

Notice is hereby given that an extraordinary meeting of Horowhenua District Council will be held on:

Date: Wednesday 19 May 2021
Time: 3.00 pm
Meeting Room: Council Chambers
Venue: 126-148 Oxford St
Levin

Council

OPEN AGENDA

MEMBERSHIP

Mayor	Mr Bernie Wanden	
Deputy Mayor	Mrs Jo Mason	
Councillors	Mr David Allan	
	Mr Wayne Bishop	
	Mr Ross Brannigan	
	Mr Todd Isaacs	
	Mr Sam Jennings	
	Mrs Victoria Kaye-Simmons	
	Mr Robert Ketu	
	Mrs Christine Mitchell	
	Ms Piri-Hira Tukapua	
Reporting Officer	Mr David Clapperton	(Chief Executive)
Meeting Secretary	Mrs Karen Corkill	

Contact Telephone: 06 366 0999
Postal Address: Private Bag 4002, Levin 5540
Email: enquiries@horowhenua.govt.nz
Website: www.horowhenua.govt.nz

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Horowhenua District Council Service Centre, 126 Oxford Street, Levin
Te Awahou Nieuwe Stroom, Foxton,
Shannon Service Centre/Library, Plimmer Terrace, Shannon
and Te Takeretanga o Kura-hau-pō, Bath Street, Levin

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1 Apologies

2 Public Participation

Notification of a request to speak is required by 12 noon on the day of the meeting by phoning 06 366 0999 or emailing public.participation@horowhenua.govt.nz.

See over the page for further information on Public Participation.

3 Declarations of Interest

Members are reminded of their obligation to declare any conflicts of interest they might have in respect of the items on this Agenda.

4 Announcements

Public Participation (further information):

The ability to speak at Council and Community Board meetings provides the opportunity for members of the public to express their opinions/views to Elected Members as they relate to the agenda item to be considered by the meeting.

Speakers may (within the time allotted and through the Chairperson) ask Elected Members questions as they relate to the agenda item to be considered by the meeting, however that right does not naturally extend to question Council Officers or to take the opportunity to address the public audience be that in the gallery itself or via the livestreaming. Council Officers are available to offer advice to and answer questions from Elected Members when the meeting is formally considering the agenda item i.e. on completion of Public Participation.

Meeting protocols

1. All speakers shall address the Chair and Elected Members, not other members of the public be that in the gallery itself or via livestreaming.
2. A meeting is not a forum for complaints about Council staff or Council contractors. Those issues should be addressed direct to the CEO and not at a Council, Community Board or Committee meeting.
3. Elected members may address the speaker with questions or for clarification on an item, but when the topic is discussed Members shall address the Chair.
4. All persons present must show respect and courtesy to those who are speaking and not interrupt nor speak out of turn.
5. Any person asked more than once to be quiet will be asked to leave the meeting.

File No.: 21/174

Consideration of the Establishment of a Māori Ward

1. Purpose

For Council to consider whether to establish a Māori Ward for the 2022 election.

2. Executive Summary

- 2.1 At present Horowhenua District Council does not have a Māori Ward. The Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 provides Council with the opportunity to consider whether to establish a Māori Ward, to take effect for the 2022 election.

3. Recommendation

- 3.1 That Report 21/174 Consideration of the Establishment of a Māori Ward be received.
- 3.2 That this matter or decision is recognised as not significant in terms of S76 of the Local Government Act.
- 3.3 That Council continues with the current representation arrangements, and considers the establishment of a Māori Ward during the 2024/25 Representation Review (option 1).

OR

That Council establishes a Māori Ward for the 2022 and 2025 elections (option 2).

4. Background / Previous Council Decisions

- 4.1 The Local Electoral Act was amended in 2002 to enable Councils to establish Māori Wards. It included a provision that 5% of voters within a district could sign a petition to force a binding referendum which, if successful, would overturn a Council's decision to establish a Māori Ward.
- 4.2 Since that time, over twenty Councils around the country have tried to establish a Māori Wards. Only three Councils have been successful. This was due to a binding referendum overturning the decision of Council.
- 4.3 In response to the inequity in establishing a Māori Ward compared to a General Ward, several petitions were presented to Parliament which noted the challenges Councils experienced when attempting to establish a Māori Ward.
- 4.4 This prompted the Government to fast-track the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021, which went through Parliament under urgency in February 2021. The Act aligns the treatment of Māori Wards and constituencies with the treatment of General Wards and constituencies. It removes all mechanisms for binding polls to be held.
- 4.5 This Act also extends the timeframe for Councils to consider the establishment of Māori Wards for the 2022 and 2025 elections to 21 May 2021.
- 4.6 Should this legislative change not have been made, Horowhenua District Council would have considered the Māori Ward option during the 2024/25 Representation Review, for the 2025 election.

- 4.7 During the last Representation Review 2018/19, Horowhenua District Council informally engaged with Iwi partners on the establishment of a Māori Ward. At that time, Iwi partners indicated that they did not support a Māori Ward for the district. Therefore, Council did not include this as an option in the Representation Review Proposal.
- 4.8 As at 5 May 2021, 18 local authorities have agreed to establish a Māori Ward including Bay of Plenty Regional Council, Far North District Council, Gisborne District Council, Kaipara District Council, Matamata-Piako District Council, New Plymouth District Council, Northland Regional Council, Ōtorohanga District Council, Palmerston North City Council, Rangitikei District Council, Ruapehu District Council, South Taranaki District Council, Taranaki Regional Council, Taupō District Council, Tauranga City Council, Waikato Regional Council, Wairoa District Council, and Whangarei District Council.
- 4.9 A large number of Councils are scheduled to consider Māori Ward options prior to 21 May 2021, including Marlborough District Council, Masterton District Council, Hastings District Council, Whakatane District Council, Kāpiti Coast District Council, Wellington City Council, Horizons Regional Council, Hawkes Bay Regional Council, Nelson City Council and Rotorua Lakes Council, as well as Horowhenua District Council.

5. Discussion

- 5.1 The intent of the Amendment Bill is to improve consistency between the processes for establishing both general and Māori constituencies. There is no longer any requirement or ability to conduct a binding poll of voters; the decision is now Councils' alone.
- 5.2 Transitional provisions have extended to 21 May 2021, which is the timeframe available for Council to make a decision whether to establish a Māori Ward. This will have effect for the 2022 election.
- 5.3 A decision to establish a Māori Ward will trigger a full Representation Review which must be completed by 31 August 2021. A full Representation Review of the number of constituencies (General and Māori), their boundaries, the number of members overall and in each constituency, must be carried out. This process is prescribed in the Local Electoral Act (LEA) and must balance the district's identified communities of interest with ensuring their effective and fair representation.
- 5.4 Horowhenua District Council completed a representation review in 2018/19 and is currently due for its next review in 2024/25.
- 5.5 Should the Local Government Commission approve the Tokomaru Opiki Boundary Alteration Proposal, this will be considered and taken into account during the Representation Review, should Council adopt to establish a Māori Ward.
- 5.6 How do Māori Wards work?
- For Horowhenua District Council, there would be one Māori Ward Councillor based on current calculations set by the Local Electoral Act 2001
 - Voters on the Māori electoral roll would vote for a candidate contesting a Māori Ward rather than candidates contesting a General Ward
 - Everyone could vote for the Mayor, at-large Councillors (if any) and community board members (if any)
 - Māori Ward candidates do not need to be on the Māori electoral roll
 - A Māori Ward Councillor, like every other Councillor and the Mayor, would have one vote around the Council table

6. Options

6.1 There are two options before Council:

Option No. 1 - continue with current arrangements and consider the establishment of a Māori Ward during the 2024/25 Representation Review.

6.2 Although there has been legislative changes made under urgency by Parliament which enable Councils to establish a Māori Ward, there is no obligation to do so during the transition period. Council may decide to delay consideration, and consider this as part of the regular cycle of Representation Reviews.

6.3 Potential advantages to delaying consideration:

- Allow time for Council to re-engage / engage more extensively with Iwi partners
- It would provide time for Council to observe how other Councils have gone about establishing a Māori Ward and implement best practice
- Representation Review cycle – will not change as the next Representation Review is scheduled and budgeted for in 2024/25.

6.4 Potential disadvantages to delaying consideration:

- It may be seen as a missed opportunity to have a dedicated Māori voice at the Council table
- Having a Māori Ward may have paved the way for further opportunities for Māori across the district to engage with Council and be involved in Council activities
- It could be seen as Council not valuing the inclusion of Māori in its decision making process and recognising the Principles of the Treaty of Waitangi.

6.5 Option No. 2 - Council adopts to establish a Māori Ward for the 2022 and 2025 elections.

There has been legislative changes made under urgency by Parliament, which extends the timeframe for Councils to establish a Māori Ward, by 21 May 2021, for the 2022 elections.

6.6 Potential advantages to establishing a Māori Ward for the 2022 election:

- Ensures the views of Māori are represented by Māori in Council's decision-making process
- It will provide Māori with further opportunity to be involved in Local Government and align with Council's Community Outcomes being considered as part of the 2021-41 Long Term Plan
- Opportunity for HDC to align with other Councils across the country in leading out on this issue
- The resolution can apply to the next local body election.

6.1.1 Cost

Should Council adopt option 2, this would trigger a Representation Review with an estimated cost of \$20,000.

6.1.2 Rate Impact

Should Council adopt option 2, a small increase would be required to fund a Representation Review in 2021/22, the first year of the 2021 – 2041 Long Term Plan.

6.1.3 Community Wellbeing

The establishment of a Māori Ward in the Horowhenua District would align with the following Community outcomes, being considered in the draft 2021 – 2041 Long Term Plan:

Partnership with Tangata Whenua:

- *We will uphold Te Tiriti o Waitangi and its principles*
- *We build mutually respectful partnerships with tangata whenua*
- *We support mana whenua to maintain and enhance tikanga with their ancestral lands and waterways, wahi tapu and other taonga*
- *We support whanau, marae, hapū and iwi in achieving their aspirations*
- *We recognise the role of mana whenua as kaitiaki of their rohe.*

6.1.4 Consenting Issues

Not applicable.

6.1.5 LTP Integration

Not applicable.

7. Consultation

7.1 Engagement with the community on whether a Māori Ward should be established was scheduled for four weeks from 6 April – 4 May 2021, in the form of a survey.

7.2 The survey was available in hardcopy at Council Service Centres, online via Council's website, or lodged via email.

Communication to the public regarding the survey was through social media, on Council's website and targeted email distribution groups which included resident and ratepayer groups.

Information on the survey was presented at hui with Iwi partners, and in addition, sent by email to Iwi partners.

7.3 Two survey options were available:

Option A – status quo – no Māori Ward

Option B – Council introduces a Māori Ward

7.4 227 responses were received with the following result:

Option A – status quo – no Māori Ward	49
Option B – Council introduces a Māori Ward	178
	227

7.5 22 respondents listed an address outside of the Horowhenua District. It is noted that at least 15 of these respondents have either previously resided in the district and/or continue to have ties to the district as they affiliate to local Iwi Muaūpoko or Ngāti Raukawa ki te Tonga, or both.

Further, it was not a condition of the survey that participants had to be currently residing in the district.

7.6 There was a section in the survey for participants to enter a comment in support of their option choice.

The survey comments for option A included:

- People should be elected on their merits not their race
- Maori Wards are undemocratic
- Maori Wards encourages segregation
- I believe that there is enough wards and options for everyone - no need to divide the voting with another option
- HDC are fortunate to have good representation.

The survey comments for option B included:

- Inequitable representation by Māori within Council
- Ensure Māori representation as Tangata Whenua
- Give effect to Te Tiriti o Waitangi
- We need a fair balance of Māori Councillors that reflect our Māori population in the Horowhenua
- It's time we acknowledged that we need to do things differently than our mono cultural approach
- It is imperative HDC introduce Māori Wards to give Māori a vote and voice at the table
- This region definitely needs more Māori input especially from tangata whenua on decisions that impact Māori including our waterways, whenua, wahī tapu.

7.7 Hui with the Muaūpoko Tribal Authority Board and Ngāti Raukawa ki te Tonga Hapū representatives took place in April. Information was provided about the survey and process for Council to consider the establishment of a Māori Ward.

8. Legal Considerations

This decision follows recent changes to the Local Electoral Act 2001. Council has until 21 May 2021 to adopt to establish a Māori Ward. A decision to establish a Māori Ward must be followed by a Representation Review.

9. Financial Considerations

Should Council decide to establish a Māori Ward, this will trigger a Representation Review at a cost of \$20,000.

This amount is not budgeted for in the 2021/22 financial year.

It is, however, budgeted for in 2024/25 and should this proceed, will not incur a cost in that year.

10. Iwi Considerations

10.1 Under the Te Tiriti o Waitangi, the Crown has an obligation to act as a partner to Tangata Whenua; reflected in the requirement for each partner to “act with the utmost good faith”.

10.2 Appropriate and effective representation of Māori in Council would ensure their heritage and culture is acknowledged and reflected in the decision-making process. It could also increase engagement of Māori in Council activities.

10.3 The establishment of a Māori Ward would not replace existing relationships with Iwi partners. It is envisaged, that relationships would be enhanced and made stronger.

11. Climate Change Considerations

Not applicable.

12. Environmental Considerations

Not applicable.

13. Health & Safety Considerations

Not applicable.

14. Other Considerations

None.

15. Next Steps

15.1 Should Council decide to delay the decision until the 2024/25 Representation Review, no action is required.

15.2 Should Council adopt to establish a Māori Ward, this will trigger a Representation Review for which work will commence on bringing an initial proposal to Council by 31 August 2021.

15.3 Timeline for Representation Review

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 a determination if any appeals or objections are received.

15.4 As part of a Representation Review, Council would be required to determine the following:

- The number of Councillors
- Whether Councillors will all 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).

15.5 In the Representation Review, Council would determine the total number of Councillors. Should a Māori Ward be established, Council could decide to retain the current number of Councillors, increase the number of Councillors, or determine a new number of total Councillors.

15.6 A decision of Council to establish a Māori Ward can no longer be overturned during the Representation Review.

16. Supporting Information

Strategic Fit/Strategic Outcome N/A
Decision Making N/A

Consistency with Existing Policy N/A

Funding N/A

Confirmation of statutory compliance

In accordance with section 76 of the Local Government Act 2002, this report is approved as:

- a. containing sufficient information about the options and their advantages and disadvantages, bearing in mind the significance of the decisions; and,
- b. is based on adequate knowledge about, and adequate consideration of, the views and preferences of affected and interested parties bearing in mind the significance of the decision.

17. Appendices

No.	Title	Page
A	Combined - Māori Ward Survey Responses - 6 May 2021 - Agenda Version (<i>Under Separate Cover</i>)	

Author(s)	Sue Hori Te Pa Governance and Executive Team Leader	
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Approved by	David Clapperton Chief Executive	
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