

SOUTH WAIRARAPA DISTRICT COUNCIL

18 MAY 2022

AGENDA ITEM E1

REPORT FROM HIS WORSHIP THE MAYOR

Purpose of Report

To update Council on activities and issues which have arisen since my last report to Council.

Recommendations

His Worship the Mayor recommends that Council:

1. *Receives the Report from His Worship the Mayor.*
2. *That the Mayor and two additional Councillors (names to be confirmed) will attend the LGNZ Conference in Palmerston North 20-22 July 2022.*
3. *Approve the support of the Māori Electoral Option Remit.*
4. *Appoint Cr Hay and Cr Emms as SWDC representatives to the Future of Local Governance Wairarapa Working Group for the remainder of the Triennium.*

1. Topics

1.1 LGNZ Annual Conference

Conference LGNZ 20-22 July	The upcoming LGNZ Conference is being held on 20-22 July 2022 in Palmerston North. Both the Mayor and CEO have been registered and paid for. The current budget supports the attendance of two additional Councillors, pending confirmation of names at the Council meeting 18 May 2022. For more information about the conference and costs please refer to: https://www.lgnz.co.nz/events/2022-lgnz-conference-and-excellence-awards/ A full report will be given at the next Council meeting following the LGNZ Conference.
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1.2 Māori Electoral Option Remit

Remit for support - CDC	A request for support has been received from Carterton District Council – please refer to Appendix 1.
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2. Confirmation of Committee Structure for 2022

Topic	<p>As discussed at the 15 December 2021 Council Meeting, following a presentation on Ārewa ake te Kaupapa – Raising the Platform – Future for Local Government at the combined Council Forum in November 2021, two elected members (EMs) from each Wairarapa Council met to discuss the issues and pressures on local governance. The Future for Local Governance Wairarapa Working Group has since been established to support this work. Two meetings have been held this year, on 8 March and 12 April 2022. The meetings were facilitated by Geoff Hamilton, Chief Executive, Carterton District Council. Request for Cr Hay and Cr Emms to represent SWDC on this working group.</p> <p>Refer to Appendix 2 for the attached minutes of the first two meetings of the working group.</p>
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3. Appendices

Appendix 1 - Māori Electoral Option Remit

Appendix 2 – Minutes from Future of Local Governance Working Group: 8 March 2022 & 12 April 2022

Appendix 1 – Māori Electoral Option Remit

Māori Electoral Option Remit

Remit:	That Local Government New Zealand expresses support for a revised and amended rule regarding the Māori Electoral Option, as set out in Section 77 of the Electoral Act 1993, prior to the General Election 2023, with consideration given to the effect this will have on Māori wards.
Proposed by:	Carterton District Council
Supported by:	Greater Wellington Regional Council, Masterton District Council

Background information and research

1. Introduction:

The Māori and general electoral rolls are lists of those enrolled to vote in both the general elections, and local government elections for district and regional councils, usually held every three years. These rolls determine which electorate, district, or ward a citizen can vote in. Those only on the Māori roll can vote within Māori wards or electorates. Currently, Section 77 of the Electoral Act 1993 stipulates that Māori voters can only change roll types during the four-month Māori Electoral Option period every five or six years following the Census. The most recent Māori Electoral Option was held in 2018, with the next one due in March 2023. There are two local elections and one general election within this period.

2. Nature of the Issue:

In February 2021, the Government repealed the mechanism which accommodated binding polls on proposed Māori wards. This change has seen 32 new councils adopt Māori wards in time for the 2022 local elections, bringing the total number of councils with Māori wards to 35. However, only those previously enrolled through the 2018 Māori Electoral Option will be able to exercise their vote in a newly established Māori ward. A voter currently on the General Roll will not be able to vote in a Māori ward until the 2025 local election. Conversely, those currently on the Māori roll will be required to vote within the newly established Māori wards in the 2022 local election, regardless of their preference. An increase in flexibility is required as the number of Māori wards increase within local government. This would give electors opportunity to participate in the manner they want - electors do not necessarily want to be on the same roll for local and general elections.

The Electoral Commission has stated that it receives a large number of requests from Māori voters trying to change roll types outside of the Māori Electoral Option. In 2020, 24,000 Māori asked to change rolls - 59% wanted to change from the Māori to the general roll, and 41% from the general to the Māori roll - but they could not under the existing legislation. The Electoral Commission has recommended that Māori voters should be able to change rolls at any time to better meet the needs of Māori voters.

An increase in the Māori Electoral Option will also give territorial authorities greater surety regarding current eligibility calculations, as per Schedule 1A in the Local Electoral Act 2001. Māori wards and constituencies are subject to the same population ratios as general wards.

3. Background to the issue being raised:

Carterton District Council has raised this remit as a matter of concern following representation discussions with Rangitāne o Wairarapa, Ngāti Kahungunu ki Wairarapa, Ngāti Kahukuraāwhitia, and Hurunui-o-Rangi Marae. Tangata whenua have identified the Māori Electoral Option as a barrier to participation.

4. New or confirming existing policy

This remit extends on LGNZ's support for the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill.

5. How the issue relates to current Local Government New Zealand Business Plan and its objectives

This remit enhances LGNZ's commitment to reinvigorating local democracy and electoral system reform. LGNZ also provided a submission to the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill. LGNZ's submission highlighted that further reform is needed: "...it is essential that this Bill is quickly followed by further legislation setting out a revised representation review process to ensure decisions about Māori wards are taken in an holistic manner, take into account the relationships existing between councils and iwi/hapu, and change over time according to changes in population."

This proposed change to the Māori Electoral Option will also improve the process for councils to consider improved Māori representation, and to strengthen the Māori-Crown relationship at a local level. Māori wards are intended to create more opportunities for Māori to be represented within local government and to raise issues on behalf of Māori communities. These actions are consistent with Article 2/Ko te Tuarua of Te Tiriti o Waitangi/ the Treaty of Waitangi, improving the ability for Māori to make decisions about their resources and taonga.

6. What work or action on the issue has been done, and the outcome

In 2016, cross party support was given to review the Māori Electoral Option provisions, at the Justice and Electoral Committee Inquiry into the 2014 General Election. At the time, officials agreed to provide the Minister of Justice with advice on how to progress the matter within the parliamentary term. Further advice was provided by the Electoral Commission in its *Report on the 2017 General Election*: "The Commission recommends that voters of Māori descent be able to change roll type at any time." Despite this advice, no change has occurred.

In February 2021, the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill was passed which repealed the binding poll provision that prevented many councils from being able to consider establishing Māori wards. Public consultation was held from July to August 2021 on Stage 2 of this legislation. Although its failings were highlighted in several local government sector submissions, the Māori Electoral Option was not included in the scope of the consultation as it is a responsibility of the Ministry of Justice.

The Ministry of Justice initiated consultation on the Maori Electoral Option in August 2021 but the process was criticised for its lack of a consultation document, analysis of the problem or possible options, and the short time frame.

Minister of Justice Kris Faafoi has announced an independent review of electoral laws ahead of the 2026 General Election, with an independent panel to report back by 2023. He has signalled, in an October 2021 press release, that targeted electoral changes will be considered to support the delivery of, and participation in the 2023 General Election. The Māori Electoral Option has been included in the potential changes that could occur prior to the 2023 General Election, however the flow on effects to local electoral law have not been mentioned. Local electoral law is not included in the Independent Review scope.

7. Outcome of any prior discussion at a Zone or Sector meeting

This topic has not been formally discussed at any Zone or Sector meetings.

8. Suggested action

That Local Government New Zealand expresses support for a revised and amended rule regarding the Māori Electoral Option, as set out in Section 77 of the Electoral Act 1993, prior to the General Election 2023, with consideration given to the effect this will have on Māori wards.

**Appendix 2 – Minutes from Future of
Local Governance Working Group: 8
March 2022 & 12 April 2022**

MINUTES – Future for Local Governance Wairarapa

1 pm, Tuesday 8 March 2022, online Teams meeting

PRESENT

CDC: Cr Robyn Cherry-Campbell, Cr Dale Williams

SWDC: Cr Garrick Emms

MDC: Cr Tina Nixon, Cr Brent Gare

GWRC: Cr Adrienne Staples

Facilitator: Geoff Hamilton (CEO CDC)

APOLOGIES: Cr Leigh Hay (SWDC)

The meeting was set using ‘Chatham House Rules’

The meeting opened with a karakia

OVERVIEW

The CEO provided a power point presentation as an overview, Ārewa ake te Kaupapa – Raising the Platform – Future for Local Government presented at the Combined Council Forum, November 2021.

This identified pressures on the four Councils being:

- Rating affordability
- Protecting out local voice on key issues
- Managing change (Climate, population, demographics, regulation, community expectations, government expectations).
- Governance representation (Iwi, Youth, Pacifica)
- Duplication/efficiency of service provision
- Central Government regulation/ unfunded mandates
- Engagement with our Communities

DISCUSSION

There was discussion on the pressures observed by Councillors which included:

- What does Council do?
- Operations vs Governance is confusing for the community
- Very different to 20 years ago, there is a struggle to attract youth into local government
- What can local government deliver best?
- Consistently underestimating the growth rates on population

- A change in demographic to the district (ie, new young families not farmers)
- Population migration from urban centres is our new target audience
- What should be done locally/nationally? (Social housing across Wairarapa)
- Rural drift (4ha site limitation)
- Māori Standing Boards vs Community Boards vs Rural Wards, it's not easy to see how they work/ are they effective?

There was a discussion on Local Government New Zealand's (LGNZ) Future for Local Government (FFLG) workshops which were held recently and the benefit of these in a Wairarapa context. Feedback and common themes concluded that these have limited value for elected members. Other feedback on the FFLG workshops included:

Communication

- The need to encourage two-way transparent conversations between Elected Members and the community they support.
- A view that the government process is being rushed before agreement has been reached/

Support

- Local government needs to provide more support for elected members to ensure they are able to make decisions based on factual information, whilst still caring about local issues
- The need for a consistent regional approach.

Innovation

- An opportunity for change to understand the community's expectations
- Keep it local, give the Wairarapa its own identity. The national FFLG programme is not hugely relevant for Wairarapa.

In summary, the feedback/themes were framed into the following key questions:

1. What does our community want from us? (Locally, regionally and pan regional)
2. Can we improve our Governance Representation model? (Across rural, Māori Wards, Community Boards or true community partnerships eg, Murihiku regeneration?)
3. How do we effectively plan and manage growth/change?
4. How can we deliver services more efficiently for our communities?
5. How do we tell our stories to the community? (What we do, what we don't do)
6. Can we give more effect to our regional strategies? (Water, housing, transport)
7. How can we better partner with central Government while protecting our local voice?

Recommendations:

- Circulate the draft minutes to participants of this meeting.
- Hold a meeting in April 2022 to agree and refine the questions.
- Once agreed, each Council submits a paper to their **May** ordinary Council meeting to note the refined questions and propose that discussions start with the public.

The meeting concluded at 2:30pm with a closing karakia.

ACTIONS – Future for Local Governance Wairarapa

Wednesday 1pm, Tuesday 8th March 2022, Online Teams Meeting

Action	Responsible	Due
Circulate the minutes	EA Sheree Dewbery	Completed
Confirm the date of next meeting /circulate	CEO Geoff Hamilton/EA	Completed
Ordinary Council paper to May 2022 meetings to note Future for Local Governance Wairarapa meetings; refined questions and propose that discussions start with the public.	x4 CEO's (CDC, MDC, SWDC and GWRC)	

MINUTES – Future for Local Governance Wairarapa

1 pm Tuesday 12 April 2022, on-line Teams meeting

PRESENT

CDC: Cr Robyn Cherry-Campbell, Cr Dale Williams

SWDC: Cr Garrick Emms

MDC: Cr Tina Nixon

Facilitator: Geoff Hamilton (CEO CDC)

APOLOGIES: Cr Leigh Hay (SWDC), Cr Brent Gare (MDC), Adrienne Staples (GWRC)

MINUTES OF THE PREVIOUS MEETING

The minutes of the previous meeting held on 8 March 2022 were reviewed and confirmed as correct.

MATTERS ARISING

There was discussion around the questions identified at the previous meeting.

Group members considered there were three themes behind the questions:

1. Representation and engagement
2. Managing growth, adapting to change
3. Driving efficiency in service delivery

DISCUSSION

The initial 7 questions were refined into 6 questions as follows:

Representation and Engagement

1. Can we improve our governance and representation model.
2. Are we delivering what Wairarapa communities want.
3. How can we strengthen our local voice with central Government.

Managing growth and adapting to change

4. How can we give more effect to our regional strategies in Water, Housing, Transport and Climate Adaption.
5. Can we more effectively plan and manage growth.

Driving efficiency in service delivery

6. How can we more effectively deliver services in Wairarapa.

In addition, the group believed an opportunity existed to provide potential candidates in local body elections with better education on what it means to be a councillor. It was considered best that this be non-partisan and driven by the three Council CEOs in partnership with local iwi/hapū.

RECOMMENDATIONS

- (1) The minutes of this meeting, including the questions, are confirmed by attendees.
- (2) The minutes of both meetings are tabled at the respective Council meetings with a view to progressing this after the local body Elections in October 2022.
- (3) Investigate iwi/hapū and previous elected members being involved in the candidate briefings being organised in early July.

The meeting closed at 1.55 pm

Action	Responsible	Due
Circulate the minutes	Democratic Services	Completed
Confirm the minutes	Attendees	Completed
Table the minutes at respective Council meetings with a view to picking this up after the local body Elections in October 2022.	x4 CEOs (CDC, MDC, SWDC and GWRC)	In progress
Investigate iwi/hapū and previous elected members being involved in the candidate briefings being organised in early July.	X4 CEOs (CDC, MDC, SWDC and GWRC) Candidate briefings: <ul style="list-style-type: none"> • 7pm, Tuesday 5 July 2022 – Carterton District Council • 7pm, Wednesday 6 July 2022 – South Wairarapa District Council • 7pm, Thursday 7 July 2022 – Masterton District Council 	