



If calling, please ask for Democratic Services

Te Tiriti o Waitangi Komiti

Tuesday 10 October 2023, 10.00am

Raukawa Marae, 90 Mill Road, Otaki

Quorum: Seven Members

Members

Councillors

Hikitia Ropata (Chair)

Daran Ponter (Deputy Chair)

David Bassett

Ros Connelly

Quentin Duthie

Penny Gaylor

Chris Kirk-Burnnand

Ken Laban

David Lee

Thomas Nash

Yadana Saw

Adrienne Staples

Simon Woolf

Recommendations in reports are not to be construed as Council policy until adopted by Council

Te Tiriti o Waitangi Komiti (A Committee of the Whole)

1 Purpose

Enable Council, committees, and Greater Wellington to implement robust decisions that uphold Te Tiriti o Waitangi obligations, commitments, and responsibilities to ensure equitable outcomes for Māori.

2 Specific responsibilities

- 2.1 Apply Council's Te Tiriti o Waitangi principles when conducting the Committee's business and making decisions.
- 2.2 Influence Council, committees, and Greater Wellington decision-making across strategies, policies, plan, programmes, initiatives, and indicators through application of Council's Te Tiriti o Waitangi principles, which are as follows:
 - a **Pātuitanga | Relationships and Partnerships** – ensure decisions are based on shared knowledge, expertise and values maintained and sustained through active relationships and partnerships with mana whenua. These relationships and partnerships will influence Greater Wellington's core business services, functions, and systems to develop and deliver our shared aspirations across our Greater Wellington rohe
 - b **Kōwhiringa | Options** – actively partner with mana whenua to enable effective governance decision making that is informed by kaupapa Māori and mātauranga Māori analytical frameworks and knowledge systems in identifying feasible and meaningful options and solutions
 - c **Tino rangatiratanga | Self Determination** – position Greater Wellington to give effect to Te Tiriti o Waitangi and uphold the interests of mana whenua in exercising their tino rangatiratanga in planning and promoting quality services that enable self-determination for whānau and community
 - d **Whakamaru | Active protection** – assess how decisions work towards protecting mana Motuhake (rights and interests of mana whenua) through relevant mutually beneficial strategies, policies, plans, programmes and initiatives
 - e **Oritetanga | Equity** - uphold the principle of fairness in the design and distribution of Greater Wellington's resources and services through the Long Term Plan to meet the needs and aspirations of whānau within our Greater Wellington rohe.
- 2.3 Oversee the development of a work programme across Greater Wellington to improve outcomes and uphold the priorities for mana whenua and Māori.
- 2.4 Review and monitor the implementation of this work programme using Te Tiriti o Waitangi principles.
- 2.5 Consider and recommend to Council on negotiation issues for Treaty settlements in the Wellington Region, and on the upholding of Greater Wellington's commitments under concluded settlements.

- 2.6 Review and monitor (every six months) the performance of Council and Greater Wellington in giving effect to statutory responsibilities to Te Tiriti o Waitangi, and recommend to Council on initiatives and changes to enhance effectiveness.
- 2.7 Consider and recommend to Council on the transfer of Council's statutory functions, duties, and powers to mana whenua.
- 2.8 Provide, for consideration by Council, direction on Māori representation and partnership structures or initiatives with mana whenua, including a recommendation to Council on the establishment of Māori constituencies under the Local Electoral Act 2001.

3 Delegations

The Committee has the authority to approve submissions to external organisations for matters pertaining directly to the Committee's purpose.

4 Members

All thirteen Councillors.

5 Quorum

Seven Councillors.

6 Meeting frequency

The Committee shall meet four times a year, with additional meetings as required.

Te Tiriti o Waitangi Komiti

10 October 2023, 10.00am

Raukawa Marae, 90 Mill Road, Otaki

Public Business

No.	Item	Report	Page
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Te Tiriti o Waitangi Komiti
10 October 2023
Report 23.321



For Decision

OPPORTUNITY TO ESTABLISH A MĀORI CONSTITUENCY

Te take mō te pūrongo

Purpose

1. To advise Te Tiriti o Waitangi Komiti on the opportunity to establish a Māori constituency for the 2025 triennial local elections onwards.

He tūtohu

Recommendations

That Te Tiriti o Waitangi Komiti:

Either

- 1 **Recommends** that Council notes that it may establish a Māori constituency from the 2025 triennial local elections, with the current arrangement of no Māori constituency being retained.

Or

- 2 **Notes** that if Council agrees to establish a Māori constituency that this will inform the full representation review scheduled for 2024; and
- 3 **Recommends** that Council establishes a Māori constituency for the 2025 triennial local elections onwards.

Te tāhū kōrero

Background

2. Every three years a report is provided to Council to advise it on the opportunity to consider whether to establish a Māori constituency. Council last considered this matter in 2020 (Establishment of a Māori Constituency - Report 20.326) and noted the report, thus providing for the continuation of the current general representation arrangements.
3. The terms of reference for Te Tiriti o Waitangi Komiti (Te Komiti) provide a specific responsibility (clause 2.8) to:

Provide, for consideration by Council, direction on Māori representation and partnership structures or initiatives with mana whenua, including a recommendation to Council on the establishment of Māori constituencies under the Local Electoral Act 2001.

4. For the 2022 triennial local elections, following Parliament's removal of the statutory poll provisions that would override Council decisions to establish Māori constituencies/wards, Māori constituencies/wards were in place for the elections of 34 local authorities.¹
5. Across the 34 councils there were a total of 44 Māori constituencies / wards electing a total of 66 members for the 2022 triennial local elections ([Attachment 1](#)).
6. For territorial authorities in the Wellington Region Māori wards were in place for the 2022 elections of the Masterton District Council, Porirua City Council, and Wellington City Council. For each of these councils there was a single Māori ward electing one member. The establishment of these ward arrangements was supported by the relevant mana whenua in each instance.
7. By way of comparison, three councils had Māori constituencies/wards for the 2019 elections: Bay of Plenty Regional Council, Waikato Regional Council and Wairoa District Council.
8. At this time, we are aware of three councils that have resolved to establish Māori wards for the 2025 local authority elections: Napier City Council, Tasman District Council, and Western Bay of Plenty District Council. Other councils are currently considering this matter. The five territorial authorities in the Wellington Region currently without Māori wards are going through their own local processes leading to formal consideration of this matter.

The legislation

Local Electoral Act 2001

9. The number of Māori members for election is determined by the Local Electoral Act 2001 (the LEA). The formula set out in clause 4 of Schedule 1A to the LEA uses the relative Māori Electoral Population to the General Electoral Population.
10. The Māori Electoral Population is a statistical formulation representing both the persons registered as electors of the Māori electoral districts and a proportion of the persons of New Zealand Māori descent who are not registered as electors of any electoral district and a proportion of the persons of New Zealand Māori descent under the age of 18 years.

Te Tiriti o Waitangi and the Local Government Act 2002

11. Several provisions in the Local Government Act 2002 (the LGA) relate specifically to Māori. Section 4 acknowledges that responsibility for Treaty obligations lies with the Crown. Local authorities receive their powers from the Crown and are therefore expected to uphold the governing principles and responsibilities of the Crown.
12. Parts 2 and 6 of the LGA are intended to facilitate participation of Māori in local government. Local government is charged with the responsibility to promote opportunities for Māori and tauwi (other members of the public) to contribute to its decision making processes.

¹ In addition, Tauranga City Council resolved that a Māori ward would be established for its local elections in July 2024, being the first election since commissioners were appointed to the Council in February 2021.

13. These provisions apply to all Māori in the Wellington Region and acknowledge that Māori other than mana whenua are resident in the area.
14. The Local Government Commission has, in recent advice to the sector, reiterated that that:
 - a Members elected by Māori constituencies / wards represent the Māori electoral population rather than specific iwi interests, recognising that there is often crossover between the two.
 - b All members, whether elected by general constituencies/wards or Māori constituencies / wards, make a declaration under clause 14 of Schedule 7 to the LGA to act in the best interests of the Wellington Region.

Te tātaritanga Analysis

15. Under section 19Z of the LEA, by 23 November 2023, Council may resolve to establish a Māori constituency or do nothing (which retains the status quo of no Māori constituency. A resolution to establish a Māori constituency takes effect for the 2025 and 2028 local authority elections and continues in effect until Council resolves otherwise².
16. At the time of the 2018 census, 72,252 residents in the Wellington Region identified as Māori, representing 14.3 percent of the Wellington Region's population³.
17. Mātāwaka (Māori who live in the Wellington Region and do not whakapapa to a Wellington Region mana whenua group) comprise the majority (over 80 percent) of the Wellington Region's Māori population. There is no information which connects Māori elector identity to being either mana whenua or mātāwaka.
18. The estimated Māori Electoral Population⁴ in the Wellington Region, based on Statistics NZ population estimates at 30 June 2022⁵ was 44,400, being 8.17 percent of the Total Electoral Population. Applying the formula in clause 4 of Schedule 1A to the LEA⁶, this allows for a single member Māori constituency on Council, when Council has a total membership of between seven and 14 members (inclusive).
19. The above figures are distributed across Council's constituencies as follows:

² Section 19Z(3)(c) of the LEA.

³ "2018 Census place summaries – Wellington Region", NZ Stats - <https://www.stats.govt.nz/tools/2018-census-place-summaries/wellington-region#ethnicity>.

⁴ "Māori electoral population" means a figure representing both the persons registered as electors of the Māori electoral districts and a proportion of the persons of New Zealand Māori descent who are not registered as electors of any electoral district and a proportion of the persons of New Zealand Māori descent under the age of 18 years.

⁵ 2023 Census information is not currently available. The Local Government Commission has advised that relevant 2023 Census information will not be released by Statistics New Zealand until mid-2024 at the earliest, which is too late to inform Council's decisions on this matter.

⁶ The number of Māori constituency members = the Māori electoral population ÷ total electoral population x proposed number of Councillors.

Constituency	Māori Electoral Population	General Election Population	Total Electoral Population
Kāpiti Coast	5,030	52,600	57,630
Pōneke/Wellington	8,440	189,500	197,940
Porirua-Tawa	9,170	67,600	76,770
Te Awa Kairangi ki Tai/Lower Hutt	12,350	100,100	112,450
Te Awa Kairangi ki Uta/Upper Hutt	3,940	43,800	47,740
Wairarapa	5,500	45,500	51,000
Total	44,400	499,100	543,500

Council's composition

20. Currently, Council has 13 elected members. The LEA stipulates that regional councils may have between six and 14 members (inclusive), so there is capacity to introduce a Māori constituency without reducing the number of Councillors elected from general constituencies.
21. If Council decides to establish a Māori constituency, then:
- a The constituency will elect one member and comprise the entire area of the Wellington Region
 - b This will inform Council's full representation review already scheduled for 2024, which determines the total number of Councillors, and the number, boundaries and names of constituencies and their respective membership entitlements.

Fair representation

22. Much of the public debate regarding Māori representation has hinged on assertions from some that Māori would have a disproportionate influence at the Council table, should dedicated constituencies or wards be established. This is a fallacy, as there are a similar number of electors per Councillor in a Māori constituency as there would be in a general constituency. The establishment of a Māori constituency just provides a guaranteed Māori voice on the Council.
23. A member of Council elected from a Māori constituency is a representative for that Māori constituency. They are not a representative for Māori electors on the general role; however, they may speak to the interests of Māori collectively in the Region. They do not have a mandate to speak for mana whenua, or replace any of Council's wider obligations to partner, engage with or consult mana whenua/ Māori on decision-making matters.

Effectiveness of one Māori member in a large constituency area

24. Should a Māori constituency be established, it would cover the entire Wellington Region. This is a significant area of 8,049km². There would be one Māori member to represent the interests of the Māori electoral population from across the Wellington Region, including our six mana whenua partners and mātāwaka. The Māori member

would also need to be available to any other person in the community who wishes to raise matters with a Councillor, in the same way that all Councillors would need to be available to Māori electors who wish to raise a matter with them.

25. Establishment of a Māori constituency and a guaranteed Māori member does not limit the need for all Councillors to effectively represent Māori and other interests within their own constituencies, understand the aspirations/concerns of Māori and others, or require the Māori member to take a greater role on behalf of Council in how Greater Wellington’s Te Tiriti obligations/functions are exercised.
26. If a Māori Constituency were established, electors on the Māori roll would only be entitled to elect one member of Council. This would be a change for those currently on the Māori parliamentary roll who are electors in the Pōneke/Wellington, Porirua-Tawa and Te Awa Kairangi ki Tai/Lower Hutt constituencies. These electors are currently entitled to participate in an election for multiple councillors (five, two and three respectively). There would be no change, in terms of the number of candidates to be elected, for those Māori electors who are currently enrolled in the Kāpiti Coast, Te Awa Kairangi ki Uta/Upper Hutt, and Wairarapa constituencies, as these constituencies only elect one councillor each.
27. Considerable travel and meetings with many groups could be involved across the Māori constituency.
28. The establishment of a Māori constituency does not preclude other non-electoral, established avenues for engagement with Māori.
29. The establishment of a Māori constituency would likely warrant a consideration of how these existing and well-established arrangements would work with the new arrangement.

Mana whenua consultation

30. A discussion paper on the opportunity to establish a Māori constituency was taken to the Te Tiriti o Waitangi Komiti workshop on 30 May 2023. This paper was also subsequently distributed to each mana whenua partner.
31. The Council Chair and staff have engaged with each mana whenua partner to seek their views on establishing a Māori constituency. At the time of writing this report the responses received from Council’s six mana whenua partners are as follows:

Mana whenua partner	View on establishing a Māori constituency
Ātiawa ki Whakarongotai Charitable Trust	No response received.
Ngā Hapū o Ōtaki	No response received.
Ngāti Kahungunu ki Wairarapa Charitable Trust	Supports the establishment of a Māori constituency in principle, noting the positive opportunity and recognising both sides of the coin in terms of the potential advantages and challenges of the model; always support models that provide increased electoral representation and decision making authority for mana whenua and Māori; notes that given the whole of region focus, the limited one

	Māori constituency means there is no guarantee the successful Councillor will come from the Wairarapa; and notes Marama Tuuta as the Masterton Whakaoriori Māori Ward Councillor has the backing of KKW and the Kahungunu PSGE to support her in her mahi.
Port Nicholson Block Settlement Trust (PNBST)	PNBST have recently held their AGM and would want to have the opportunity to discuss this matter with the incoming Trustees. This would occur outside the timing restrictions imposed on Council by the Local Electoral Act 2001 and so unfortunately PNBST will not be able to consider the matter in time for Council making its decision.
Rangitāne o Wairarapa Inc	Rangitāne o Wairarapa supports Council establishing a Māori constituency for the 2025 local government elections as a basic first step for guaranteeing representation of Māori. Rangitāne notes the limitations this can place on Māori voters as a result around the region, who may then have less choice than those not on the Māori roll who live in the same area, and who are not able to then vote for other councillors that represent the area in which they live. Rangitāne wants Council to advocate for electoral arrangements that do not limit the choice and access to representatives of Māori voters. It is important that the electoral system provides for Māori to be represented as Māori but also to maintain their connection to the wider community through voting for representatives for an area generally.
Te Rūnanga o Toa Rangatira Inc	No response received.

Nga kōwhiringa

Options

32. If Te Tiriti o Waitangi Komiti wishes Council to retain its current representation arrangements (no Māori constituency) for the 2025 local government elections (Option One), then Te Tiriti o Waitangi Komiti can agree to recommendation 1. Alternatively, Te Tiriti o Waitangi Komiti can recommend Council to establish a Māori constituency Option Two – recommendations 2 and 3.

Option One – retain the current representation arrangement (no Māori constituency)

Advantage	Disadvantage
Avoids distracting from ongoing discussions with mana whenua partners on further developing Greater Wellington’s relationship with Māori.	No guaranteed Māori representation or voice on Council.

Option Two – establish a Māori constituency

Advantages	Disadvantages
Guarantees a Māori voice in Council’s decision making.	One member needs to engage with Māori across the whole Wellington Region.
Delivers accountability by Māori to Māori, as a candidate elected from a Māori constituency, rather than a general constituency, would represent the views of Māori.	One member needs to represent the diverse interests of the Māori electoral population in the Wellington Region.
	Electors on the Māori roll can only elect one member of Council (rather than electing multiple Councillors in multi-member general constituencies. ⁷). ⁸

**Ngā hua ahumoni
Financial implications**

- 33. There would be no significant additional election costs in conducting a Māori constituency election, if such a constituency was established, as part of the local authority elections.
- 34. If Council establishes a Māori constituency, this does not impact the size of the remuneration pool for elected members determined by the Remuneration Authority, as the size of the pool is not related to the number of councillors.

**Ngā Take e hāngai ana te iwi Māori
Implications for Māori**

- 35. The implications for Māori relating to the establishment of a Māori constituency are embued throughout this report, with the advantages and disadvantages of the options set out in paragraph 32.

**Ngā tikanga whakatau
Decision-making process**

- 36. The decision-making process is prescribed by sections 19Z to 19ZH of the LEA. The application of these provisions is addressed in the Background and Analysis sections.

Te hiranga

⁷ Where they are currently electors in the Poneke / Wellington, Porirua-Tawa or Te Awa Kairangi ki Tai / Lower Hutt constituencies.

⁸ Recent legislative changes enable electors of Māori descent to move from the General roll to the Māori roll or vice versa at any time up until 10 July 2025 for the 2025 triennial local elections.

Significance

37. Officers consider the matter to be of low to medium significance in terms of Council’s *Significance and Engagement Policy* and Greater Wellington’s *Decision-making Guidelines*. The matter of Māori representation is of high community interest, albeit the implications of the decision are limited to effecting Māori electors.

Te whakatūtakitaki Engagement

38. The Council Chair and staff engaged with each of Council’s mana whenua partners. Mana whenua feedback is stated in the Analysis section.

Ngā tūāoma e whai ake nei Next steps

39. Te Tiriti o Waitangi Komiti’s recommendation(s) to Council will be included in a report for Council’s 26 October 2023 meeting.

Ngā āpitihanga Attachment

Number	Title
1	Māori constituencies / wards, and membership, for the 2022 triennial local authority elections

Ngā kaiwaitohu Signatories

Writer	Will Ogier – Principal Advisor Democratic Services
Approvers	Francis Ryan – Kaiwhakahaere Mana Uringi, Manapori Head of Governance and Democracy Luke Troy – Kaiwhakahaere Matua Rautaki Group Manager Strategy

<p style="text-align: center;">He whakarāpopoto i ngā huritaonga Summary of considerations</p>
<p><i>Fit with Council's roles or with Committee's terms of reference</i></p> <p>Council is responsible for its representation arrangements.</p>
<p><i>Contribution to Annual Plan / Long Term Plan / Other key strategies and policies</i></p> <p>There are no implications arising from this report for Council's or Greater Wellington's key strategies, policies and plans.</p>
<p><i>Internal consultation</i></p> <p>Te Hunga Whiriwhiri was consulted in the preparation of this report. Te Hunga Whiriwhiri staff led the officer engagement with Council's mana whenua partners on this matter.</p>
<p><i>Risks and impacts - legal / health and safety etc.</i></p> <p>No legal risks have been identified relating to this report.</p>

Attachment 1 to Report 23.321

Māori constituencies / wards, and membership, for the 2022 triennial local authority elections

Council	Constituency/ward	Positions	Candidates	Elected unopposed
Bay of Plenty Regional Council	Mauao Māori Constituency	1	2	
Bay of Plenty Regional Council	Kōhi Māori Constituency	1	1	1
Bay of Plenty Regional Council	Okurei Māori Constituency	1	2	
Hawke's Bay Regional Council	Māui ki te Raki Māori Constituency	1	2	
Hawke's Bay Regional Council	Māui ki te Tonga Māori Constituency	1	1	1
Manawatū-Whanganui Regional Council	Raki Māori Constituency	1	1	1
Manawatū-Whanganui Regional Council	Tonga Māori Constituency	1	2	
Northland Regional Council	Te Raki Māori Constituency	2	4	
Taranaki Regional Council	Taranaki Māori Constituency	1	1	1
Waikato Regional Council	Nga Tai ki Uta Māori Constituency	1	1	1
Waikato Regional Council	Nga Hau e Wha Māori Constituency	1	1	1
Far North District Council	Ngā Tai o Tokerau Māori	4	18	
Gisborne District Council	Tairāwhiti Māori Ward	5	13	
Hamilton City Council	Kirikiroa Māori Ward	2	6	
Hastings District Council	Takitimu Māori Ward	3	7	
Horowhenua District Council	Horowhenua Māori Ward	2	3	
Kaipara District Council	Te Moananui o Kaipara Māori Ward	1	5	
Manawatu District Council	Ngā Tapuae o Matangi Māori Ward	1	2	
Marlborough District Council	Marlborough Māori ward	1	2	
Masterton District Council	Masterton/Whakaoriori Māori Ward	1	1	1
Matamata-Piako District Council	Te Toa Horopū ā Matamata-Piako Māori Ward	1	1	1
Nelson City Council	Whakatū Māori Ward	1	2	
New Plymouth District Council	Te Purutanga Mauri Pūmanawa Māori Ward	1	2	
Ōtorohanga District Council	Rangiātea Māori Ward	2	5	
Palmerston North City Council	Te Pūao Māori Ward	2	2	1
Porirua City Council	Parirua Māori Ward	1	2	
Rangitīkei District Council	Tiikeitia ki Uta (Inland) Māori Ward	1	1	1
Rangitīkei District Council	Tiikeitia ki Tai (Coastal) Māori Ward	1	1	1
Rotorua District Council	Te Ipu Wai Taketake Māori Ward	3	6	
Ruapehu District Council	Ruapehu Māori Ward	3	6	
South Taranaki District Council	Te Tai Tonga Māori Ward	1	2	
South Taranaki District Council	Te Kūrae Māori Ward	1	2	
Stratford District Council	Stratford Māori Ward	1	1	1
Tararua District Council	Tamaki nui-a-Rua Māori Ward	1	3	
Taupo District Council	Te Papamārearea Māori Ward	2	4	
Waikato District Council	Tai Raro Takiwaa Māori Ward	1	2	
Waikato District Council	Tai Runga Takiwaa Māori Ward	1	3	
Waipa District Council	Waipā Māori Ward	1	3	
Wairoa District Council	Wairoa Māori Ward	3	6	
Wellington City Council	Te Whanganui-a-Tara Māori Ward	1	3	
Whakatāne District Council	Rangitāiki Māori Ward	1	2	
Whakatāne District Council	Kapu te rangi Māori Ward	1	1	1
Whakatāne District Council	Toi ki Uta Māori Ward	1	2	
Whangarei District Council	Whāngarei District Māori Ward	2	6	