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Title: 2016 Representation Review Project

Report to: Thames-Coromandel District Council

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Date: 25 August 2014

1.0 Summary and conclusions

At the 26 February 2014 Council meeting, a project plan '2016 Representation Review Project' was considered and approved. It was resolved that (i) the Policy Committee undertake the review; (ii) Community Board member Paul Kelly be appointed to the review project; and (iii) Council will consider and determine submissions to the review of representation arrangements.

Three key reviews form part of the project plan, the first being consideration of the electoral system, the second whether or not Māori representation should be introduced and the third, the representation arrangements review (wards, number councillors, community boards etc). The 'steer' given by Council relating to these three reviews was for minimum change.

The first review, the electoral system, was considered by Council on 13 August 2014 where it was resolved to retain the FPP electoral system.

The second review, consideration of Māori representation, is optional, but if Māori representation is to be introduced for the 2016 triennial elections, a resolution by Council must be made by 23 November 2014.

The third review, a representation arrangements review, is required in 2015, and if Māori representation is to be introduced, then this must be reflected in the review.

2.0 Recommendations

1. That the report titled '2016 Representation Review Project' be received.
2. That Council resolves for the Thames-Coromandel District Council 2016 triennial elections:
either
 - (i) to introduce Māori representation;
or
 - (ii) not to introduce Māori representation;
or
 - (iii) to undertake a poll of electors on whether or not Māori representation is to be introduced for the 2016 and 2019 triennial elections, such a resolution required by 28 February 2015 for the outcome to be applicable for the 2016 triennial elections;

and that if Māori representation is to be introduced for the Thames-Coromandel District Council 2016 triennial elections, public notice be given by 30 November 2014 of the decision and of the right of electors to demand a poll on whether or not Māori representation is to be introduced.

3.0 Narrative

3.1 Background

The Local Electoral Act 2001 (LEA) provides for greater flexibility and local choice in a number of electoral related matters. The principal matters requiring consideration by local authorities in 2014/2015 for the 2016 elections are (i) the choice of electoral system (between FPP and STV), (ii) whether or not to introduce Māori representation and (iii) to undertake a representation arrangements review.

Consideration of the electoral system was required by 12 September 2014; consideration of Māori representation is required by 23 November 2014 (optional); and the representation arrangements review is required between 1 March 2015 and 31 August 2015.

3.2 Legislative Requirements

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.

3.3 Māori Representation

Council may consider (it is optional), under section 19Z of the LEA, whether or not to introduce Māori representation for the 2016 and 2019 elections, by 23 November 2014.

Should Māori representation 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 members
mepd = Māori electoral population
gepd = general electoral population
nm = total number members

For the Thames-Coromandel District Council, the Māori electoral population is 2,676 and the general electoral population is 23,502 (as at the 2013 Census).

Assuming a total of 8 councillors (plus Mayor) remain, the formula when populated would require 1 Māori councillor (0.82 rounded to 1) and 7 general councillors.

The process that Council can follow to consider Māori representation for 2016 and beyond is:

- (i) Council may make a decision to introduce Māori representation, but if it does, public notice must be given;
- (ii) five per cent of electors can demand a poll on the matter;
- (iii) Council may choose to hold a poll on the matter, irrespective of whether or not a poll is demanded by electors.

(i) COUNCIL TO RESOLVE TO ADOPT MĀORI REPRESENTATION

Council **may** resolve to introduce Māori representation for the next two triennial elections (2016, 2019). If it decides to introduce Māori representation in time for the 2016 elections, it must do so no later than 23 November 2014 (two years prior to the next triennial election), unless it decides to hold a poll of electors.

Any such resolution would take effect for the 2016 and 2019 elections, and continue in effect until either Council resolves otherwise, or a poll of electors is held.

Council may also simply choose to do nothing, in which case no public notice is required.

(ii) ELECTORS' RIGHT TO DEMAND A POLL

If Council resolves to adopt Māori representation by 23 November 2014, it **must** give public notice of the right of electors to demand a poll on the matter. If Council passes a resolution under section 19Z of LEA to introduce Māori representation, the public notice must include:

- (a) notice of that resolution; and
- (b) a statement that a poll is required to countermand that resolution.

Section 19ZB of the LEA allows 5% of the electors enrolled at the previous triennial election to demand a binding poll to be held on a proposal whether or not Māori representation is to be introduced 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 (1,099 electors) and can be made anytime, but to be effective for the 2016 elections, it must be made by 28 February 2015.

(iii) COUNCIL MAY DECIDE TO HOLD A POLL OF ELECTORS

Council can also decide to hold a poll of electors at any time (but must decide no later than 28 February 2015 to be effective for the 2016 elections), 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 no later than 28 February 2015 and the poll itself must be completed by 21 May 2015 (to be effective for the 2016 elections).

The results of the poll are binding and will determine whether Māori representation is to be introduced for at least the next two triennial elections (2016, 2019), and subsequent elections until either a further resolution under section 19Z of the LEA takes effect or a further poll is held.

The estimated cost for a stand-alone poll would be in the order of \$40,000 + GST.

Consultation with Māori on whether Māori representation is desirable should be undertaken. For many local authorities, such consultation has resulted in Māori representation not being introduced, with many Māori believing there are better ways of achieving representation for their people.

3.4 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 2009, and accordingly a review is required in 2015.

If Māori representation is introduced, a representation review is required, irrespective of when the last representation arrangements review was undertaken.

A recommended timetable is set out in Appendix 1, noting that Council has resolved for its Policy Committee to initially undertake the review in the New Year.

	Name and title of signatory	Signature
Author	Dale Ofsoske, Electoral Officer	

LEGISLATIVE REQUIREMENTS**APPENDIX 1**

By 12 September 2014	A local authority MAY resolve to change the electoral system (from the system it used at the 2013 general election) for the next triennial election.	Section 27 of LEA
By 19 September 2014	A local authority MUST give public notice of the right of 5% of the electors to demand a poll on the future electoral system for the next two triennial elections, and if a resolution has been made by a local authority by 12 September 2014, then this must be included in the notice.	Section 28 of LEA
By 23 November 2014	A local authority MAY resolve to introduce Māori representation for the next triennial election	Section 19Z of LEA
By 30 November 2014	IF a resolution has been made by a local authority to introduce Māori representation, a local authority MUST give public notice of the right of 5% of the electors to demand a poll on Māori representation.	Section 19ZA of LEA
By 28 February 2015	A certain period MUST be given following the public notice on the electoral system allowing electors to gather sufficient signatures to demand that a poll be held to change the electoral system for the next two triennial elections.	Section 30 of LEA
By 28 February 2015	IF a resolution has been made by a local authority to introduce Māori representation, a certain period MUST be given following the public notice on Māori representation allowing electors to gather sufficient signatures to demand that a poll be held on Māori representation for the next two triennial elections.	Section 19ZC of LEA
By 28 February 2015	A local authority MAY resolve to undertake a poll of electors on a proposal that a specified electoral system be used for the next two triennial elections.	Section 31 of LEA
By 28 February 2015	A local authority MAY resolve to undertake a poll of electors on a proposal that Māori representation be introduced for the next two triennial elections.	Section 19ZD of LEA
1 March 2015	A local authority cannot resolve their initial proposal before this date.	Section 19K (1AA) of LEA
By 21 May 2015	If a successful demand has been received by 28 February 2015 to hold a poll or a resolution has been made by a local authority by 28 February 2015, on a	Section 33 of LEA

	proposal that a specified electoral system be used for the next two triennial elections, then a poll MUST be held within 82 days of notification.	
By 21 May 2015	If a successful demand has been received by 28 February 2015 to hold a poll or a local authority has made a resolution by 28 February 2015 on Māori representation, then a poll MUST be held within 82 days of notification.	Section 19ZF of LEA
By 31 August 2015	Representation Arrangements Review completed by local authority.	Section 19H of LEA
By 8 September 2015	A local authority MUST give public notice of the resolution containing the representation arrangements review proposals. One month submission period.	Section 19M of LEA
By 8 October 2015	Close of submissions.	Section 19M of LEA
By 19 November 2015	Submissions heard by local authority.	Section 19N of LEA
By 26 November 2015	A local authority MUST give further public notice of its proposals. One month appeals/objection period.	Section 19N of LEA
By 26 December 2015	Close of appeals/objections.	Section 19O of LEA
By 15 January 2016	Forward all representation arrangements review material to LGC (if appeals/objections received).	Section 19Q of LEA
By 11 April 2016	Determination by LGC	Section 19R of LEA