

Wednesday, 21 April 2021

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council

Heretaunga Takoto Noa Māori Standing Committee Meeting

Kaupapataka

Agenda

Te Rā Hui:
Meeting date: **Wednesday, 21 April 2021**

Te Wā:
Time: **1.30pm**

Te Wāhi:
Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

Te Hoapā:
Contact: **Democracy and Governance Services
P: 06 871 5000 | E: democracy@hdc.govt.nz**

Te Āpiha Matua:
Responsible
Officer: **Pou Ahurea Matua Principal Advisor: Relationships
Responsiveness and Heritage – Dr James Graham**

Heretaunga Takoto Noa Māori Standing Committee – Terms of Reference

This is established between the Hastings District Council and the Māori community.

Context

The Heretaunga Takoto Noa Māori Standing Committee has been established by Council to continue the development of strategic and sustainable relationships with Māori. Council shall meet the intent and spirit of the Council's obligations set out in the legislation more particularly the obligations of the Local Government Act 2002;

- Towards establishing and maintaining processes that provide opportunities for Māori to contribute to the decision processes of Council.
- Fostering the development of Māori capacity to contribute to these processes.
- The provision of information to assist Māori contribution to Council's activities.

The Council wishes the Committee to reflect a spirit of partnership between the Council and the community and to contribute effectively to the Council's activities. To enable this to occur the Fields of Activity and Delegated Powers are framed with the widest scope possible.

The Council wishes the Committee to assist with the development of an integrated policy framework (based on Treaty of Waitangi Principles) for the Council aimed at delivering effective governance, engagement and service delivery for Council's Māori Communities.

Fields of Activity

- To provide policy advice with respect to the District Plan, regarding provisions for Wāhi Tapu, Papakainga, and where relevant to Tangata Whenua, any other amendments to the Plan.
- To provide input to the Long Term Plan and Annual Plan with particular reference to those issues of importance to Māori from within the District.
- To host Council Hui and Hapu events.
- To provide insight into Māori and other strategic community issues with particular reference to the Long Term Plan, the effectiveness of the District Plan and the delivery of the Annual Plan.
- To consider and recommend Māori capacity building activities within budget and resource constraints of Council.
- To assist Council as appropriate in conducting and maintaining effective, good faith working relationships with the Māori community including advice on governance arrangements.
- To make decisions as to the allocation of Marae Development Fund grants within the allocated budget.
- To assist Council with the development of an integrated policy framework and work programme to enable effective governance, engagement and service delivery for Council's Māori Communities.
- To nominate from among its members people whom it considers appropriate for the Council to appoint as members of its other Committees and Subcommittees.

Membership - 12 members

- Chair – to be elected at the first meeting of the Committee at the beginning of each triennium; and from among the appointed Tangata Whenua members of the committee.
- Deputy Chair – to be elected at the first meeting of the Committee at the beginning of each triennium from among the elected members of the committee.
- The Mayor.
- 5 Councillors.
- 6 members from Tangata Whenua to be appointed by the Council and Kaumatua, taking into account the “*post settlement environment*” and Mataawaka.

Quorum – at least 3 Councillor Members and 3 Tangata Whenua Appointees

Delegated Powers

- 1) Authority to exercise all Council powers, functions and authorities in relation to the matters detailed in the Fields of Activity such as to enable recommendations to the Council on those matters.
- 2) Authority to make decisions on the allocation of Marae Development Fund grants within the allocated budget.
- 3) Authority to develop procedures and protocols that assist the Committee in its operation provided that such procedures and protocols meet the statutory requirements of the Local Government Act 2002, the Local Government Official Information and Meetings Act 1987 and Council’s Standing Orders.

The Chair shall not have a casting vote.

Note: The Terms of Reference for the Heretaunga Takoto Noa Māori Standing Committee are subject to review by the Committee at its first meeting in the 2019 Triennium.

Wednesday, 21 April 2021

He hui e whakahaeretia nei e Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: Heretaunga Takoto Noa Māori Standing Committee Meeting

Kaupapataka

Agenda

	<i>Koromatua</i> Chair: Robin Hape (Chair) <i>Ngā KaiKaunihera</i> Councillors: Councillor Bayden Barber (Deputy Chair) Mayor Sandra Hazlehurst Councillors Henare O’Keefe, Peleti Oli, Ann Redstone and Geraldine Travers Marei Apatu, Tania Eden, Mike Paku and Ngaio Tiuka 1 Vacancy Councillor Alwyn Corban (Councillor Alternate) Kaumātua: Jerry Hapuku
<i>Mematanga:</i> Membership:	
<i>Tokamatua:</i> Quorum:	At least 3 Councillors and 3 Tangata Whenua appointees
<i>Apiha Matua</i> Officer Responsible:	Pou Ahurea Matua Principal Advisor: Relationships Responsiveness and Heritage – Dr James Graham
<i>Te Rōpū Manapori me te Kāwanatanga</i> Democracy & Governance Services:	Lynne Cox (Ext 5632)

Te Rārangi Take

Order of Business

1.0 Prayer - *Karakia*

Apologies & Leave of Absence – *Ngā Whakapāhatanga me te Wehenga ā-Hui*

2.0 At the close of the agenda no apologies had been received.

At the close of the agenda no requests for leave of absence had been received.

3.0 Conflict of Interest – *Mahi Kai Huanga*

Confirmation of Minutes – *Te Whakamana i Ngā Minitī*

Minutes of the Heretaunga Takoto Noa Māori Standing Committee meeting held on
4.0 4 November 2020

(Previously circulated)

5.0 Creation of Māori Wards in Hastings District for 2022 Local Authority Triennial Elections

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6.0 Minor Items – *Ngā Take Iti*

7.0 Urgent Items – *Ngā Take Whakahihiri*

Wednesday, 21 April 2021

Item 5

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council: Heretaunga Takoto Noa

Māori Standing Committee Meeting

Te Rārangi Take

Report to Heretaunga Takoto Noa Māori Standing Committee

Nā:
From: Jackie Evans, Electoral Officer

Te Take: Creation of Māori Wards in Hastings District for 2022 Local
Subject: Authority Triennial Elections

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 The Local Electoral Act 2001 (LEA) provides for the establishment of one or more Māori wards and is part of a suite of legislative provisions put in place by the Crown with the aim of increasing Māori representation and participation in local authority decision making.
- 1.2 The intent of the recent Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 is to improve the democratic representation of Māori interests, ensure equity in representation and to provide a Māori voice in local decision-making. To achieve this, the following changes have been made to the LEA:
 - Repeal of the provisions in the LEA that relate to polls on the establishment of Māori wards and constituencies;
 - Prohibition of binding council-initiated polls on whether to establish Māori constituencies (while retaining the right for councils to initiate non-binding polls to gauge public sentiment); and,
 - Establishment of a transition period ending on 21 May 2021 during which any local authority may, regardless of any previous decisions or previous poll outcomes, resolve to establish Māori constituencies for the 2022 local government elections.
- 1.3 The implications of this Amendment Act have been shared with all Councillors and the Heretaunga Takoto Noa Māori Standing Committee (HTNMSC) in informal sessions. As a result of a discussion at the HTNMSC retreat on 7 April 2021, a report has been prepared to enable the Committee an opportunity to debate the matter and make a recommendation to Council on their preferred course of action.

2.0 Recommendations – *Ngā Tūtohunga*

- A) That the Heretaunga Takoto Noa Māori Standing Committee receive the report titled Creation of Māori Wards in Hastings District for 2022 Local Authority Triennial Elections dated 21 April 2022.
- B) That the Committee recommend to Council **EITHER** Option One **OR** Option Two as set out in the report.
- C) That in the event that Option One is the preferred option the Committee:
 - i. Ask the Council to commence consultation with the community on the establishment of Māori wards in Hastings District as soon as possible; and,
 - ii. Give direction to the Council on the method and timing of targeted consultation with tangata whenua as suggested in the report.

3.0 Background – *Te Horopaki*

- 3.1 In 2014, the HDC: Māori Joint Committee made a recommendation to Council to consider a Māori Ward with the Council eventually passing a resolution regarding Māori wards at its extraordinary meeting held on 18 November 2014. The Council resolved: “That the Council not undertake any action to introduce a Māori ward for the 2016 triennial election, but it confirm that if the local government reorganisation of Hawke’s Bay does not proceed it will, as soon as the matter has been concluded, initiate the appropriate process with a view to ensuring, subject to the poll provisions of the Local Electoral Act 2001, that a Māori ward can be put in place for the 2019 triennial election”.
- 3.2 The matter was reconsidered by the HDC: Māori Joint Committee and Council in 2017. Council’s position at the time was that it considered it unfair that Māori wards are the only part of the representation process, which is subject to poll provisions, as this effectively prevents, in most communities, Māori from pursuing the representation arrangements that best suit them.
- 3.3 In April 2017 the HDC: Māori Joint Committee made a majority decision to recommend to the Council that it resolve not to introduce a Māori ward at the 2019 election. In reaching a decision not to adopt Māori wards in April 2017, a significant concern for both Council and its Māori Joint Committee was that the outcome of a poll would not achieve Māori wards and could potentially cause conflict, create divisions and harm relationships with Māori.
- 3.4 The Committee also recommended that the Chief Executive be asked to report back to the HDC: Māori Joint Committee and Council on options for increasing Māori participation in Council governance and decision-making.
- 3.5 On 28 March 2019, Council agreed to a recommendation from the Māori Joint Committee for the appointment of tangata whenua members to all Council Standing Committees with full voting rights.
- 3.6 On 10 December 2019 the incoming Council approved a governance structure and scheme of delegation for the 2019 -22 triennium, which included tangata whenua appointments with full voting rights to all of the Council’s Standing Committees and Subcommittees.
- 3.7 On 1 March 2021 the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 received royal assent, making amendments to the LEA and changing the process for Councils establishing Māori wards.

- 3.8 Specifically, the LEA was amended to remove electors' ability to demand a binding poll on establishing Māori wards, to remove the ability for Council to resolve to conduct a binding poll, and to provide for a 'transition period' ending on 21 May 2021 for Councils to consider or reconsider establishing Māori wards for the 2022 local elections.
- 3.9 The Government indicated further legislative changes would be introduced at a later date to change the way Māori wards work more broadly, and that this initial amendment was primarily to allow Councils to make decisions ahead of the 2022 local elections. At this stage, there are no details of what the further legislative changes might entail.
- 3.10 Under the amended LEA, Council may resolve to establish Māori wards for the 2022 local elections at any time before 21 May 2021. This decision is final and cannot be reversed as part of the representation review which is triggered as a result of this decision.
- 3.11 Any resolution to establish Māori wards applies for at least the next two general triennial elections. After that, Council would continue to have Māori wards unless the Council resolved to disestablish them.
- 3.12 If the Council does resolve to establish Māori wards, then it must subsequently conduct a representation review. The representation review process is explained later in this report.

4.0 Discussion – *Te Matapakitanga*

- 4.1 Now that the requirement for a binding poll has been removed, the HTNMSC at its retreat on 7 April 2021 expressed a strong desire for the Council to explore the introduction of Māori wards in time for the 2022 election. The purpose of this report is to inform the HTNMSC of the legislative requirements and implications of introducing Māori wards and seek Committee direction whether it wishes to make a formal recommendation to Council about the introduction of Māori wards.

How Māori Wards Work

- 4.2 Wards broadly are a way of dividing the district for elections to enable communities of interest to elect representatives. Hastings District is currently divided into 5 wards: Flaxmere, Hastings/Havelock North, Heretaunga, Mōhaka and Kahurānaki Wards.
- 4.3 A Māori ward is one way Council may choose to define a community of interest. Instead of grouping electors by geographic location like other wards, all electors who are on the Māori electoral roll vote in Māori wards. If Hastings had Māori ward(s), people on the Māori electoral roll would be able to vote for any candidates standing in the Māori ward(s), any candidates standing at large (Hastings District currently does not elect any candidates at large apart from the Mayor), and the Mayor. They would also be able to vote for the Rural Community Board based on their geographic location.
- 4.4 This is the same as electors in any of the other wards. The electors on the Māori roll simply vote for candidates standing in the Māori ward instead of the relevant general ward. All other votes remain the same. A copy of frequently asked questions with regards to Māori wards is appended to this report (**Attachment A**).
- 4.5 The number of Councillors elected by a Māori ward or wards is set by a formula in the Act. A ratio is found between the Māori electoral population (MEP) and the total electoral population of the district. This is multiplied by the number of Councillors (excluding the Mayor). The resulting number (rounded) is the number of Councillors that can be elected in Māori wards.

$$nmm = \frac{mep}{mep + gep} \times nm$$

nmm is the number of councillors elected in Māori ward(s)

mep is the number of Māori in the region enrolled on the Māori electoral roll*

gep is the number of voters in the region enrolled on the General electoral roll*
nm is the (proposed) total number of elected members (councillors) of the Council
Fractions are rounded up or down to the nearest whole number.

** figures used are latest population estimates provided by the Local Government Commission.*

- 4.6 Any official calculation will be determined from population estimates provided by the Local Government Commission, which is a different calculation from actual numbers on the current Māori and General electoral rolls. The most recent estimates show that Hastings District has a Māori electoral population of 16,400 and a general electoral population of 71,600. If the number of Councillors remained the same as it is currently then this would allow for three Councillors elected from Māori ward(s).

	MEP	GEP	Total Electoral Population	No. of members	Māori of Ward members	Māori Members (Rounded)	Ward
Hastings District	16,400	71,600	88,000	14	2.6	3	

- 4.7 This could change in the future if the Māori electoral population increases through demographic shifts or more Māori choosing to be on the Māori roll.
- 4.8 Māori Wards allow for fairer representation for all Māori ratepayers on the Māori roll, with the ability for Māori voters to select their own Māori representatives in a democratic process.

Significance and Engagement

- 4.9 The Council's Significance and Engagement policy allows for full participation of the wider communities and their feedback regards the establishment of Māori Wards. Officers recommend undertaking general consultation **and** more focussed engagement with local iwi and hapū, post-settlement treaty groups and tangata whenua in Hastings District so as to ensure that Council considers all views and preferences prior to making their decision regards the establishment of Māori wards.
- 4.10 The Electoral Officer has commissioned a legal opinion that confirms the most appropriate approach is general consultation on the basic proposal (public notification of the proposal and the key elements of the process the decision would give rise to), with focussed engagement with Māori. This would be to explain the process that the decision would generate, and the parameters of Māori and general ward outcomes for the district, and seek their views on the proposal and indications of what they would expect from it.
- 4.11 The LEA does not provide any specific engagement requirements for establishing Māori wards. Therefore the general decision-making requirements under the Local Government Act 2002 (LGA) and the Council's Significance and Engagement Policy are relevant to determining what level of engagement is required.
- 4.12 The LGA requires Council to analyse different options for achieving an objective, and its costs and benefits. The Council must be satisfied that consideration has been given to the views and preferences of persons likely to be affected or have an interest in the matter. This does not itself require any consultation process or procedure to be undertaken.
- 4.13 Compliance with these requirements is a matter of discretion for the Council. The primary factor informing what sufficient compliance looks like is the significance of the matter, and the Council's Significance and Engagement policy. Also relevant are the s14 Local Government Principles, Council resourcing, the nature of the decision and the circumstances, and any applicable legislative framework with decision-making requirements.

- 4.14 The Council must also ensure that significant alterations in policy are explained, Māori are provided with opportunities to contribute to the decision-making process, and any consultation is undertaken in accordance with the consultation principles.
- 4.15 Current representation arrangements on HTNMSC meet LGA S81 requirements as a process for Māori to contribute to decision-making. However, in acknowledging Treaty of Waitangi partnerships, the current model is mainly represented by mana whenua entities, with the exception of Māori Community Development Act Māori Committees. As such, the main representation is derived from the mana whenua Māori population.
- 4.16 This would also ensure that Council meets its obligations under the LGA to provide opportunities for Māori to contribute to decision-making.
- 4.17 A suggested time frame for engagement is:
- 21 April 2021 – HTNMSC Resolution.
 - 22 April 2021 – Emergency Council meeting to resolve the commencement of consultation on the establishment of Māori wards if the HTNMSC resolution recommends the establishment of Māori wards for the 2022 elections
 - 23 April – 12 May 2021 – Information dissemination and community engagement campaign for wider community and targeted consultation with local iwi, post settlement treaty groups, hapū and marae.
 - 18 May 2021 – Extraordinary Council Meeting to consider the recommendation from HTNMSC and outcome of consultation. Council decides whether or not to establish Māori wards.
 - 21 May 2021 – Deadline for Councils to resolve to establish Māori wards in time for 2022 elections.

Representation Review

- 4.18 If Council does resolve to establish Māori wards, then it must subsequently conduct a representation review. Legislative timeframes for this representation review are set by the Local Electoral Act:
- 31 August 2021 Deadline for Council to resolve an initial proposal.
 - 8 September 2021 Deadline for public notification of initial proposal.
 - 8 September 2021 – 8 October 2021 Submissions open (minimum period).
 - 8 October 2021 – 19 November 2021 Consider submissions and amend proposal if required (within six weeks of the close of submissions).
 - 19 November 2021 Deadline for public notification of proposal.
 - 20 December 2021 Deadline for appeals and objections to the proposal.
 - 15 January 2022 Deadline for appeals and objections to be forwarded to the Local Government Commission.
 - 11 April 2022 Deadline for Local Government Commission to make determination if any appeals or objections are received.
- 4.19 In a representation review the Council would be required to determine:
- The total number of Councillors.
 - Whether all Councillors will be elected from wards, or from a mixture of wards and at large.
 - The names and boundaries of any wards.
 - The number of Councillors elected in each ward, and the number elected at large (if any).

- The number and composition of Community Boards (if any).

4.20 Notably, the representation review is not an opportunity to revisit the question of Māori wards. Any proposal and consultation would be on the basis that Māori wards have been established.

4.21 If Māori wards have been established, then within the representation review Council cannot propose to elect all Councillors at large. It can propose to have some Councillors elected at large but there must be at least one Māori ward and one general ward.

Resource Implications

4.22 The last representation review was in 2018 and in the normal course of events the review of Council's representation arrangements would be in 2023/24 for the 2025 and 2028 triennial elections. Therefore in 2020/21 no budget or staffing resource has been allocated to undertake the required consultation, project planning and reporting and delivery of a representation review.

5.0 Options – Ngā Kōwhiringa

EITHER Option One - Te Kōwhiringa Tuatahi

5.1 To recommend to Council:

- That the Committee recommends the introduction of Māori wards in the District for the 2022 triennial election

Advantages

- The legislative change provides the Council with an opportunity to increase the level of Māori participation in Local Authority decision making which is fully representative, meaningful and sustainable.
- Opportunity for Hastings District Council to lead out on this issue and move in alignment with mana whenua aspirations for the Rohe.

Disadvantages

- The introduction of Māori Wards may be controversial and potentially divisive.

OR Option Two – Status Quo - Te Kōwhiringa Tuarua

5.2 Recommend to Council to delay the consideration of establishing Māori wards until the second tranche of legislation has been passed, noting that any decision made later would not have any effect until the 2025 local government elections.

6.0 Next steps – Te Anga Whakamua

6.1 If the Committee resolves at its meeting on 21 April 2021 to recommend to Council the introduction of Māori wards in time for the 2022 election, then Council approval will be sought at an emergency Council meeting to be called on 22 April 2022 to commence the consultation process as described in paragraph 4.17 above.

Attachments:

1↓ Māori wards and constituencies QAs

CG-16-5-00043

Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

Fit with purpose of Local Government - *E noho hāngai pū ai ki te Rangātōpū-ā-Rohe*

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future. This proposal promotes the social and cultural wellbeing of communities in the present and for the future.

Link to the Council's Community Outcomes – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This report contributes primarily towards enabling tangata whenua and mana whenua to exercise partnership in decision making.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

Current representation meets LGA S81 requirements as a process for Māori to contribute to decision-making. However, in acknowledging Treaty of Waitangi partnerships, the current model is mainly represented by mana whenua entities, with the exception of Māori Community Development Act Māori Committees. As such the main representation is derived from the mana whenua Māori population (NB: this is not isolated to Hastings District and is common across the country).

Māori wards allow for fairer representation for all Māori ratepayers on the Māori roll, with the ability for Māori voters to select their own Māori representatives in a democratic process.

Māori wards do not remove the LGA S81 obligation to engage Māori. The Heretaunga Takoto Noa Kōmiti currently fulfils LGA S81, however a Kōmiti is one mechanism and some councils follow other mechanisms to exercise LGA S81.

Māori wards do not remove the operational RMA S35 obligation to engage mana whenua in RMA matters of importance.

Sustainability - *Te Toitūtanga*

N/A:

Financial considerations - *Ngā Whakaarohanga Ahumoni*

See paragraph 4.22. There is no budget allocated for this work in 20/21. If Option A is recommended the Council will need to approve unbudgeted funds of \$70,000.

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This report has been assessed under the Council's Significance and Engagement Policy as being at the higher end of the continuum and requiring an appropriate level of community engagement taking into account the limited time available prior to the decision deadline of 21 May 2021.

Consultation – internal and/or external - *Whakawhiti Whakaaro-ā-roto / ā-waho*

See paragraphs 4.9 - 4.17

Risks

Opportunity: To improve the democratic representation of mana whenua and Māori interests, ensure equity in representation and to provide mana whenua and Māori a voice in local decision-making.

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
<p>The legislative change provides the Council with an opportunity to increase the level of Māori participation in Local Authority decision making which is fully representative, meaningful and sustainable.</p> <p>Opportunity for Hastings District Council to lead out on this issue and move in alignment with mana whenua aspirations for the rohe.</p>	<p>The introduction of Māori wards may be controversial and potentially divisive.</p>

Rural Community Board – *Te Poari Tuawhenua-ā-Hapori*

If a Māori ward(s) is established, electors on the Māori roll will have the opportunity to vote for any community boards set up in the geographic area where they live.



QUESTIONS AND ANSWERS ABOUT MĀORI WARDS AND CONSTITUENCIES AND THE REPRESENTATION REVIEW PROCESS

Below are answers to questions the Local Government Commission has commonly received about Māori wards and constituencies and how they are dealt with in the representation review process.

What population is to be used to calculate:

- The number of members to be elected from Māori wards and constituencies?
- Compliance for Māori and general wards and constituencies with +/-10% rule?

The population statistics to be used are the Māori electoral population (MEP) and the General electoral population (GEP). These populations are calculated by Statistics New Zealand after each census and the subsequent Māori electoral option.

The technical definitions of these populations are as follows:

- MEP: the total number of people registered as voters in Māori parliamentary electorates, plus a proportion of people of New Zealand Māori descent who are not registered as electors of any electorates, plus a proportion of the people of New Zealand Māori descent under the age of 18 years.
- GEP: the total ordinarily resident population as shown in the last Census of Population and Dwellings, with the exception of the Māori electoral population.

In other words:

- MEP is based on the number of people enrolled on the Māori electoral roll plus a proportion of those people who are not enrolled or who are aged under 18 years.
- GEP is the rest of the population.

MEP and GEP are also used in the periodic review of parliamentary electorates.

Other statistics such as the total Māori population and the number of electors on the Māori roll are not to be used in the representation review calculations.

How are the number of members to be elected from Māori wards and constituencies calculated?

The number of members to be elected from Māori wards and constituencies is calculated through a formula and depends on:

- The total number of elected members for the district that are to be elected through wards; and
- The Māori Electoral Population (MEP) and General Electoral Population (GEP) of the district.

See also:

- clauses 2 and 4, Schedule 1A, Local Electoral Act 2001
- Chapter 4 of the Local Government Commission's representation review guidelines which can be found [here](#).

Is the timetable for a representation review involving Māori wards or constituencies the same as the timetable for a review not involving Māori wards or constituencies?

With one small difference the timetables are the same. That small difference is that:

- For a review involving Māori wards or constituencies a council's initial resolution must be made by 31 August 2021
- For a review not involving Māori wards and constituencies there is no date specified in the Local Electoral Act for when the initial resolution must be made, but the public notice of that resolution must be given not later than 8 September 2021.

Can the council's decision to establish Māori wards and constituencies be reversed through the council's representation review as a result of submissions to the council or appeals and objections to the Local Government Commission?

No, the initial decision to establish Māori wards and constituencies cannot be reversed by the representation review.

However, submissions, appeals and objections may be made on detailed arrangements such as:

- the total number of members of the council
- the names of Māori wards and constituencies
- if there are to be 2 or more members elected from Māori wards and constituencies, whether there should be 1 ward or multiple wards
- if there are to be multiple Māori wards or constituencies, the number and boundaries of those wards and constituencies.

Our council is currently elected at large. If we establish a Māori ward do we have to establish a General ward?

Yes, if a Māori ward or constituency is established there has to be one or more General wards or constituencies (see clause 1, Schedule 1A, LEA). It is possible that the Māori ward and the General ward may cover the whole of the district. This is currently the case in Wairoa District.

Can some members be elected from wards and some “at large”?

Yes, if the council is a territorial authority. If the council has decided to have 1 or more Māori wards, the first step in the representation review process is to determine whether:

- all of the members (other than the mayor) are to be elected through a combination of Māori and General wards; or
- some of the proposed members are to be elected by the electors of the district as a whole (“at large”) and some are to be elected through a combination of Māori and General wards.

In either case, the Māori and General wards may cover the whole of the district.

When a council first establishes Māori wards or constituencies, are the members for the new wards/constituencies additional to the current councillor positions, or do they replace existing positions?

Either can be the case. The second step in the representation review process is to decide what the total number of members for the council should be. This number is used to calculate how many of those members are to be elected from Māori wards or constituencies.

Where the council has decided that some members are to be elected from wards and some at large the calculation uses the number of members to be elected from wards. The “at large” members are not included in the calculation.

Is the +/-10% rule calculated collectively over both Māori and General wards, or separately – once for Māori wards/constituencies and once for general wards/constituencies?

It is calculated separately for each category of ward (see clause 6(a), Schedule 1A, LEA).

If Māori wards or constituencies are established, who votes in which elections?

At territorial authority elections:

- A person on the Māori roll may vote for:
 - the Mayor
 - members elected from a Māori ward
 - any members elected “at large” from the district as a whole (if applicable)
 - community board or local board members (if applicable)
- A person on the General roll may vote for:
 - the Mayor
 - members elected from a General ward
 - any members elected “at large” from the district as a whole (if applicable)
 - community board or local board members (if applicable)

At regional council elections:

- A person on the Māori roll may vote for members elected from a Māori constituency
- A person on the General roll may vote for members elected from a General constituency

When can people move from the Māori electoral roll to the General electoral roll, or vice versa?

If a person of Māori descent is already enrolled, they can change rolls during the next Māori electoral option, scheduled for 2024.

A person of Māori descent enrolling for the first time can choose which roll they wish to be on - the General roll or the Māori roll.

Status of document:

Updated on 10 March 2021