Changes to Māori ward and constituency processes

Public consultation   
July–August 2021

Summary of submissions

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# Overview

### Public consultation was conducted between 9 July and 27 August 2021

A consultation document and response form were published on the Department of Internal Affairs website, [www.dia.govt.nz/maori-wards](http://www.dia.govt.nz/maori-wards). The relevant Cabinet paper and minute, and the Department’s regulatory impact statement, were also made available on this website.

The Department wrote to approximately 350 individuals and organisations that were identified as having an interest in the consultation. These included local authority mayors, chairs and chief executives, iwi and hapū representatives, national Māori organisation representatives, local government sector representatives, academics, and organisations that submitted on the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill in February 2021 and had publicly listed contact information. These contacts were advised of where to find information about the consultation and offered an opportunity to discuss the issues being consulted with official from the Department.

The Department had ten kanohi ki te kanohi or online discussions as part of the consultation:

* In-person presentation at LGNZ Zone 2 hui
* In-person presentation at Te Maruata national hui
* Webinar with Taituarā members (council staff)
* Online conversation with Taituarā electoral reference group
* In-person or online conversations with two academics, three councils (elected members and/or staff) and one tribal authority (a full list of individuals or organisations is in the Appendix).

The closing date for written submissions was waived on the request of some submitters and a small number of late submissions was accepted. This was largely due to the rise in COVID-19 alert levels which commenced on 17 August 2021, which prevented the ability of some organisations to complete their submission in the original timeframe.

### Breakdown of written submissions

A full list of the individuals and organisations who provided written submissions is in the Appendix.

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| Individuals | 9 |
| Organisations | 47 |
| **Total** | **56** |

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| Local government (includes peak sector bodies, councils, local boards, etc.) | 42 |
| Iwi/Māori organisations | 5 |
| **Total organisations** | **47** |

# Submissions analysis

## Issue 1: Requirement to consider

### Should councils be required to consider Māori wards?

Submitters generally supported a requirement for councils to consider Māori wards:

* 37 submitters thought that every council should be required to consider Māori wards.
* Three submitters thought that councils that do not have Māori wards should be required to consider introducing them.
* One submitter thought that councils only that have Māori wards must review this decision.

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| Submitter | Comment |
| Independent Statutory Māori Board | The Board proposes that once Māori wards are established then these wards are not reviewed six yearly and are actively protected […] in the spirit of partnership and good faith.  The Board proposes that the requirement to consider Māori wards should only apply to regions where Māori wards have not been established, this would reinforce the purposes of this reform in improving Māori participation. |
| New Plymouth District Council | We recommend that consideration of a Māori ward be the first (and a compulsory) part of each Representation Review. |
| Hamilton City Council staff | All councils should be required to consider Maaori wards in consultation and partnership with Iwi. |
| Ngati Tahu-Ngati Whaoa Runanga Trust | Every council should be required to review whether Maori wards should be established or retained and this requirement should be aligned with the General ward review process. Aligning the two processes would save cost and confusion as only one representation review would need to be undertaken. |
| Nelson City Council | Every local authority should be required to consider Māori wards at least every six years (with the option to consider earlier, for example if boundary adjustments occur) – that is, Council believes that the same requirements should be in place for general and Māori wards for this issue. |
| Greater Wellington Regional Council | The consideration of Māori representation, including Māori wards/constituencies, should become part of the standard suite of representation review considerations and decision-making. |
| Ruapehu District Council | Every council has an obligation under article 2 of Te Tiriti to consider Māori wards. |
| Taituarā | it would be useful to review sections 19T and 19U of the Local Electoral Act 2001 that requires councils to provide for ‘effective representation of communities of interest’ to make it explicit that these provisions include the requirement to consider Māori communities. |

Nine submitters did not support a requirement for councils to consider Māori wards. Four of these submitters did not support the existence of Māori wards at all. These submissions are outside the scope of what was being consulted. Other views that did not support a requirement for councils to consider Māori wards are summarised below.

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| Submitter | Comment |
| Gavin Beattie | To require all councils to consider dedicated Māori representation, including those with very small Māori populations, raises important policy questions of the intent of such a provision and issues such as the relevance of the 'Māori electoral population' and the appropriate size of councils. |
| Auckland Council | Noting that Parliament does not review the existence of Māori electorates periodically, neither should local government. |

While we did not ask about this in the consultation, a small number of submitters commented that Māori wards should be mandatory, perhaps with the ability for councils to ‘opt out’ of having Māori wards on a certain interval. These views were held by Tauranga City Council, Wellington City Council, Te Rangapu Mana Whenua o Tauranga Moana, the Aotea/Great Barrier Island Local Board and Professor Janine Hayward. Their views are presented below.

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| Submitter | Comment |
| Aotea/Great Barrier Island Local Board | Māori wards and representation should be mandatory and reflective of Treaty obligations. |
| Wellington City Council | If there are people registered on the Māori electoral roll, there should be a minimum requirement of at least one Māori ward. There should not be an option to not have Maori ward if people are on the Māori ward. Although, consideration should be given to a practical minimum level. |
| Te Rangapu Mana Whenua o Tauranga Moana | Irrespective of any formula a Maori ward or wards should be mandatory. |
| Tauranga City Council | The formula for establishing the number of Māori members can result in some councils not being able to establish a Māori ward. It is recommended that the requirements to adhere to this formula be reviewed to enable a minimum of one Māori member for any council who chooses to establish a Māori ward irrespective of the formula. |
| Professor Janine Hayward[[1]](#footnote-1) | Making Māori wards mandatory with the ability to opt out flips the question that councils are currently being asked. Broad principles for opting out should be established to take the pressure of communities/councils for changing the system toward Māori wards. |

### If there should be a requirement for councils to consider Māori wards, how frequent should this be?

34 submitters supported councils needing to consider Māori wards at least every six years, at the same time that they are required to consider general wards through its representation review.

Only one submitter thought that consideration should be every three years, and two submitters commented that it should be at the discretion of the council.

Views supporting a six-yearly review period are summarised below.

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| Submitter | Comment |
| Napier City Council | By bringing the consideration of general wards and of Māori wards together, and holding the review every six years, communities will have time to assess the progress and performance of elected representation before any new change is proposed. Running the process in parallel also lends legitimacy and weight to the Treaty partnership. |
| Hamilton City Council Staff | The frequency for reviewing Māori representation arrangements should be in line with the requirement to review wider (general) representation arrangements. |
| Nelson City Council | Council is of the view that every local authority should be required to consider Māori wards at least every six years (with the option to consider earlier, for example if boundary adjustments occur) – that is, Council believes that the same requirements should be in place for general and Māori wards for this issue. |
| Taituarā | Representation arrangements need to be reviewed occasionally to ensure that they still provide for fair and effective representation. As the discussion document notes, the requirement to review general wards every six years (two cycles) balances this with the desirability of letting people acclimate to new changes. That applies also to Māori wards – a requirement to consider on the same frequency as other decisions seems appropriate. |
| Local Government Commission | The Commission believe that it would be good practice for councils to consider the establishment of Māori wards if these do not already exist on the same cycle as representation reviews. |

## Issue 2: Timing of decisions

### How many stages of decision-making should there be?

Submitters generally thought that a single stage of decision-making is appropriate for decisions about Māori wards.

* 40 submitters preferred a single-stage decision-making process.
* 11 submitters preferred a two-stage decision-making process.

Submitters that preferred a one-stage decision-making process often commented that all decisions about Māori wards should be made as part of a council’s representation review, alongside decisions about general wards.

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| Submitter | Comment |
| Nelson City Council | Council supports moving to a single stage process. Representation arrangements have a number of elements to be addressed throughout a review process, and Council is of the view that considering these in totality will aid local authorities and provide increased clarity for communities. |
| Ngati Tahu-Ngati Whaoa Runanga Trust | Now that polls are not a requirement for the establishment of Maori wards there is no need to run two separate processes. The Runanga would prefer that Maori wards are considered by councils as an integral part of the review process so decisions are made from a holistic viewpoint rather than separated. This would assist in normalising the Maori ward process as well as potentially saving cost. |
| Taituarā | Taituarā supports moving all decisions to a single point with councils making those decisions following a single engagement process with the community. This would ensure that the community is able to evaluate the representation proposals as an entire package, with each of the different aspects open to the same procedures. It avoids the potential for community confusion as to what’s being debated when. And a single process removes the risk of any ‘early’ decision on the establishment of Māori wards being relitigated through subsequent engagement. |

The submitters who preferred a two-stage process generally saw the initial decision on Māori wards as a ‘principled’ decision about Māori representation. Some of these submitters identified this decision as not being about Māori wards, but about recognising Māori as a community of interest that should be taken into account through the representation review.

Some of these submitters appreciated that the current two-stage process guarantees that Māori wards will be a component of the representation review, and were concerned that leaving this decision open through that process would increase the volume of work on councils (for example, having to develop ward configurations with and without Māori wards).

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| Submitter | Comment |
| Ruapehu District Council | Establishing the number of Elected Members first, enables council and its communities to analyse the advantages of fair representation. RDC implores Central Government to explore options that prioritise the number of representatives around the table ahead of the conversation around how many of these representatives are Māori. |
| Tauranga City Council | The decision to establish Māori wards is needed prior to undertaking a representation review as it is a fundamental decision that warrants careful consideration taking into account the council's obligations to Māori under the Local Government Act 2002. This decision also impacts on the representation arrangements available to councils. |
| New Plymouth District Council | Ideally, all aspects of an electoral system should be undertaken in a single, comprehensive review. This best allows for decisions to be balanced against each other. However, we are concerned about the practicalities of doing so and, given this, recommend that the process continue to be separated out.  Representation reviews are complex. They currently often involve numerous options. Having to decide on whether there is a Māori Ward at the same time as considering general ward boundaries process is likely to add further complexity.  In saying this, we recommend it become clear that the consideration of a Māori ward is a component of the Representation Review process. At present, considering a Māori ward is done before the Representation Review process, but it should form the first part of the process. |

### More time in the process… but for what?

Most submitters agreed that the time in the Māori wards decision process that was previously allocated for petitions and polls should be re-allocated to another part of the representation process.

However, submitters were split on whether more time should be allowed for specifically Māori wards or specifically general wards.

* 13 submitters preferred more time for Māori wards only.
* 7 submitters preferred more time for general wards only.
* 5 submitters preferred more time for both Māori wards and general wards.

One useful comment was that, if a two-stage process is retained, as soon as the decision to create Māori wards is made, the council should be able to proceed immediately into the representation review process for the consideration of general wards and Māori ward implementation matters.

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| Submitter | Comment |
| Waikato District Council | In September 2020 Waikato District Council commenced a bottom up review of the current wards and identified the communities of interest with residents from across the district. Sufficient time needs to be provided for this process in the reviews of any ward structure, including Maaori representation to balance the community feedback with any ward structure. This then enables Councils' more time to develop ward structures in consultation with their communities rather than making a decision without that community feedback first. |
| Ruapehu District Council | [Deciding the total number of elected members first, before making decisions about any wards], allows councils time between 23 November and 1 March to consult and engage with their communities. The initial feedback from this consultation will allow Councils to refine their options and provide a formal proposal to communities that Elected Members will have assurance has been well considered and communicated. This also allows communities with opportunities to feed into the process from beginning to end. |
| South Taranaki District Council | With the part of the timetable applicable to polls on Māori wards removed, the whole process could be started later – instead of starting a review before 12 September it could start in November. Alternatively, this time could be used for more (pre-) consultation with the community on both Māori and general wards, if required. |

## Issue 3: Engagement

### There should be a minimum engagement requirement

Every submitter agreed that councils should need to have some form of public engagement before making the initial decision on Māori wards.

* 38 submitters said there should be some community consultation requirement.
* 5 submitters said that there should be no engagement requirement, but councils should be required to have regard for the views of iwi or hapū.

A small number of submitters were of the view that this requirement, though not explicit, already exists. For example, every council is required to have a significance and engagement policy and are required under section 14 of the Local Government Act 2002 to “make itself aware of, and have regard to, the views of all of its communities.”

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| Submitter | Comment |
| Auckland Council | A decision to establish one or more Māori wards should be made by council resolution following public consultation. This mirrors the Parliamentary process where such a change would require legislative amendment and public consultation through a select committee. |
| Taituarā | It is not tenable to suggest that councils could not engage with communities when making decisions on Māori wards, whether to establish or disestablish (should that option be available). Engagement is not a referendum – the weight of numbers for or against a proposal is not determinative in and of itself. The requirement on local authorities is to consider feedback with an open mind (being open to change). |
| Local Government Commission | As a broad proposition we consider that councils:  \* should specifically have regard to iwi/Māori views in understanding their aspirations for how Māori should best be represented; and  \* should engage generally with the wider community |
| New Plymouth District Council | Councils are bound by the Local Government Act 2002 decision-making requirements and decisions on consultation processes should be guided by a Council's Significance and Engagement Policy. Creating special consultation provisions outside of these general obligations is not necessary. |

### What should the minimum engagement requirement be?

Submitters disagreed on what the minimum engagement requirement should be.

* 25 submitters recommended that councils must engage with iwi and have regard for their views.
* 29 submitters recommended that councils must engage with broader Māori communities. These submitters felt that individuals of Māori descent, who may be (or could choose to be) on the Māori electoral roll are affected by this decision and should have a say.
* 25 submitters recommended that councils must engage with their entire community, as they are required to do so for general wards. Some submitters felt that even if all members of a community may comment on a proposal to have Māori wards, the council must emphasise hearing views from communities that are most directly affected.
* 7 submitters recommended that councils have full discretion as to who engage with and how they do so.

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| Submitter | Comment |
| Tauranga City Council | It is recommended that wider public consultation is undertaken alongside targeted iwi/hapū consultation. This would be consistent with the decision-making process for all matters considered to be significant and would enable the council to hear a range of views before making a decision. |
| Uenuku, Tamakana, Tamahaki Iwi representatives on Ruapehu Maori Council | There should have been more opportunity for information to be broken down and resources for Iwi organisations to lead engagement with Maori. Maori are better able to disceminate information and enable this to be delivered to Maori in a way that is understood. |
| Te Rangapu Mana Whenua o Tauranga Moana | Councils are required to consult with the wider public however targeted consultation with Maori should always be considered given this is a highly significant issue. |
| Hamilton City Council Staff | In response to question 6.2 above, this is answered as yes in-principle but there needs to be more emphasis given to Maaori partner perspectives/views/preferences. Engagement with the wider community is important from a stakeholder management and education perspective. It is also an opportunity to engage the wider community on decision-making process and civic responsibilities. |
| Taituarā | There should be some process of engagement with the wider community, and some obligation to undertake an additional process for engaging specifically with Māori. |

## Issue 4: Decision-making and the role of the Local Government Commission

There was not agreement about whether the creation of Māori wards should be an appealable council decision.

* 27 submitters said that this decision *should* *not* be appealable to the Local Government Commission or any other body.
* 18 submitters said that this decision *should* be appealable to the Local Government Commission.
* Four submitters supported an appeal right but did not support determinations on appeals being made by the Local Government Commission.

### Should Māori wards be appealable?

27 submitters said that the initial decision to create Māori wards should not be able to be appealed – the council’s decision should be final. These submitters generally supported the status quo: the Local Government Commission can make operational-level changes to ward boundaries but not override a council’s choice to have, or not have Māori representation.

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| Submitter | Comment |
| Auckland Council | Based on the Parliamentary model, the Local Government Commission should have a similar role to that of the Representation Commission.  It should review proposals made through a representation review, including boundaries and names of any Māori wards, but should not make decisions about establishing or dis-establishing Māori representation through Māori wards. |
| Independent Māori Statutory Board | The Local Government Commission should guide councils’ development and delivery of Māori ward implementation and formation be utilised as an advisory mechanism for these purposes only. The Commission should not be able to overturn any decision of council and its primary focus should be to ensure appropriate interpretation of electoral act processes. |
| Gavin Beattie | Current arrangements are based on what was seen as a balance between the accountability of councils to their communities and appropriate checks and balances on the processes, particularly given the interests of elected members in the outcomes. |
| Napier City Council | The aim of removing the binding poll was to facilitate the introduction of Maori wards. It would be a backwards step to introduce an option to appeal the introduction of Maori wards by the Local Government Commission or another entity. |
| Dr Lara Greaves[[2]](#footnote-2) | *(not verbatim)* The Local Government Commission is not publicly accountable in the same way that councils are. When they determine appeals the decisions are taken away from the community. Giving another body appellate powers could make the process more contentious. |
| Ngati Tahu Ngati Whaoa Runanga Trust | Once a local council has decided to establish or create Maori wards within their district people should not be able to appeal this decision with the Local Government Commission or any other entity. This is because this decision would have been made by elected councillors after local iwi engagement so should not be amended, altered or overturned by people who have not participated in such a process. |
| Ruapehu District Council | Councillors are elected by their community to represent their views. Giving allowances to people to appeal council decision undermines the democratic system set in place. |

Taituara did not support a right to appeal the creation of Māori wards and proposed that, for equality between the Māori wards process and the general wards process, that the ability for people to appeal a decision to introduce general wards be removed.

### If appeals are allowed, who should hear them?

22 supported the ability for people to appeal a council’s decision to create Māori wards.

18 of these submitters considered that the Local Government Commission was a suitable appellate body because it already hears appeals about representation matters. Some submitters commented that if the Local Government Commission can make determinations about whether or not councils have Māori wards its membership and elements of its process should be reviewed. It was also noted that even if the Local Government Commission does not have a decision-making role, it is well placed to issue guidance on council decision-making processes related to Māori wards.

Two of these submitters suggested bespoke bodies be created that would take a Treaty-led approach to these matters.

### Local Government Commission perspective

The Local Government Commission submitted that, if councils continue to be the primary decision-maker on Māori wards, it sees its role continuing to be the same as present. It asked that, if its role is to expand to include hearing appeals on the creation (or lack thereof) of Māori wards, then the Commission should be part of these discussions.

The Commission saw that adding an additional entity into the representation review process would be impractical and inefficient. Other than making determinations, the Commission has a coordinating role with other government departments (for examples, Statistics New Zealand and Land Information New Zealand) and it would be simpler for this to continue. The timeframes on the representation review process could present challenges for the Commission and another entity to coordinate effectively.

The Commission also sees that its role could be enhanced by ensuring that permanent or temporary members of the Commission have the appropriate knowledge to make determinations about Māori wards, and by inviting iwi/hapū to participate in hearings process even if they do not submit/appeal. These processes can be undertaken through the current law.

## Issue 5: Discontinuance processes and the period in force

### How should a council disestablish Māori wards?

The consultation asked what a council should be required to do if it wishes to no longer have any Māori wards.

39 submitters said that a council should have to consult with its community. Submitters’ views were generally that the same consultation process for establishing Māori wards would apply to their disestablishment.

Only three submitters said that a council should be able to make this decision without consultation.

Taituarā and Te Maruata both submitted that the council must conduct a binding poll of those electors on the Māori electoral roll before it can discontinue Māori wards. In other words, a change of the council membership at an election would not be the determining factor in whether a council maintains its Māori representation.

Four written submissions suggested that there should be no ability to disestablish guaranteed Māori representation.

### How long should Māori wards be in force for?

Submissions were near-evenly divided on this question.

21 submitters said that Māori wards should remain in force until the council decides otherwise, but for at least one election and must be reviewed after two elections.

19 submitters said that Māori wards should remain in force until the council decides otherwise, but for at least two elections. The Local Government Commission provided a suggestion for a process that councils could follow when considering discontinuance of Māori wards (further to any consultation requirement).

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| Submitter | Comment |
| Ngāti Tahu-Ngāti Whaoa Runanga Trust | As Maori wards are new to most districts, it would be prudent to require these to be in place for two election cycles initially so that there is appropriate data to base review decisions on. |
| Ruapehu District Council | Māori Wards should stay in place for two triennium (six years) as this will give council enough time to realise how effective Māori wards have been for Māori within the district and reflect on ways in which to better support Māori. |
| Local Government Commission | Retention of Māori wards for at least two elections (as at present) is preferred and:   * Would allow for stability in a council's representation arrangements and public understanding of those arrangements to bed in * Would still allow for changes where, for example, iwi and a council develop a different approach for iwi participation in council decision-making   If disestablishment is to be considered there should be a set of criteria on which the council is to base its decision (there not currently being any criteria). Possible criteria could include effective representation, the views of iwi with rohe in the district or region, and the potential benefit of Māori wards for representation of Māori and their participation in decision-making (as opposed to the benefits of an alternative arrangement). |

Six submitters said that Māori wards should not be able to be disestablished.

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| Submitter | Comment |
| Independent Māori Statutory Board | The disestablishment of Māori wards once established would undermine Te Tiriti relationships and negate the intentions of the Māori ward reforms in improving Māori participation and representation in local government.  Te Tiriti o Waitangi provides for Māori participation in governance and decision making throughout Aotearoa, the disestablishment of Māori wards (once established) would breach these commitments. |
| Wellington City Council | Māori wards should not be able to be disestablished – there should be a minimum of one. If there are electors on the Māori electoral roll, there should be a Māori ward. Māori wards should always exist, unless there are no members on the Māori electoral roll. |
| Whakatāne District Council Māori Committee | None of the above [in relation to whether Māori wards should stay in force for 1 election or 2 elections]. Māori wards are here to stay. |
| South Waikato District Council | Māori wards should always be made available and the allocation the representation within the ward/s should be reviewed as per the representation review e.g. number of elected members, number per ward or general representation. |

## Issue 6: Binding polls on establishing general wards

### No binding polls on general wards

37 submitters supported amending the generic polling provision of the Local Electoral Act 2001 (section 9) to be clear that councils cannot hold binding polls on establishing general wards. These submitters generally opposed the use of polls on any type of wards, including Māori wards.

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| Submitter | Comment |
| Western Bay of Plenty District Council | We believe that Māori wards and general wards should be treated equally and therefore councils should not be able to initiate binding polls on general wards as this is not the case with Māori wards.  Councils are elected as representatives of their communities for the purpose of making decisions.  Representation arrangements are subject to statutory consultation obligations which provides a valuable opportunity for understanding the full range of community views and a strong foundation upon which local councils can make robust representation decisions. For these reasons and in this context we do not believe there is a need for polls, binding or otherwise. |
| Hamilton City Council | Representation arrangements are a complex and detailed matter involving various considerations including communities of interest, fair representation etc. It would be difficult to communicate and educate the wider community on these complexities and get a considered and informed response/decision via a binding referendum. |
| Queenstown-Lakes District Council | QLDC would recommend that the legalities around binding and non-binding polls should be the same for both Māori and general wards. |
| New Plymouth District Council | The LEA provisions in relation to binding polls are unclear. There is no definition of what ‘binding’ practically means, nor any relief from other statutory obligations when using a binding poll.  [A binding poll] is an abdication of standard Local Government Act decision-making processes. We recommend that the LEA provisions for a binding poll be removed for all issues, and for the LEA to only enable local authorities to use non-binding polls. |
| Independent Māori Statutory Board | The Board supports the usage of non-binding referendum for general and Māori wards as Te Tiriti relationships sit with and between Māori and elected members/governors, the usage of binding referendum ignores and subverts the intention of Te Tiriti. |
| Auckland Council | The council supports amending section 9 of the Local Electoral Act 2001 to clarify that the provisions for holding referenda do not apply to matters relating to representation reviews nor decisions on whether establish Māori wards. |

Submissions from Gavin Beattie and the Local Government Commission questioned the consultation document’s statement that section 9 currently allows for binding general ward polls. Their view is that because general wards need to be established through the representation review statutory process, a binding poll on these matters could not be held (in summary because the poll is binding on the council, not on the Local Government Commission which may have the ability to make a final determination subject to any appeals or objections).

The Local Government Commission noted that the amendment to section 9 that was made in the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 “has possibly created ambiguity in relation to representation review issues not related to Māori wards” and that amending section 9 to prohibit binding polls on any representation review issues would resolve this ambiguity.

### Retaining binding polls on general wards

9 submitters supported retaining binding polls on general wards. Some of these submitters were clear that they did not support Māori wards in general and also supported reinstating polls on Māori wards.

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| Submitter | Comment |
| Whanganui District Council | Council supports the retention of local authority initiated binding and non-binding polls on the creation or removal of wards (general and Māori) as it provides a consistent approach to managing wards. |

Officials note that Whanganui District Council is one of the few councils known to have held a non-binding poll on moving from at-large representation to a (general) ward-based structure.

## Other suggestions and out of scope comments

### Other suggestions

This section is limited to technical amendments to the Māori wards framework that fall within the scope of the current project.

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| Submitter(s) | Summary of suggestion |
| Local Government Commission | Three suggestions regarding the workability and consistency of the LEA:   * The last date for the initial resolution should be the same regardless of whether a council is proposing, or is not proposing, Māori wards – for Māori wards this is 31 August but otherwise there is no date specified except that the resolution must be notified by 8 September * Schedule 1A of the LEA appears to provide for the nullification of the council’s decision to provide Māori representation by diminishing the total number of elected members so that the formula yields less than 0.5 Māori ward councillor positions. This could be done by either the council or the LGC in its determination. The legislation should be constructed in such a way that the council’s broad intent cannot be circumvented in any way. * Section 19X provides that in a representation review a council may use population statistics from either the most recent census or a more recent estimate of population. The equivalent provision in Schedule 1A regarding Māori wards is silent on the ability to choose between the two and should be aligned to section 19X. |

### Out of scope comments

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| --- | --- |
| Broad topic | Summary and comment |
| Auckland Council membership restriction | It was noted that the Auckland Council governing body membership restriction of 20 councillors only is a barrier to Auckland Council introducing Māori wards.  This is being progressed as a separate and parallel piece of work. |
| Electoral rolls | Dr Lara Greaves suggested a "mana whenua" roll like the ratepayer roll so Māori voters get a say about the rōhe where they whakapapa.  Separate Māori/general electoral rolls for parliamentary and local elections were floated in conversations with the Department.  These changes are not within the scope of the project. |
| Formula for calculating Māori ward councillor positions | A small number of submitters commented that the formulaic approach to determining the number of Māori ward councillors does not reflect a genuine Tiriti partnership. A small number of councils are excluded from having Māori wards because the output of the formula for them is less than 0.5 (i.e. 0 Māori ward councillor positions).  Making changes to this formula is not in the scope of the project. |
| Formula for calculating Māori ward councillor positions – at-large councillor positions | Tauranga City Council recommended that the exclusion of “at large” councillors from the formula to establish a Māori ward be removed. This would enable councils to choose an “at large option” e.g. Tauranga City Council must have six ward councillors to qualify for one Māori member which prohibits the at large option.  Excluding at-large positions from the formula ensures that all ward councillor positions are allocated fairly between electors on the Māori electoral roll and electors on the general electoral roll. Making changes to this formula is not in the scope of the project. |
| Four-year term | Waikato District Council submitted in support of a four-year electoral cycle. This is not in scope of the project. |
| Future for Local Government Review | Some submitters thought that changes to Māori ward rules should wait until after the Future for Local Government Review has reported back. Other submitters asked for Māori representation to be included as part of the Review.  The Government has agreed to progress both the second stage of Māori ward law changes and the Future for Local Government Review. The scope of the Review will be determined by the Panel in lines with its Terms of Reference. |
| Māori Electoral Option | Thirteen submitters commented on the timing of the Māori electoral option. They noted that Māori electoral option’s 5-yearly cycle does not align local electoral cycles. Taituarā that the earliest any person wanting to move to the Māori roll could exercise a vote is the 2025 local elections.  The Ministry of Justice is leading a separate programme of work to consider changes to the Māori Electoral Option. |
| Māori subdivisions on local and community boards | New Plymouth District Council and ten Auckland Council local boards submitted about Māori subdivisions on local and community boards. These are not currently available under the current law. NPDC and seven local boards were in favour; three local boards were opposed.  Introducing new types of Māori representation is not in the scope of the project. |
| Repeal of Māori wards laws | Four submitters do not support the continuation of a Māori ward option for councils. Some supported the return of binding polls on Māori wards.  These changes are not within the scope of the project. |
| Tangata whenua – engagement | People of Māori descent may want to have some sort of input [in the Māori wards engagement process] even if they do not whakapapa to the area (as it is their voting right that is affected).  We note that any engagement requirement that arises from this project will be a minimum. Councils will have the ability to engage with and hear from wider communities. |
| Tangata whenua – representation | Two submitters discussed appointment of iwi representatives onto the governing body of the council. This is not available under the current law, but iwi representatives may be appointed to committees of the council.  This is not within the scope of the project. |

# Appendix: List of submitters

### Written submissions

* Auckland Council
* Auckland Council local boards:
  + Albert-Eden
  + Aotea/Great Barrier Island
  + Devonport-Takapuna
  + Henderson-Massey
  + Hibiscus and Bays
  + Howick
  + Kaipātiki
  + Māngere-Ōtāhuhu
  + Maungakiekie-Tāmaki
  + Ōtara-Papatoetoe
  + Puketāpapa
  + Rodney
  + Upper Harbour
  + Waiheke
  + Waitākere Ranges
  + Waitematā
  + Whau
* Christchurch City Council
* Greater Wellington Regional Council
* Grey District Council
* Hamilton City Council Staff
* Independent Māori Statutory Board
* Local Government Commission
* South Wairarapa District Council Maori Standing Committee
* Napier City Council
* Nelson City Council
* New Plymouth District Council
* Ngāti Tahu-Ngāti Whaoa Runanga Trust
* Ngāti Whātua Ōrākei
* Queenstown-Lakes District Council
* Ruapehu District Council
* Selwyn District Council
* South Taranaki District Council
* South Waikato District Council
* Taituarā
* Taranaki Regional Council
* Taupō District Council
* Tauranga City Council
* Te Maruata and LGNZ
* Te Rangapu Mana Whenua o Tauranga Moana
* Te Rūnanga o Kaikōura and Kaikōura District Council
* Te Runanga O Ngati Rehia
* Uenuku, Tamakana & Tamahaki iwi representatives on the Ruapehu District Maori Council
* Upper Hutt City Council
* Waikato District Council
* Waipa District Council
* Wellington City Council
* Western Bay of Plenty District Council
* Whakatāne Māori Committee Mataatua District Māori Council
* Whanganui District Council
* Dan McGuire
* Garry Webber
* Gary Paul Stephenson
* Gavin Beattie
* Huinui Te Kuru and Shelley Te Amo
* Jessica Henson
* Jonathan Te Rire
* Kim Turner
* Terry Wilson

### Discussions with Department of Internal Affairs officials

* Dr Lara Greaves
* Hamilton City Council staff
* Hutt City Council and staff
* Local Government New Zealand Zone 2 (presentation at regional hui)
* Muaūpoko Tribal Authority
* New Plymouth District Council
* Professor Janine Hayward
* Taituarā (webinar for members)
* Taituarā Electoral Reference Group
* Te Maruata (presentation at national hui)

1. Professor Hayward’s views were presented in conversation with the Department, not through a written submission. These comments reflect this conversation and are not verbatim. [↑](#footnote-ref-1)
2. Dr Greaves’ views were presented in conversation with the Department, not through a written submission. These comments reflect this conversation and are not verbatim. [↑](#footnote-ref-2)