



29 May 2024

Committee Secretariat
Justice Committee
Parliament Buildings
Wellington

Hutt City Council and Mana Whenua Joint Submission on the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill

Kia ora koutou,

Hutt City Council and Te Rūnanganui o Te Āti Awa, Taranaki Whānui ki Te Upoko o Te Ika Trust, Te Rūnanga o Toa Rangatira, Wellington Tenths Trust, and Palmerston Māori Reserve Trust are providing this joint submission to raise our concern and objection to the proposed changes that the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill (the Bill) will bring to local government representation in New Zealand.

Specifically, we are asking the Justice Committee to:

- acknowledge and implement the recommendations of the Waitangi Tribunal, in its Māori Wards and Constituencies Urgent Inquiry Report (WAI 3365); and
- remove changes that will require a poll at the 2025 local body elections on any Māori wards and Māori constituencies established without a poll.

Māori participation in local decision making

We believe that having fair processes and frameworks for engagement with hapū and iwi is vital to delivering representative democracy at the local government level. The amendments made in 2021 to the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act brought equality to the creation of local Māori wards by removing the poll provisions that only applied to Māori wards. This provided a real and positive opportunity for Māori to be at the council table and participate in local decision-making.

On 21 November 2023, Hutt City Council voted unanimously to establish Māori wards in Te Awa Kairangi ki Tai Lower Hutt. The establishment of Māori wards was celebrated as a positive step in continuing to build the presence and ability of Māori to be involved in decision making by guaranteeing a voting seat at the council table.

The Bill undermines local democracy

New Zealand is a representative democracy and it is the role of local elected officials to make decisions on representation for their own communities. We welcome the Government's commitment to localism and belief that local councils are best placed to make local decisions. Yet councillors who were elected through a clear democratic process are now being compelled through legislation to have their decisions rescinded. This is a significant over-reach and clearly undermines the principles of localism, and local decision making, that this Government supports.

The Bill proposes to restore provisions providing for the community to demand a poll on council decisions regarding Māori wards. There is no such trigger for polls with regard to other decisions around wards and constituencies. As such, the restoration of polls re-impose a higher procedural standard on one particular representation arrangement than applies to others.

Hutt City Council and Mana Whenua have agreed not to be strongarmed by central government policy into revoking its decision to establish Māori wards in Te Awa Kairangi ki Tai Lower Hutt. Hutt City Council stands by the decision it has already made to establish Māori wards. This means it will have to hold a binding poll in the 2025 election on the question of continuing to have Māori wards. This binding poll will be held alongside the city's election for its first Māori ward councillor.

The Bill undermines partnership obligations under Te Tiriti o Waitangi

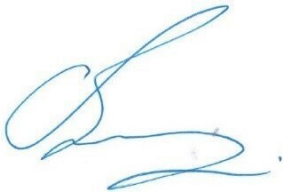
Councils around the motu need to ensure they have the right relationships and processes in place to enable partnership with Mana Whenua, effective participation, and a shared decision-making focus.

Our concern is that restoring binding polls to determine Māori wards erodes the ability of councils to meet this obligation. Hutt City Council calls on the Government to uphold its responsibility to take appropriate account of the principles of Te Tiriti o Waitangi and to maintain and improve opportunities for Māori to contribute to local government decision-making processes, as outlined in Section 4 the Local Government Act 2002.

We are clear that Māori wards in and of themselves do not deliver on Council's partnership obligations under Te Tiriti o Waitangi. Over many years Hutt City Council has worked closely with Mana Whenua to drive change and address inequity. Central to Hutt City Council's work with Mana Whenua are the Tākai Here. Through these partnership agreements we work together to create a more inclusive and sustainable future for all our people. In early 2024, Hutt City Council together with Mana Whenua approved Te Herenga Kairangi, a rautaki (strategy) consolidating all council work aimed at improving outcomes for Māori.

We urge Government to reconsider its position and return the responsibility of determining suitable representation arrangements to local councils, in collaboration with Iwi and their communities.

Ngā mihi nui,



Hutt City Council Mayor
Campbell Barry



Te Rūnanganui o Te Āti Awa Chair
Kura Moeahu



Taranaki Whānui ki Te Upoko o Te Ika
Trust Chair Te Whatanui Winiata



Palmerston North Māori Reserve Trust
Chair Liz Mellish



Wellington Tenths Trust Chair
Anaru Smiler



Te Rūnanga o Toa Rangatira Chair
Callum Katene