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| Report No:               | RCN11-08-02    |
| File No:                 | C772           |
| Date:                    | 11 August 2011 |
| <b>Decision Required</b> |                |

## REPORT SUMMARY

**Report to:** Tasman District Councillors  
**Meeting Date:** 11 August 2011  
**Report Author:** Sandra Hartley  
**Subject:** **Electoral System, Maori Wards & Representation Review**

### EXECUTIVE SUMMARY

To advise Council that under the Local Electoral Act 2001 Council is required to review its democratic arrangements in respect of:

- Electoral System (FPP or STV)
- Maori Wards
- Representation Arrangements

### RECOMMENDATION/S

That this report is received and the proposed resolutions be adopted.

### DRAFT RESOLUTION

**THAT the Tasman District Council receives Report RCN11-08-02 on the Electoral System, Maori Wards and Representation Review; and**

**THAT Tasman District Council**

- 1 Retains the First Past the Post Electoral System for the next two Local Government Triennial Elections and associated elections and polls;**
- 2 Gives the required statutory public notification including the right of the public to demand a poll on the electoral system.**

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## 1. Purpose

1.1 To advise Council on the process for deciding on:

- Electoral System for the next two triennial elections
- Establishment of Maori Wards
- Representation Review

## 2. Background

### Electoral System

- 2.1 A local authority may resolve that a specified electoral system may be used for the next two triennial elections, including subsequent elections and polls, and must, no later than 19 September two years before the next triennial elections are to be held, give public notice for the right to demand a poll on the electoral system to be used for elections of the local authority and its community boards.
- 2.2 The two electoral systems available for local body elections are First Past the Post (FPP) and Single Transferable Vote (STV). See Appendix 1 for further information on these two systems.
- 2.3 Council last advertised a public notice on the “Right to Demand a Poll on Electoral Systems” in 2002. Subsequently a poll was requested, which took place in 2003. The poll resulted in 9,356 votes for FPP and 5,867 for STV. It was therefore declared that the FPP system would be used for the next two successive elections.

## **Establishment of Maori Wards**

- 2.4 Section 192 of the Local Electoral Act 2001 (the Act) provides that a local authority may resolve that the district be divided into one or more Maori wards for electoral purposes.
- 2.5 The Act provides a formula to calculate the number of Maori ward members that can be established, based on both the number of electors on the Maori roll in the Tasman District, the number of electors in the District and the number of members of the local authority (excluding the Mayor). We are currently seeking the roll information from the Electoral Enrolment Centre to enable calculations to be made.
- 2.6 As per the Electoral System, if Council resolves to establish Maori Wards, this will take effect for the next two triennial elections, including any associated elections and polls.
- 2.7 In the 2006 representation review, Council considered the option of Maori wards, but decided not to take the matter any further, as the formula calculation resulted in less than 0.5 Maori representation and under the legislation this did not allow for a Maori ward.
- 2.8 More information on the establishment of Maori Wards will be reported to the 22 September Council meeting.

## **Representation Review**

- 2.9 The Act requires all local authorities to review their representation arrangements at least once every six years. This Council last completed a review in 2006, and is therefore required to conduct a representation review in time for the next local authority triennial elections to be held in October 2013.
- 2.10 The Council must determine by resolution the basis of election, whether councillors, excluding the Mayor, are elected on a “ward” basis or “at large” basis, or a combination of both. If wards are used council must also determine the number, boundaries and names of those wards and the number of members per ward. Council must also review the structure and membership of any Community Boards.
- 2.11 For the 2006 representation review, Council appointed a subcommittee to look at several scenarios, which were reported to Council for consideration and decision. Council could appoint a subcommittee to establish different scenarios for Council’s consideration for the up-coming review.

2.12 Appended is a draft timetable for a representation review.

### **3. Present Situation/Matters to be Considered**

#### **Electoral System**

- 3.1 The attached guide prepared for the Department of Internal Affairs, SOLGM and LGNZ has been written to help councils reach their decision on the electoral system. It is also intended to provide a basis for information to help local communities understand the issues. Communities have an important role to play in the decision. They must be consulted by way of public notice and may be polled on their preferred electoral system or demand a poll themselves.
- 3.2 The guide includes:
- 1 A brief description of the two electoral systems including important differences.
  - 2 Some commonly identified advantages and disadvantages of each electoral system.
  - 3 Responses to common concerns and questions councils and the public have raised about each electoral system and the electoral option.
- 3.3 The guide does not intend to influence councils either way in their decision-making. It presents arguments for and against both systems and encourages councils to make an informed choice about the electoral system best suited for their community.
- 3.4 The statutory timeframes under the Local Electoral Act 2001 are:
- 12 September 2011** – Under Section 27 a local authority may resolve to change electoral systems not later than this date. If the decision is made to change the system, this will apply for the next two triennial local body elections.
- 19 September 2011** – Under Section 28, a local authority must, not later than this date, give public notice on the right to demand a poll on the electoral system to be used for the elections of the local authority.

#### **4. Financial/Budgetary Considerations**

There are no financial implications associated with the decision Council is being asked to make.

#### **5. Options**

- 5.1 (a) Council retains the First Past the Post (FPP) electoral system for the next two triennial local elections and gives the required statutory public notification including the right of the public to demand a poll.
- 5.2 (b) Council changes the electoral system to STV for the next two triennial elections and gives the required statutory public notification including the right of the public to demand a poll.

#### **6. Pros and Cons of Options**

- 6.1 These are outlined in the attached guide.
- 6.2 Additionally, Tasman District electors have been using the FPP system for the last three triennial elections, along with a poll and by-election, and are familiar with this system.
- 6.3 With regards to possible amalgamation, the Local Government Commission has indicated that if a proposal is put to the public and if it was then supported by both Tasman and Nelson residents, then the first election would be held using the FPP system.

#### **7. Significance**

- 7.1 This agenda item is not considered significant under the Council's Significance Policy.

#### **8. Recommendation**

- 8.1 That this report is received and the proposed resolutions be adopted.

## **9. Timeline/Next Steps**

- 9.1 Upon resolution of an Electoral System, Council will give public notice of the right to demand a poll on electoral systems not later than 19 September 2011.
- 9.2 Please refer to Appendix 2 regarding the next steps relating to Maori Wards and the Representation Review.

## **10. Draft Resolution**

**THAT Tasman District Council receives Report RCN11-08-02 on the Electoral System, Maori Wards and Representation Review.**

**THAT Tasman District Council**

- 1 Retains the First Past the Post Electoral System for the next two Local Government Triennial Elections and associated elections and polls;**
- 2 Gives the required statutory public notification including the right of the public to demand a poll on the electoral system.**

### **Appendices:**

Appendix 1 – Department of Internal Affairs guide on Electoral Systems

Appendix 2 – Draft Representation Review Timetable