



**I give notice that
an Extraordinary Meeting of Council will be held on:**

Date:	Monday, 20 November 2017
Time:	1.00pm
Location:	Council Chamber 107 Heuheu Street Taupō

AGENDA

MEMBERSHIP

Chairperson Mayor David Trewavas
Deputy Chairperson Cr Rosie Harvey

Members

- Cr John Boddy
- Cr Barry Hickling
- Cr Rosanne Jollands
- Cr Tangonui Kingi
- Cr Anna Park
- Cr Christine Rankin
- Cr Kirsty Trueman
- Cr John Williamson
- Cr Maggie Stewart

Quorum 6

Gareth Green
Chief Executive Officer

Order Of Business

- 1 **Apologies**
- 2 **Conflicts of Interest**
- 3 **Policy and Decision Making**
 - 3.1 Maori Representation and Establishment of Maori Wards3
- 4 **Confidential Business**
 - Nil

3.1 MAORI REPRESENTATION AND ESTABLISHMENT OF MAORI WARDS

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PURPOSE

The purpose of this report is to outline the options and process for the establishment of Māori wards in the Taupō District.

EXECUTIVE SUMMARY

As a lead up to the Representation Review required to be undertaken next year for the 2019 triennial elections, Council has the opportunity to consider the question of Māori representation as part of that process. A decision to in relation to Māori wards must be made by 23 November 2017.

Should Council select option 1 and resolve to retain the 'status quo' and not establish Māori wards, Council might consider the points raised at the discussion with Iwi held at the Taupō Yacht Club on 17 October 2017.

Council could select to

- a. Pursue Iwi/ Māori Representation options beyond 23 November 2017 with Iwi and Māori collaboration, with the intent to implement an agreed option by or before 2020
- b. Develop a work plan to research options, develop and refine an option and seek agreement
- c. Review Māori representation component of the representation review in three years' time.

RECOMMENDATION(S)

That Council:

1. Retains the 'status quo' i.e. resolves not to introduce a Māori Ward/s, and
 - i) Pursues Iwi/ Māori Representation options beyond 23 November 2017 with Iwi and Māori collaboration, with the intent to implement an agreed option by or before 2020
 - ii) Develops a work plan to research options, develop and refine an option and seek agreement
 - iii) Reviews Māori representation component of the representation review in three years' time.

or

2. Establishes one or more Māori wards in the Taupō District at the 2019 election.

or

3. Undertakes a Poll as provided for in the Local Electoral Act 2001 on the question of Māori Wards in the Taupō District.

BACKGROUND

Legislative framework

In accordance with the Local Electoral Act 2001 [LEA] all local authorities are required to carry out a representation review at least once every six years. Council's last representation review was carried out in 2011, which means one is required in 2018 for the 2019 triennial local elections and must be completed and publically notified by 8 September 2018.

As part of that representation review, Council must consider whether it wishes to propose Māori Wards as part of its representation arrangements. The statutory processes for the establishment of Māori Wards are set out in the LEA.

Similarly, Council has statutory obligations to provide opportunities for Māori to contribute to local government decision-making processes. The key legislation that underpins this requirement includes:

- Local Government Act 2002 (LGA)
- Resource Management Act 1991 (RMA), and
- LEA.

These legislative provisions underpin the wider partnership principles contained in Te Tiriti o Waitangi/Treaty of Waitangi.

Representation process

The number of members to be elected by the electors of one or more Māori wards is determined by a formula in the LEA (Māori population divided by the total population multiplied by the number of elected members).

Statistics New Zealand population estimates (as at 30 June 2016) for Taupō District is as follows:

General Electoral Population	29300
Māori Electoral Population	6900
Total	<u>36200</u>

This means that the Māori representation would equate to 19% of the total council members (excluding the mayor). For a ten member council 19% represents 1.91 members. Allowing for rounding this would provide for eight members from 'general wards' and two from a Māori ward or wards.

The fair representation requirements of the LEA would also apply to Māori wards – that each Councillor should represent approximately [+/- 10%] the same number of people.

Where Māori wards have been established, the member[s] elected to Council to represent that ward are elected only by electors whose names are on the Māori Electoral Roll within that particular ward.

An elector cannot vote for both a Māori elected member and a general elected member.

If Māori wards are established, the members elected by the voters in those wards will be under the same obligations as all other elected members in that they must act in the best interests of the entire District.

Establishing Māori wards can be achieved by either a:

- local authority resolution; or
- favourable outcome of a poll of electors. This poll may be:
 - demanded by electors; or
 - the result of a local authority resolution.

Since this matter was last formally considered the provisions of the local Electoral Act 2001 relating to Māori wards have been applied in other parts of the country. In Wairoa District, a decision to introduce Māori wards was taken and a poll was held at the 2016 elections. The poll approved Māori Wards by a slim majority (1727 (54%) of votes received were for the creation of a ward and 1468 (46%) were against). Wairoa has a majority Māori population.

A decision to introduce Māori wards was also taken in New Plymouth District. In 2015 a poll was held in and the measure was defeated by a significant majority (21,053 (83 per cent) of votes received were against the creation of the ward from October 2016, with 4,285 (17 per cent) in favour of the ward. The decision and poll appeared to create significant controversy and division in the community.

Timeframes

The following are the initial timeframes required to have Māori wards established for the 2019 triennial elections:

- 23 November 2017 – last day that Council may resolve to establish Māori wards
- 28 February 2018 – last day that Council may decide to hold a poll
- 28 February 2018 – last day for electors of the District to demand a poll.

Māori representation options

There are various models used by different Councils for working with Māori.

Council already has a number of co-management, formal and informal relationships with iwi and iwi organisations. Potential discussion points are outlined below.

Council Co-Opting Māori Representatives onto Council Committees

Incorporating Māori representation on Council committees sees Māori representation co-opted onto committees that Māori consider a priority. Council can appoint additional members to committees where it believes the individuals have the skills, attributes or knowledge that will assist the work of the committee and this could be potentially any number of members.

Council delegates its authority to its committees for various activities and those matters determined by those committees cannot be overturned by Council. However, some decision making powers cannot be delegated such as the Long-term Plan and the District Plan, where Māori might wish to have some input into the decision making process. This does not diminish the current engagement arrangements to ensure adequate input into Council's current major decisions. However, the Māori representation is not directly at the decision making table.

Council considers what committees it requires to undertake its work and currently has eight committees with various activities that they are delegated to undertake. Council has the ability to change its committees and what activities they will undertake in the future.

This approach could see Council co-opting as many potential Māori representatives onto its committees as it sees fit, including representatives from all the iwi across the district. The Māori representation could be added to those committees that it believes is of priority to Māori. It is a flexible option but with Council maintaining its management.

Other Councils that use this approach include Marlborough District Council, Napier City Council and Taranaki Regional Council.

Council Establishes an Internal Standing Committee with Māori Representatives

An internal standing committee could focus on providing Māori with the opportunity to contribute to Council decision-making. This standing committee could be established to identify and report on issues of concern and priority to Māori.

The committee could potentially have delegated authority to make some decisions on issues again of priority to Māori and provide strategic advice on matters of importance. It could either be a full committee, sub-committee, or advisory board with either some or no decision making powers, but at the very least with the ability to make recommendations to Council.

The membership could be a combination of elected members and one or more Māori representatives that could have either:

- voting and/or speaking rights (i.e. decision-making role); or
- non-voting and/or non-speaking rights (i.e. an advisory or observer role).

The committee and its membership can be set by the Mayor and Council under the LGA. Again, similar to above Council can appoint additional members to committees where it believes the individuals have the skills, attributes or knowledge that will assist the work of the committee and this could be potentially any number. The standing committee could also have multiple iwi membership to ensure adequate Māori representation.

This approach would see the establishment of a stand-alone committee for Māori interests. It would see flexibility of membership and could see as many potential members onto the committee as it sees fit, including representatives from all the iwi across the district. The standing committee could at the very least make recommendations to Council or be given some decision-making powers on issues of priority for Māori interests. Council would maintain management of the committee.

Other Councils that use this approach include Central Hawke's Bay District Council (The Māori Consultative Committee), Hawke's Bay Regional Council (The Māori Committee), Hastings District Council (The Māori Joint Committee), New Plymouth City Council (Te Huinga Taumatua Committee).

Council Establishes an External Board

An independent board or committee would provide an advisory service to Council.

This option does support Council's statutory obligation to provide Māori with opportunities to contribute to the decision-making process (see s81 and s14(1)(d), LGA), although in a more advisory capacity.

The board could develop a schedule of its issues of importance and provide advice to Council on these. The Council would consult the board on matters affecting Māori. The Council could also take into account the board's advice on Council's strategies, policies and plans. The Council may agree to provide the board with some funding to assist in carrying out its functions. The board could also appoint a representative to attend Council meetings on an advisory, non-voting basis to develop and maintain the relationship.

The independent board would be set up separately from Council's processes outlined above. This could be led and owned by Māori and membership could be sought by election, recruitment or appointment.

The establishment of the board would remain in the control of Māori. Council would recognise the board and its authority through a partnership arrangement. More than one board could be established and these could be established along iwi lines rather than Māori in general.

Recent research by Maria Bargh, at Victoria University, has shown that this approach has the strongest connections to iwi members outside of the local authority areas. Her research "suggests that Māori continue to have strong connections and interests to vote in places where they have tribal connections¹" and this approach allows this to occur.

This approach could see the establishment on an Independent Board or Boards to consider issues of interest to Māori or iwi, and is led by Māori for Māori. It would see flexibility of membership and could see as many potential members onto the Board/Boards as it sees fit, including representatives from all the iwi across the district. This approach could potentially only see the Board/Boards making recommendations to Council on issues of interest. Dependent on the number of Boards established this approach is likely to require a significant commitment of resources from both Māori and Council to ensure the relationships are adequately maintained.

Other Councils that use this approach include Rotorua Lakes Council and its Te Tatau o Te Arawa Independent Board and Auckland Council with its Independent Māori Statutory Board. Auckland Council's responsibility to establish its independent board was outlined in legislation which was outside the LGA powers.

DISCUSSION

Māori wards can be established:

- By a resolution of the Council
- By the Council deciding to hold a poll on whether or not there should be Māori wards
- By five percent of the electors of the District demanding a poll on whether or not there should be Māori wards. If a valid demand is received by 28 February 2018 a poll must be held within three months. If a demand is received after this date then the outcome of the poll will not apply until 2022.

¹ Bargh, M. <http://localgovernmentmag.co.nz/lq-magazine/governance-lq/council-Māori-engagement/>.

A decision needs to be in place by 23 November 2017. Should Council proceed with a decision to put Māori Wards in place it would take effect for the 2019 and 2022 elections, and would continue in effect after that until either a contrary resolution was passed or until the result of a poll is known. Any resolution must be publicly notified along with notice that a poll is required to countermand the resolution.

Based on this information it is considered that there are three options in relation to Māori wards.

OPTIONS

Council has three options in terms of Māori wards:

1. Resolve to retain the 'status quo' and not establish Māori wards
2. Resolve to establish Māori wards
3. Resolve to hold a poll on whether or not Māori wards should be established

Analysis of Options

This is in essence a matter of political decision-making and in that context officers have no fixed view. All of the potential options meet Council's requirements to provide opportunities for Māori to contribute to its local government decision-making processes. Although it is relevant to note that from the perspective of progressing the representation review each of the options has some implications.

If Option 1 is adopted and Council agrees and resolves to not introduce a Māori ward/s, it must undertake the statutory notification processes. This is to see if sufficient electors (5%) sign a petition requiring a poll on the matter is received. This is required before the cut-off date of 28 February 2018.

If Option 2 is adopted and Council agrees and resolves to introduce a Māori ward/s, it must similarly undertake the statutory notification processes and wait to see if sufficient electors (5%) sign a petition requiring a poll. Again this must be before the cut-off date of 28 February 2018.

In the context of this option, once a valid petition is received the Electoral Officer is required to undertake a poll not later than 89 days after the petition is received. As noted earlier this may be at any time up until 28 February 2018.

With respect to Option 3, Council can resolve to hold a poll and set a date or an event (subject to the 89 day requirement) when the poll will take place. If it does not specify a date the Electoral Officer is obliged to undertake the poll as soon as practical, but not later than 89 days after the date the public notice is given.

This option is in itself a consultative process, providing the opportunity for every elector to express a yes or no view on the question.

Analysis Conclusion:

As set out, this is a matter of political decision-making and therefore no preferred option is provided.

CONSIDERATIONS

Financial Considerations

If the Council decided to hold a poll or there is a demand for a Poll, the cost would be approximately \$70,000 and there is currently no provision for this cost in the budget.

Legal Considerations

Local Government Act 2002

Council has an obligation under the Local Government Act to maintain and improve opportunities for Māori to contribute to its decision-making processes. Establishment of Māori wards would be one option for fulfilling this requirement.

The Resource Management Act also contains specific provisions that enable Māori to participate in decision-making.

Policy Implications

There are no known policy implications.

Risks

There are risks if Council does not adhere to the timeframes stipulated in the LEA. In addition there is likely to be strong differing views in the community.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

This is a matter that relates to the basic representational arrangements of the Council. It is a significant issue which triggers its own prescribed statutory consultative and decision making process.

ENGAGEMENT

Council has been undertaking various engagement with stakeholders regarding the above. Councillors have attended meetings with a number of different councils including Waikato Regional Council and their Māori constituencies, Rotorua Lakes Council and their 'Te Tatau o Te Arawa' approach and finally with New Plymouth District Council to discuss the Te Huinga Taumatua Committee approach.

Elected members have also met with the District's Iwi and Māori leaders on 17 October to discuss potential options should wards not be implemented.

No further engagement is required prior to Council making a decision in relation to Māori wards.

If Council resolves to retain the status quo, there will need to be further engagement including the development of a work plan to progress and refine an option on Māori representation.

COMMUNICATION/ MEDIA

In the first instance, a press release will be issued to inform the community of the Council's decision regarding Māori wards and a public notice placed in the newspaper. Information on the formal process will also be made available on the website. If a poll is demanded, a communication plan will be developed in conjunction with the formal process required.

CONCLUSION

It is for the members consideration that will take into account the many dimensions that are inherent in a decision of this nature and to reflect on the most effective way for Māori participation in the District.

ATTACHMENTS

Nil