

Monday, 24 May 2021

Te Hui o Te Kaunihera ā-Rohe o Heretaunga

Hastings District Council

Hastings District Rural Community Board Meeting

Kaupapataka

Attachments Under Separate Cover – Volume 2

Te Rā Hui:

Meeting date:

Monday, 24 May 2021

Te Wā:

Time:

1.30pm

Te Wāhi:

Venue:

**Landmarks Room
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

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HASTINGS DISTRICT COUNCIL
207 Lyndon Road East, Hastings 4122 | Private Bag 9002, Hastings 4156
Phone **06 871 5000** | www.hastingsdc.govt.nz
TE KAUNIHERA Ā-ROHE O HERETAUNGA

ITEM	SUBJECT	PAGE
8.	CONSIDERATION OF ESTABLISHMENT OF MAORI WARDS FOR 2022 ELECTIONS	
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**HASTINGS**
DISTRICT COUNCIL

Tuesday, 18 May 2021

Te Hui o Te Kaunihera ā-Rohe o Heretaunga
Hastings District Council: Extraordinary Council Meeting

Item 5

Te Rārangi Take
Report to Council

Nā: Jackie Evans, Manager: Democracy and Governance

From:

Te Take: Consideration of the Establishment of Māori Wards for 2022 Local Authority Elections

Subject:

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

1.1 The Local Electoral Act 2001 (LEA) provides for the establishment of one or more Māori Wards and is part of a suite of legislative provisions put in place by the Crown with the aim of increasing Māori representation and participation in local authority decision-making.

1.2 The intent of the recent Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 is to improve the democratic representation of Māori interests, ensure equity in representation and to provide a Māori voice in local decision-making. To achieve this, the following changes have been made to the LEA:

- Repeal of the provisions in the LEA that relate to polls on the establishment of Māori Wards and constituencies;
- Prohibition of binding council-initiated polls on whether to establish Māori constituencies (while retaining the right for councils to initiate non-binding polls to gauge public sentiment); and,
- Establishment of a transition period ending on 21 May 2021 during which any local authority may, regardless of any previous decisions or previous poll outcomes, resolve to establish Māori constituencies for the 2022 local government elections.

1.3 On 22 April 2021 an Emergency meeting of Council was held which resolved to undertake community consultation to inform the Council of the views and preferences of the wider community prior to making a decision on this significant issue.

1.4 This report summarises the consultation undertaken and the views expressed by Māori and the wider community.

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- 1.5 The Council is asked to consider the consultation arrangements and community views to give effect to a decision on whether to establish Māori Wards in time for the 2022 elections. If the Council decides on this course of action the report sets out the next steps and implications in the process as a representation review will be triggered.

2.0 Recommendations - Ngā Tūtohunga

- A) That the Extraordinary Council Meeting receive the report titled Consideration of the Establishment of Māori Wards for 2022 Local Authority Elections dated 18 May 2021.
 - B) That in accordance with Section 78 of the Local Government Act 2002 Council agrees that the communication plan, timetable, events and feedback responses provides sufficient information on the views and preferences of Māori and the wider community to enable the Council to reach a decision on whether to establish Māori Wards in time for the 2022 local authority elections.
 - C) That Council resolves, in terms of Section 82 (3) of the Local Government Act 2002, that the principles set out in that section have been observed in such a manner that the Hastings District Council considers, in its discretion, is appropriate for the decisions made in the course of this meeting.
 - D) That the results of the community engagement, comments of Māori and the broader community set out in the report be received and considered in reaching a decision on the establishment of Māori Wards.
- EITHER**
- E) That Council establishes Māori Wards in the Hastings District for the 2022 triennial election.
- OR**
- F) That Council delays the consideration of establishing Māori Wards until the second tranche of legislation has been passed, noting that any decision made later would not have any effect until the 2025 local government elections.
- IF (E) IS THE RESOLUTION**
- G) That the Council approve a budget of \$80,000 in the 2021/22 financial year to cover the costs for project management and Special Consultation Procedure for a representation review to commence in 2021.

3.0 Background – Te Horopaki

- 3.1 In 2014, the previously named HDC: Māori Joint Committee made a recommendation to Council to consider a Māori Ward with the Council eventually passing a resolution regarding Māori Wards at its Extraordinary meeting held on 18 November 2014. The Council resolved: "That the Council not undertake any action to introduce a Māori Ward for the 2016 triennial election, but it confirm that if the local government reorganisation of Hawke's Bay does not proceed it will, as soon as the matter has been concluded, initiate the appropriate process with a view to ensuring, subject to the poll provisions of the Local Electoral Act 2001, that a Māori Ward can be put in place for the 2019 triennial election".

- 3.2 The matter was reconsidered by the HDC: Māori Joint Committee and Council in 2017. Council's position at the time was that it considered it unfair that Māori Wards are the only part of the representation process which is subject to poll provisions as this effectively prevents, in most communities, Māori from pursuing the representation arrangements that best suit them.
- 3.3 In April 2017 the HDC: Māori Joint Committee made a majority decision to recommend to the Council that it resolve not to introduce a Māori Ward at the 2019 election. In reaching a decision not to adopt Māori Wards in April 2017, a significant concern for both Council and its Māori Joint Committee was that the outcome of a poll would not achieve Māori Wards and could potentially cause conflict, create divisions and harm relationships with Māori.
- 3.4 The Committee also recommended that the Chief Executive be asked to report back to the HDC: Māori Joint Committee and Council on options for increasing Māori participation in Council governance and decision-making.
- 3.5 On 28 March 2019, Council agreed to a recommendation from the Māori Joint Committee for the appointment of tangata whenua members to all Council Standing Committees with full voting rights.
- 3.6 On 10 December 2019 the incoming Council approved a governance structure and scheme of delegation for the 2019-22 triennium, which included tangata whenua appointments with full voting rights to all of the Council's Standing Committees and Subcommittees.
- 3.7 On 1 March 2021 the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 received Royal assent, making amendments to the Local Electoral Act (LEA) and changing the process for councils establishing Māori Wards.
- 3.8 Specifically, the LEA was amended to remove electors' abilities to demand a binding poll on establishing Māori Wards, to remove the ability for Council to resolve to conduct a binding poll, and to provide for a 'transition period' ending on 21 May 2021 for councils to consider or reconsider establishing Māori Wards for the 2022 local elections.
- 3.9 The Government indicated further legislative changes would be introduced at a later date to change the way Māori Wards work more broadly, and that this initial amendment was primarily to allow councils to make decisions ahead of the 2022 local elections. At this stage, there are no details of what the further legislative changes might entail.
- 3.10 Under the amended LEA, Council may resolve to establish Māori Wards for the 2022 local elections at any time before 21 May 2021. This decision is final and cannot be reversed as part of the representation review which is triggered as a result of this decision.
- 3.11 Any resolution to establish Māori Wards applies for at least the next two local triennial elections. After that, Council would continue to have Māori Wards unless the Council resolved to disestablish them.
- 3.12 If the Council does resolve to establish Māori Wards, then it must subsequently conduct a representation review. The representation review process is explained later in this report.
- 3.13 Now that the requirement for a binding poll has been removed, the Heretaunga Takoto Noa Māori Standing Committee (HTNMSC) at its retreat on 7 April 2021 expressed a strong desire for the Council to explore the introduction of Māori Wards in time for the 2022 election. On 21 April 2021, HTNMSC unanimously recommended to Council the establishment of Māori Wards in time for the 2022 local authority elections.
- 3.14 On 22 April 2021, an Emergency Council meeting was convened to consider the next steps in the light of the recommendation from HTNMSC.
- 3.15 Emergency Council approval was required to commence a consultation process from 23 April 2021 – 12 May 2021. This is because officers assessed this decision as being at the higher end of the

significance continuum as set out in the Council's Significance and Engagement Policy on the following criteria:-

- the number of people affected;
- the extent of the consequence;
- the level of public interest; and
- reversibility, how easily a decision can be undone.

3.16 Although there is no prescription to use a special consultative procedure, the requirement to conduct broad consultation within the limited time available was confirmed by specialist legal opinion. The key aspect of that opinion being:

- The Local Government Act (2002) provides the relevant framework for the Council to give consideration to community views and preferences in its decision-making (in particular Sections 6, 78 and 82 (a) and (b)).

3.17 These sections above pointed Council to the following process:-

- Seeking the views and preferences of the community in the time available before its decision on 18 May 2021 on whether or not to establish Māori Wards in time for the 2022 local authority elections.
- Seeking the views and preferences of both Māori and the wider community more broadly in advance of decision making on 18 May 2021.

3.18 The Emergency Council meeting on 22 April 2022 unanimously agreed to the commencement of consultation and a timetable for decision making as follows:-

- 23 April – 12 May Community Engagement Campaign
- 18 May 2021 – Extraordinary Council meeting to decide whether or not to establish Māori Wards in time for the 2022 local authority elections.

3.19 This report sets out the response to consultation, and the rewards, risks and implications of establishing Māori Wards in Hastings District in time for the 2022 Local Authority elections.

How Māori Wards Work

3.20 Broadly speaking, Wards are a way of dividing the district for elections to enable communities of interest to elect representatives. Hastings District is currently divided into 5 Wards: Flaxmere, Hastings/Havelock North, Heretaunga, Mōhaka and Kahurānaki Wards.

3.21 A Māori Ward is one way Council may choose to define a community of interest. Instead of grouping electors by geographic location like other Wards, all electors who are on the Māori electoral roll would vote in Māori Wards. If Hastings had Māori Ward(s), people on the Māori electoral roll would be able to vote for any candidates standing in the Māori Ward(s), any candidates standing at large (Hastings District currently does not elect any candidates at large apart from the Mayor), and the Mayor. They would also be able to vote for the Rural Community Board based on their geographic location.

3.22 This is the same as electors on the General Roll in any of the other Wards. The electors on the Māori roll simply vote for candidates standing in the Māori Ward instead of the relevant general ward. All other votes remain the same.

3.23 The number of Councillors elected by a Māori Ward or Wards is set by a formula in the Act. A ratio is found between the Māori electoral population (MEP) and the total electoral population of the district. This is multiplied by the number of Councillors (excluding the Mayor). The resulting number (rounded) is the number of Councillors that can be elected in Māori Wards.

$$nmm = \frac{mep}{mep + gep} \times nm$$

nmm is the number of councillors elected in Māori Ward(s)

mep is the number of Māori in the region enrolled on the Māori electoral roll*

gep is the number of voters in the region enrolled on the General electoral roll*

nm is the (proposed) total number of elected members (councillors) of the Council

Fractions are rounded up or down to the nearest whole number.

** figures used are latest population estimates provided by the Local Government Commission.*

- 3.24 Any official calculation will be determined from population estimates provided by the Local Government Commission, which is a different calculation from actual numbers on the current Māori and General electoral rolls. The most recent estimates show that Hastings District has a Māori electoral population of 16,400 and a general electoral population of 71,600. If the number of Councillors remained the same as it is currently then this would require three Councillors elected from Māori Ward(s).

	MEP	GEP	Total Electoral Population	No. of members	Māori Ward members	Māori Members (Rounded)	Ward
Hastings District	16,400	71,600	88,000	14	2.6	3	

- 3.25 This could change in the future if the Māori electoral population increases through demographic shifts or more Māori choosing to be on the Māori roll.
- 3.26 Māori Wards allow for fairer representation for all electors on the Māori roll, with the ability for Māori voters to select their own Māori representatives in a democratic process.

4.0 Discussion – Te Matapakitanga

Scope of Consultation

- 4.1 For the purposes of this consultation only two options were proposed; to establish or not establish Māori Wards as provided for by the Local Electoral Act. The potential make up of ward boundaries and overall numbers will be the subject of consultation as part of a Representation Review and are out of scope for the purposes of this consultation.
- 4.2 Consultation
- 4.3 At the 22 April 2021 Emergency Council meeting, a draft Communications Plan was included in the report. It was agreed to run a largely online campaign between 23 April and 12 May 2021, to gauge public opinion on the establishment of Māori constituencies in time for the 2022 local elections. A dedicated page on the Council's website with the online submission form and all the supporting information including Frequently Asked Questions (FAQs), videos and a timeline went live on 23 April 2021.
- 4.4 The Communications Plan set out below sets out the actions taken to publicise and seek feedback with the general public on the proposal to establish Māori Wards.

Channel	Communications Activity
Traditional Media (Print & Radio)	<p>Regular press releases informing the public of updates throughout the process, on Monday 19, 21 and 22 April (outlining the HTNMSC's recommendation, the Emergency Council meeting and the launch of the public consultation).</p> <p><u>Media coverage:</u></p> <p>Hawke's Bay Today</p> <ul style="list-style-type: none"> • Page two full page article 10 May • Pull-out magazine <i>Tihei Kahungunu</i> cover page article 10 May <p>Hawke's Bay Today online</p> <ul style="list-style-type: none"> • <i>Hastings District Council could have Māori Wards in time for 2022 election</i> – 19 April • <i>Hastings pushes closer to getting Māori Wards, unanimous tautoko from committee</i> – 21 April • <i>Māori Wards in Napier and Hastings: Two councils, two meetings, two very different results</i> – 22 April • <i>Local Focus: Māori Ward consultation deadline proving a challenge for councils</i> – 9 May <p>Stuff online</p> <p>Hastings City Council to consult members of the public on Māori Wards – 22 April 2021</p> <p>Radio New Zealand online</p> <p><i>Overwhelming support for Māori Wards in Hawke's Bay</i> – 4 May</p> <p>Print media advertising in key media outlets including:</p> <ul style="list-style-type: none"> • <i>Hawke's Bay Today</i>, 24 April; • <i>Tihei Kahungunu</i> (<i>Hawke's Bay Today's</i> pullout magazine) 26 April, 10 May; and • <i>Hastings Leader</i>, 28 April, 5 May, 12 May. <p>Article in <i>Tihei Kahungunu</i>, 10 May</p> <p>Radio advertising on Radio Kahungunu, 26 April – 12 May</p>
Social media	<p>Facebook</p> <p>Boosted Facebook post 23 April</p> <ul style="list-style-type: none"> • Reach – 8355 • Reactions (likes, comments, shares) – 136 • Link click to MVMC - 222 <p>Boosted Facebook video 4 May</p> <ul style="list-style-type: none"> • Reach – 12233 • Reactions (likes, comments, shares) – 204 • Video views – 6619 • Link clicks to MVMC – 450 <p>Boosted Facebook post 7 May (community meeting)</p> <ul style="list-style-type: none"> • Reach – 153

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- Reactions (likes, comments, shares) – 8

Boosted Facebook post 10 May – final reminder

- Reach – 2511
- Reactions (likes, comments, shares) 0
- Link clicks to MVMC – 29

LinkedIn

Boosted post 4 May

- Post #1
- Reach - 300
- Reactions – 3
- Link click to MVMC – 7

Boosted video 7 May

- Reach – 415
- Reactions – 2
- Video views – 139
- Link clicks to MVMC – 11

Neighbourly:

1 Post – 23 replies

Website and
digital media

- My Voice My Choice website page, online survey and FAQs launched 23 April
- Homepage banner on Hastingsdc.govt.nz linking through to survey

E-newsletters 28 April (to subscribed Ratepayers, My Hastings and marae lists)

- Baybuzz e-brief 24 April, 1 May, 8 May
- Baybuzz website advertising, 27 April – 12 May

Direct
mailout

A5 flyers delivered to rural areas who may not be online or read the paper by 3 May (areas covered include RD1 Maraekakaho, RD4 Maraekakaho, Rd4(N) Puketitiri, RD9 Taihape Rd and Rd6 Patoka)

Physical

Submission boxes and hard copies of survey at Hastings, Havelock North and Flaxmere Libraries and HDC reception

Freepost submission forms and information packs available at:

- Camberley and Flaxmere Community Centres;
- Flaxmere, Havelock North and Hastings Libraries and
- Hastings District Council Customer Service Centre

Hastings District Council's Communities team dropped submission forms off at our Senior Housing units and engaged with residents

Tihei Kahungunu, Camberley and Community Centres and Te Taiwhenua O Heretaunga shared digital assets and information packs to their networks

- 4.5 The Pou Ahurea Team and appointed mana whenua Heretaunga Takoto Noa committee members have also held kanohi ki te kanohi (face to face) visits, conversations, telephone calls, emails, social media posts and or hui with a number of whānau, marae, entities across Heretaunga district. Key themes that have emerged from these engagements are noted below:

Venue	No. of Attendees	Key themes raised
Te Taiwhenua o Te Whanga-nui-a-Orotū	Numbers have varied across the last twenty days i.e. this has not been a one-off meeting, rather on-going communications and networking	Unanimous 'yes' from all of the Taiwhenua delegates who represent all of the Ahuriri marae Pro-Māori Wards establishment
Te Taiwhenua o Heretaunga	Numbers have varied across the last twenty days i.e. this has not been a one-off meeting, rather on-going communications and networking	Supportive of Māori Wards 150 paper submission forms have been delivered and placed in the foyer of their main campus
Ngāti Kahungunu Iwi Incorporated	The Iwi Comms team have circulated HDC comms to 18 000 plus members on their social media sites and thousands more via their iwi member email list	Comments and online feedback are fully supportive of HDC establishing Māori Wards
Kahurānaki Marae	Marae website and social media site endorsement of HDC comms and Committee endorsement	Supportive of the Heretaunga Takoto Noa Māori Standing Committee Chair who is also the Chair of the Kahurānaki Marae Committee
Te Wānanga o Aotearoa - Heretaunga	20	Positive endorsement of Māori Wards
Flaxmere Community Centre	Numbers through the Centre vary on a daily basis	Support from a lot of Māori community members 50 -100 paper submission forms have been delivered to the Centre
Camberley Community Centre	Like Flaxmere, numbers through the Centre vary on a daily basis	Another community and Community Centre that engages with a large sector of the urban Māori community in Heretaunga 50 paper submissions forms have been delivered to the Centre
Heretaunga Tamatea Settlement Trust	23 - 25	Board members have urged each other and hapū to exercise their right if they want their [Māori] voices to carry some weight, and at the Council table too

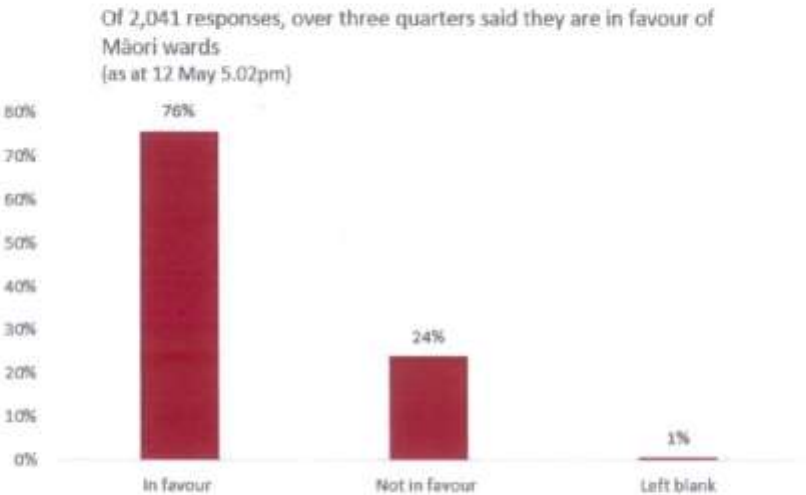
Venue	No. of Attendees	Key themes raised
Pukehou Marae	20 - 24	100 % endorsement of Council establishing Māori Wards With the issue of 'education' raised as per what some Councils are 'using as an excuse', the following response was provided to whānau: - following the passage of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act on March 1st, a growing number of local authorities are opting to establish Māori Wards for the 2022 local authority elections. Others are holding off, in part due to a 'desire' to educate the public first to ensure support. Dr Veronica Tawhai, citizenship education expert and senior lecturer in Māori development at Massey University, however, has advised local authorities "not to wait". "Certainly citizenship education on these matters is desperately needed. However the significant progress made in Māori-Crown relations to date has never been based on public education or readiness" states Dr Tawhai. "We would not have the Waitangi Tribunal, Treaty of Waitangi settlements, joint management agreements or a range of other positive initiatives if we had waited for the wider public to be educated on these matters first. Yet, these have proved essential to the positive development of our country locally and nationally".
Te Kura Kaupapa Māori o Ngāti Kahungunu ki Heretaunga	2 - 6	Positive support for Māori Wards including discussion on how they could support the consultation and engagement process via their networks too
Mangaroa Marae		One whānau member has collated and championed the response from Mangaroa Marae Māori Wards impacts on rangatiratanga and what's in it for Mangaroa, therefore whānau have been encouraged to have their say
Pakipaki Community	Community social media networks of 506 members sharing the link for submissions	One whānau member was appointed to co-ordinate paper submissions across the community for those who did not have computer access
Houngarea Marae	Marae social media networks of 400 members sharing the link for submissions	Paper submission forms provided for the Houngarea Marae Committee meeting
Waipatu Marae	Marae social media networks of 130 members sharing the link for submissions	Comments and online feedback are positive towards establishment of Māori Wards

Venue	No. of Attendees	Key themes raised
Matahiwi Marae	Marae social media networks of 1,100 members sharing the link for submissions	One Marae Trustee represented Matahiwi at Hui ā-Hapori on 10 May to provide support of Māori Wards on behalf of Matahiwi
Ōmāhu Community	Marae social media networks of 3,510 members sharing the link for submissions and paper submission forms drop box	One whānau member has made an effort to voluntarily place paper submission forms in each mailbox in Ōmāhu
Taku Mamia Trust	6 - 20+	Who can enrol on the Māori electoral roll and when? How do Māori Wards work?
Te Taitimu Trust		What defines a Māori community, who are they and where do they live?
Waimārama Marae	Marae hapū, whānau and social media networks	Positive support for Council establishing Māori Wards
Ngā Karanga Hapū o Kairākau	Board members	Pānui were sent out to board members to disseminate among their networks; those living within the district and those who reside outside of Heretaunga
HDC Hapū ā-Hapori	18 - 7 general public (1 Pākehā), 1 Kaumātua, 3 HDC Officers, 1 HDC CEO, 2 HDC Takoto Noa Kōmiti Members, 3 HDC Councillors, 1 Mayor	100 % support of the hui and its intent ... to gather information about what some of the public are thinking about in terms of Māori Wards being set up Good positive hui with HDC being publically endorsed for its position, its braveness and its work with the whole community - Māori and non-Māori

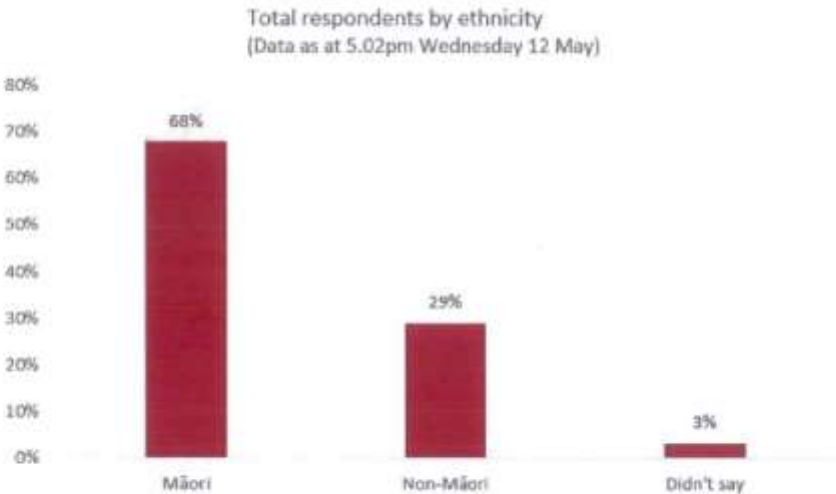
- 4.6 Feedback from direct engagement with the Māori community of interest strongly supported the establishment of Māori Wards.

Submissions

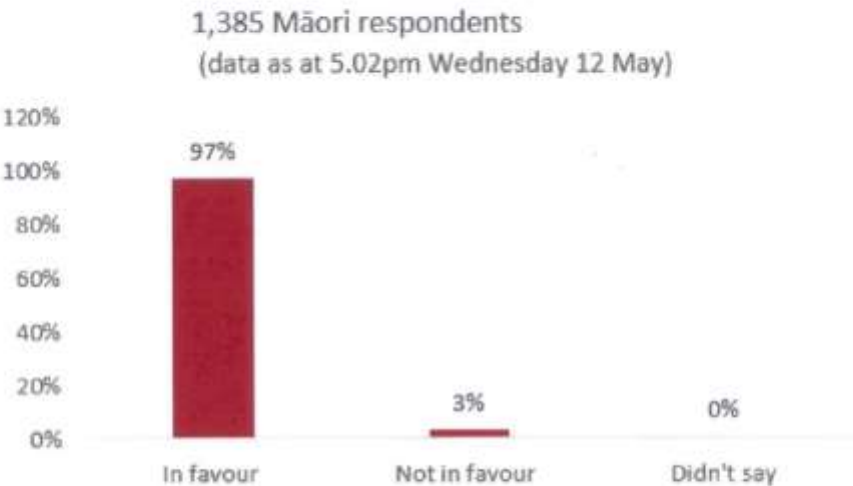
4.7 **Total respondents in favour and against:** 2,041 responses were received as at 5.02pm on 12 May. Of those, 76% (1,543) said they support the establishment of Māori Wards, with 24% (487) against. 11 (1%) left it blank.



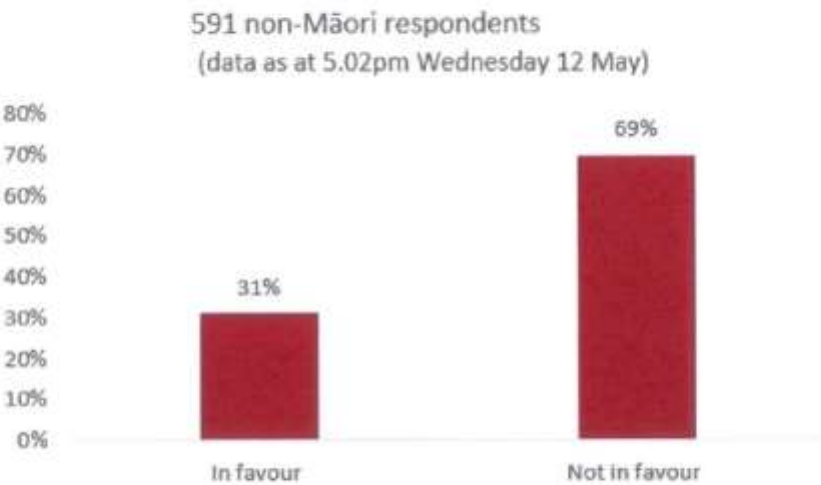
4.8 **Total respondents by ethnicity:** More Māori responded to the survey than non-Māori, with 68% (1,385) respondents stating they are Māori, and 29% (591) stating they are non-Māori.



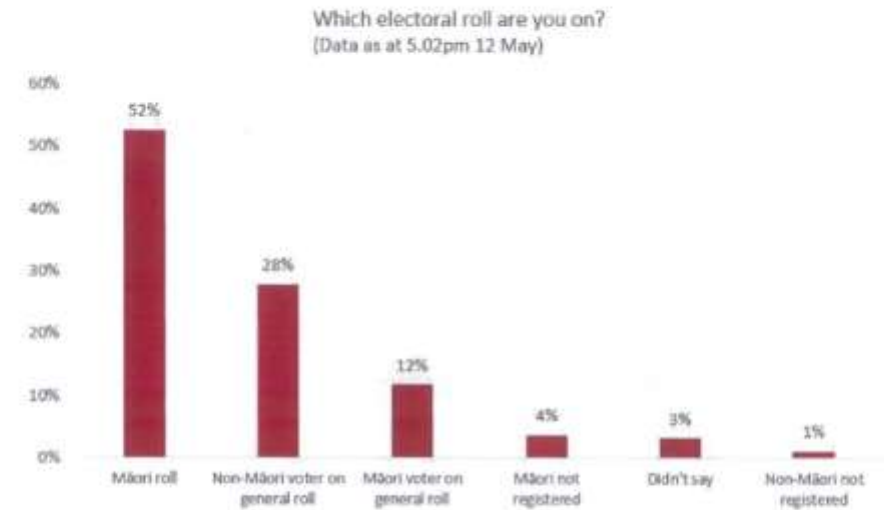
Of the 1,385 Māori respondents, 97% (1,341) said they support Māori Wards



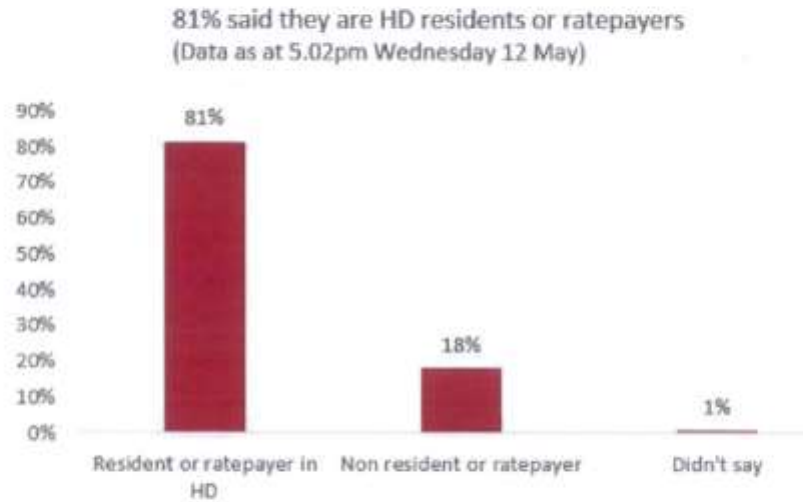
Of the 591 non-Māori respondents, 31% support Māori Wards and 69% are against.



4.9 **Total respondents by electoral roll:** The breakdown of responses to the electoral roll question was as follows:

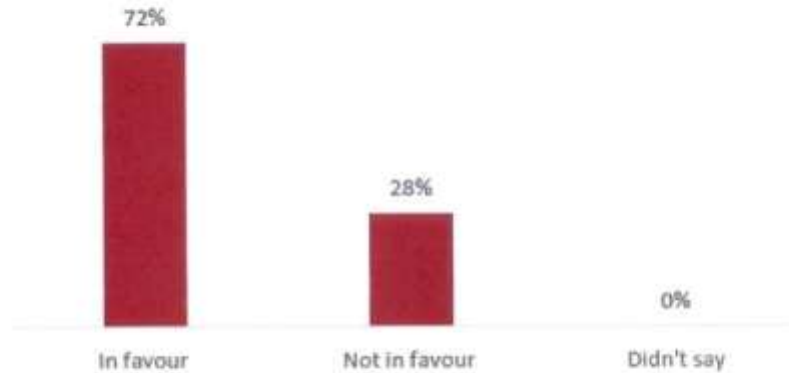


4.10 **Total respondents who are residents or ratepayers:** 81% (1,660) respondents said they are either a resident or ratepayer in the Hastings District.



Of the 1,660 residents or ratepayers, 72% said they support Māori Wards and 28% said they do not.

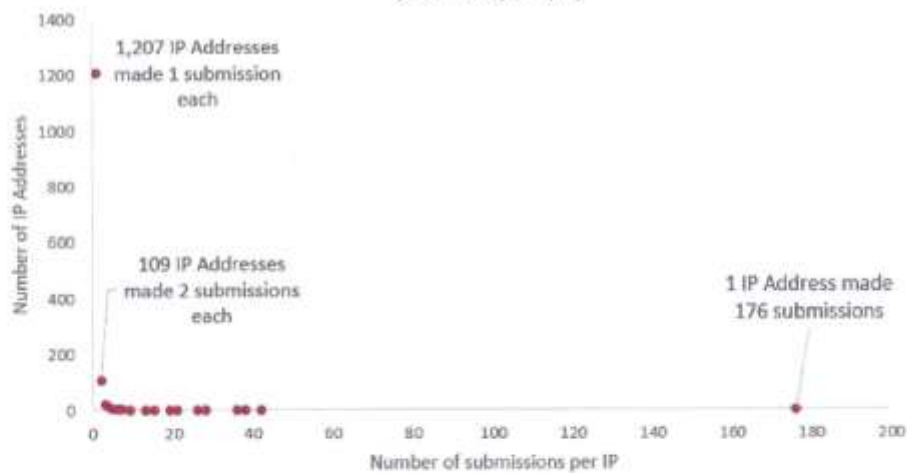
Of the 1,660 HD residents or ratepayers, 72% support Māori wards and 28% do not
(Data as at 5.02pm Wednesday 12 May)



4.11 Of the total 2,041 submissions as at 5.02pm Wednesday 12 May, 38 were paper submissions and 2,003 were via My Voice My Choice.

The 2,003 online submissions came from 1,366 unique IP Addresses, with some IP Addresses making multiple submissions. The IP Address 125.238.51.252 made 176 submissions. Results show that all of these were from one Marae, and different names were given however comments were very similar (and some exactly the same except for the individual's name).

IP Addresses that made multiple online submissions
(as at 12 May 5.02pm)



- 4.12 Of the 2,041 submissions, 1,251 made no comment. The ability to make comments was added to the website on 3 May 2021. Submissions with comments (and Facebook and Neighbourly comments) were read and considered in whole by officers. For completeness all comments are included in Attachment 1. However for the purposes of the analysis below, the comments are sorted and considered by theme.
- 4.13 This report includes all responses received by 5.02pm on Wednesday, 12 May 2021, which was the deadline for submissions. A number of written submissions are still to be collated as they were posted before the deadline, however received after the close of submissions. The data from these final submissions will be incorporated and tabled for the meeting, although the numbers received are unlikely to significantly change the overall position.
- 4.14 The analysis provides a general overview of the comments received and does not represent every comment made.

Headlines and Key Themes

- 4.15 Key themes expressed not in support included:

Theme	Sub Themes
Unnecessary	<ul style="list-style-type: none"> We are all one people – New Zealanders Current system is working Currently have Māori councillors who were elected on their merits by everybody
Undemocratic	<ul style="list-style-type: none"> New Zealand is a multi-cultural country and everyone should be treated equally Establishing Wards on the basis of race is separatist Creates division “us and them”

- 4.16 Key themes expressed in support included:

Theme	Sub Themes
Right thing to do	<ul style="list-style-type: none"> Honours Te Tiriti o Waitangi Acknowledges mana whenua Ensures that a specifically Māori perspective is present in the Council Chamber Demonstrates the commitment of the Council to move forward Well and truly overdue in 2021
Will result in better outcomes	<ul style="list-style-type: none"> As tangata whenua Māori have much to contribute to the council It's time to work together and create better outcomes in all areas for everyone Removes barriers for representation Improves partnership working
Need representatives with same beliefs, values and world view	<ul style="list-style-type: none"> Ensures that a Māori perspective is reliably present in the Council Chamber

Significance and Engagement

- 4.17 As set out in paragraphs 3. 15 – 3.17 above, officers gave an assessment that this decision is at the higher end of the significance and engagement policy. The Emergency Council meeting was satisfied with the community engagement plan and timetable within the time available subject to some further suggestions. The actions taken and consultation results are set out above.

- 4.18 In reaching its decision, Council must have confidence that the consultation process and responses received provide sufficient information on the views and preferences of both Māori and the wider community more broadly.

National Context

- 4.19 There are 78 councils in Aotearoa New Zealand. There are three councils with Māori Wards or Constituencies, being:
- Bay of Plenty Regional Council by Bay of Plenty Regional Council (Māori Constituency Empowering) Act 2001
 - Waikato Regional Council by resolution in 2013 (reconfirmed by 2018 Representation Review)
 - Wairoa District Council as result of a poll at the 2016 election.
- 4.20 Since the option to establish dedicated Māori seats was provided by the Local Electoral Act in 2002, 24 Councils have resolved to introduce Māori representation with all but one (Waikato Regional Council) having the decision overturned by a poll.
- 4.21 The following Councils have resolved, in 2020, to establish Māori seats for 2022 elections:
- Kaipara District Council – 3 November 2020
 - Gisborne District Council – 23 November 2020 (after consultation)
 - New Plymouth District Council – 21 July 2020
 - Northland Regional Council – 21 October 2020
 - Ruapehu District Council – 2 November 2020
 - South Taranaki District Council – 12 November 2020 (request from Iwi)
 - Taupō District Council – 23 November 2020
 - Tauranga District Council – 25 August 2020
 - Whangārei District Council – 3 November 2020 (reaffirmed 25 March 2021)
- 4.22 Since the Local Electoral Act was amended to remove the public or Council initiated binding poll provisions, the following councils have resolved to establish Maori Wards/constituencies for the 2022 local election):
- Palmerston North City Council – 14 April 2021
 - Taranaki Regional Council – 7 April 2021
 - Ōtorohanga District Council – resolved 20 April 2021
 - Matamata-Piako District Council – 30 April 2021
 - Rangitikei District Council – 30 April 2021
 - Far North District Council - 4 May 2021
 - Wellington City Council – 13 May 2021
- 4.23 In addition to HDC, the following councils have initiated consultation to either reconsider previous decisions to not establish Māori Wards/constituencies or to hold a poll at the 2022 elections, or to consider the question within the transition period offered by the legislation (for the 2022 election)
- Hawke's Bay Regional Council – Consultation began 22 April, submissions heard on 3 May decision due 19 May 2021

- Waipā District, Horowhenua District, Horizons Regional and Hamilton City Councils have all finished community consultation and will decide on 19 May.
- Whakatāne District Council – Consultation finished 30 April 2021 and will make its decision on 20 May.
- Invercargill City Council – Consultation through a Community Panel as part of pre-engagement on their Representation Review fed into a decision of the Policy & Partnerships Committee on 11 May 2021 to not establish a Māori Ward.
- Manawātū District Council – 6 May 2021 resolved to wait until 2023 to consider establishing a Māori Ward. Following community opposition a Notice of Motion to revoke the 6 May decision and instead establish a Māori Ward will be considered by the Council on 20 May.

Resource and Financial implications

- 4.24 There are no significant financial or staffing implications for this decision on whether to establish Māori Wards. However a decision to establish Māori Wards in time for the 2022 local elections triggers a representation review to commence almost immediately and this work is currently unbudgeted for the 2021 financial year. Representation reviews are normally held every 6 years with the next one scheduled for 2023/24.
- 4.25 The timetable for the representation review in time for the 2022 local authority election is set out in paragraph 6.1 below. By 31 August 2021 a Council decision is required for new proposals for ward boundaries incorporating Māori Wards, the overall number of councillors and community boards. Pre-consultation with the community to provide data on the electorate's views on fair representation arrangements and perceptions of communities of interest is desirable, but not prescribed by the Local Electoral Act. Within the condensed timeframe it is unlikely that meaningful community engagement will be possible for pre-consultation this time. However, there will be plenty of opportunity for in depth community consultation as part of the Special Consultative Procedure following public notice of the initial proposals.
- 4.26 The work for a representation review in the next financial year is currently unbudgeted, but the estimated costs of \$80,000 for external project management and consultation are relatively minor in terms of the Council's overall budget.
- 4.27 In spite of the extensive formal consultation involved in a representation review, many voters may not be fully aware of the implications of the decisions on ward boundaries and numbers of councillors until they receive their ballot papers in the post. The Council and prospective candidates may expect some confusion from voters during the 2022 pre-election period. Continuing communications and pre-election briefings to publicise the changed ward boundaries will be required in the run up to the 2022 election if a decision is made to establish Māori Wards.
- 4.28 In conclusion, the report writer is confident that a robust representation review can be achieved within the short time period provided sufficient funding, staff, community consultation, communication and governance time is allocated to the project.

5.0 Options – Ngā Kōwhiringa

Option One - Te Kōwhiringa Tuatahi

- 5.1 That Council establishes Māori Wards in the District for the 2022 triennial election:

Advantages

- The legislative change provides the Council with an opportunity to increase the level of Māori participation in Local Authority decision-making which is fully representative, meaningful and sustainable.

- Opportunity for Hastings District Council to lead out on this issue and move in alignment with mana whenua aspirations for the Rohe.

Disadvantages

- Whatever the Council decides, the debate around Māori Wards may be controversial and potentially divisive.
- Short timeframe for community engagement and consideration of options for incorporating Māori Wards in the District.

Option Two – Status Quo - Te Kōwhiringa Tuarua – Te Āhuetanga o nāianei

- 5.2 That Council delays the consideration of establishing Māori Wards until the second tranche of legislation has been passed, noting that any decision made later would not have any effect until the 2025 local government elections.

Advantages

- A longer timeframe for community engagement and consideration of options for incorporating Māori Wards in the District.

Disadvantages

- A lost opportunity to increase the level of Māori participation in Local Authority decision-making which is fully representative, meaningful and sustainable.
- A lost opportunity for Hastings District Council to lead out on this issue and move in alignment with mana whenua aspirations for the Rohe.

6.0 Next steps – Te Anga Whakamua

Representation Review

- 6.1 If Council does resolve to establish Māori Wards, then it must subsequently conduct a representation review. Legislative timeframes for this representation review are set by the Local Electoral Act:
- 31 August 2021 Deadline for Council to resolve an initial proposal.
 - 8 September 2021 Deadline for public notification of initial proposal.
 - 8 September 2021 – 8 October 2021 Submissions open (minimum period).
 - 8 October 2021 – 19 November 2021 Consider submissions and amend proposal if required (within six weeks of the close of submissions).
 - 19 November 2021 Deadline for public notification of proposal.
 - 20 December 2021 Deadline for appeals and objections to the proposal.
 - 15 January 2022 Deadline for appeals and objections to be forwarded to the Local Government Commission.
 - 11 April 2022 Deadline for Local Government Commission to make determination if any appeals or objections are received.
- 6.2 In a representation review the Council would be required to determine:
- The total number of Councillors.
 - Whether all Councillors will be elected from wards, or from a mixture of wards and at large.
 - The names and boundaries of any wards.
 - The number of Councillors elected in each ward, and the number elected at large (if any).

- The number and composition of community boards (if any).

- 6.3 Notably, the representation review is not an opportunity to revisit the question of Māori Wards. Any proposal and consultation would be on the basis that Māori Wards have been established.
- 6.4 If Māori Wards have been established, then within the representation review Council cannot propose to elect all Councillors at large. It can propose to have some Councillors elected at large but there must be at least one Māori Ward and one General Ward.

Attachments:

1	Comments in favour and against Māori Wards	CG-16-2-00617	Under Separate Cover
2	Submission - Māori Wards - Maungaharuru-Tangitū Trust	CG-16-2-00614	Under Separate Cover

Summary of Considerations - *He Whakarāpopoto Whakaarohanga*

Fit with purpose of Local Government - *E noho hāngai pū ai ki te Rangatōpū-ā-Rohe*

The Council is required to give effect to the purpose of local government as set out in section 10 of the Local Government Act 2002. That purpose is to enable democratic local decision-making and action by (and on behalf of) communities, and to promote the social, economic, environmental, and cultural wellbeing of communities in the present and for the future.

Link to the Council's Community Outcomes – *Ngā Hononga ki Ngā Putanga ā-Hapori*

This proposal mainly promotes the cultural wellbeing of communities in the present and for the future by ensuring that cultural diversity and relationships are strong.

Māori Impact Statement - *Te Tauākī Kaupapa Māori*

Māori Wards allow for fairer representation for all Māori ratepayers on the Māori roll, with the ability for Māori voters to select their own Māori representatives in a democratic process.

Currently, Māori elected members to councils (which do not have Māori Wards) across the country are elected by their General Wards / Constituencies and subsequently, they represent their Wards / Constituencies, not Māori. Māori Wards would therefore allow for elected members to councils to represent Māori.

The Māori population is currently under represented in local authority decision making with 5% of elected councillors nationally being of Māori descent representing a population of 16%. The creation of Māori Wards are one way to help redress this imbalance and provide fair representation for Māori and honour the principles of the Treaty of Waitangi.

Sustainability - *Te Toitūtanga*

N/A:

Financial considerations - *Ngā Whakaarohanga Ahumoni*

See paragraphs 4.20 – 4.26 of the report:

Significance and Engagement - *Te Hiranga me te Tūhonotanga*

This decision has been assessed under the Council's Significance and Engagement Policy as being of high significance.

Consultation – internal and/or external - *Whokawhiti Whakaaro-ā-roto / ā-waho*

See paragraphs 4.1 to 4.21 of the report:

Risks

Opportunity: Opportunity: To improve the democratic representation of tangata whenua and Māori interests, ensure equity in representation and to provide a tangata whenua and Māori voice in local decision-making.

REWARD – <i>Te Utu</i>	RISK – <i>Te Tūraru</i>
The legislative change provides the Council with an opportunity to increase the level of Māori participation in Local Authority decision making which is fully representative, meaningful and sustainable. Opportunity for Hastings District Council to lead out on this issue and move in alignment with mana whenua aspirations for the rohe.	Whatever the Council decides, the debate around Māori Wards may be controversial and potentially divisive. Short timeframe for community engagement and consideration of options for the representation review - incorporating Māori Wards in the District within a short timeframe may mean that the changes are not fully understood, and the impact on representation arrangements of the wider community will not be fully explored prior to redrawing the ward boundaries.

Rural Community Board – *Te Poari Tuawhenua-ā-Hapori*

Although not directly affected by the decision to establish Māori Wards as all voters resident in the Rural Wards will be able to vote for Rural Community Board members. However representation of the rural area may be affected by the introduction of Māori Wards due to the sparsity of population of this community of interest and extensive rural area.