
CONSIDERATION OF A MĀORI WARD

MATTER

1. The matter for consideration by the Council is the process for, and implications of, establishing a Māori Ward in the New Plymouth District.

RECOMMENDATION FOR CONSIDERATION

That having considered all matters raised in the report, consultation be undertaken on the following four options in relation to establishing a Māori Ward:

- a) A Māori ward not be established for the 2022 triennial election.**
- b) A poll be held prior to 21 May 2021 on whether a Māori ward be established noting that the outcome of a poll would be binding for the next 2022 and 2025 elections.**
- c) A poll be held in conjunction with the 2022 triennial election on whether a Māori ward be established noting that the outcome of a poll would be binding for the 2025 and 2028 triennial elections.**
- d) A Māori ward be established noting that the decision will take effect for the next two triennial general elections.**

COMMITTEE AND COMMUNITY BOARD RECOMMENDATIONS

2. The Strategy & Operations Committee endorsed Option 1 (the officer's recommendation).
3. The Clifton, Waitara, Kaitake and Inglewood Community Boards endorsed option 1 (the officer's recommendation).
4. In addition, Waitara Community Board recommend that Council consider other options for iwi/hapū representation on all Council committees.
5. Te Huinga Taumatua resolved to recommend:

That, having considered all matters raised in the report, consultation be undertaken on the following three options in relation to establishing a Māori Ward:

- a) A poll be held prior to 21 May 2021 on whether a Māori ward be established noting that the outcome of a poll would be binding for the next 2022 and 2025 elections.
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- b) A poll be held in conjunction with the 2022 triennial election on whether a Māori ward be established noting that the outcome of a poll would be binding for the 2025 and 2028 triennial elections.
- c) A Māori ward be established noting that the decision will take effect for the next two triennial general elections.

COMPLIANCE	
Significance	This matter is assessed as being critical.
Options	<p>This report identifies and assesses the following reasonably practicable options for addressing the matter:</p> <ol style="list-style-type: none"> 1. Undertake consultation in relation to the establishment of a Māori ward 2. Take no further action.
Affected persons	The persons who are affected by or interested in this matter are residents of the New Plymouth District. There is also likely to be interest from outside of the District.
Recommendation	This report recommends option 1 – undertake consultation for addressing the matter.
Long-Term Plan / Annual Plan Implications	Yes if a poll is to be held.
Significant Policy and Plan Inconsistencies	No

EXECUTIVE SUMMARY

6. This report recommends that Council consult on options regarding establishment of a Māori Ward from the 2022 election. Consultation will provide elected members with community views in relation to the matter.
7. Establishment of a Māori Ward would have implications on the Council's representation review which must be completed prior to the 2022 election. If the Council intends to establish a Māori ward for the 2022 triennial election, it must make that decision before 23 November 2020.
8. Population requirements set out in the Local Electoral Act (LEA) restrict a Māori ward to one elected councillor for the New Plymouth District Council.

BACKGROUND

9. Local authorities have the ability to establish Māori wards for electoral purposes. There are two primary mechanisms for establishing Māori wards:
 - a) A Council resolution
 - b) A poll of electors
10. The Local Electoral Act (2001) (LEA) prescribes how many members can be elected within a Māori ward(s), based on population data.
11. The LEA also prescribes the statutory timeframe for establishing and implementing a Māori ward within the three year electoral cycle.

How does a Māori ward work?

12. If the Council implements a Māori ward, candidates in future elections have an option to stand for the Māori ward or in a general ward. Candidates must be registered parliamentary electors. However Māori ward candidates do not need to be on the Māori electoral roll (provided they're on the general electoral roll) and vice versa for candidates standing in the general ward(s).
13. Electors on the Māori electoral roll are then eligible to vote for candidate(s) in their Māori ward. Electors on the general electoral roll are then eligible to vote for candidate(s) in their ward.
14. Regardless of which roll an elector is on, an elector only has one vote (either for a Māori ward or a general ward).
15. Every five years, electors have the opportunity to change from being on the general electoral roll to the Māori electoral roll and vice versa.

New Plymouth District Council History (2015/16)

16. In 2011, the Council resolved that "a poll of electors be held in conjunction with the 2013 triennial elections to determine if Māori wards should be established".
17. Following a recommendation from Komiti Māori (a committee of Council) the Council rescinded its decision of and resolved to fully consider the matter during the next representation review¹.
18. In 2014, the Council resolved that "a Māori ward be established noting that the decision will take effect for the next two triennial general elections".

¹ Representation reviews are undertaken every six years and address the total number of councillors for the district and the way they are elected

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19. The Council subsequently received a petition, signed by over 5% of electors, countermanding the Council's 2014 resolution. A poll on whether a Māori ward should be established was subsequently held. Eighty three per cent of the voters voted against the creation of a Māori ward. The outcome of the poll was binding until after the 2019 triennial elections.
 20. The cost of the poll was \$71,418 (GST inc). This cost was incurred for public notices, personnel costs (electoral officer and Justice of the Peace), insurance, preparation, printing and distribution of voting information and postage costs for returned voting documentation. Costs excluded NPDC staff time.

Local Government History

21. Wairoa District Council resolved to run a binding poll on whether Māori wards should be established. The poll was held in conjunction with the 2016 election. Fifty four per cent of the Wairoa electors voted to establish Māori wards. Wairoa District Council introduced Māori wards for the first time at the 2019 election. Of the total electoral population of Wairoa, there is an almost 50:50 split between the Māori Electoral Population and the General Electoral Population. This means that of the six councillor positions, electors on the general electoral roll elect three councillors and the electors on the Māori electoral roll elect three councillors.
22. Around October/November 2017, Palmerston North City Council and the Kaikoura, Manawatu, Whakatane and Western Bay of Plenty district councils voted to establish Māori wards in their areas. During April and May 2018, local referenda were held in all five council areas. Electors in those areas voted to reject the establishment of Māori wards². Average voter turnout in the five polls was approximately 40 per cent.
23. It is noted that Bay of Plenty Regional Council's three Māori wards were created by legislation in 2001. In 2011, the Waikato Regional Council voted to establish two Māori seats from the 2013 elections.

Legislative Requirements regarding Māori wards

24. The Local Electoral Act 2001 (LEA) provides that territorial authorities may establish Māori wards. The statutory provisions are set out in sections 19Z to 19ZH of the LEA.
25. Establishing a Māori ward can be achieved by a:
 - a) Council resolution; or

² Palmerston North (68.8%), Western Bay of Plenty (78.2%), Whakatane (56.4%), Manawatu (77%) and Kaikoura (55%)

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- b) Favourable outcome of a poll of electors. A poll may be:
- Demanded by electors or
 - The result of a local authority resolution
26. A Council resolution (to establish a Māori ward or to hold a poll) or a valid poll demand (by 5 per cent of electors) may be made at any time, but to apply for the next election they must be made within the timeframes set out in the LEA. The decision on establishment of a Māori ward influences the representation review (held a minimum of each six years). The Council will undertake a representation review in the current term of Council. The review process and arrangements will be considered in separate reports later in the term.
27. If the Council resolves to establish a Māori ward, it must give public notice of the resolution. The public notice must include a statement that a poll is required to countermand the Council's resolution.
28. The table below sets out the relevant provisions and required dates should the Council resolve to establish a Māori ward for the 2022 election:

Action	LEA section	Date
Council resolution to establish a Māori Ward	19Z	By 23 November 2020
Public notice to establish a Māori Ward including statement that a poll is required to countermand that resolution	19ZA	By 30 November 2020
5 per cent of electors demand a poll to countermand the council's decision [note this date and reference also applies if the Council resolves to hold a poll]	19ZB	Prior to 21 February 2021
Poll held [result of the poll takes effect for the next two elections]	19ZB or 19ZD	No later than the 89 days after notification and not later than 21 May 2021

Calculating the Number of Members

29. The LEA prescribes a formula to calculate the number of members from a Māori ward(s).
30. The Council needs to consider the Māori and general electoral populations as part of determining the range of options of Māori and general ward to ensure that any debate occurs in the context of what is possible.
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31. The following formula applies to territorial authorities:

$$nmm = \frac{mepd}{Mepd + gepd} \times nm$$

where:

- nmm = number of Māori ward members
- mepd = Māori electoral population of the district
- gepd = general electoral population of the district
- nm = proposed number of members of the council (other than the Mayor)

32. Section 3 of the Electoral Act 1993 contains the following definitions for “general electoral population” and “Māori electoral population”

General electoral population – the total ordinarily resident population at the last census less the Māori electoral population

Māori electoral population – a calculation based on the number of electors on the Māori electoral roll and proportions of those of Māori descent not registered and those under 18 years of age.

33. Statistics New Zealand calculate the Māori electoral population and the general electoral population. The Government Statistician, through the Local Government Commission, has provided data for calculation purposes. The data is based on the 2018 census.

District	Maori Electoral Population	General Electoral Population	Total Population	Total Members	Maori Ward Members	Maori Ward Members (Rounded)
New Plymouth District	8,007	72,672	80,679	14	1.39	1

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34. Current population data shows that New Plymouth District would have one member elected from a Māori Ward.

$$1.39 = \frac{8007}{8007 + 72672} \times 14$$

35. This would effectively be an "at large" situation. The number of total members on New Plymouth District Council (currently 14) would not change that number if the total number of members was reduced. The number of members would need to increase to 16 to enable two members elected from a Māori Ward(s).
36. During the subsequent representation review (in 2021), the Council will determine the total number of councillors and whether those councillors will be elected at large and/or from wards. Where a ward system is established, the Council also determines the names and boundaries of the wards. The Council must ensure fair representation of electors to provide approximate population equality per member (ie an elected member in one ward "represents" the same number of people as another ward (+/- 10%). Members of the public have a right of objection (to the Local Government Commission) to the Council's decision in these matters.
37. Given the likely single membership of a Māori Ward, the Council would not need to consider ward boundaries for the member elected by those on the Māori roll during the subsequent representation review.
38. The legislation does not provide for Māori electoral subdivision to be constituted for community boards.

Considerations involving Central Government

39. In late June 2017, Green Member of Parliament (MP) Marama Davidson introduced a Member's Bill to amend the Local Electoral Act 2001 to enable establishment of Māori wards while bypassing the requirement for polls. The bill was defeated during its first reading.
40. In May 2016, Andrew Mark Judd submitted a petition to Parliament "That the House of Representatives consider a law change to make the establishment of Māori wards on district councils follow the same legal framework as establishing other wards on district councils". Parliament referred the petition to the Justice Committee (a Parliamentary Select Committee) for consideration alongside the Inquiry into the 2017 General Election and the 2016 Local Elections.
41. The Committee [reported back](#) to Parliament on 10 December 2019.

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42. The Inquiry states "National Party members of the committee do not consider that any change is needed in this area. We consider that it is appropriate to continue to treat the creation of separate Māori wards as a matter of community choice." The committee made no recommendations in relation to Māori wards. Council officers do not believe there will therefore be any legislative changes (in the near future) to the way in which Māori wards are established.

NEXT STEPS

43. Council officers will undertake public consultation regarding the four options and report back to the Council prior to 23 November 2020 for final decision.
44. Council officers will also engage directly with iwi and hapū to ensure that the Council understands their views prior to a final decision being made.

SIGNIFICANCE AND ENGAGEMENT

45. In accordance with the Council's Significance and Engagement Policy, this matter has been assessed as being critical because:
- a) The outcome affects all residents of the New Plymouth District in terms of elected member representation. The outcome will also affect electors of the New Plymouth District.
 - b) Based on the 2015 poll, estimated costs of a stand-alone poll are around \$70,000-\$80,000. Council has not provided funding for a poll in the Annual or Long-Term plans. Costs of a poll held in conjunction with the 2022 triennial election are likely to be significantly reduced from this figure.
 - c) The community have previously expressed views in support and opposition to establishment of a Māori ward. There has also been national interest in this topic.
 - d) Previous consideration of this matter (2014/15) generated wide public interest. Following the Council resolution to establish a Māori ward, a petition was received from more than five per cent of the electors requesting a binding poll be held. In the resulting poll 83 per cent of people voted against the creation of a Māori Ward with 17 per cent of people voting in favour. Forty five per cent of electors (25,338 voting papers) exercised a vote in the poll.
46. This report recommends public consultation be undertaken to ensure the community views and preferences are understood.

OPTIONS

47. There are two reasonably practicable options:

- Undertake public consultation on the matter of establishing a Māori ward.
- Take no further action.

Both options are assessed together below.

Financial and Resourcing Implications

48. The costs and resourcing of a consultation process can be met from the existing governance budget. Some of the options being consulted on (such as a poll) will have budgetary implications. These will be outlined for consideration when the Council following the consultation process.

Participation by Māori

49. Council officers have briefly discussed the Council's requirement to consider the matter prior to the Representation Review with the iwi representatives on Te Huinga Taumatua. Further engagement has been unable to occur due to the Covid-19 pandemic.

50. Council officers have also contacted Iwi leaders via email and provided some brief information of the upcoming review.

51. Given the inability of being able to meet face-to-face, a full discussion has not been held and Iwi have not been in a position to provide formal feedback to date. Council officers expect there to be a range of views on a preferred approach to the establishment of a Māori ward.

52. Since the 2015 poll on a Maori Ward, New Plymouth District Council has continued to mature its understanding and relationship with Maori and can celebrate the following initiatives:

- Purchase of Te Kohia Pa in recognition of its National significance and role in the New Zealand Wars with planning underway to formalise its role in New Zealand's history.
- 2017 achieved National recognition by winning the Innovation in Policy and Regulatory Development Category of the Society for Local Government Managers (SOLGM) Excellence Awards for its work alongside iwi and hapū in identifying the locations and the importance of waahi tapu sites.

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- Established Te Huinga Taumatua (Committee) which is comprised of five New Plymouth District elected Iwi representatives and five councillors and works on Māori principles of consensus decision making.
 - Established the Nga Kaitiaki Resource Management Group, consisting of Maori professionals representing district hapū and iwi to help co-design the Proposed District Plan.
 - Co-design of the New Plymouth Airport with local hapū Puketapu to include their cultural narrative into the buildings design.
 - Designed and delivered a cultural competency programme for staff and councillors.
 - Designed and delivered Te Pataka Matauranga digital application that helps users understand local tikanga, language, Māori history, stories, songs and greetings.
53. Over a number of years, the Council has worked to provided strong, open and transparent relationships which have assisted in identification of further opportunities for Māori to participate in, as well as support the development of Māori capacity to contribute to Council decision-making. There are already a number of strategic and operational commitments which align to the Council's strategic direction.
54. Establishment of a Māori ward is *one* means of further strengthening the relationship with Māori to help meet the statutory obligations relating to participation in decision-making. Whether or not a ward is established, the Council will continue to build on the relationships developed and will continue to ensure that Māori are involved in the Council's decision-making processes for the benefit of the whole community.
55. Following the 2019 election, the Council re-established Te Huinga Taumatua. Council officers believe that Te Huinga Taumatua is working effectively and if a Māori Ward was established, both the committee and the ward system could work alongside each other.

Community Views and Preferences

56. The consideration of Māori wards has historically resulted in polarised community views. Council officers consider it unlikely that there will be a unified public view on this matter.
57. To ensure Council is aware of all views and preferences, Council officers recommend that public consultation be undertaken prior to a final decision being made before 23 November 2020.
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58. Council officers have been unable to work with Iwi and hapū in relation to this matter due to the Covid-19 pandemic. Officers will continue to work with iwi and hapū during the consultation period on this matter.

Statutory Responsibilities

59. The Local Government Act 2002 and other statutes place minimum obligations on Councils in relation to Māori participation in decision making.
60. The statutory ability to establish a Māori ward has been considered earlier in this report. When determining whether or not to establish a Māori ward, the Council must also take into account the following matters in terms of the present and future needs of the community:
- The principle of fair and effective representation for individuals and communities (s4 (1)(a) LEA).
 - The purpose of the Local Government Act 2002 to provide for democratic and effective local government that recognises the diversity of New Zealand communities; specifically the promotion of accountability of local authorities to their communities. (s3 LGA)
 - Obligation to establish and maintain opportunities for Māori to contribute to its decision-making processes.

Promotion or Achievement of Community Outcomes

61. Consultation will enable the public to contribute their thoughts on the democratic structure of the Council and contribute to the People/He Tangata community outcome.

Consistency with Policies and Plans

62. Engagement on this issue would be consistent with the Council's Significance and Engagement Policy.

Advantages and Disadvantages

63. Consultation will ensure that the public have the opportunity to share their views.

Risk Analysis

64. Council should ensure it is clear on the range of community views and preferences within the community prior to making a final decision. The Council's decision is subject to a binding poll if five per cent of the electors provide a petition for a poll to countermand the Council's resolution.
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Recommended Option

This report recommends Option 1 undertake consultation on the matter for addressing the matter.

Report Details

Prepared By: Julie Straka (Governance Lead)
Team: Governance
Approved By: Liam Hodgetts (Group Manager Strategy)
Ward/Community: District Wide
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