



**The Extraordinary Meeting of the  
Kawerau District Council will be  
held on Wednesday 17 July 2024  
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 17 July 2024  
commencing at 11.00am**

**A G E N D A**

**1 Karakia Timatanga | Opening Prayer**

**2 Apologies**

**3 Leave of Absence**

**4 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.

**5 Meeting Notices**

**6 Nga Mihimihi | Acknowledgements**

**7 Public Forum**

**8 Electoral Processes: Representation Review Initial Proposal (Communications & Engagement Manager) (101200)**

**Pgs. 1 - 15**

Attached is a report on the Electoral Processes: Representation Review Initial Proposal.

**Recommendations**

1. *That the report “Electoral Processes: Representation Review Initial Proposal” be received.*
2. *That Council adopts, as its initial proposal, one of the following options:*

**Option 1:** *eight councillors, plus the mayor, being:*

*Two councillors elected ‘at-large’, and*

*Three councillors from one Māori ward, and*

*Three councillors from one general ward, and*

*No community boards*

**OR**

**Option 2:** *eight councillors, plus the mayor, being:*

*Four councillors from one Māori ward, and*

*Four councillors from one general ward, and*

*No community boards*

3. *That Council uses the Kawerau Māori Ward and the Kawerau General Ward as placeholder names in the interim.*
4. *That Council undertakes formal consultation on the initial proposal, including public notice on 22 July 2024 and a submission period between 22 July 2024 and 26 August 2024 followed by a Hearing of Submitters to be held on 11 September 2024.*

## **9 Karakia Whakamutunga | Closing Prayer**

M Godfery

**Chief Executive Officer**

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**Meeting:** Extraordinary  
**Meeting Date:** 17 July 2024  
**Subject:** Electoral Processes: Representation Review Initial Proposal  
**File No.:** 101200

## 1 **Purpose**

The purpose of this report is to provide an initial proposal for the review of representation arrangements (number of councillors, number, names and boundaries of wards etc.) that will apply for at least the 2025 triennial elections.

*Please note: Election Services' Electoral Officer Dale Ofsoske and Ben Roser will attend the Extraordinary Meeting via zoom.*

## 2 **Background**

The Local Electoral Act 2001 s19H requires local authorities to undertake a representation review at least once every six years. A representation review must consider the following three key principles:

- (i) Communities of interest
  - *sense of belonging*
  - *functionality*
  - *ability of the elected body to represent the interests and reconcile the conflicts of all its members*
  
- (ii) Effective representation
  - *how communities of interest can be effectively represented*
  - *best number of councillors*
  - *should councillors be elected from wards, 'at large' or a mixture?*
  - *names of wards, boundaries*
  - *should there be community boards*
  
- (iii) Fair representation (+/- 10% rule for wards)
  - *population equity (plus/minus 10% of average representation)*
  - *means each elected member represents about the same number of people within a plus/minus 10% rule*
  - *does not apply between general wards and Māori wards*

The last representation review was undertaken in 2021 for the 2022 and 2025 triennial elections. However, the introduction of Māori representation means a new review must be completed in 2024 for at least the 2025 triennial elections.

Council resolved to establish Māori representation via Māori ward(s) for the 2025 and 2028 local elections on 22 November 2023, so this review must include Māori ward(s) but does not revisit the decision to establish Māori ward(s).

Of note is that the coalition government is progressing the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill which will bring back the poll (or referendum) provisions for Māori wards so a poll is likely to be required with the 2025 local elections.

The outcome of the poll would apply for the 2028 and 2031 local elections. This may mean the Māori ward(s) are in place for one term depending on the outcome of the 2025 poll; another representation review may then be required in 2027 (for 2028).

If Council choose to rescind their resolution to establish Māori wards once the Bill is passed (expected to be end of July 2024), this would impact on the current representation review and initial and final proposals, if already resolved.

Council also resolved on 6 September 2023 to retain the First Past the Post (FPP) electoral system in 2023 for the upcoming 2025 local elections.

The review of representation arrangements must be an appropriate reflection of the district's communities of interest and comprises the following decisions:

- Whether Council keeps the current standing of: one mayor, eight councillors and no community board(s).
- Currently, there are no wards as the Mayor and councillors are elected 'at large' from the entire district. However, this will change for 2025 following the decision to introduce Māori ward(s) in November 2023. This will result in one or more Māori ward(s) and general ward(s).

Māori representation is being introduced based on the Local Electoral Act 2001 (LEA) legislative formula using Māori and general electoral populations (not electors):

$$nmm = mepd / (mepd + gepd) \times nm$$

where -

nmm is the number of Māori ward members

mepd is the Māori electoral population or estimated Māori electoral population of the district (3,430)

gepd is the general electoral population or estimated general electoral population of the district (4,390)

nm is the proposed number of total number members of the territorial authority (other than the Mayor)

So, with the statistics above and the current arrangements (of a Mayor plus eight councillors), the calculation  $[nmm = 3,430 / (3,430 + 4,390) \times 8]$  would provide for four<sup>1</sup> Māori ward councillors and four general ward councillors. Both the Māori ward and general ward councillors can be elected from 1-4 wards.

The total electoral population is 7,820.

<sup>1</sup> If the number of the Māori ward members (other than the mayor) calculated under subclause (1) includes a fraction, the fraction must be disregarded unless it exceeds a half. If the fraction exceeds a half, the number of Māori ward members must be the next whole number above the number that includes the fraction. Ref.LEA2001-Sch1A-2(3).

### 3 Early Engagement Overview

Early engagement for the representation review was undertaken with the community between April-May 2024. The engagement comprised both circulating information as to the scope of the representation review and the options for how the councillors could be represented and also gathering feedback from the community.

70 responses were collected via surveys online on social media and the council website and via the printed and delivered Council Pānui | Newsletter which aimed to reach all sectors of the community. In addition, 'drop in' sessions were held during the day and evening to enable an informal setting for people to seek information and have their say. Presentations to community organisations included that to Kawerau and Districts Aging in Place (Kadap) and Grey Power, which were well received. Council took the opportunity to gather further feedback on the representation review via the Mahere ā Tau | Annual Plan 2024-2025 engagement sessions, giving another layer of information and feedback via these community and stakeholder hui which following analysis showed the community's preference to:

- **Retain eight (8) councillors plus the Mayor** (supported by 75% of the respondents who gave feedback)
- **Keep the district as one ward** mainly due to the geographic area of the rohe (supported by 76% of the respondents who gave feedback)

*Note: the introduction of Māori representation means there will be at least one general ward and at least one Māori ward for the 2025 election.*

*Note: Early feedback considered that the current 'at large' district-wide ward boundary encompassing the entire Kawerau rohe is an appropriate reflection of the district's communities of interest. Hence, changes to the wards geographically have not been considered this term.*

- **Retain the status quo with no community boards** (supported by 70% of respondents who gave feedback)

*Note: feedback from the community conveyed the belief that elected members and the Mayor can and do effectively represent the community without duplication of roles.*

*Note: The issue of additional costs without achieving better or more effective representation via a community board or boards was cited as reasons not to establish community boards.*

- **Introduce a mixed 'combination model' system** (supported by 60% of respondents) comprising: *the Mayor; two councillors elected 'at large' district-wide; three councillors representing the Māori ward and three councillors representing the general ward*

## 4 **Representation Review – Options for the Initial Proposal**

The geographic nature of the Kawerau District combined with the feedback via early engagement with the community, identified two options for Council's consideration that would meet legislated requirements of the Local Electoral Act 2001:

### **Option 1: Mixed 'combination model' system:**

The majority of community feedback (60%) showed support for Council to investigate introducing a mixed 'combination model' system. The reasons for this were that it would enable voters on the General Electoral Roll and the Māori Electoral Roll to have a greater say in electing councillors who would represent their interests in the district.

Feedback from the community reflected that this model would be a 'win-win' for the community and Council. Feedback stated that irrespective of individual views regarding Māori wards, this mixed combination system offered open and transparent democracy with two 'at large' district-wide seats, while still providing for specific Māori representation with three Māori ward councillors at the table that would honour Council's decision for specific Māori representation.

If the current arrangements of eight seats plus the Mayor is retained, the mixed 'combination model' system (*refer Appendix 1*) would comprise the following:

- the Mayor elected by all voters, and
- two councillors elected 'at-large', elected by all voters (on both the Māori and general electoral rolls) and
- three Māori ward councillors, elected by voters on the Māori electoral roll
- three general ward councillors, elected by voters on the general electoral roll
- no community boards

### **Option 2: Ward system with four Māori ward councillors and four general ward councillors:**

With the current arrangements of the Mayor and eight councillors, the second option would be for the district to reflect the population demographics and Local Electoral Act calculation, which provides for a 50:50 allocation of representation of general ward and Māori ward councillors, based on an even number of councillors around the table.

Keeping the current number of councillors at eight, this would comprise:

- the Mayor elected by all voters
  - four Māori ward councillors elected by voters on the Māori electoral roll
  - four general ward councillors elected by voters on the general electoral roll
- Note: 50:50 representation is based on an even number of councillors and the Local Electoral Act (LEA) legislative formula using Māori and general electoral populations (not electors).*
- no community boards



## 5 Process Overview

The initial proposal, tabled today follows three workshops with elected members and a process of early engagement from March to May 2024 to gather community feedback to inform the decision-making of elected members about the initial proposal.

This process has been supported by Council's Electoral Officer Dale Ofoske and the team at Election Services. Council will continue to lead and undertake this process through the next formal stages, with support from Election Services.

The timeline of actions and decisions required by Council to complete the representation review is as follows:

<b>Electoral Process: Representation Review</b>	<b>Revised timeline</b>
• Council workshop 1 (overview)	21 Feb 2024
• Preliminary community engagement	April-May 2024
• Council workshop 2 (summary of consultation, scenarios)	19 June 2024
• Council Workshop 3 (further information re mixed combination)	10 July 2024
• Extraordinary Meeting (resolve initial proposal)	17 July 2024
• Public notice of initial proposal	22 July 2024
• Submission period	22 July-26 Aug 2024
• Extraordinary Meeting: Submission Hearing	11 Sept 2024
• Council workshop 4 (summary of submissions/deliberations)	18 Sept 2024
• Council meeting (final proposal resolution)	25 Sept 2024
• Public notice of final proposal	30 Sept 2024
• Appeal/objection period	30 Sept–4 Nov 2024
• LGC hearing placeholder (if required)	30 January 2025
• LGC determination (if required)	by 10 April 2025
• Triennial Elections and poll on Māori wards	11 October 2025

## 6 Policy and Plan Considerations

The representation arrangements review is legislated by the Local Electoral Act 2001 and the subsequent review and amendments in 2023. The review process will be impacted by the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill.

In terms of the representation review, the preferences and views of interested and affected people will need to be formally sought. The representation options are somewhat limited as there is a need to meet legislative requirement to avoid any challenges or ongoing debates.

## 7 Risks

Council must complete the legal requirements for engagement throughout the representation arrangements review, albeit we are guided by Election Services and have allowed sufficient time for a thorough and robust process.

The risk is that only one objection received following notification of the final proposal would trigger the determination by the Local Government Commission.

## **8 Financial Considerations**

Funding has been set aside in the Annual Plans for 2023-2024 and 2024-2025 to undertake the representation review.

Funding has also been provided for in the 2024-2025 budget for the 2025 triennial elections.

The Remuneration Authority reviews the [remuneration settings](#) for local government every three years. This includes assessment of each council's place on its appropriate size index (i.e. regional, unitary or territorial index) and the issuing of revised indices, plus decisions on each council's governance remuneration pool and minimum allowable councillor remuneration for each council.

## **9 Legal Considerations**

Representation reviews are a statutory process prescribed in the Local Electoral Act 2001. Legal considerations leading to the 2025 triennial elections will require further oversight of obligations introduced via the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill.

Election Services are the subject matter experts and will be guiding council to ensure that we meet all our legal obligations.

## **10 Significance and Engagement**

When making decisions, Council will consult Tangata Whenua, Kaumātua and Iwi. Council will ensure it meets its obligations with regard to the principles relating to local authorities contained in s14 of the Local Government Act, Te Tiriti o Waitangi and the Council's Significance and Engagement Policy.

The guidance of Tangata whenua via Council Cultural Advisor Te Haukakawa Te Rire will ideally be sought for the naming of the Kawerau Māori Ward and the Kawerau General Ward.

Based on the recommended form of engagement being to inform and involve the community, the proposed engagement and communication approach is: community engagement via Council website, Have Your Say consultation page (online survey), printed Council Pānui | newsletter, Social Media including Facebook, newspaper and radio advertising, and promotion at community and stakeholder meetings within the district during the submission period.

## **11 Conclusion**

The resolution today to adopt the initial proposal will be followed by a formal process of a comprehensive and informative communications strategy that will be in place to explain the initial proposal and the reasons it was selected and the various options to the community and seek their ideas of other considerations. Once Council has identified what the initial option is and resolved to adopt the initial proposal, the process of formal consultation and engagement will be undertaken by Council.

## 12 Strategic Context

Council has the decision-making authority at the Extraordinary Meeting to adopt the initial proposal to undertake a formal public consultation and engagement process.

Both options for the basis of election are outlined in this report and aim to give elected members and the community the transparency as to the decision-making processes required as per the Local Electoral Act 2001. Part of these legislative requirements for Council is that one proposal is adopted and taken to the community via the formal engagement process.

During the special consultative procedure that is required, Council will gather evidence-based feedback from the community via formal submissions. This will enable Council to analyse the submissions and hear submitters present first-hand at the scheduled hearing process on 11 September 2024.

This process means that should the community raise issues or concerns with the initial proposal, there is a formal trail that will enable their submissions to be heard and inform the final proposal in due course.

In addition, the Council may wish to name the wards. For the purpose of consultation Council can opt to use 'placeholder names' until further guidance is sought from Council Cultural Advisor Te Haukākawa Te Rire that could be introduced via the formal submission and hearing stage.

The suggested placeholder names are: Kawerau Māori Ward and Kawerau General Ward. The names "Māori Ward" and "General Ward" must form part of the name.

## 13 RECOMMENDATIONS

1. That the report Electoral Processes: Representation Review Initial Proposal be received.
2. That Council adopts, as its initial proposal, one of the following options:

**Option 1:** eight councillors, plus the mayor, being:

Two councillors elected 'at-large', and

Three councillors from one Māori ward, and

Three councillors from one general ward, and

No community boards

**OR**

**Option 2:** eight councillors, plus the mayor, being:

Four councillors from one Māori ward, and

Four councillors from one general ward, and

No community boards

3. That Council uses the Kawerau Māori Ward and the Kawerau General Ward as placeholder names in the interim.

4. That Council undertakes formal consultation on the initial proposal, including public notice on 22 July 2024 and a submission period between 22 July 2024 and 26 August 2024 followed by a Hearing of Submitters to be held on 11 September 2024.

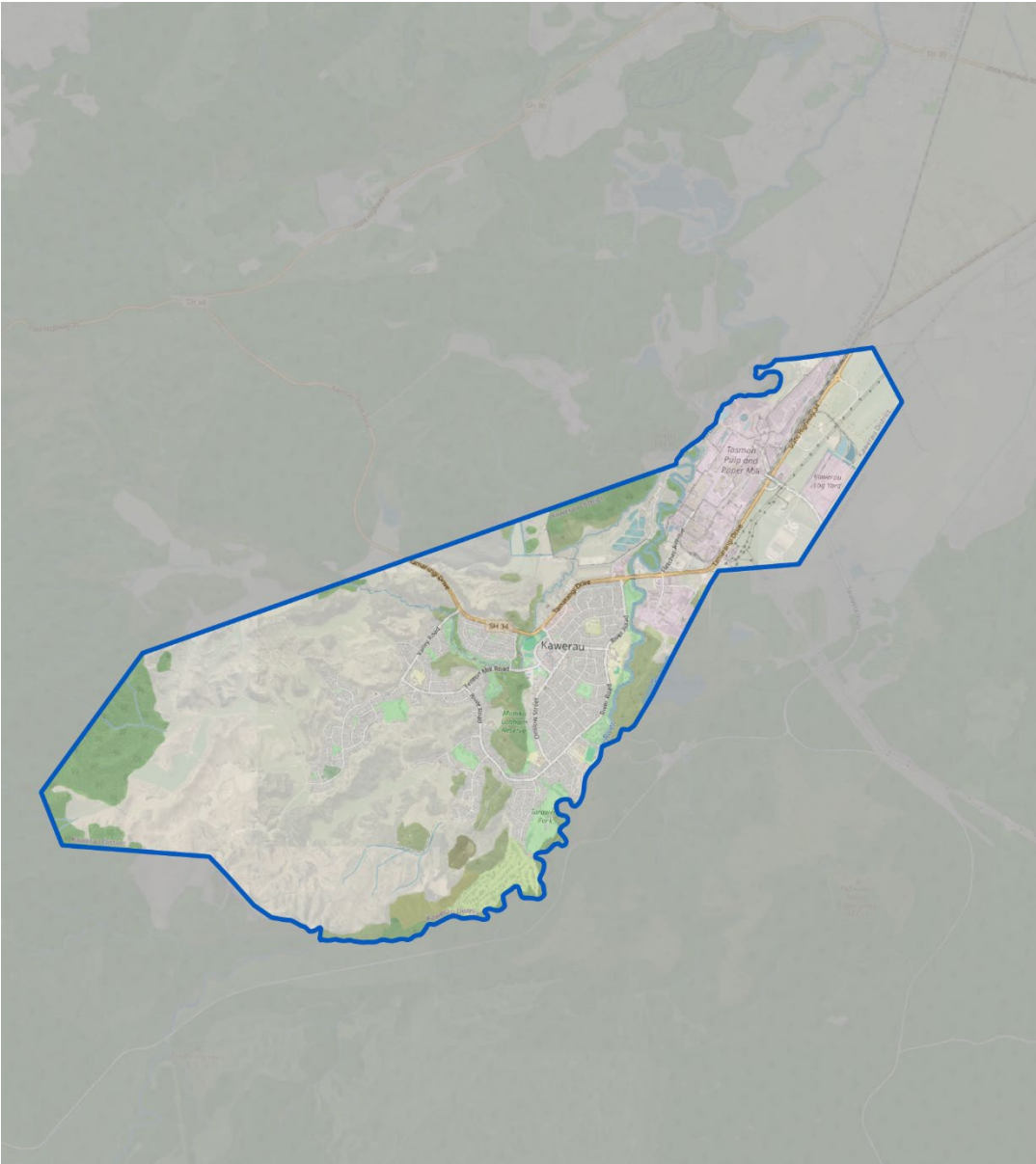


Tania Humberstone

**Manager Communications and Engagement**

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Appendix 1: Kawerau District map.



Appendix 2

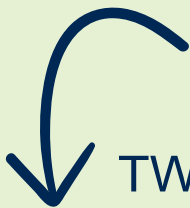
**Option 1 - Mixed 'combination model' system**

Mixed 'combination model' system with six councillors elected from a Māori ward and a general ward, and two councillors elected 'at large' district wide

Everyone votes for



ONE MAYOR



TWO "AT LARGE" DISTRICT WIDE COUNCILLORS

If you are on the General roll you vote for

If you are on the Māori roll you vote for



THREE GENERAL WARD COUNCILLORS



THREE MĀORI WARD COUNCILLORS

Please note: In the mixed 'combination model' system everyone can vote for the Mayor and the two "at large" district wide councillors. In addition, electors on the Māori Electoral roll can vote for three Māori ward councillors and electors on the General Electoral roll can vote for three general ward councillors.

Appendix 3

**Option 2 - Ward system with eight councillors, four elected from a Māori ward four elected from the general ward**



# Ward system with eight councillors, four elected from a Māori ward and four from a general ward



The Mayor and

8

seats at Council table



4

FOUR GENERAL WARD COUNCILLORS



FOUR MĀORI WARD COUNCILLORS

4



	Introduced mixed combination system comprising:	Turnout before mixed combination system introduced	Voter turnout after mixed combination system introduced	Change	Informal % before mixed combination system introduced	Informal % after mixed combination system introduced	Change	
<b>Kapiti Coast District Council</b> 58,390 pop'n 8.55% Māori (MEP)	2004	63.1	51.2	-11.9	5.3	2.4	-2.9	10 Councillors: 7 from 4 wards, 3 elected 'at-large' Introducing Māori ward in 2025
<b>New Plymouth District Council</b> 88,900 pop'n 10.35% Māori (MEP)	2022	45.3	45.1	-0.2	3.6	4.6 also introduced Māori Wards	-1	14 Councillors: 5 elected 'at large', 8 from 3 general wards and 1 from 1 Māori ward
<b>Nelson District Council</b> 55,680 pop'n 6.25% Māori (MEP)	2022	53.4	53.2	-0.2	0.4	4.5 also introduced Māori Wards	-4.1	12 councillors: 3 elected 'at-large', 8 from 2 general wards, 1 from 1 Māori ward
<b>Hutt City Council</b> 114,000 pop'n 11.14% Māori (MEP)	2019	37.8	42.8	5	0.2	0.4	0.2	12 councillors: 6 elected 'at-large', 6 from 6 wards *introducing Māori wards in 2025
<b>Masterton District Council</b> 29,080 pop'n 12.31% Māori (MEP)	2007	65.2	60.2	-5	0.2	3	2.8	8 Councillors: 3 elected 'at-large', 4 from 1 general ward, 1 from 1 Māori ward
<b>Gore District Council</b> 13,050 pop'n 8.43% Māori (MEP)	2007	66.2	66.2	0	0	0.4	0.4	11 councillors: 3 elected 'at-large', 8 from 4 wards
<b>Other Comparative Councils by population and/or Māori ethnicity (without mixed combination system)</b>								
<b>Ōpōtiki District Council</b> 10,580 pop'n 45.84% Māori (MEP)	Completing Representation Review 2024							Currently 6 councillors from 3 wards. Introducing Māori wards in 2025
<b>Wairoa District Council</b> 9,290 pop'n 48.01% Māori (MEP)	Completing Representation Review 2024							Currently 6 Councillors: 3 from 1 general ward and 3 from 1 Māori wawrd