Date: Thursday 16 July 2020
Time: 3:00pm
Meeting Room: St Chads Church and Community Centre
Venue: 38 St Johns Road
Meadowbank

Örākei Local Board
OPEN MINUTE ITEM ATTACHMENTS

<table>
<thead>
<tr>
<th>ITEM</th>
<th>TABLE OF CONTENTS</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>9.1</td>
<td>Public Forum - Shirin Brown and Martin Taylor - Election Signage Bylaw</td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>16 July 2020, Ōrākei Local Board: Item 9.1 - Public Forum - Shirin Brown and Martin Taylor - Election Signage Bylaw, tabled document</td>
<td>3</td>
</tr>
<tr>
<td>9.2</td>
<td>Public Forum - Sathya Mithra Ashok - Social Enterprise Auckland</td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>16 July 2020, Ōrākei Local Board: Item 9.2 - Public Forum - Sathya Mithra Ashok - Social Enterprise Auckland, presentation</td>
<td>7</td>
</tr>
<tr>
<td>9.3</td>
<td>Public Forum - Ben Fraser - Youth of Ōrākei</td>
<td></td>
</tr>
<tr>
<td>A.</td>
<td>16 July 2020, Ōrākei Local Board: Item 9.3 - Public Forum - Ben Fraser - Youth of Ōrākei, tabled document</td>
<td>17</td>
</tr>
</tbody>
</table>

Note: The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Background notes in support of presentation to the 16 July 2020
Business Meeting of the Ōrākei Local Board

Martin Taylor, Chair of the Tāmaki Electorate Committee of the New Zealand Labour Party

The issue
Democratic impact
Consultation
The bylaw appears to be unenforceable
Actions sought
Notes
Contact

The issue

On 16 November 2017, the Ōrākei Local Board (OLB) passed a bylaw that restricted to four weeks the period that election signs could be sited on OLB land. It further asked that Auckland Transport (AT) follow suit on AT sites and that its position be adopted across the Auckland region (see note 1 below).

The OLB’s reason seems to have been that election signs are visual pollution and reducing the period they are on display will reduce visual pollution to the overall benefit of residents.

As former OLB Chairman Kit Parkinson advised in an email to Martin Taylor (17 Oct 2019):

    All boards were given this option to reduce visual pollution and be more considerate to their communities. Only Orakei elected to do this and it was a unanimous decision and the correct thing to do.

    But turkeys don’t often have the guts to vote for an early Christmas.

    It would be great if everyone restricted this time as it would be a better city to live in without the pollution of these signs for nine long weeks.

In fact, neither AT nor any of the 20 other local boards adopted this position so Orakei remains the anomaly within Auckland.
The 9-week election signage period for the 2020 General Election begins this Saturday 18 July. In order to avoid the negative impacts of this bylaw, I request that the OLB amend its 4-week restriction to 9 weeks and notify candidates prior to 18 July of the change.

I make this request based on the following considerations.

Democratic impact

I believe that the emphasis the OLB placed on ‘visual pollution’ is outweighed by the benefits election sign exposure has to a well-functioning democracy. Signs in Ōrākei are to be visible for 4 weeks instead of 9 in a 156-week election cycle, but this modest ‘gain’ costs candidates a 55% reduction in advertising opportunity (or a 70% reduction of display time before early voting begins). The ratecard value of that lost advertising is about $10,000 per candidate (see note 2 below).

The impact of this loss is not equally distributed. It is greater for a new candidate and/or group who need to establish their profile among voters, than for an incumbent candidate and/or group who are already well-known and established. It severely disadvantages campaigns with limited money.

An example of this is from Isaac Mercer who contested the OLB elections in 2020 as an independent candidate. Writing in an email to Martin Taylor (9 July 2020):

Referring to my local government campaign it appeared that the local board locked us out of these sites with the bylaw but Communities and Residents (the incumbent local board/council representative) saturated the area with hoardings on fences and private property while not giving us (as independents) the fair opportunity to have signage up in public sites as is the case across the rest of Auckland.

In my opinion this is incredibly undemocratic and definitely harmful to new (or even just non-incumbent) candidates.

The negative impact doesn’t just affect candidates. It is a loss to residents as it reduces their access to election information affecting their local community. This is more important than ever with the decline of traditional local media.

Consultation

I believe that good consultation on electoral issues is doubly important in Ōrākei, given the unusual circumstance that every one of its Council and Local Board elected members has, for a long time, come from the same political group which limits opposing viewpoints around the table.

While the OLB has indicated it consulted before making this decision, it appears to have been limited. We have been unable to obtain any information on this process from the OLB itself, meeting minutes or other public sources. It doesn’t appear that voters were consulted.
in a meaningful way and it appears that local political groups — another important constituency — were not consulted.

Ōrākei is the sole outlier in the Auckland region — the only one of 21 boards to adopt a restrictive bylaw. From my personal dealings, I have no doubt about the goodwill and professionalism of the elected members, but I believe that in decisions affecting electoral outcomes, the board should actively seek multiple viewpoints before making its decisions.

The bylaw appears to be unenforceable

Our advice is that the bylaw is unenforceable since it is overridden by s221B (Display of advertisement of a specified kind) of the Electoral Act 1993, in particular:

221B (1) During the period beginning 9 weeks before polling day and ending with the close of the day before polling day, the display of an advertisement of a specified kind is not subject to—

(a) any prohibition or restriction imposed in any other enactment or bylaw, or imposed by any local authority, that applies in relation to the period when an advertisement of a specified kind may be displayed; or
(b) any prohibition or restriction imposed in any bylaw, or imposed by any local authority, that applies in relation to the content or language used in an advertisement of a specified kind.

The existence of the bylaw has already stopped candidates from erecting signs earlier than four weeks prior to polling day. If the bylaw is indeed unenforceable, as we believe it is, its existence and the uncertainty around enforcement can — and indeed has — stopped candidates from using this important opportunity. In this respect, even if it sits on the books unenforced, there is the continuing potential that it will mislead candidates.

Actions sought

We respectfully request that:

1. Prior to 18 July 2020, the Ōrākei Local Board publicly notify that the election signage bylaw will not be enforced. To avoid disadvantaging any 2020 election candidates, we also request that it promptly contact all 2020 General Election candidates for Tamaki and Tamaki Makaurau to advise this decision.
2. The OLB, as soon as possible, rescind or amend the bylaw to allow display of election signs on OLB land at least nine weeks before a polling day.

Thank you for considering this matter.
Notes

1. The 16 November 2017 bylaw.

That the Ōrākei Local Board:

a) amends landowner approvals for election signs to provide a four week time restriction on local parks and reserves in the Ōrākei Local Board area as identified in the List of Election Sign Sites.

b) requests Auckland Transport’s Traffic Control Committee to provide a four week time restriction for election signs on road reserves to provide a consistency for public sites across Auckland.

c) requests Auckland Transport’s Traffic Control Committee to consider updating its List of Election Sign Sites to reflect these time restrictions in accordance with clause 6 of the Election Signs Bylaw 2013.

d) formally requests speaking rights at the next Auckland Transport Traffic Control Committee meeting and at the next Auckland Transport Board meeting.

e) requests that the above resolutions be forwarded to all local boards for their information.

2. Estimate of the advertising value of the election signage. The $10,000 figure is based on an estimate obtained by outdoor advertising company QMS of $2000 per sign for a five-week period. There are five sites in Ōrākei ward affected by the bylaw. This estimate was based on a sign of about 4 square metres (typical of a large election hoarding) on busy main road locations similar to the OLB reserve sites.

Contact

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Introduction to Social Enterprise Auckland
Social Enterprise Auckland is a collaborative project that began in 2012, when Auckland Council gathered together a group of practitioners, training providers and academics to advise the Council on how to best support the development of social enterprises.

In 2015, we became a collaborative member based organisation (an Incorporated Society) in order to lead and create an environment in which social enterprises become the normal way of doing business.
Our Purpose

We aspire to build momentum and connect social enterprises, illuminate their stories, improve investment opportunities and amplify their economic and social impact.

We help catalyse momentum towards building a culture where all organisations consider creating social benefits as a normal part of doing business.
Our **Focus**

**Information**
Up to date information on SE development, events and training services.

**Connection**
Access to networks, support and resources

**Inspiration**
Collating and highlighting SE stories, entrepreneurs and communities

**Advocacy**
A public voice on matters of importance to SE organisations and communities
Our Activities

Social Procurement

Measuring Social Impact

Legal Framework for Social Enterprises
Webinars, Conversations and Interviews

Our Activities
Our Digital Presence

Social enterprise - business with heart

Website and social

Buy Social Directory
Support our activities – provide the highest impact for the community and you.

Join our activities – attend our events with your team and stakeholders, share content with us, speak and share at our webinars and podcasts.

Become an advocate – be a part of a growing community of advocates for SEA and social enterprises.

Use our Buy Social directory – publicise your social product or service and improve your social procurement strategy by using the directory.
Connect with Us

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Our Story

Support the development of social enterprises.

Training providers and academics to advise the Council on how to best

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