



# **RĀRANGI TAKE AGENDA**

## **Additional Hui Kaunihera | Council Meeting**

**I hereby give notice that a Meeting of the Kāpiti Coast District Council  
will be held on:**

**Te Rā | Date: Tuesday, 14 November 2023**

**Te Wā | Time: 9.30am**

**Te Wāhi | Location: Council Chamber  
Ground Floor, 175 Rimu Road  
Paraparaumu**

**Darren Edwards  
Chief Executive**

**Kāpiti Coast District Council**

**Notice is hereby given that a meeting of the Kāpiti Coast District Council will be held in the Council Chamber, Ground Floor, 175 Rimu Road, Paraparaumu, on Tuesday 14 November 2023, 9.30am.**

**Kaunihera | Council Members**

Mayor Janet Holborow	Chair
Deputy Mayor Lawrence Kirby	Deputy
Cr Glen Cooper	Member
Cr Martin Halliday	Member
Cr Sophie Handford	Member
Cr Rob Kofoed	Member
Cr Liz Koh	Member
Cr Jocelyn Prvanov	Member
Cr Kathy Spiers	Member
Cr Shelly Warwick	Member
Cr Nigel Wilson	Member

**Te Raupapa Take | Order Of Business**

1    **Nau Mai | Welcome** ..... 5

2    **Karakia a te Kaunihera | Council Blessing**..... 5

3    **Whakapāha | Apologies**..... 5

4    **Te Tauākī o Te Whaitake ki ngā Mea o te Rārangi Take | Declarations of Interest  
Relating to Items on the Agenda** ..... 5

5    **He Wā Kōrero ki te Marea mō ngā Mea e Hāngai ana ki te Rārangi Take | Public  
Speaking Time for Items Relating to the Agenda** ..... 5

6    **Ngā Take a ngā Mema | Members’ Business** ..... 5

7    **Pūrongo | Reports**..... 6

      7.1    **Consideration of Establishment of a Māori Ward**..... 6

8    **Closing Karakia**..... 47



**1 NAU MAI | WELCOME**

**2 KARAKIA A TE KAUNIHERA | COUNCIL BLESSING**

I a mātou e whiriwhiri ana i ngā take kei mua i ō mātou aroaro, e pono ana mātou ka kaha tonu ki te whakapau mahara huapai mō ngā hāpori e mahi nei mātou. Me kaha hoki mātou katoa kia whaihua, kia tōtika tā mātou mahi, ā, mā te māia, te tiro whakamua me te hihiri ka taea te arahi i roto i te kotahitanga me te aroha.

“As we deliberate on the issues before us, we trust that we will reflect positively on the communities we serve. Let us all seek to be effective and just, so that with courage, vision and energy, we provide positive leadership in a spirit of harmony and compassion.”

**3 WHAKAPĀHA | APOLOGIES**

**4 TE TAUĀKĪ O TE WHAITAKE KI NGĀ MEA O TE RĀRANGI TAKE |  
DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA**

Notification from Elected Members of:

4.1 – any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting, and

4.2 – any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968

**5 HE WĀ KŌRERO KI TE MAREA MŌ NGĀ MEA E HĀNGAI ANA KI TE RĀRANGI  
TAKE | PUBLIC SPEAKING TIME FOR ITEMS RELATING TO THE AGENDA**

**6 NGĀ TAKE A NGĀ MEMA | MEMBERS' BUSINESS**

(a) Leave of Absence

(b) Matters of an Urgent Nature (advice to be provided to the Chair prior to the commencement of the meeting)

## 7 PŪRONGO | REPORTS

### 7.1 CONSIDERATION OF ESTABLISHMENT OF A MĀORI WARD

Kaituhi | Author: **Steffi Haefeli, Manager Democracy Services**

Kaiwhakamana | Authoriser: **Hara Adams, Group Manager Iwi Partnerships**

### TE PŪTAKE | PURPOSE

- 1 This report asks Council to consider the establishment of a Māori ward for the 2025 local body elections.

### HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

- 2 An executive summary is not required for this report.

### TE TUKU HAEPAPA | DELEGATION

- 3 Section A.2 of the Governance Structure and Delegations for the 2022-2025 triennium provides Council with authority to consider this matter.
- 4 Section A.1 refers to Council's partnership with mana whenua of the district comprising the iwi and hapu of Ngā Hapū o Ōtaki (Ngāti Raukawa), Ngāti Toa Rangatira and Ātiawa ki Whakarongotai Charitable Trust (together forming the A.R.T. Confederation).

### TAUNAKITANGA | RECOMMENDATIONS

- A. That Council either:
  - A.1 Resolve to establish a Māori ward for electoral purposes under section 19Z of the Local Electoral Act 2001 ahead of the 2025 local body elections;
  - or
  - A.2 For Council to resolve not to establish a Māori ward ahead of the 2025 local body elections, noting that Council will be required to consider this next triennium ahead of the 2028 local body election.

### TŪĀPAPA | BACKGROUND

- 5 Last triennium, as part of the Representation Review process which has to be carried out every six years, Council considered the establishment of a Māori ward.
- 6 On 6 May 2021, following the recommendation of its three iwi partners, Te Āti Awa ki Whakarongotai Charitable Trust, Ngā Hapū o Ōtaki (Ngāti Raukawa) and Ngāti Toa Rangatira, Council resolved not to establish a Māori ward for electoral purposes under section 19Z of the Local Electoral Act 2001 before the 2022 local body elections. As part of this decision, Council committed to reconsidering the question this triennium.
- 7 Council considered alternative mechanisms of Māori participation and in June 2022, Council passed a resolution that provided for mana whenua representation through Council's Governance Structure.

#### ***Current Legislative Context***

- 8 On 26 July 2022, the Government announced the introduction of the Local Government Electoral Legislation Bill (the Bill). The Bill has enacted amendments to the Local Electoral Act 2001 making revisions to the process that local authorities are required to follow in deciding their representation arrangements, making the consideration of a Māori ward a mandatory step in the representation review process. However, changes were introduced in

the Select Committee process so that certain provisions in the Bill relating to Māori representation do not come into force until 12 October 2025.

- 9 The Act, as passed, means that local authorities are not required to consider Māori representation as part of their representation review until after the 2025 Local Body Elections. Local authorities still have the ability to optionally consider Māori representation, but it is no longer a legal requirement ahead of the next elections. Council may therefore resolve whether to establish a Māori ward ahead of the elections in 2025.
- 10 Under the provisions that come into force after 12 October 2025, local authorities will be required to consider Māori representation as part of their representation review for the 2028 elections. Local authorities that have not established a Māori ward in the previous triennium, will be required to reconsider whether to create a Māori ward. In addition, they will be required to undertake specific engagement with 'Māori and other communities' and to 'have regard to' this engagement in deciding whether to establish a Māori ward.
- 11 In the last triennium, Council guided by mana whenua resolved not to establish a Māori ward and committed to reconsidering the question this triennium. As such, it is appropriate that Council and mana whenua consider the matter again this triennium.
- 12 Under current provisions of the Local Electoral Act 2001, a resolution to establish a Māori ward must be made by 23 November 2023 to take effect for that next election. If Council does resolve to establish a Māori ward, a representation review will need to take place in 2024 ahead of the 2025 elections.

## HE KŌRERORERO | DISCUSSION

### He take | Issues

#### ***What is a Māori Ward?***

- 13 The Local Government Act 2002 requires local authorities to provide for Māori participation in decision-making, but it does not prescribe how this should happen. The establishment of one or more Māori wards is one avenue to be considered under the Local Electoral Act 2001.
- 14 A Māori ward is a distinct form of representation to the appointment of mana whenua representatives to Council's governance structure. Council's current governance structure allows for the appointment of mana whenua representatives to its committees and subcommittees with full voting rights which currently provides a mechanism for all of Council's mana whenua partners to be represented around the Council and committee table. While these forms of representation are distinct, they are not mutually exclusive.
- 15 A Māori ward is a representation structure which would allow Māori electors enrolled on the Māori electoral role to directly elect a Councillor to Council. The person standing for the Māori ward vacancy does not have to identify as mana whenua or tangata whenua to stand; however, only those on the Māori electoral role can nominate that person and vote for the person to be elected.
- 16 The Electoral Act 2001 sets out a formula to determine how many Māori wards may be established which is based on population size of the territorial authority area.
- 17 Previous amendments to the Local Electoral Act 2001 under the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021:
  - 17.1 removed the ability for electors to bring a petition requiring a poll on the introduction of Māori wards (only the Council will be able to undo a decision to establish a Māori ward or constituency);
  - 17.2 removed the ability for local authorities to resolve to hold binding polls on whether to establish Māori wards or constituencies (although non-binding polls may continue to be conducted);

17.3 provided that past polls, or Council resolution to hold binding polls, on whether to establish Māori wards or constituencies cease to have any effect.

### ***Future for Local Government Review***

- 18 Current local governance structures and systems were designed many years ago and are now facing considerable pressure. Over the past three years an independent review has been conducted by the Future for Local Government Review panel which in reviewing the sector makes a number of recommendations relating to local governance to create the conditions for communities to prosper and thrive.
- 19 While the recently released final report from the panel conducting the Review into the Future for Local Government recommend that the threshold for Māori wards in legislation be reduced, it also acknowledges that changes to legislative frameworks alone are not sufficient to ensure a Te Tiriti based partnership between local government and Māori.
- 20 The panel recommends councils develop partnership frameworks with hapū/iwi and Māori to give effect to Te Tiriti provisions and enabling Tiriti-based appointments to councils for iwi and hapu who want to participate in the kāwanatanga sphere.

### **Implications of a Māori ward**

- 21 If a Māori ward is established, Māori electors enrolled on the Māori electoral roll will need to vote for Māori ward councillors in the place of general ward councillors. Māori electoral roll electors will still be able to vote for the Mayor, district-wide councillors and community board representatives of the community they reside in. In comparison, general roll electors would be able to vote for the Mayor, three district-wide councillors, community board representatives and up to three ward councillors depending on the ward they are able to vote for. For example, for a Māori elector voting for the Paraparaumu ward electorate, establishing a Māori ward would mean that instead of voting for three ward councillors they might only be able to vote for one Māori ward councillor.
- 22 The exact number of Māori ward councillors would not be known with certainty until a representation review has taken place, however, this is determined by a 'fair representation' ratio in the Local Electoral Act 2001 and based on 2022 population data from Statistics New Zealand it is likely that one Māori ward councillor could be established with the current number of ward councillors.<sup>1</sup> As the legislative ratio is between Māori ward and general ward councillors, a decision to establish a Māori ward has the potential to impact on Council's representation structure, in particular, the number of ward councillors across general wards and boundaries.
- 23 While Māori electors are able to switch between the Māori electoral roll and the general electoral roll easily due to a recent change in electoral legislation, this can still only be done up to three months before the relevant elections. Messaging around these considerations for Māori electors can be incorporated in pre-election communications and engagement to ensure Māori are aware of the impacts of the different rolls.

### ***Community Engagement***

- 24 On 10 August 2023 Council resolved to consult with mana whenua and the wider community ahead of making a decision on the establishment of a Māori ward prior to 23 November 2023.
- 25 At the same time Council acknowledged its long-standing partnership (a 29-year MOU) with mana whenua and committed to engaging with mana whenua on this matter, through Te Whakaminenga o Kāpiti and engagement with Council's iwi partners.
- 26 Feedback was sought from mana whenua and the wider Kāpiti Coast community between 12 September and 13 October 2023.

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<sup>1</sup> Based on 2022 electorate population data from Statistics New Zealand, a ratio of 6-17 general ward councillors would allow for 1 Māori ward councillor. A ratio of 18 general ward councillors would allow for 2 Māori ward councillors.



- 27 Communications and engagement activities focused on one-way channels to inform the community of the purpose of a Māori ward and upcoming Council decision. The intent was to:
- educate the community on what a Māori Ward would mean, who it would affect and what the impacts would be.
  - engage effectively with those most affected, i.e., mana whenua, people on the Māori electoral roll, and those who may choose to switch rolls before the next local body election.
  - to obtain wider public feedback on whether establishing a Māori Ward will assist Council to achieve outcomes relating to Māori representation in Council decision-making and processes.
- 28 The channels of communication included media releases, a one-page spread in Everything Ōtaki, social media marketing, and Council's Have Your Say platform.
- 29 Feedback was provided via email, the digital Have Your Say survey platform, and paper copies of the surveys with collection boxes being placed in all district libraries/services centres, and in the main reception area of the civic building. All responses received in hard copy or via email were then added into the digital Have Your Say platform.
- 30 Public Voice, a research and engagement consultancy was contracted to provide a summary and analysis of submissions. This report is attached at Attachment 3.
- 31 Overall, Council received 548 submissions – representative of approximately 1.27% of the eligible voting population in the Kāpiti Coast District. Of the respondents, 31% favoured establishing a Māori ward, while 69% were against it.
- 32 In the consultation process, Waikanae was overrepresented by 7%, while Paraparaumu and Ōtaki were underrepresented by 7% compared to the general population.
- 33 Of the respondents who supported the establishment of a Māori ward, the most frequently cited reasons were ensuring Māori representation in local governance and upholding the principles and obligations of Te Tiriti o Waitangi.
- 34 Of the respondents opposed to the establishment of a Māori ward the most frequently cited reasons for this were principles of equality and democracy, opposition to race-based representation, and concerns of racial divisiveness.

### ***Age-based Observations***

- 35 The age group 65+ recorded the highest participation, with 57% of the total respondents in this bracket. However, they also registered the highest opposition to the proposal, with 73% responding "No/Kāo".
- 36 The 15-34 age group, while having the lowest overall participation (5% of respondents), demonstrated the most support for the proposal, with 61% saying "Yes/Ae".
- 37 Middle-aged participants, specifically those in the 45-54 age bracket, showed a balanced opinion with 39% in favour ("Yes/Ae") and 61% opposed ("No/Kāo").
- 38 The age groups of 35-44 and 55-64 had similar sentiment distributions, with affirmative responses ranging between 29%-32%.

### ***Whakapapa and Electoral Roll Observations***

- 39 67 of submitters (approximately 12%) identified as of Māori descent.
- 40 Respondents on the Māori Electoral Roll are more supportive of establishing a Māori ward, with 56% in favour, compared to 44% opposed.
- 41 Conversely, those not on the Māori Electoral Roll are less supportive, with 67% against and only 33% in favour.

### Location-based Observations

- 42 Paekākāriki had the highest percentage of respondents in favour of the proposal, with 87% saying "Yes/Ae".
- 43 Waikanae, and Paraparaumu followed by Raumati had the highest number of respondents against the proposal.
- 44 Locations such as Waikanae, Raumati, and Paraparaumu had similar opposition levels, with approximately 72-73% saying "No/Kāo".
- 45 The location with the smallest number of respondents was Peka Peka.

### Ngā kōwhiringa | Options

- 46 In the last triennium, Council guided by mana whenua resolved not to establish a Māori ward and committed to reconsidering the question this triennium.
- 47 The current options are:
  - 47.1 Option A: for Council to resolve to establish a Māori ward for electoral purposes under section 19Z of the Local Electoral Act 2001 ahead of the 2025 local body election.
  - 47.2 Option B: for Council to resolve not to establish a Māori ward;

**Table 1: Options - Risks and Benefits**

<b>Kōwhiringa   Options</b>	<b>Hua   Benefits</b>	<b>Tūraru   Risks</b>
Option A – establish Māori ward	<ul style="list-style-type: none"> <li>• Opportunity to increase Māori representation in local government decision-making processes and consistent with Te Tiriti o Waitangi commitments in the LGA.</li> <li>• Māori ward councillor would have a vote at Council meetings. Streamlining the voting of mana whenua at Councils committees ensuring consistency.</li> <li>• Ability to strengthen relationship with our mana whenua partners.</li> <li>• May increase engagement and participation in council decision making by those of Māori descent.</li> <li>• Recognises and enhances the Māori-Crown relationship at a localised level.</li> <li>• Ability for council to ensure that Māori communities are represented on council.</li> <li>• Increases the visibility of Māori issues within the district to be</li> </ul>	<ul style="list-style-type: none"> <li>• Elected representative is not required according to legislation to be of/or identify as Māori descent. There is potential for the viewpoint of the Māori Ward councillor to differ from time to time with those of mana whenua and impact on Council decision-making on issues of significance to Council's iwi partners.</li> <li>• Could impede, if not managed appropriately, the strengthening of Council's partnership agreement with mana whenua.</li> <li>• Will trigger a representation review earlier than scheduled with a financial impact.</li> </ul>

	<p>discussed and included in council thinking and processes.</p> <ul style="list-style-type: none"> <li>• Positive step in the right direction to improve Māori electoral representation at local government – a Māori voice.</li> <li>• Supports equity of process for Māori and General Wards</li> <li>• Potentially encourage the number of voters of Māori descent on the general roll to be change to the Māori roll</li> </ul>	
Option B – do not establish a Māori ward	<ul style="list-style-type: none"> <li>• This reflects the majority view for those submitted during community engagement (excepting mana whenua) noting that the majority view was more prevalent in those in the older age groups and in certain locations in Kāpiti.</li> <li>• Ability to revisit this decision <i>next</i> triennium as part of the 6-yearly representation review.</li> <li>• Candidates for the Māori ward are not required to be of/or identify as Māori descent. There is potential for the viewpoint of the Māori Ward councillor to differ from time to time with those of mana whenua and impact on Council decision-making on issues of significance to Council's iwi partners.</li> </ul>	<ul style="list-style-type: none"> <li>• Loss of opportunity for Council to increase and encourage Māori participation in local government decision-making as required under LGA principles.</li> <li>• May signal an unwillingness to include a Māori voice in Council's decision-making process.</li> <li>• Potential to further decrease engagement and participation by those of Māori descent.</li> <li>• The minority voices of those who submitted during community engagement may feel unheard.</li> <li>• Rangatahi, the future of our district, 15-34 age group of submitters may feel unheard and decrease engagement and participation with Council activities.</li> </ul>

## Mana whenua

- 48 At the 20 June 2023 Te Whakaminenga o Kāpiti, the Chair, André Baker, reflected the position of A.R.T Confederation. This position was a preference to embed the new partnership arrangement and relationship with Council's Iwi Partnerships group this triennium and did not consider the establishment of a Māori ward a priority. The Chair indicated that mana whenua would continue to consider this matter throughout the triennium.
- 49 Following Council's resolution in August 2023 to proceed with wider community consultation, we have received statements from Ngāti Toa Rangatira and Ngā Hapū o Ōtaki outlining their position. These letters are attached as Appendix 5 and Appendix 6 respectively.
- 50 Following on from earlier indications, at the public briefing on Thursday 2 November 2023 to discuss the consideration of a Māori ward, mana whenua representatives around the table

from Ngāti Toa Rangatira, Ātiawa ki Whakarongotai, and Ngā Hapū o Ōtāki indicated support for the establishment of a Māori ward and commended Council for considering the matter.

- 51 Mana whenua representatives around the table expressed a view that the establishment of a Māori ward was likely to be beneficial to the broader community with increased Māori representation and would add to the current partnership agreement with mana whenua. The decision to establish a Māori ward does not exclude other governance mechanisms for mana whenua to contribute to decision-making and rather would be enhancing the current partnership arrangement.

### **Panonitanga āhuarangi | Climate change**

- 52 There are no climate change considerations to note in this report.

### **Ahumoni me ngā rawa | Financial and resourcing**

- 53 If a decision is made to establish a Māori ward for the 2025 local body elections, a representation review would need to take place in 2024 with a budget impact. The cost is estimated at between \$250,000-\$300,000, which is factored into planning for the long-term plan.

### **Tūraru ā-Ture me te Whakahaere | Legal and Organisational Risk**

- 54 As Council considered whether to establish a Māori last triennium, under the Local Electoral Act 2001 Council is not required to consider the establishment of a Māori ward until next triennium ahead of the 2028 local body elections. Consideration of this matter this triennium is optional (noting that Council and mana whenua committed to revisiting this matter this triennium when they resolve not to establish a Māori ward last triennium).

Under the Local Electoral Act 2001, if Council wishes to establish a Māori ward ahead of the 2025 elections, it must make a decision by 23 November 2023.

### **Ngā pānga ki ngā kaupapa here | Policy impact**

- 55 There will be no direct impact on any existing or planned policies as a result of this decision.

## **TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT**

### **Te mahere tūhono | Engagement planning**

- 56 Community engagement is set out earlier in this report.

### **Whakatairanga | Publicity**

- 57 If a decision is made to consider the establishment of a Māori Ward, publicity will be in line with an agreed communications and engagement plan. The decision on whether or not to establish a Māori ward will also be publicly notified.

## **NGĀ ĀPITI HANGA | ATTACHMENTS**

1. 19Z Local Electoral Act 2001 [↓](#)
2. Schedule 1A Local Electoral Act 2001 [↓](#)
3. Summary of submissions report [↓](#)
4. Survey Responses (under separate cover) [⇒](#)
5. Letter from Ngāti Toa Rangatira [↓](#)
6. Letter from Ngā Hapū o Ōtāki [↓](#)

- (b) a copy must be kept at the office of the territorial authority or regional council, and must be available for inspection without fee by any person during normal office hours.

Compare: 1974 No 66 s 101M

Section 19Y: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19Y(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19Y(2)(a)(iv): amended, on 29 June 2013, by section 14 of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19Y(3): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

#### *Māori wards and Māori constituencies*

Heading: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

### **19Z Territorial authority or regional council may resolve to establish Māori wards or Māori constituencies**

- (1) Any territorial authority may resolve that the district be divided into 1 or more Māori wards for electoral purposes.
- (2) Any regional council may resolve that the region be divided into 1 or more Māori constituencies for electoral purposes.
- (3) A resolution under this section,—
  - (a) if made after a triennial general election but no later than 23 November of the year that is 2 years before the next triennial general election, takes effect, subject to paragraph (c), for the purposes of the next triennial general election of the territorial authority or regional council; and
  - (b) in any other case, takes effect, subject to paragraph (c), for the purposes of the next but one triennial general election; and
  - (c) in either case, takes effect for 2 triennial general elections of the territorial authority or regional council, and for any associated election, and continues in effect after that until a further resolution under this section takes effect.
- (4) This section—
  - (a) is subject to clauses 2(5) and 4(4) of Schedule 1A; and
  - (b) does not apply in relation to a territorial authority or regional council if another enactment requires,—
    - (i) in the case of a territorial authority, that the district be divided into 1 or more Māori wards; or
    - (ii) in the case of a regional council, that the region be divided into 1 or more Māori constituencies.

- (5) In this section, **associated election**, in relation to any 2 successive triennial general elections of a territorial authority or regional council, means—
- (a) any election to fill an extraordinary vacancy in the membership of the body concerned that is held—
    - (i) between those elections; or
    - (ii) after the second of those elections but before the subsequent triennial general election:
  - (b) an election of the members of the body concerned under section 258I or 258M of the Local Government Act 2002 that is held—
    - (i) between those elections; or
    - (ii) after the second of those elections but before the subsequent triennial general election.

Section 19Z: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19Z(3)(c): replaced, on 2 March 2021, by section 6(1) of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

Section 19Z(4): replaced, on 2 March 2021, by section 6(2) of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

Section 19Z(5): amended, on 2 March 2021, by section 6(3) of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

Section 19Z(5)(b): amended, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

### **19ZA Public notice of right to demand poll**

*[Repealed]*

Section 19ZA: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

### **19ZB Electors may demand poll**

*[Repealed]*

Section 19ZB: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

### **19ZC Requirements for valid demand**

*[Repealed]*

Section 19ZC: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

### **19ZD Territorial authority or regional council may resolve to hold poll**

*[Repealed]*

Section 19ZD: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

**19ZE Limitation on division into Māori wards or Māori constituencies**

*[Repealed]*

Section 19ZE: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

**19ZF Poll of electors**

*[Repealed]*

Section 19ZF: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

**19ZG Effect of poll**

*[Repealed]*

Section 19ZG: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

**19ZH Basis of election of territorial authority and regional council**

If, for the purpose of a triennial general election,—

- (a) a district of a territorial authority is required to be divided into 1 or more Māori wards; or
- (b) a region of a regional council is required to be divided into 1 or more Māori constituencies,—

the provisions of this Part (other than those of sections 19B, 19G, and 19J, and those of this section) are subject to the provisions of Schedule 1A.

Section 19ZH: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

*Guidelines*

Heading: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

**19ZI Guidelines in relation to reviews of representation or minor alterations to boundaries**

- (1) The Commission must issue guidelines identifying factors and considerations for territorial authorities or regional councils to take into account in making determinations under any of the provisions of sections 19H to 19JB and Schedule 1A.
- (2) The Commission may, from time to time, amend or revoke any guidelines issued under subsection (1).
- (3) Any guidelines issued under subsection (1) may relate to territorial authorities or regional councils generally or to a specific class of territorial authorities or regional councils.
- (4) The Commission must, as soon as practicable after issuing any guidelines under subsection (1),—

- (a) send a copy of those guidelines to every territorial authority and every regional council; and
  - (b) publish in the *Gazette* a notice—
    - (i) stating that the guidelines have been issued; and
    - (ii) naming the place or places at which copies of the guidelines are available for inspection free of charge or for purchase or both.
- (5) The Commission must ensure that, so long as the guidelines remain in force, copies of the guidelines are available—
- (a) for inspection by members of the public free of charge; and
  - (b) for supply to members of the public either free of charge or for purchase at a reasonable price.
- (6) The provisions of subsections (4) and (5) apply, with all necessary modifications, in respect of any amendment or revocation of any guidelines issued under subsection (1).

Section 19ZI: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19ZI heading: amended, on 29 June 2013, by section 15(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19ZI(1): amended, on 29 June 2013, by section 15(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

## Part 2 Local elections and polls

### *Electoral rights*

#### **20 Right to vote in election or poll**

- (1) Every person whose name appears on the electoral roll in force in any district of a territorial authority or in the local government area of any other local authority as a residential elector or a ratepayer elector is, unless the person has ceased to possess a qualification as a residential elector or ratepayer elector, an elector and is entitled to exercise 1 vote—
- (a) at every election for which that roll indicates the elector is qualified to exercise a vote; and
  - (b) at every poll for which that roll indicates the elector is qualified to exercise a vote.
- (2) Every person who has qualified as a residential elector before the close of voting, and who applied to enrol as an elector not later than the day before the close of voting but whose name does not appear on the electoral roll or whose voting entitlements are incorrectly recorded on that roll, is an elector and is entitled to exercise 1 vote—



## Schedule 1A

### Provisions relating to Māori wards and Māori constituencies

s 19ZH

Schedule 1A: inserted, on 25 December 2002, by section 49 of the Local Electoral Amendment Act 2002 (2002 No 85).

#### **1 Review of representation arrangements for election of territorial authority**

- (1) If, for the purposes of a triennial general election, a district of a territorial authority (being a district that is not already divided into 1 or more Māori wards) is required to be divided into 1 or more Māori wards, the territorial authority must, in the year immediately before the year in which the triennial general election is to be held, but not later than 31 July in the year immediately before the year in which the triennial general election is to be held, make a determination under section 19H.
- (2) That determination must be made as if the territorial authority were required by section 19H to determine by resolution, in accordance with Part 1A,—
  - (a) the proposed number of members of the territorial authority (other than the mayor); and
  - (b) whether—
    - (i) all of the proposed members of the territorial authority (other than the mayor) are to be separately elected by the electors of 1 or more Māori wards and the electors of 1 or more general wards; or
    - (ii) some of the proposed members of the territorial authority (other than the mayor) are to be elected by the electors of the district as a whole and some to be elected separately by the electors of 1 or more Māori wards and 1 or more general wards, and, if so, what number of members are to be elected by electors of the district as a whole, and what number are to be elected separately; and
  - (c) the proposed number of members of the territorial authority to be elected by the electors of 1 or more Māori wards; and
  - (d) the proposed number of members of the territorial authority to be elected by electors of 1 or more general wards; and
  - (e) the proposed name and the proposed boundaries of each ward; and
  - (f) the number of members proposed to be elected by the electors of each Māori ward; and
  - (g) the number of members proposed to be elected by the electors of each general ward.
- (3) This clause does not limit section 19B(1).

Compare: 2001 No 1 (L) s 5

Schedule 1A clause 1(1): amended, on 31 August 2023, by section 37(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 1(2)(b)(ii): amended, on 29 June 2013, by section 42 of the Local Electoral Amendment Act 2013 (2013 No 40).

## 2 Calculation of number of Māori and general ward members

- (1) The number of members to be elected by the electors of 1 or more Māori wards of the district of a territorial authority (**Māori ward members**) is to be determined in accordance with the following formula:

$$\text{nm} = \text{mepd} \div (\text{mepd} + \text{gepd}) \times \text{nm}$$

where—

nm is the number of Māori ward members

mepd is the Māori electoral population or estimated Māori electoral population of the district

gepd is the general electoral population or estimated general electoral population of the district

nm is the proposed number of members of the territorial authority (other than the mayor).

- (2) If a determination is made under clause 1(2)(b)(ii), the definition of nm in the formula must be applied as if for the words “proposed number of members of the territorial authority (other than the mayor)” there were substituted the words “proposed number of members of the territorial authority (other than the mayor and the members to be elected by electors of the district as a whole)”.
- (3) 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.
- (4) The number of members to be elected by the electors of 1 or more general wards is to be determined by subtracting from the proposed number of members of the territorial authority (other than the mayor, or, if the case requires, other than the mayor and the members of the territorial authority to be elected by electors of the district as a whole) the number of Māori ward members, as calculated under subclauses (1) and (3).
- (5) Despite Part 1A and the provisions of this schedule, if the number of Māori ward members, as determined in accordance with the method of calculation in this clause, is zero (because the number of Māori ward members as so determined is a fraction of the whole number 1 that does not exceed one half),—
- (a) the district must not be divided into 1 or more Māori wards and 1 or more general wards:































































