

Tuesday, 27 August 2024

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

Kaupapataka

Attachments Vol 1

Te Rā Hui:
Meeting date: **Tuesday, 27 August 2024**

Te Wā:
Time: **9:30 AM**

Te Wāhi:
Venue: **Council Chamber
Ground Floor
Civic Administration Building
Lyndon Road East
Hastings**

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Thursday, 23 May 2024

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

Te Rārangi Take

Report to Council

Nā:
From: **Louise Stettner, Manager, Democracy & Governance Services**

Te Take:
Subject: **Retention of the Takitimu Māori Ward**

1.0 Executive Summary – *Te Kaupapa Me Te Whakarāpopototanga*

- 1.1 This report summarises proposals from the Minister of Local Government regarding changes to the legislative requirements for the establishment of Māori wards within local government and recommends that Hastings District Council (Council) agree to retain its Takitimu Māori ward ahead of legislation being introduced.
- 1.2 Council resolved to establish Māori wards in May 2021 following comprehensive community consultation that indicated strong support for this decision. The opportunity for the Council to make this decision was enabled by provisions within the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill 2021 which removed the need for a binding poll.
- 1.3 The Local Government Electoral Legislation and Māori Wards and Constituencies Amendment Bill 2024 (the Bill) is set to be introduced into Parliament in late May this year with enactment expected in July. The Bill will contain provisions that look to re-instate the poll provisions for the establishment of Māori Wards that were in place prior to 2021.
- 1.4 The Bill will allow local authorities who have established Māori Wards or have resolved to establish Māori Wards the option to disestablish those wards prior to the 2025 local body elections. Alternatively, local authorities that opt to retain Māori wards will be required to hold a binding poll at the 2025 local elections if they established Māori Wards without holding a poll. The result of that poll would take effect from the 2028 local elections and will be in place for 2 triennial elections - 2028 and 2031.
- 1.5 Council has been consistent in its support of the establishment of Māori Wards and a fair process in which establishment can be enabled. A Council decision to retain its Takitimu Māori ward would support Māori participation in local decision-making and elections and confirm its initial decision to establish Māori wards following comprehensive community consultation.
- 1.6 On May 8, 2024, the Heretaunga Takoto Noa Māori Standing Committee resolved that the Committee wants to retain the Takitimu Māori Ward.

2.0 Recommendations - *Ngā Tūtohunga*

- A) That Council receive the report titled Retention of the Takitimu Māori Ward dated 23 May 2024.
- B) That Council resolve to retain its Takitimu Māori Ward.
- C) Council notes the Heretaunga Takoto Noa Māori Standing Committee at its meeting on 8 May 2024 resolved that the Committee wants to retain the Takitimu Māori Ward.

3.0 Background – *Te Horopaki*

3.1 *Legislative Background*

3.2 The Local Electoral Act 2001 (LEA) provides for the establishment of one or more Māori Wards aimed at increasing Māori representation and participation in local authority decision-making.

3.3 The intent of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 was to:

- Align the treatment of Māori Wards and Māori constituencies with the treatment of general wards and general constituencies as much as possible; and
- Remove all mechanisms for binding polls to be held on whether Māori Wards or Māori constituencies will be established; and
- Provide local authorities with an opportunity to make decisions on Māori wards and Māori constituencies, considering these changes, in time for the 2022 local elections.

3.4 To achieve this, the following changes were 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).

3.5 *The Government Proposals*

3.6 The Government intends to proceed with legislative change with the result that any local authority that has established Māori wards or have resolved to establish Māori wards will have the option to disestablish those wards after the Bill's enactment and prior to the 2025 local body elections.

3.7 A disestablish decision would apply to the 2025 local elections and Council would either be required to complete a shortened Representation Review process by 10 April 2025 or revert to the most recent pre-Māori ward arrangements. Note these options are still to be confirmed via the Bill.

3.8 The Government has also announced that local authorities that opt to retain Māori wards will be required to hold a binding poll at the 2025 local elections if they established Māori wards without holding a poll. The result of that poll will take effect from the 2028 local elections and will be in place for 2 triennial elections (2028 and 2031).

3.9 Essentially, the proposals if enacted, will repeal the current legislation with respect to the establishment of Māori wards to re-instate the poll provisions for establishing Māori wards in place prior to 2021.

3.10 The Bill will restore the binding polls mechanism for the establishment of Māori wards. The binding poll mechanism was removed from the Local Electoral Act 2001 in 2021. Councils will be able to resolve to hold binding polls on Māori wards and people on the electoral roll will be able to petition

