



**Far North
District Council**



Te Kaunihera o Tai Tokerau ki te Raki

AGENDA

Extraordinary Council Meeting

Tuesday, 23 February 2021

Time: 9.30 am
Location: Council Chamber
Memorial Ave
Kaikohe

Membership:

Mayor John Carter - Chairperson
Deputy Mayor Ann Court
Cr David Clendon
Cr Dave Collard
Cr Felicity Foy
Cr Mate Radich
Cr Rachel Smith
Cr Kelly Stratford
Cr Moko Tepania
Cr John Vujcich

COUNCIL MEMBERS REGISTER OF INTERESTS

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Hon Mayor John Carter QSO	Board Member of the Local Government Protection Programme	Board Member of the Local Government Protection Program		
	Carter Family Trust			
Deputy Mayor Ann Court	Waipapa Business Association	Member		Case by case
	Warren Pattinson Limited	Shareholder	Building company. FNDC is a regulator and enforcer	Case by case
	Kerikeri Irrigation	Supplies my water		No
	Top Energy	Supplies my power		No other interest greater than the public's
	District Licensing	N/A	N/A	N/A
	Top Energy Consumer Trust	Trustee	Crossover in regulatory functions, consenting economic development and contracts such as street lighting.	Declare interest and abstain from voting.
	Ann Court Trust	Private	Private	N/A
	Waipapa Rotary	Honorary member	Potential community funding submitter	Declare interest and abstain from voting.
	Properties on Onekura Road, Waipapa	Owner Shareholder	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Property on Daroux Dr, Waipapa	Financial interest	Any proposed FNDC Capital works or policy change which may have a direct impact (positive/adverse)	Declare interest and abstain from voting.
	Flowers and gifts	Ratepayer 'Thankyou'	Bias/ Pre-determination?	Declare to Governance
	Coffee and food	Ratepayers sometimes 'shout' food and beverage	Bias or pre-determination	Case by case
	Staff	N/A	Suggestion of not being impartial or pre-determined!	Be professional, due diligence, weigh the

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
				evidence. Be thorough, thoughtful, considered impartial and balanced. Be fair.
	Warren Pattinson	My husband is a builder and may do work for Council staff		Case by case
Ann Court - Partner	Warren Pattinson Limited	Director	Building Company. FNDC is a regulator	Remain at arm's length
	Air NZ	Shareholder	None	None
	Warren Pattinson Limited	Builder	FNDC is the consent authority, regulator and enforcer.	Apply arm's length rules
	Property on Onekura Road, Waipapa	Owner	Any proposed FNDC capital work in the vicinity or rural plan change. Maybe a link to policy development.	Would not submit. Rest on a case by case basis.
David Clendon	Chairperson – He Waka Eke Noa Charitable Trust	None		Declare if any issue arises
	Member of Vision Kerikeri	None		Declare if any issue arises
	Joint owner of family home in Kerikeri	Hall Road, Kerikeri		
David Clendon – Partner	Resident Shareholder on Kerikeri Irrigation			
David Collard	Snapper Bonanza 2011 Limited	45% Shareholder and Director		
	Trustee of Te Ahu Charitable Trust	Council delegate to this board		
Felicity Foy	Flick Family Trust Ltd	I am the director of this company that is the company trustee of Flick Family Trust that owns properties in Cable Bay, and Allen Bell Drive - Kaitaia.		
	Elbury Holdings Limited	This company is directed by my parents Fiona and Kevin King.	This company owns several dairy and beef farms, and also dwellings on these farms. The Farms and dwellings are	

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
			located in the Far North at Kaimaumau, Bird Road/Sandhills Rd, Wireless Road/ Puckey Road/Bell Road, the Awanui Straight and Allen Bell Drive.	
	Foy Farms Partnership	Owner and partner in Foy Farms - a farm on Church Road, Kaingaroa		
	Foy Farms Rentals	Owner and rental manager of Foy Farms Rentals for dwellings on Church Road, Kaingaroa and dwellings on Allen Bell Drive, Kaitaia, and property on North Road, Kaitaia, one title contains a cell phone tower.		
	King Family Trust	This trust owns several titles/properties at Cable Bay, Seaview Rd/State Highway 10 and Ahipara - Panorama Lane.	These trusts own properties in the Far North.	
	112 Commerce Street Holdings Ltd	Owner of commercial property in Commerce Street Kaitaia.		
	Foy Property Management Ltd	Owner of company that manages properties owned by Foy Farms Rentals and Flick Family Trust.		
	Previous employment at FNDC 2007-16	I consider the staff members at FNDC to be my friends		
	Shareholder of Coastline Plumbing NZ Limited			
Felicity Foy - Partner	Director of Coastal Plumbing NZ Limited			
	Friends with some FNDC employees			
Mate Radich	No form received			
Rachel Smith	Friends of Rolands Wood Charitable Trust	Trustee		
	Mid North Family Support	Trustee		
	Property Owner	Kerikeri		
	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member		
	Property Owner	Kerikeri		

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
Rachel Smith (Partner)	Friends who work at Far North District Council			
	Kerikeri Cruising Club	Subscription Member and Treasurer		
Kelly Stratford	KS Bookkeeping and Administration	Business Owner, provides book keeping, administration and development of environmental management plans	None perceived	Step aside from decisions that arise, that may have conflicts
	Waikare Marae Trustees	Trustee	Maybe perceived conflicts	Case by case basis
	Bay of Islands College	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Karetu School	Parent Elected Trustee	None perceived	If there was a conflict, I will step aside from decision making
	Māori title land – Moerewa and Waikare	Beneficiary and husband is a shareholder	None perceived	If there was a conflict, I will step aside from decision making
	Sister is employed by Far North District Council			Will not discuss work/governance matters that are confidential
	Gifts - food and beverages	Residents and ratepayers may 'shout' food and beverage	Perceived bias or predetermination	Case by case basis
	Taumarere Counselling Services	Advisory Board Member	May be perceived conflicts	Should conflict arise, step aside from voting
	Sport Northland	Board Member	May be perceived conflicts	Should conflict arise, step aside from voting
Kelly Stratford - Partner	Chef and Barista	Opua Store	None perceived	
	Māori title land – Moerewa	Shareholder	None perceived	If there was a conflict of interest I would step aside from decision making
Moko Tepania	Teacher	Te Kura Kaupapa Māori o Kaikohe.	Potential Council funding that will benefit my place of employment.	Declare a perceived conflict
	Chairperson	Te Reo o Te Tai Tokerau Trust.	Potential Council funding for events that this trust runs.	Declare a perceived conflict

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Tribal Member	Te Rūnanga o Te Rarawa	As a descendent of Te Rarawa I could have a perceived conflict of interest in Te Rarawa Council relations.	Declare a perceived conflict
	Tribal Member	Te Rūnanga o Whaingaroa	As a descendent of Te Rūnanga o Whaingaroa I could have a perceived conflict of interest in Te Rūnanga o Whaingaroa Council relations.	Declare a perceived conflict
	Tribal Member	Kahukuraariki Trust Board	As a descendent of Kahukuraariki Trust Board I could have a perceived conflict of interest in Kahukuraariki Trust Board Council relations.	Declare a perceived conflict
	Tribal Member	Te Rūnanga ā-Iwi o Ngāpuhi	As a descendent of Te Rūnanga ā-Iwi o Ngāpuhi I could have a perceived conflict of interest in Te Rūnanga ā-Iwi o Ngāpuhi Council relations.	Declare a perceived conflict
John Vujcich	Board Member	Pioneer Village	Matters relating to funding and assets	Declare interest and abstain
	Director	Waitukupata Forest Ltd	Potential for council activity to directly affect its assets	Declare interest and abstain
	Director	Rural Service Solutions Ltd	Matters where council regulatory function impact of company services	Declare interest and abstain
	Director	Kaikohe (Rau Marama) Community Trust	Potential funder	Declare interest and abstain
	Partner	MJ & EMJ Vujcich	Matters where council regulatory function impacts on partnership owned assets	Declare interest and abstain
	Member	Kaikohe Rotary Club	Potential funder, or impact on Rotary projects	Declare interest and abstain

Name	Responsibility (i.e. Chairperson etc)	Declaration of Interests	Nature of Potential Interest	Member's Proposed Management Plan
	Member	New Zealand Institute of Directors	Potential provider of training to Council	Declare a Conflict of Interest
	Member	Institute of IT Professionals	Unlikely, but possible provider of services to Council	Declare a Conflict of Interest

Far North District Council
Extraordinary Council Meeting
will be held in the Council Chamber, Memorial Ave, Kaikohe:
Tuesday 23 February 2021 at 9.30 am

Order Of Business / Te Paeroa Mahi

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1 KARAKIA TIMATANGA – OPENING PRAYER**2 APOLOGIES AND DECLARATIONS OF INTEREST**

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Council and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive Officer or the Team Leader Democracy Support (preferably before the meeting).

It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

3 DEPUTATION

No requests for deputations were received at the time of the Agenda going to print.

4 MAYORAL ANNOUNCEMENTS

5 REPORTS

5.1 NON-BINDING POLL ON MĀORI WARDS

File Number: A3083247

Author: Caroline Wilson, Manager - District Administration

Authoriser: Jaime Dyhrberg, Manager - Transformation and Assurance

PURPOSE OF THE REPORT

To seek approval to not hold a non-binding poll on Māori Wards prior to 21 May 2021.

EXECUTIVE SUMMARY

- The Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill is expected to be passed into law during the week of 22 February 2021:
 - repealing the “Māori ward poll provisions” in the Local Electoral Act 2001 (LEA);
 - preventing councils from holding binding polls on Māori wards and constituencies (while retaining the right for councils to hold non-binding polls); and
 - providing a transition period ending on 21 May 2021 in which councils may consider, or reconsider, establishing Māori wards or constituencies for the 2022 local elections.
- If passed, Council’s decision to hold a binding poll with the 2022 elections will be annulled.
- To inform their decision, Council may consider holding a non-binding poll prior to the legislative deadline of 21 May 2021 to gauge community sentiment. The decision to do so must be made by no later than 23 February 2021 to meet legislative timeframes of holding a poll under the LEA and will require an extraordinary meeting in the afternoon or evening of 21 May 2021 (as the poll closes at midday on the 21 May).
- The resolution made on 29 October 2020 that Māori wards were not going to be established for 2022 still stands if Council does nothing (ie does not reconsider the matter by 21 May).
- The Bill, once enacted, gives councils the option to reconsider Māori wards as part of the rep review for the 2022 triennium.

RECOMMENDATION

That Council does not hold a non-binding poll, under section of the 9 of the Local Electoral Act on Māori Wards prior to 21 May 2021.

1) BACKGROUND

Council made the decision at its meeting on 29 October 2020 not to establish Māori wards and to hold a binding poll on the subject of Māori wards with the 2022 election activities. The decision to hold this with the 2022 elections was two-fold:

- the costs associated with a poll are significantly reduced when combined with a triennial election;
- the desire to run a public education programme on the topic Māori wards during 2022.

The decision from that binding poll would be in effect for the 2025 and 2028 triennia.

The cost of combining the poll with the triennial election would vastly reduce the burden to the ratepayer. The cost of a standalone poll is circa \$80,000 to \$90,000 in comparison to \$8,000-\$9,000 when combined with the triennial election process. This was one of the key drivers for combining the poll with the 2022 triennial election.

It was further planned that a comprehensive communication, engagement and education programme would commence in early 2022 on the topic of Māori wards, to ensure our communities understood what Māori wards are in time for the poll in late 2022.

With the potential change to legislation, and subject to that change coming into force, Council has the option to pursue a poll under section 9 of the LEA in order to gauge community feedback.

Council held a further workshop on 22 February 2021 with both Māori and non-Māori representation so as to gauge their views on establishing Māori wards. The selection of this date was in line with the original timeframes from Parliament that the Bill would be passed into law on Monday 22 February 2021.

From this workshop, there were mixed views as to whether to hold a poll now or with the 2022 triennial election. Bearing in mind that Council has until 21 May 2021 to reconsider its' decision on Māori wards, the purpose of this report is solely to address the matter of an urgent non-binding poll. At a future date, staff will submit a report to Council, outlining the new legislation and the option it presents where Council can decide, or not, to re-consider Māori wards for 2022 and 2025.

There was discussion on whether or not Council needed to rescind their resolution of 29 October 2020 via Notice of Motion from the elected members, and legal advice has been sought. Under clause 23.6 of Councils standing orders (clause 30 (6) of Schedule 7 of the LGA), Council may revoke or alter a previous decision by recommendation in a report.

2) DISCUSSION AND OPTIONS

Government is likely to pass into law the Amendment Bill to the Local Electoral Act which repeals the Māori ward poll provisions and prevents Council from holding a binding poll. The decision made by Council on 29 October 2020 to hold a binding poll will then be annulled.

It also provides an option for Council to reconsider establishing Māori wards in time to take effect for the 2022 local elections. Any decision made will form part of the Representation Review.

If Council wishes to gauge community sentiment through a non-binding poll under section 9 of the LEA, this decision must be made now in order to meet the legislative timeframe of the poll closing on 21 May 2021.

In making this decision, it should be noted that the informal consultation on the Representation Review to be undertaken during March 2021 includes the topic of Māori wards and seeks feedback from our communities as to whether they are in support or not. The roadshow itself, which is complementary to online engagement activities, will reach many of the smaller communities that typically do not engage in the activities of Council. Community members will have the option to speak directly to staff and elected members on the topic. This presents an ideal opportunity to gauge community sentiment, educate our communities and in itself is a form of non-binding poll.

Option 1 – Hold a non-binding poll

In this option, Council will hold a standalone poll at a cost of about \$90,000. The poll would close at midday on 21 May 2021 thus requiring an Extraordinary Council meeting later that day to meet legislative timeframes. The results of the poll would not be known until mid/late afternoon.

Outlined below are the pros and cons to holding a non-binding poll:

Pros	Cons
Every registered elector in the Far North will have an opportunity to provide feedback.	Standalone poll may result in less actual feedback, as people may not engage with the process (i.e. receiving it via mail, completing it, posting it back)
Gauges community sentiment without binding Council to a course of action.	Being non-binding could disenfranchise those whose feedback was not taken into

	consideration (i.e. Council makes an alternative decision).
	A standalone poll will cost about \$90,000.
	There is limited opportunity to run a public education programme as intended by Councils' previous decision.

These timeframes are extremely constrained and will leave very little time / no time for Council to workshop the results of the poll.

Option 2 – Use the informal consultation process to gauge community feedback

In this option, officers will collect evidence from the roadshows and online engagement surveys on Māori wards. It is planned that a further short workshop would be held at the end of March, leading into a report to the 8 April 2021 Council meeting, where Council agree, or not, to re-consider the matter of Māori wards. In doing so, there would be three options:

1. Establish Māori wards to take effect for the 2022 elections;
2. Rescind Council's resolution of 29 October 2020 (for a binding poll) and hold a non-binding poll with the 2022 election activities.
3. Do nothing. The status quo of no Māori wards would be maintained.

If there was a need for further consideration and/or workshops, Council still has time during the month of April leading into the 20 May Council meeting. This is the preferred option of officers.

Outlined below are the pros and cons to informal consultation:

Pros	Cons
Community engagement reach will be wide, with the roadshow going into our main centres and smaller communities. It is a more direct form of community engagement.	Being informal could disenfranchise those whose feedback was not taken into consideration (i.e. Council makes an alternative decision).
Gauges community sentiment without binding Council to a course of action.	
The cost is combined into existing consultation activities. There is no additional budget required.	
Our people can ask questions of staff and elected members during the roadshow or online and provide their feedback.	

Reason for the recommendation

To undertake a poll now before Council has formed their position on whether they wish to re-consider their previous decision may create unrealistic expectations about the electoral arrangements for 2022.

3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There is budgetary provision for holding a non-binding poll. This budget was set aside in the event that Council received a formal demand for a poll on either voting systems or Māori wards.

ATTACHMENTS

1. **Local Electoral Māori Wards and Māori Constituencies Amendment Bill - A3092598** [↓](#)
2. **Extract from minutes of 29 October 2020 - A3092597** [↓](#)

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
2. This section is subject to Section 79 - Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the Council's Significance and Engagement Policy	This decision is low significance as it is a non-binding poll.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	This relates to the Local Electoral Act and the newly passed Amendment Bill.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	This has district wide relevance as all voters in the Far North will have the opportunity to provide feedback.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	Workshops prior to the decision on the 29 th October 2020 were held with key iwi leaders of the Far North. Building relationships with our iwi and hapū are a key focus for this Council.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	All voters of the Far North are affected and will have an opportunity to provide feedback on Māori wards through the non-binding poll.
State the financial implications and where budgetary provisions have been made to support this decision.	Budget has been set aside for a binding poll on voting systems or Māori wards under the old legislation. This budget is still available for a non-binding poll.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill

Government Bill

Explanatory note

General policy statement

This Bill amends the Local Electoral Act 2001.

The policy intention of the Bill is to—

- align the treatment of Māori wards and Māori constituencies with the treatment of general wards and general constituencies as much as possible; and
- remove all mechanisms for binding polls to be held on whether Māori wards or Māori constituencies will be established; and
- provide local authorities with an opportunity to make decisions on Māori wards and Māori constituencies, in light of these changes, in time for the 2022 local elections.

At present, the Local Electoral Act 2001 provides that if a council resolves to establish wards or constituencies for electors on the Māori electoral roll, a local referendum (a **poll**) on whether Māori wards or Māori constituencies should be established must be held if at least 5% of the electors of the city, district, or region demand one. These polls have proved to be an almost insurmountable barrier to improving Māori representation in local government and, in some cases, a deterrent to local authorities considering establishing Māori wards or Māori constituencies.

There is no equivalent provision for elector-demanded polls in the process for creating general wards and general constituencies. Therefore, the removal of the poll provision is consistent with the Crown's obligations under te Tiriti o Waitangi/the Treaty of Waitangi and aims to strengthen the Māori–Crown relationship at a local level by removing barriers to Māori participation in local elections.

To achieve these policy aims, the Bill—

2	Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill	Explanatory note
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- repeals the provisions in the Local Electoral Act 2001 that relate to polls on the establishment of Māori wards and Māori constituencies; and
- prohibits binding council-initiated polls on whether to establish Māori wards or Māori constituencies (while retaining the right of councils to initiate non-binding polls to gauge public sentiment); and
- establishes a transition period ending on 21 May 2021 in which any local authority may, regardless of any previous decisions or previous poll outcomes, resolve to establish Māori wards or Māori constituencies for the 2022 local elections.

Departmental disclosure statement

The Department of Internal Affairs is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2021&no=6>

Regulatory impact assessment

The Department of Internal Affairs produced a regulatory impact assessment on 8 December 2020 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact assessment can be found at—

- <https://www.dia.govt.nz/Resource-material-Regulatory-Impact-Statements-Index>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the Bill will come into effect on the day after the date of Royal assent.

Clause 3 provides that the Bill amends the Local Electoral Act 2001 (the **principal Act**).

Clause 4 and *new Schedule 1* (as inserted by *clause 9*) provide for transitional, savings, and related provisions, including provisions to—

- enable local authorities to resolve during a transition period ending on 21 May 2021 to establish Māori wards or Māori constituencies (as applicable) for the next triennial general election; and

Explanatory note	Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill	3
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- enable local authorities to revoke resolutions made before the commencement of the Bill to establish Māori wards or Māori constituencies (as applicable) for the next triennial general election; and
- provide that any resolution of a local authority before the Bill's commencement date to hold a binding poll on whether to establish a Māori ward or Māori constituency ceases to have effect on the commencement date; and
- provide that any demand for a binding poll before the Bill's commencement date must be disregarded on and after the commencement date.

Clause 5 amends section 9 of the principal Act. Section 9 provides that a local authority may direct the electoral officer to conduct a referendum on any matter relating to the services or policies of the local authority or any proposal relating to the activities or objectives of the local authority or the well-being of its local government area. The amendment provides that no referendum relating to the division of any district or region into 1 or more Māori wards or Māori constituencies is binding.

Clauses 6 and 7 amend section 19Z and repeal sections 19ZA to 19ZG of the principal Act to remove—

- the provisions enabling electors to demand a poll on whether to establish a Māori ward or Māori constituency; and
- the provisions enabling territorial authorities and regional councils to resolve to hold a poll on whether to establish a Māori ward or Māori constituency.

Clause 8 consequentially amends section 138A of the principal Act to remove references to sections 19ZC, 19ZD, and 19ZE, which are repealed by *clause 7*.

Hon Nanaia Mahuta

Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill

Government Bill

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	5AA Transitional, savings, and related provisions	2
5	Section 9 amended (Holding of referendum)	2
6	Section 19Z amended (Territorial authority or regional council may resolve to establish Māori wards or Māori constituencies)	2
7	Sections 19ZA to 19ZG repealed	2
8	Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)	3
9	New Schedule 1 inserted	3
	Schedule	4
	New Schedule 1 inserted	

The Parliament of New Zealand enacts as follows:

- 1 **Title**
 This Act is the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act **2021**.

- 2 **Commencement** 5
 This Act comes into force on the day after the date of Royal assent.

cl 3	Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill	
3	Principal Act	
	This Act amends the Local Electoral Act 2001 (the principal Act).	
4	New section 5AA inserted (Transitional, savings, and related provisions)	
	After section 5, insert:	
5AA	Transitional, savings, and related provisions	5
	The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.	
5	Section 9 amended (Holding of referendum)	
	Replace section 9(7) with:	
(7)	The result of a referendum conducted as a consequence of a direction under this section is not binding on a local authority—	10
(a)	in the case of any matter or proposal relating to the division of any district or region into 1 or more Māori wards or Māori constituencies; or	
(b)	in any other case, unless the local authority resolves otherwise or an enactment provides otherwise.	15
6	Section 19Z amended (Territorial authority or regional council may resolve to establish Māori wards or Māori constituencies)	
(1)	Replace section 19Z(3)(c) with:	
(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.	20
(2)	Replace section 19Z(4) with:	
(4)	This section—	
(a)	is subject to clauses 2(5) and 4(4) of Schedule 1A; and	25
(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.	30
(3)	In section 19Z(5), delete “and in sections 19ZB to 19ZG”.	
7	Sections 19ZA to 19ZG repealed	
	Repeal sections 19ZA to 19ZG.	

Local Electoral (Māori Wards and Māori
Constituencies) Amendment Bill

cl 9

8 Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)

In section 138A(1),—

- (a) replace “section 19ZF(3), section 33(3),” with “section 33(3)”; and
- (b) delete “section 19ZC(5), section 19ZD(4),” in each place; and
- (c) delete “section 19ZF or” in each place.

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9 New Schedule 1 inserted

Insert the **Schedule 1** set out in the **Schedule** of this Act as the first schedule to appear after the last section of the principal Act.

3

Schedule	Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill	
	Schedule	
	New Schedule 1 inserted	
		s 9
	Schedule 1	
	Transitional, savings, and related provisions	5
		s 5AA
	Part 1	
	Provisions relating to Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021	
1	Definitions	10
	In this Part, unless the context otherwise requires,—	
	amendment Act means the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021	
	commencement date means the date on which the amendment Act comes into force	15
	transition period means the period beginning on the commencement date and ending on 21 May 2021.	
2	Territorial authority or regional council may resolve during transition period to establish Māori wards or Māori constituencies for next triennial general election	20
(1)	Any territorial authority may resolve at any time during the transition period that the district be divided into 1 or more Māori wards for electoral purposes.	
(2)	Any regional council may resolve at any time during the transition period that the region be divided into 1 or more Māori constituencies for electoral purposes.	25
(3)	A resolution under subclause (1) or (2) —	
	(a) may be made despite any poll held under section 19ZF before the commencement date; and	
	(b) takes effect for the purposes of the next 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 section 19Z takes effect.	30
(4)	This clause—	
	(a) is subject to clauses 2(5) and 4(4) of Schedule 1A (as if this clause were in Part 1A of this Act); and	35

**Local Electoral (Māori Wards and Māori
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Schedule

(b)	does not apply to Bay of Plenty Regional Council (<i>see</i> the Bay of Plenty Regional Council (Maori Constituency Empowering) Act 2001).	
(5)	In this clause, associated election has the same meaning as in section 19Z.	
3	Territorial authority or regional council may revoke resolution made under section 19Z before commencement date	5
(1)	This clause applies to a resolution of a territorial authority or regional council made under section 19Z at any time during the period—	
(a)	commencing on 13 October 2019; and	
(b)	ending on the day before the commencement date.	
(2)	The territorial authority or regional council may, at any time during the transition period, revoke the resolution.	10
4	No poll may be demanded on or after commencement date to countermand resolution made under section 19Z before commencement date	
(1)	This clause applies in relation to a resolution of a territorial authority or regional council made under section 19Z before the commencement date.	15
(2)	No demand for a poll to countermand the resolution may be made under section 19ZB on or after the commencement date despite any public notice having been given under section 19ZA by the territorial authority or regional council before the commencement date of a right to demand a poll.	20
5	Demand for poll by electors under sections 19ZB and 19ZC before commencement date must be disregarded on commencement date	
(1)	This clause applies if—	
(a)	a territorial authority or regional council receives a demand for a poll made in accordance with sections 19ZB and 19ZC before the commencement date; and	25
(b)	the poll has not been held as at the commencement date.	
(2)	The demand must be disregarded on and after the commencement date.	
(3)	The chief executive of the territorial authority or regional council must not give notice to the electoral officer of the demand on or after the commencement date.	30
(4)	An electoral officer for a territorial authority or regional council who, before the commencement date, receives notice under section 19ZC(5) of a demand for a poll must not give public notice of the poll on or after the commencement date.	35

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6	Resolution of territorial authority or regional council made under section 19ZD before commencement date ceases to have effect on commencement date	
(1)	This clause applies to a resolution of a territorial authority or regional council under section 19ZD(1) if— (a) the resolution was made before the commencement date; and (b) the poll has not been held as at the commencement date.	5
(2)	The resolution ceases to have effect on the commencement date.	
(3)	An electoral officer who, before the commencement date, received a notice under section 19ZD of a resolution that a poll be held must not give public notice of the poll on or after the commencement date.	10
7	Electoral officer must give public notice that any poll announced before commencement date will not be held	
(1)	This clause applies to an electoral officer who, during the period of 89 days before the commencement date, gives public notice of a poll in accordance with section 19ZF(1).	15
(2)	The electoral officer must, as soon as practicable after the commencement date, give public notice that the poll will not be held.	

6.3 MĀORI ELECTED MEMBERS ON COUNCIL

Agenda item 6.3 document number A2964943, pages 69 - 78 refers.

Moved: Cr Kelly Stratford

Seconded: Cr Moko Tepania

That Council establish Māori wards for the 2022 and 2025 Local Government elections.

In Favour: Crs David Clendon, Rachel Smith, Kelly Stratford, Moko Tepania and John Vujcich

Against: Mayor John Carter Crs Ann Court, Dave Collard, Felicity Foy and Mate Radich

EQUAL

MOTION

Moved: Mayor John Carter

Seconded: Cr Dave Collard

That Council resolve to hold a poll of electors during the 2022 local body elections

At 12:00 pm, Cr Kelly Stratford left the meeting. At 12:04 pm, Cr Kelly Stratford returned to the meeting.

AMENDMENT

Moved: Cr David Clendon

Seconded: Cr Rachel Smith

That Council commit significant budget to the communication and information strategy and campaign to ensure the public are well informed before the poll.

LOST

RESOLUTION 2020/1

Moved: Mayor John Carter

Seconded: Cr Dave Collard

That Council resolve to hold a poll of electors during the 2022 local body elections.

In Favour: Mayor John Carter, Crs Ann Court, David Clendon, Dave Collard, Felicity Foy and John Vujcich

Against: Crs Mate Radich, Rachel Smith, Kelly Stratford and Moko Tepania

CARRIED

6 KARAKIA WHAKAMUTUNGA – CLOSING PRAYER

7 MEETING CLOSE