


28. REPRESENTATION REVIEW - MAORI WARD AND ELECTORAL SYSTEM ISSUES



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PURPOSE OF REPORT

1. The purpose of this report is to:
 - (a) Provide the Council with details of the requirements of the Representation Review process that relate to the issue of Maori wards.
 - (b) Seek a decision from the Council on whether there should be any changes to the electoral system.

EXECUTIVE SUMMARY

2. The Council is required to review its representation arrangements at least once every six years. As the Christchurch City Council undertook its last Representation Review in 2003, it is legally required to carry out a further review prior to the 2010 elections.
3. The most pressing issues in terms of timeframes for this review are whether to establish a Maori ward for the Christchurch City Council district, and whether the electoral system should be changed. Other issues covered by the review - such as the number of councillors, whether to have community boards, wards and their boundaries - will be the subject of a report at a later date.
4. The Local Electoral Act 2001 offers the choice between two electoral systems for local government elections: first past the post (FPP) and the single transferable vote (STV). The Council is required to decide by 12 September 2008 whether to retain its current electoral system or whether to change to the alternative system for the 2010 elections. At recent workshops on this matter, Councillors have indicated a preference to retain the current FPP electoral system.
5. The Maori ward provisions in the Local Electoral Act are not mandatory. In any case, however, a calculation based on the formula set out in the legislation indicates that, based on the current Council membership of 13 members (excluding the Mayor), the establishment of a Maori ward is an academic consideration (see paragraphs 14-15 below). No Maori ward members would be able to be elected, as the threshold used to qualify for the election of at least one member under the Local Electoral Act 2001 is not met.

FINANCIAL IMPLICATIONS

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

6. There are no financial implications associated with retaining the current FPP electoral system. If there were to be a poll on the electoral system to be used at the 2010 local body elections (see paragraphs 18-19 below), the cost of such a poll would amount to approximately \$200,000. No provision has been made in the LTCCP for a poll of this type.

LEGAL CONSIDERATIONS

Have you considered the legal implications of the issue under consideration?

7. Yes. The main elements of the local electoral legislative framework are the Local Electoral Act 2001 and the Local Electoral Regulations 2001. Relevant references are made throughout this report.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

8. Pages 111-113 relating to Democracy and Governance reflect the Council's obligation to comply with the Local Electoral Act 2001 and the Local Electoral Regulations 2001

ALIGNMENT WITH STRATEGIES

9. Not applicable.

CONSULTATION FULFILMENT

10. No public consultation process is required in relation to decisions taken by the Council on the establishment of Maori wards and/or the election systems to be used.

STAFF RECOMMENDATION

- 11 It is recommended that the Council:
- (a) Note that no Maori ward can be established in the Christchurch City Council district at this point in time because the legislative threshold used to qualify for the election of at least one member to a Maori ward has not been met.
 - (b) Decide whether to retain the current first past the post (FPP) electoral system for the 2010 City Council elections.
 - (c) Note that regardless of whether the Council passes a resolution to change its electoral system, it is required to give public notice by 19 September 2008 of the right for 5 per cent of electors to demand a poll on the electoral system to be used at the 2010 local elections.

BACKGROUND (THE ISSUES)

Establishment of Maori Wards

12. The decision to establish Maori wards for electoral purposes can be initiated in two ways:
- (a) A local authority may resolve that its district be divided into one or more Maori wards.
 - (b) A poll of electors of the local authority be held to determine the issue.
13. A poll can arise from either:
- (a) A Council decision, or
 - (b) A public demand.
14. The issue of establishing a Maori ward is, however, an academic consideration at this point. A calculation based on the formula set out in the legislation indicates that, based on the current membership of 13 Council members (excluding the Mayor), no Maori ward members could be elected as the threshold used to qualify for the election of at least one member under the Local Electoral Act 2001 is not met. This calculation is as follows:

$$\text{Formula: } nmm = (mepd / (mepd + gepd)) \times nm$$

mepd	Maori electoral population of the district	8,662
gepd	General electoral population of the district	243,157
nm	Proposed number of members of the territorial authority (other than the Mayor)	13
nmm	Number of Maori ward members	0.45

15. Under this calculation, a Maori Ward is not possible at this time as the result of 0.45 is less than the figure of 0.5 or higher as required by legislation (Local Electoral Act 2001 Schedule 1A Provisions relating to Maori wards and Maori constituencies, section 2(1), (2) and (3)).

Electoral System

16. The Act offers the choice between two electoral systems for local government elections: first past the post (FPP) and the single transferable vote (STV). Eight councils used STV at the 2007 elections.
17. Whether or not the Council passes a resolution by 12 September 2008 to change its electoral system, it must give public notice by 19 September 2008 of the right for 5 per cent of electors to demand a poll on the electoral system to be used at the 2010 local elections.
18. The statutory provisions for changing a local authority's electoral system are set out in sections 27 to 34 of the Local Electoral Act, which in summary provide:
 - If the Council resolves before 12 September 2008 to change the electoral system it is currently using, then the new system will take effect for the 2010 and 2013 elections, unless there is a subsequent resolution or a poll of electors is held.
 - Electors may demand a poll on the electoral system to be used. If a valid demand is made before 28 February 2009 then the poll must be held no later than 21 May 2009. The result will determine the electoral system to be used for the 2010 and 2013 elections.
 - If a valid demand is made after 28 February 2009 the poll must be held no earlier than 21 May 2009. The result will determine the electoral system to be used for the 2013 and 2016 elections. The 2010 election will be determined by the system currently used by the Council.
 - The Council may resolve to hold a poll. The resolution must be made no later than 28 February 2009 and the poll held before 21 May 2009 for any new electoral system to take effect for the 2010 elections.