpopotanga

The Local Electoral Act 2001 provides for Council in 2023 to consider for the 2025 triennial elections (i) the electoral system to be used, (ii) whether one or more Māori wards should be introduced and (iii) should one or more Māori wards be introduced, a representation arrangements review be undertaken in 2024.

The legislative dates for these reviews are subject to the Local Government Electoral Legislation Bill currently before Parliament, which if introduced (expected by the end of August), will introduce changes to the legislative dates. The proposed changes are in brackets.

The review of the electoral system must be completed by 12 September 2023 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.

Consideration of introducing one or more Māori wards is currently optional, but if these are to be introduced for the 2025 triennial elections, a decision is required by 23 November 2023. If established, and assuming a total of eight councillors remain, there would be four councillors elected from 1-4 Māori wards and four councillors elected from 1-4 general wards.

A representation arrangements review is not required to be undertaken until 2027 unless one or more Māori wards are introduced (and a representation arrangements review is required in 2024).

2.0 Recommendation / Te Whaikupu

THAT the report titled 'Electoral Decisions' be received; and

THAT pursuant to section 27 of the Local Electoral Act 2001 Council resolves for the 2025 Kawerau 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 2025 and 2028 triennial elections;

and that public notice be given by 19 September 2023 of the decision and of the right of electors to demand a poll on the electoral system to be used; and

THAT pursuant to section 19ZA of the Local Electoral Act 2001, Council considers whether to introduce one or more Māori wards for the Kawerau District Council for the 2025 and 2028 triennial elections and that public/iwi consultation takes place regarding this during August/September 2023; and

THAT if one or more Māori wards are to be introduced, pursuant to clause 1, Schedule 1A of the Local Electoral Act 2001, Council undertakes a representation arrangements review with an initial proposal required no earlier than 20 December 2023 and no later than 31 July 2024.

3.0 Background / Te kōrero ā mua

The Local Electoral Act 2001 (LEA) provides for greater flexibility and local choice in several electoral related matters. The principal matters requiring consideration by most local authorities in 2023/2024 for the 2025 triennial elections are (i) the choice of electoral system (FPP or STV), (ii) for some

whether to introduce one or more Māori wards (if not already introduced) and (iii) for some to undertake a representation arrangements review.

Consideration of the electoral system is required by 12 September 2023; consideration of Māori wards (optional) is required by 23 November 2023; and if one or more Māori wards are to be introduced, a further representation arrangements review be undertaken in 2024.

The last representation arrangements review was undertaken in 2021 (for the 2022 triennial elections) and comprised of the mayor elected at-large, eight councillors elected district-wide and no community boards.

4.0 The issues / Ngā take

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.

4.1 Electoral System

Council is required under section 27 of the LEA to consider every three years the electoral system to be used for the 2025 triennial elections, by 12 September 2023.

Council has historically used the FPP electoral system and now has the opportunity to review the electoral system to be used for the 2025 triennial elections.


For the 2022 triennial elections, 63 of 78 local authorities used the FPP electoral system, and 15 of 78 local authorities used the STV electoral system. Local authorities currently using the STV electoral system are:

Dunedin City Council, Far North District Council, Gisborne District Council, Greater Wellington Regional Council, Hamilton City Council, Kaipara District Council, Kapiti Coast District Council, Marlborough District Council, Nelson City Council, New Plymouth District Council, Palmerston North City Council, Porirua City Council, Ruapehu District Council, Tauranga City Council and Wellington City Council.


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 fifteen New Zealand Councils in 2022. 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 is:

- (i) Council can resolve which electoral system is to be used, with a required public notice
- (ii) five per cent of electors can demand a poll be held on this at any time
- (ii) Council can choose to hold a poll on this, 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 2023 (two years prior to the next triennial election) unless it decides to hold a poll of electors prior to the 2025 triennial elections.

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

(II) ELECTORS' RIGHT TO DEMAND A POLL

Under section 28 of the LEA, Council **must** give public notice, by 19 September 2023, of the right of electors to demand a poll on the electoral system to be used for the 2025 triennial 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 (256 electors) and can be made anytime, but to be effective for the 2025 triennial elections, must be made by 11 December 2023.

If a valid demand for a poll is received after 11 December 2023, a poll must be held after 14 March 2024 e.g. with the 2025 triennial elections, the outcome effective for the 2028 and 2031 triennial elections.

(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 2025 triennial elections, must decide no later than 11 December 2023, 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 as soon as practicable after the resolution and the poll itself must be completed by 14 March 2024 to be effective for the 2025 triennial 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 (2025, 2028) and for all subsequent elections until either a further resolution takes effect or a further poll is held.

4.2 Māori Wards

Council may consider (it is currently optional), under section 19Z of the LEA, whether or not to introduce one or more Māori wards for the 2025 and 2028 triennial elections, by 23 November 2023.

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

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

where nmm = number Māori ward members

mepd = Māori electoral population of district

gepd = general electoral population of district

nm = total number members

For the Kawerau District Council, the Māori electoral population is 3,480 and the general electoral population is 4,280 (as at the 30 June 2022 Population Estimates).

Assuming a total of eight councillors (plus mayor) remain, the formula when populated would require four councillors elected from 1-4 Māori wards and four councillors elected from 1-4 general wards.

The process that Council can follow to consider the introduction of one or more Māori wards for 2025 and beyond is:

- Council may make a decision to introduce one or more Māori wards at anytime
- to be effective for the 2025 and 2028 triennial elections, a resolution is required by 23 November 2023
- there is now no longer a requirement to publicly notify this decision and there is no longer an ability to hold a binding poll on the matter
- consultation with Māori on whether one or more Māori wards should be introduced is recommended. For some local authorities, such consultation has resulted in Māori wards not being introduced, with Māori advising there may be better ways of achieving representation for their people (for example co-governance models) or for some they are not ready and awaiting finalisation of their Treaty settlement.

Note that the requirement to engage with local iwi and other communities (and have regard to their views) in relation to introducing one or more Māori wards under the Local Government Electoral Legislation Bill, is deferred until after the 2025 triennial elections.

4.3 Representation Arrangements Review

A representation arrangements review must be undertaken at least once every six years (section 19H of the LEA). The last review was undertaken in 2021, and accordingly a review is not required until 2027. However, if one or more Māori wards are resolved in principle in 2023, a representation review is required to be undertaken in 2024.

Key criteria to follow when undertaking a representation arrangements review are:

- identify the district’s communities of interest
- ensure these communities of interest have effective representation
 - what is the best number of councillors?
 - whether to have wards/”at-large”/mixture (including Māori wards if applicable)?
 - if wards, the number, names, boundaries of wards and the number of councillors per ward
 - whether to establish community boards?
 - if community boards, the number, names and boundaries, whether subdivided and the number of elected and appointed members per community board
- ensure compliance with fair representation (+/- 10% rule) of wards and subdivisions of community boards (if applicable)


Council will need to consider the above criteria when undertaking the representation review.

4.4 Suggested timetable

Suggested key dates for the reviews are:

- 31 May 2023: Council briefing (overview of the upcoming reviews, representation review community engagement strategy)
- 30 August 2023: Council resolution on the choice of electoral system – deferred
- 6 September 2023: Extra-ordinary Council meeting – Council resolution on choice of electoral system
- 15 September 2023: public notice of the electoral system
- by mid-September 2023: consultation with local iwi/hapū and the community on Māori wards
- 27 September 2023: Council briefing on Māori wards
- 25 October 2023: Council resolution on Māori wards (if applicable)
- February-April: informal public consultation on representation review scenarios, number councillors, community boards etc (if applicable)
- 24 April 2024: Council briefing on representation review scenarios
- 29 May 2024: Council resolution on initial representation review proposal
- 5 June 2024: public notice of initial proposal, call for submissions
- 5 June – 17 July 2024: 6-week submission period
- July 2024: hearing of submissions

- 31 July 2024: Council resolution on final representation review proposal
- 7 August 2024: public notice of final proposal, call for appeals/objections
- 7 August – 18 September 2024: 6-week appeal/objection period
- October 2024: if no appeals/objections received, public notice of basis of election
- November 2024: if appeals/objections received, forward material to Local Government Commission
- by 11 April 2025: determination from Local Government Commission (if required).

	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

2023/2024 ELECTORAL SYSTEM, MĀORI REPRESENTATION & REPRESENTATION ARRANGEMENTS REVIEW TIMETABLE

LEGISLATIVE REQUIREMENTS

By 12 September 2023*	A local authority MAY resolve to change the electoral system (from the system it used at the 2022 general election) for the next two triennial elections.	Section 27 of LEA
By 19 September 2023*	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 11 December 2023. If a resolution has been made by a local authority by 12 September 2023, this must be included in the notice.	Section 28 of LEA
By 23 November 2023*	A local authority MAY resolve to introduce Māori representation for the next two triennial elections.	Section 19Z of LEA
By 11 December 2023*	IF a demand for a poll that a specified electoral system be used for the next two triennial elections is received by 11 December 2023, a poll must be held by 14 March 2024.	Sections 29 and 30 of LEA
By 11 December 2023*	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
From 20 December 2023	Period commences for formal consultation/resolution of initial proposal for Representation Arrangements Review by local authority.	Section 19K (1AA) of LEA
By 14 March 2024*	If a successful demand for a poll has been received by 11 December 2023, or a resolution for a poll has been made by a local authority by 11 December 2023 (that a specified electoral system be used for the	Section 33 of LEA

G:\ElectionServices\Timetables\2023\Representation Review Timetables\August 2023-elecysys-Maorirep-rep-tble-current.doc

	next two triennial elections), then a poll MUST be held within 89 days of notification.	
By 31 July 2024*	Period concludes for consultation/resolution of initial proposal for Representation Arrangements Review by local authority.	Section 19H of LEA
By 8 August 2024*	A local authority MUST give public notice of resolution of initial proposal. One-month submission period.	Section 19M of LEA
By 8 September 2024*	Submission period closes.	Section 19M of LEA
By 3 November 2024*	Submissions heard by local authority and resolution of final proposal made by a local authority.	Section 19N of LEA
By 3 November 2024*	A local authority MUST give further public notice of its resolution of final proposal (within eight weeks of public notice). -One-month appeal/objection period.	Section 19N of LEA
By 3 December 2024*	Appeal/objection period closes.	Section 19O of LEA
By 20 December 2024*	Forward all Representation Arrangements Review material to LGC (if appeal/objection received).	Section 19Q of LEA
Before 11 April 2025*	Determination by LGC	Section 19R of LEA

* may be earlier than but not later than

Dale Ofsoske, 23 August 2023