

Report to:	Council
Date:	25 October 2023
Subject:	Council Resolution on Māori Wards
Prepared by:	P Kearney – Senior Manager Corporate Services
Input sought from:	W Doughty – Chief Executive Officer H Kahu – Chair Te Rūnanga o Kaikōura
Authorised by:	W Doughty - Chief Executive Officer

1. PURPOSE

The purpose of this report is to provide Council with background and information relevant to the recommendations of not establishing a Māori Ward but continuing to seek alternative non-legislative options.

2. RECOMMENDATION

It is recommended that the Council decides to:

- a) Not establish a Māori Ward for the 2025 local elections
and
- b) Continues to review both non-legislative means to establish a Māori voice around the Council “table” and to continue exploring options for a Māori Ward in the future (likely to require further legislative change).

3. BACKGROUND

The Council previously voted to establish a Māori Ward back in 2018, however, this was revoked by way of a public poll when 5% of electors signed a petition against the establishment of a Māori Ward. The Local Electoral (Māori Wards and Māori Constituencies) Amendment Act however, passed under urgency in March 2021 removed the ability for electors to demand a poll on establishing Māori Wards and, of relevance here, provided that past polls on whether to establish Māori Wards or Constituencies no longer had any effect.

As a result of the amendment, during April 2021, a joint workshop was held with Councillors and representatives from Te Rūnanga o Kaikōura to discuss the options of establishing a Māori Ward. It should be noted that this workshop was the first time that a joint workshop with local iwi and elected officials had been undertaken which is testimony to the desire for a strong partnership between both groups. In addition to the workshops with local iwi, a community consultation was run where 9 submissions were received of which 8 opposed the establishment of a dedicated Māori Ward with 1 proposing a non-legal direct seat to the local Rūnanga. As a result of the joint workshop and community feedback the council resolved to not establish a Māori ward for the 2022 local election.

Following that decision, Council worked collaboratively with Te Rūnanga o Kaikōura, as papatipu Rūnanga for the Kaikōura takiwā, to prepare a joint submission on the second stage of changes for Māori ward and constituency processes that reflected our aligned views. Although that consultation was targeted at only improving technical processes within the current law we also highlighted the need for further work being required on the legislation to ensure the best possible outcomes for local Māori inclusion in decision making. Although supportive of the intent to remove the poll provisions that prevented many councils from introducing Māori wards, the speed at which the change was implemented prevented consideration of further amendments. In particular, we highlighted areas requiring further consideration and debate including:

- Ensuring local Māori are appropriately represented within Māori wards.
- Ensuring sufficient democracy in voting exists for both those on the Māori roll and the General roll to ensure best for District outcomes.

At this point in time government has not signalled a willingness to further that debate.

With the representation review required as part of the 2025 elections, Council has had another opportunity to decide whether to consider establishing Māori Wards or Constituencies. In light of this additional opportunity and, in the spirit of partnership and collaboration, Council staff have:

- i) held in person discussions with the chair of the Te Rūnanga o Kaikōura
- ii) reached out to Māori Ward councillors at other Councils to understand different perspectives on the implementation and community consultation process required for successful establishment of a Māori Ward
- iii) discussed the experiences in establishing Māori Wards of other councils at various local government governance forums to understand what worked or what had required further effort

4. TE RŪNANGA O KAIKŌURA DISCUSSION

Through discussions with the Rūnanga the view of Te Rūnanga o Kaikōura was that they are more favourable to look and focus on the partnership between Mana Whenua and local government. This was also acknowledged as being the position widely held throughout the Ngai Tahu takiwā and is a Ngai Tahu wide approach. The discussion noted that while the Rūnanga believe in a voice for all Māori on local government they believe legislative change needs to occur regarding Māori Wards, nominations, elections and the restrictions around Māori wards.

The discussion noted the work that has taken place with council over time to see how legislation can be changed to ensure a local fairness in the establishment of a Māori Ward and to see how Mana Whenua can have a voice at the table with voting powers.

Some of the issues with the current legislation that were discussed included the following:

- the ability for any Mata Waka (person of Māori descent) to run for this position within a Māori Ward
- candidates do not have to live within the district
- to vote for a Māori Ward one needs to be on the Māori electoral roll resulting in Māori residents only having the opportunity to vote for the Mayor and the one Māori Councillor.

As Mana Whenua, Te Rūnanga o Kaikōura acknowledge they have an obligation to manaki, awhi and tautoko all those who reside within the takiwā this is inclusive of Mata Waka, non Māori and all those who visit our takiwā.

As chair of the Runanga, Hariata noted in a letter to Council staff following discussions that,

“we have continued to strengthen our relationship with local government for the betterment of our small community. As we have realised, legislative changes takes time and it is a long process, one that we endeavour to continue the push for change regarding legislation and policy of Māori wards. We believe there is a time for Māori Wards in our community, but we still believe this is not the right time. Therefore, again, Te Runanga stance is to strengthen, build and work on the partnership with local government and Mana Whenua. Including having a voice at the table”.

5. NON LEGAL ALTERNATIVES

Examples of non-legal methods include the following:

- Iwi Advisory Boards
- Māori Focus Groups
- Māori Liaison Committees

- Iwi Standing Committees of Council
- Non-voting seat at the Council table

Council staff will continue exploring with Te Rūnanga o Kaikōura for viable means to establish a Māori voice at the table.

6. NEXT STEPS

Notify the public of this resolution by 23rd November 2023.

7. FINANCIAL IMPLICATIONS AND RISKS

There is no financial cost to this recommendation.

8. COMMUNITY OUTCOMES SUPPORTED

The work is in support of all community outcomes.



Community

We communicate, engage and inform our community



Development

We promote and support the development of our economy



Services

Our services and infrastructure are cost effective, efficient and fit-for-purpose



Environment

We value and protect our environment



Future

We work with our community and our partners to create a better place for future generations

9. SIGNIFICANCE OF DECISION

This decision is not considered significant in terms of Council's Significance and Engagement Policy however the decision will be of interest to Māori with the effects discussed with Te Rūnanga o Kaikōura.

10. RELEVANT LEGISLATION

Local Electoral Act 2001 - The Statutory provisions for establishing Māori wards/constituencies are set out in *sections 19z and 19zh, and Schedule 1A of the Local Electoral Act 2001*.

Local Government Act - *Section 81 of the Local Government Act 2002* implies a requirement to engage with Mata Waka as well as iwi/hapu during any decision-making process involving Māori. It is up to each Council to decide on the best way to do this. Council has a responsibility to represent all members of the community and is therefore open to listening to the voice of all.

11. COMMUNITY VIEWS

No community views were sought in relation to this report outside of what has been noted above.