

Comprehensive Report: Representation Review Update on Māori Wards

1 Background

Local Electoral Act 2001 ('the Act') the Council have an opportunity to consider establishing Māori Wards for the 2025 and 2028 local elections. This decision is an optional one for Council, but if it wishes to have Māori wards for the 2025 election, section 19Z(3)(a) of the Act requires a decision to be made by 23 November 2023.

The Act also requires, when establishing Māori wards, that a full representation review be done and, in order to be in effect for the 2025 election, that review would need to be completed by 31 July 2024.

If Māori wards are to be established, they must be in place for a minimum of two triennial elections (2025 and 2028).

Representation Process

Every three-years a local authority has the ability to consider the:

- electoral system to be used for their elections (FPP and STV), if it wishes to change from its current electoral system; and
- establishment of Māori wards or constituencies, if it currently does not have Māori wards or constituencies.

Following consideration of these two issues, a local authority is required to undertake a representation review:

- at least once every six-years; or
- after three-years (if considered appropriate); or
- if establishing Māori wards or constituencies for the first time.

A representation review includes considering:

- what are the local authority's communities of interest (and have these changed since the last review)? and
- how are these communities of interest most effectively represented (total number of councillors, whether councillors are elected from wards, "at large" or a mixture of wards/"at large", number and boundaries of wards, whether community boards are established, dis-established, or retained, community board names, boundaries, and number of elected and appointed members)? and
- if wards are established, each councillor represents about the same number of people within a +/-10% range (and the need to reflect any changes in population growth or spread).

The representation review is a formal process following the Act which includes two formal opportunities for public consultation (initial and final proposals) however it does not involve debate on Māori wards in principle only on the detail for example number, names, and boundaries of general/Māori wards etc.

2 Discussion

What are Māori wards?

Māori wards and constituencies are the local government equivalent of the Māori parliamentary electorates. Each council is responsible for deciding whether it will have Māori wards or constituencies at its elections.

The difference between general and Māori wards is that those who are registered on the Māori parliamentary roll will be able to vote for Māori ward candidates and Mayor. Those who are registered on the general roll will be able to vote as per the current process. It is important to note that Māori ward candidates do not need to be on the Māori electoral roll.

What would a Māori ward(s) look like in Thames-Coromandel District Council?

The Act provides the following formula for determining the appropriate number of Māori wards for any district:

Should Māori wards be introduced, a formula to determine the number of Māori and general councillors is contained in Schedule 1A of the LEA and is:

- $nmm = mepd \div (mepd + gepd) \times nm$
where—
nmm is the number of Māori ward members
mepd is the Māori electoral population of the district
gepd is the general electoral population of the district
nm is the proposed number of members of the territorial authority (other than the mayor).

For the Thames-Coromandel District Council, the Māori electoral population is 3,640 and the general electoral population is 30,000 (as at the 30 June 2022 Population Estimates).

Assuming a total of nine councillors (plus mayor) remain, the formula when populated would require one councillor elected from one district-wide Māori ward and eight councillors elected from between one and eight general wards.

If a total of 10 councillors (plus mayor) was considered, the formula when populated would require one councillor elected from one district-wide Māori ward and nine councillors elected from between one and nine general wards.

If a Māori ward was to be established, and the total number of councillors remains at nine (one Māori ward councillor, eight general ward councillors), the current ward structure would result in three of the four wards no longer complying with the fair representation requirements (+/- 10% rule).

If a Māori ward was to be established, and the total number of councillors increases to 10 (one Māori ward councillor, nine general ward councillors), the current ward structure would result in two of the four wards no longer complying with the fair representation requirements (+/- 10% rule).

If a Māori ward was not established, and the total number of councillors remains at nine, the current ward structure would result in all wards complying with the fair representation requirements (+/- 10% rule).

The establishment of one Māori ward would mean those electors on the Māori electoral roll would only be able to vote for one councillor (plus the mayor and community board members) whilst those electors on the general electoral roll would only be able to vote for the councillor(s) from the respective general ward (plus the mayor and community board members) – currently between one and three councillors.

Māori representation

Māori wards would provide for dedicated, elected representation for Thames-Coromandel District residents on the Māori electoral roll and increase the diversity of representation at the council table.

Māori are typically proportionally underrepresented on councils compared to population figures. In 2018 Local Government New Zealand estimated that 13.5% of local government elected members are Māori, compared to 16.5% of the wider population.

Having a representative elected directly by those on the Māori electoral roll ensures that a specifically Māori perspective is present in the council chamber. This is important given the legislative importance of recognising and incorporating such perspectives in all public decision-making. In particular, the provision of Māori representation will help support the Council meeting its obligations under Te Tiriti o Waitangi and its existing obligations under the Local Government Act 2002.

However, there may be other ways of achieving representation for example co-governance models and/or appointments to our standing committees where appointees can focus on the matters that are important to them and more than one appointment could be made. Council could also look at other ways to have input and a voice for Māori at the Council table.

Engagement with Māori

At present there is no requirement under the Local Electoral Act 2001 for engagement on Māori Wards before making a decision to have them. However, the general requirements for decision-making under the Local Government Act 2002 apply to all decisions a council makes, including decisions empowered by other Acts.

Therefore, in accordance with the requirements of the Local Government Act 2002, the Council recently raised the issues at the elected members' marae visit at Manaia, simply informing the local attendees from various Hauraki iwi backgrounds that the Council was undertaking an engagement with iwi. The Council has since undertaken discussions with some iwi, inviting them to provide their views on the possibility of a Māori ward. In general, the responses ranged from support to concern about the details of how it would work, to a view that it should be delayed.

There were some concerns that legislation around Māori wards was too open for any person of (Māori decent or otherwise) to run for this position and that candidates did not have to live within the district. The preference was to see a change to electoral laws supporting localism, with only mana whenua of a district being able to stand, but this would require a legislative change. However, the election of a Māori ward councillor would provide for a local and community lens around the Council table.

An issue raised by iwi was that attempting to fit Māori world views and practices in relation to meeting and decision making into a non-Māori framework would further alienate, isolate, and overwhelm the lone Māori voice.

A common concern is that one seat would simply be tokenistic, and the voice would be drowned out. There was suggestion that three seats would be a better option, however that is not provided for in legislation. To achieve two Māori ward councillors would require a total of 16 councillors and to achieve three Māori ward councillors would mean a total of 26 councillors.

Another issue was It was noted that many iwi are busy with settlements at the moment, and are focussing on growing internal capacity. One suggestion was to decide to that the Māori

ward would be in place for the 2028 election to allow a longer lead in time. Where Māori wards are not in place, a review of Māori wards can occur again in 2026 for the 2028 elections. A representation review would then be required in 2027 should Māori wards be established.

A number of questions prompted Council to put together the attached information sheet.

Assessment of options

The following options are available to Council

Option 1 - Council retain the status quo and have no Māori wards for the 2025 and 2028 election

Under this option, the Council would continue to develop and improve its relationship with mana whenua in the District. Some improvements could include greater involvement of Māori representatives in Council decision-making, in accordance with powers that already exist in the Local Government Act 2002.

Advantages

- No staff or other Council resources required for representation review.
- More time to canvas the community and key stakeholders including iwi.
- All candidates are treated equally with no special preference being given to any sub-group of electors.
- All financial costs can be met within existing budgets.
- Existing ward boundaries and representation would not be affected.

Disadvantages

- Relying on Māori candidates standing in general wards provides no guarantee that a Māori councillor will be elected.
- Lack of Māori representation increases the likelihood that Council decision-making does not reflect the views and outcomes sought by Māori.
- Lost opportunities to further Māori participation in decision making.
- Possible damage to the Council/Iwi relationship as Council not demonstrating its commitment to developing meaningful partnerships with local Iwi.

Option 2 – Decide to have a Māori ward in the 2025 and 2028 election

Advantages

- Increased governance diversity, te ao Māori view in decision making, potential for significantly improved relationships and connection to Māori communities.
- Recognises Council's obligations under the LGA to increase participation of Māori in decision making and to recognise the diversity of its communities.
- Consistent with the principles of Te Tiriti o Waitangi.
- Consistent with the Local Electoral Act 2001 to consider principle of fair and effective representation for individuals and communities.

Disadvantages

- No strong view has been expressed by iwi leaders and some were of the view that there were other priorities for Māori.
- By instigating a Māori ward, those on the Māori electoral roll would only be able to vote in that ward (ie they would be excluded from voting in their local general ward) under the restrictions of the LEA
- A representation arrangements review would be required to be done in 2024, increasing cost and Council resources needed to do the review.

Option 3 - Council retain the status quo and continue discussions with Māori and seek community feedback in advance for the 2028 elections.

Advantages

- Allows time to engage further with Māori on the issue of Māori wards
- Provides for engagement with the wider community to seek their views
- Provides for a longer lead in time

Disadvantages

- Staff time and Council resources required
- Engagement may not produce a balanced view.

3 Significance and engagement

While the decision being considered by the Council is being made under the Local Electoral Act 2001, the Local Government Act 2002 still applies, including the requirement in that Act to comply with decision-making principles in proportion to the significance of the decision. Staff have therefore assessed the decision against the criteria in the Council’s Significance and Engagement Policy. The criteria and assessment are as follows:

Criteria	Assessment
Whether there is a legal requirement to engage with the community.	There is no legal requirement to engage on the proposed decision.
What the level of financial consequences of the proposal or decision.	Increased cost and staff resources will be required if Māori wards are to be established.
Number of people affected and/or with an interest in the decision being made. Will the proposal or decision affect a large portion of the community?	The decision will have district-wide effect.
Level of impact on those people affected by the decision.	The impacts will have high consequences for the way people in the District are represented and how they participate in the local elections.
Level of community interest apparent for the issue, proposal or decision; or the potential to generate community interest.	The level of interest is mostly unknown, however, it is likely to be high.
Level of impact on Māori, Māori culture and traditions.	The impacts on Māori will have high consequences.
Likely impact and consequences (both positive and negative) on the current and future social, economic, environmental, or cultural well-being of the district or region.	The proposed amendments will have impacts on the current and future social and cultural well-being of the district, because representation (or lack of) can directly affect how social and cultural well-being are considered in Council decision-making.
Does the proposal affect the level of service of a significant activity.	The proposed decision does not affect the level of service of a significant activity.
Are the likely consequences controversial.	The proposed decision is likely to be controversial.
The form of engagement used in the past for similar proposals and decisions.	The Council has not made a decision on māori wards previously. Representation reviews are required to follow and

	engagement process prescribed in the Local Electoral Act 2001.
Level of impact on the capacity of the Council to carry out its role and functions.	The proposed decision will have no impact on the capacity of the Council to carry out its role and functions.
Whether the impact of a decision can be easily reversed.	The decision can be reversed as part of the representation review that will be required to be done.
Whether the ownership or function of a strategic asset(s) is affected	The proposed decision does not affect the ownership or function of a strategic asset.

The assessment gives the decision a high level of significance. The policy generally requires matters with a high level of significance to be the subject of community engagement, before any decisions are made. Further, because, under the Local Electoral Act, a decision to have Māori wards will require a full representation review to be done, which includes a prescribed engagement process, staff recommend no additional, earlier, engagement is necessary before making the decision to have Māori wards.