

3.1 MĀORI REPRESENTATION AND THE ESTABLISHMENT OF MĀORI WARDS

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PURPOSE

To provide information to enable Council to make a decision on whether to resolve to establish Māori wards for the Taupō District.

EXECUTIVE SUMMARY

In November 2017 Council resolved not to establish Māori wards. Instead Council sought to work collaboratively with Māori to explore and assess options for Māori representation in Council decision making and agree on a preferred option.

This work has progressed but is not complete. Following two rounds of targeted meetings with iwi leaders and individuals from iwi and Māori entities a report outlining a package of specific actions Council could undertake to improve Māori representation has been developed. This package of actions needs to be further discussed and refined by the working group, and then iwi/Māori and Council. One of the actions in this package is the establishment of Māori wards.

The legislation requires Council to consider the establishment of Māori wards every 6 years. As Council last considered this in 2017 Council is not required, by legislation, to consider the establishment of Māori wards again until 2023. However as Council resolved, in 2017, that it would review Māori representation in 2020, Council needs to decide on the establishment of Māori wards by 23 November 2020 to be able to introduce Māori wards for the 2022 election.

Population requirements set out in the Local Electoral Act (LEA) result in 2 Māori ward members for the Taupō District Council.

In making this decision Council needs to consider the following matters:

- Requirement, under legislation to provide opportunities for Māori to contribute to local government decision-making processes
- Resolution in 2017 to review Māori representation component of the representation review in 2020
- Progress of the Māori representation project
- Feedback from iwi leaders and individuals from iwi and Māori entities
- High likelihood of a demand for a poll
- Result of a poll
- Cost of the poll
- Decision of a poll being binding for 6 years
- Effect of a poll on the community, iwi/ Māori and elected members
- Requirement, cost and ramifications of a representation review
- Number of Māori seats and resulting Māori representation
- Likelihood of legislative change to the process for establishment of Māori wards.

The decision on whether to establish Māori wards is a political decision with no right of appeal to the Local Government Commission. Council is required under legislation, to establish and maintain processes to provide for Māori to contribute to Council decision-making and foster the development of Māori capacity to contribute to Council decision-making. The Māori representation project was established to work collaboratively with Māori to do this. Therefore, irrespective of the decision made on the establishment of Māori wards, it is important that this project continues.

RECOMMENDATION(S)

That Council:

1. directs officers to continue with the Māori representation project working in collaboration with Māori/iwi to further analyse and develop the package of specific actions Council could undertake to improve Māori representation in Council decision making.
2. does not establish Māori wards for the Taupō District for the 2022 local government elections

or

establishes Māori wards for the Taupō District for the 2022 local government elections

or

undertakes a poll of electors, as provided for in the Local Electoral Act 2001, on the establishment of Māori wards in the Taupō District

BACKGROUND

Legislative requirement

Council has statutory obligations to provide opportunities for Māori to contribute to local government decision-making processes under the:

- Local Government Act 2002
- Resource Management Act 1991, and
- Local Electoral Act 2001

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

Under 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 2018 to establish its representation arrangements for the 2019 triennium. In each representation review, the LEA states that Council must consider whether it wishes to establish Māori wards. The statutory processes for the establishment of Māori Wards are set out in the LEA.

November 2017 resolution

In November 2017 Council considered whether to establish Māori wards for the Taupō District. The Council decided not to introduce Māori wards at that time and instead to work in collaboration with iwi and Māori to explore and assess all options for Māori representation in decision making by the Council. The resolution (TDC201711/06) stated

That Council 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.*

Māori representation project

Subsequently a project has been established which has developed a workplan to work with Māori and iwi to research options for Māori representation in Council decision making, develop and refine an option and identify a preferred option(s).

The work plan contains the following steps

1. A series of targeted meetings with iwi leaders and individuals from iwi and Māori entities to discuss how Māori could be involved in Taupō District Council's decision making and record feedback.
2. Follow-up meetings with iwi leaders and individuals from iwi and Māori entities to discuss wider feedback and confirm views and seek recommendations for membership for a working group
3. Establish a working group, recommended by Māori/iwi, to discuss the information and feedback from targeted meetings and identify themes and opportunities for further exploration
4. Staff to develop ideas/potential options identified by the working group.
5. Progress report by working group to Council
6. Working Group to consider the options and confirm a preferred option(s) to refine as a prototype
7. Staff to develop prototype options including funding requirements and a legal check
8. Working group confirm prototype
9. Iwi Leaders/Māori organisation representative's forum to confirm prototype.
10. Working group and iwi leaders and Māori organisation representatives present prototype to Councillors
11. Council meeting. Council decide on option for Māori representation in Council decision making.

A report that identifies the options currently used by Councils in New Zealand to enable Māori to contribute to local government decision-making processes was finalised in February 2020. This report and the workplan were discussed at a Council workshop in May 2020.

Staff meetings with iwi leaders and individuals from iwi and Māori entities were completed by late September 2020 and the follow up meetings completed in mid November 2020. A feedback report has been compiled and has been confirmed by those interviewed. The report outlines the main themes from the feedback and concludes that Council “needs to take a critical look at how business is conducted and work on understanding its partners and removing the barriers to participation. In addition, there is more Council could be doing to improve Māori involvement in substantive decision making”.

A report outlining a package of specific actions Council could undertake to improve Māori representation in Council has also been developed from the feedback received at these meetings. This mix of options will be a starting point for discussion and refinement by iwi/Māori and Council and the working group, that will be established as the next stage of the project. The package of options outlined in this report are:

- *Māori wards*
- *Constitution of a strategy and policy standing committee (or similar) with equal representation from iwi/Māori and Council and a process for appointing iwi and Māori onto the committee*
- *Actively advocating with Local Government New Zealand (LGNZ) and central government for changes to legislation to better provide for Māori having ‘a voice in decision-making’ and removing the inconsistent components of the Local Electoral Act 2001 (LEA) with respect to Māori wards*
- *Maturation of current co-governance arrangements as well as progressing a mana whakahono ā rohe agreement with Ngāti Turangitukua and other processes being worked on by TDC and its iwi partners*
- *An ongoing internal education programme for staff and Councillors to extend people’s understanding of the effect of policies and actions on Māori, and adopting ways of working which acknowledge other perspectives and have a foundation in partnership.*

Discussion with iwi leaders and Māori/iwi entities

A meeting was held with iwi leaders and individuals from iwi and Māori entities and Council on 15 October 2020 to outline the progress of the project and discuss the establishment of Māori wards and the timing of this (the 2022 or 2025 election). The feedback from this meeting was that iwi were disappointed with the slow progress of the Māori representation project and the short time frame for providing their feedback on Māori wards. Iwi and hapū sought better representation given that a large proportion of the land area of the district (60-70%) is owned by Māori that pay rates to Council. It was agreed that Ngāti Tūwharetoa needed to meet separately to agree on a single Ngāti Tūwharetoa position on Māori wards and provide this feedback to Council. Te Arawa partners agreed to support Tūwharetoa’s position.

A follow up meeting was held with iwi leaders and individuals from iwi and Māori entities and Council on 13 November 2020 for Tūwharetoa and iwi partners to further outline and discuss their position on Māori wards. The feedback was that Turangitukua are in favour of Council establishing Māori wards but Te Kotahitanga o Ngāti Tūwharetoa had not had the chance for all hapū of Tūwharetoa to discuss the matter. They have a meeting on 21 November at which the matter will be discussed and feedback will be forwarded to Council in time for the Council meeting. The overall feedback from the meeting was that if Council wanted to establish Māori wards iwi would support the Council’s decision. All parties recognised that for Māori and Council to work in partnership and for Māori to have representation, a mix of mechanisms needed to be implemented. Māori wards is only one part of this package of mechanisms.

Legislative process for the establishment of Māori wards

Under the LEA Council must consider the establishment of Māori wards at least every six years. There are two mechanisms by which Māori wards can be established:

- Council resolution or
- Poll
 - Council initiated
 - Public initiated

Council resolution

The Council can make a resolution to establish Māori Wards at any time but for the decision to apply for the 2022 local elections, a Council resolution is required no later than 23 November 2020. If Council resolves to establish Māori Wards, it must give public notice of this resolution. The public notice must include the resolution and a statement that 5% of electors may demand a poll to reverse the Council’s decision.

Electors can demand that the Council holds a poll to counterdemand the Council’s resolution. The demand for a poll must be in writing and be signed by 5% of electors. This is notified to the Electoral Officer who

checks the poll is valid and meets the requirements of the LEA. If the demand for a poll is received by 21 February 2021 a poll must be held not later than 21 May 2021, and the result of the poll takes effect for the next two elections (2022 and 2025). So if the poll overturns the decision to establish a Māori ward the decision to establish Māori wards cannot be considered for another six years i.e. consideration in 2026 for the 2028 election.

Council poll

The Council can resolve to hold a poll itself. If the Council chooses to initiate its own poll for the 2022 election, the resolution needs to be made by 21 Feb 2021 and the poll held by 21 May 2021.

Public poll

The public can, at any time, demand a poll to be held on the question of whether the district should be divided into 1 or more Māori wards, irrespective of whether the Council has made a resolution to establish Māori wards or not. The demand for a poll must be signed by 5% (or more) of the number of electors, enrolled as eligible to vote at the 2019 general election, of Taupō District to be valid.

See the attachment to this report for a diagram showing this legislative process.

The process for establishing Māori wards under the LEA was outlined and discussed at a Council workshop on 9 October 2020.

Legislative reform

In 2016 the former Mayor of New Plymouth District Council submitted a petition to Parliament seeking a change of law to make the establishment of Māori Wards on district councils follow the same legal framework as establishing other wards on district councils. The petition was referred to the Justice (Parliamentary Select) Committee for consideration. In December 2019, the Justice Committee presented a report back to Parliament stating it did not consider any changes to creating separate Māori Wards were necessary, and the process should remain as a matter of community choice.

In 2017, a Members Bill was introduced to Parliament which sought to amend the Local Electoral Act 2001 to enable an equitable process for establishing Māori Wards, and to improve Māori representation in local government. However, it did not gain traction and was defeated in its first reading.

The Society of Local Government Managers included in its submission to the Justice Select Committee inquiry into the 2019 elections that the process by which councils can establish Māori wards be aligned with the process by which councils can establish general wards i.e. that it is rolled into the overall representation process and not subject to a separate poll.

On 3 November 2020, following the general election, Local Government Minister Nanaia Mahuta stated that she would be introducing legislation soon to remove the ability for electors to demand a poll from the process for establishing Māori wards. Staff from the Department of Internal Affairs currently do not know the timing or precise details of the Bill. However DIA staff are aware of the importance of including transitional provisions, in the Bill, to remove the binding effect, for 6 years, of polls undertaken under the current legislation.

DISCUSSION

Requirement to consider the establishment of Māori wards

As the Council considered the establishment of Māori wards in 2017 under the LEA Council is not required to consider the establishment of Māori wards again until its 2024 representation review for the 2025 triennium. However the 2017 resolution made by Council and commitment made to iwi leaders in 2017, stated that Council would review the Māori representation component of the representation review in three years' time. For Māori wards to be included in the representation review for the 2022 triennium the LEA requires Council to make a resolution on the establishment of Māori wards no later than 23 November 2020 or to initiate a poll before 21 February 2021

So there is an obligation for Council to consider the establishment of Māori wards now.

Māori representation project

The 2017 resolution states that Council will work with iwi and Māori to research options and develop and refine an agreed option for Māori representation by 2020. This project is underway, and whilst behind schedule, has been well received by iwi leaders/Māori. It is clear from this work that there are a number of options for Māori representation in Council decision making. This package of options will provide better representation for Māori than just Māori wards alone. These options need to be explored further to enable them to be considered in addition to the decision on Māori wards. A combination of options will provide the most representation for Māori.

Meetings with Iwi and Māori

Due to the delay in the implementation of this project and the approaching November 2020 deadline for consideration of Māori wards for the 2022 triennium Council, iwi leaders and individuals from iwi and Māori entities met twice in October and November 2020 to discuss the establishment of Māori wards. It is clear from these meetings that some hapū of Tūwharetoa are in favour of Council establishing Māori wards. However Te Kotahitanga o Ngāti Tūwharetoa had not had the chance for all hapū of Tūwharetoa to discuss the matter. They will provide feedback to the Council after their meeting on 21 November at which the matter will be discussed. However all agreed that if Council wanted to establish Māori wards iwi would support the Council's decision. All parties recognise that for Māori and Council to work in partnership and for Māori to have representation a mix of mechanisms needed to be implemented. Māori wards is only one part of this package of mechanisms.

Ramifications of the legislative process to establish Māori wards

Result of a poll

The LEA allows for electors to demand a poll to reverse the Council's resolution. Most of the polls across the country in the last five years have overturned the Council decision, (see Attachment). However public opinion seems to be changing. If Council decided to establish Māori wards and a poll was demanded it should not be presumed the poll would overturn the Council's resolution.

Cost of a poll

The cost of holding a poll would be between \$85,000 to \$90,000. These costs could be reduced by holding the poll as part of the 2022 election. This cost has not been budgeted for.

Decision binding for 6 years

Under the LEA a resolution to establish Māori wards, if unopposed by a demand for poll, and the decision of a poll are binding and take effect for the next two elections i.e. 2022 and 2025. So if a resolution to establish Māori wards is made and is unopposed by a demand for poll or supported as the result of a poll Māori wards will remain in place for the 2022 and 2025 trienniums. Alternatively if resolution to establish Māori wards is made and is overturned by a poll Māori wards will not be established for the 2022 and 2025 trienniums and cannot be considered again until 2026 for the 2028 local government election.

Effect on community, iwi/ Māori and elected members

There is national interest in this topic and the consideration of Māori wards in other parts of New Zealand has resulted in polarised community views. There are likely to be strong community views in Taupō district and its unlikely there will be a unified community view on this matter. Such discussion has, in other parts of the country, affected iwi and council relationships and resulted in criticism of elected members.

Need for representation review

If a decision is made to establish Māori wards then, under the LEA, the initial proposal for the representation review must be publicly notified by 31 August 2021. The representation review must determine

- the proposed total number of members of the Council
- whether:
 - all members are to be elected from either Māori or general wards, or
 - some members are to be elected from either Māori or general wards, and some are to be elected at large
- the proposed number of members to be elected from the Māori wards/constituencies and the number from the general wards/ constituencies
- the proposed name and boundaries of each ward/constituency
- the proposed number of members to be elected from each Māori and general ward/constituency.
- the constitution of new boards, alterations to existing boards, or disestablishment of existing boards.

The identification of Māori wards, where members will be elected by people on Māori electoral roll, will result in a smaller electoral population (the general electoral population which excludes the Māori electoral population) being used for the determination of number and location of general wards, if wards are an option. Therefore, provided the number of Councillors remains at 11 and the Mayor, a representation review to address the establishment of Māori wards, has the potential to change the existing ward boundaries and will affect the number of members representing each ward.

Number of seats

The LEA sets out the formula for calculating the number of Māori ward members which uses the general electoral population and the Māori electoral population based on the Statistics NZ 2018 census figures. The general electoral population figures are based on the ordinarily resident population, not just eligible voters. The Māori electoral population is 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. Based on these figures and the number of councillors remaining as 11 councillors (plus the Mayor) if Māori wards were established there would be 2 Māori ward members for Taupō District.

Proposed legislative change

The new Local Government Minister, Hon Nanaia Mahuta has recently stated that she will be introducing legislation soon to remove the ability for electors to demand a poll from the process for establishing Māori wards. Council could wait until this change in legislation is enacted and establish Māori wards without the ability of their resolution being overturned as there will be no ability for electors to demand a poll. However as the timing and content of this legislation change is currently not known it is difficult to consider it at this time.

Other mechanisms for Māori representation in Council decision making

Council staff have been working with iwi leaders and individuals from iwi and Māori entities to identify, develop and refine an option for Māori representation in decision making at Taupō District Council. Establishment of Māori wards is one mechanism for providing for Māori to have some participation in Council decision making. However as it will provide only two Māori wards members it does not provide true partnership. Notwithstanding the final decision on the establishment of Māori wards, Council needs to continue the Māori representation project to establish a mix of mechanisms to enable better Māori participation in Council decision making for the benefit of the whole community.

OPTIONS

Based on this information Council has three options for its decision on the establishment of Māori wards.

1. Resolve to retain the 'status quo' and not establish Māori wards.
2. Resolve to establish Māori wards for the 2022 triennium.
3. Resolve to hold a poll on whether or not Māori wards should be established for the 2022 triennium

Analysis of Options

Option 1. Resolve to retain the 'status quo' and not establish Māori wards.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Ability to reconsider establishment of Māori wards with no ability for electors to demand a poll once the legislation has been amended (for the 2025 election). • No expression of polarised community views • No representation review required in 2021 (staff time) • No financial cost as no poll will be undertaken 	<ul style="list-style-type: none"> • Delay in establishing or not establishing Māori wards may not be acceptable to iwi. • Damage to the Council/iwi relationship as Council not demonstrating its commitment to partnership. • Will not provide for: <ul style="list-style-type: none"> • a Māori perspective to be heard at the decision making table. • the opportunity to enhance understanding and decision making directly at the full Council table • the principles of partnership, participation, protection and practice. • greater recognition to Māori as major landowners and proportion of the community.

Option 2. Resolve to establish Māori wards for the 2022 triennium.

Advantages	Disadvantages
<ul style="list-style-type: none"> • Strengthens Council's relationship with iwi as it 	<ul style="list-style-type: none"> • If demand for a poll is received, cost of between

<p>show its commitment to partnership.</p> <ul style="list-style-type: none"> • If not overturned by a poll, provides for: <ul style="list-style-type: none"> ○ greater Māori representation on Council and allows for a Māori perspective to be heard at the decision making table. ○ the opportunity to enhance understanding and decision making directly at the full Council table ○ goes some way towards the principles of partnership, participation, protection and practice. ○ gives greater recognition to Māori s major landowners and proportion of the electorate. • enables Council to partially comply with requirements under the LGA and LEA. 	<p>\$85,000-\$90,000.</p> <ul style="list-style-type: none"> • Possibility that the decision may be overturned through a poll. • If decision is overturned by a poll the establishment of Māori wards cannot be revisited until 2026 for the 2028 election. • Strong polarized view from a small sector of the community resulting in a divided community. • No consultation undertaken with the community so misinformation within the community is possible. • If not overturned by a poll, the cost (staff and community time) of undertaking a representation review in 2021, prior to legislative requirement of 2024.
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Option 3. Resolve to hold a poll on whether or not Māori wards should be established for the 2022 triennium

Advantages	Disadvantages
<ul style="list-style-type: none"> • Allows time for community consultation so less likelihood of misinformation and robust community discussion and debate. • Enables Council to be aware of community views as well as Iwi/Māori views. • Allows Council more time to consider its course of action. • Allows more time to achieve certainty on timing and content of the change to the legislation 	<ul style="list-style-type: none"> • Likely to damage relationship Iwi/Council relationship as Council not demonstrating its commitment to partnership until it has consulted with the community • Cost of between \$85,000-\$90,000 for holding of the poll. • The result of a poll may not represent the opinion of the community as historically a low percentage of electors vote in polls. • If a poll overturns the Council decision the establishment of Māori wards cannot be revisited until 2026 for 2028 election.

Analysis Conclusion:

This choice of which option to take is a political decision. Officers have no fixed view or preferred option. It is relevant to note that different options have different implications for the Council's relationship with their iwi partners and community and financial and resourcing costs. Provided Council continues with the Māori representation project options for Māori to contribute to local government decision-making will continue to be developed.

CONSIDERATIONS

Alignment with Council's Vision

Council's vision is 'to be the most prosperous and liveable district in the North Island by 2022'. This vision includes the Council working closely and collaboratively with its partners to ensure the best possible outcomes are achieved for our community, including iwi, and to maximise any opportunities. This vision is accompanied by a core set of values to underpin decision-making, the following of which are relevant to this particular proposal: World Class; Authentic; Vibrant; Quality and Value.

Financial Considerations

If the Council decides to establish Māori wards and poll is demanded or if Council decides to hold a poll the cost would be between \$85,000 and \$95,000. There is currently no provision for these costs in the budgets. If Māori wards are established a representation review is required in 2021. This will require additional staff resources and associated costs of approximately \$10,000 which have not been budgeted for.

Long-term Plan/Annual Plan

The expenditure outlined is currently unbudgeted. As the LEA requires the poll to be held by 21 May 2021 the expenditure will be required in the current financial year. So if Council decides to establish Māori wards and a poll is demanded unbudgeted expenditure will need to be approved to fund the holding of a poll. The additional staff resourcing would be required in the current and next financial years.

Legal Considerations

Local Government Act 2002

The matter comes within scope of the Council's lawful powers, including satisfying the purpose statement of [Section 10](#) of the Local Government Act 2002 (LGA). That section of the Act states that the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.

Under the LGA council is required to

- facilitate participation by Māori in local authority decision making (Sec 4)
- act in accordance with the following principles:...(d) a local authority should provide opportunities for Māori to contribute to its decision-making processes (sec 14(1))
- establish and maintain processes to provide opportunities for Māori to contribute to the decision-making processes of the local authority; and consider ways in which it may foster the development of Māori capacity to contribute to the decision-making processes of the local authority; and provide relevant information to Māori for the purposes of these (sec 81)

The RMA also contains specific provisions that enable Māori to participate in decision-making such as:

- provide for iwi authorities' input in processing resource consents and formulating plans
- work with iwi authorities to ensure Māori participation in resource management decisions and processes of managing the use, development, and protection of natural and physical resources.

Under the LEA Council is required to:

- consider whether it wishes to propose Māori Wards as part of its representation arrangement through its representation review (sec 19Z) prior to carrying out a representation review at least once every six years (sec 19H (2))
- carry out a representation review if the district is required to be divided into 1 or more Māori wards at the next election (Clause 1 (1) of Schedule 1A).

The statutory processes for the establishment of Māori wards are set out in the LEA and outlined in the attachment to this report.

Policy Implications

If Council resolves to establish Māori wards and the decision is not overturned by a poll, a representation review will need to be undertaken in 2021. Representation reviews are only required every six years and the last review was carried out in 2018. Therefore the next scheduled representation review was planned for 2024 to consider the representative arrangements for the 2025 election. Representation reviews take a substantial amount of staff time and this has not been budgeted for in the 2020/2021 and 2021/2022 years.

A representation review must consider:

- the total number of members of the Council
- whether to have wards (in addition to Māori wards)
- the ward locations, boundaries and names
- how many councillors to be elected by district as a whole and/or each ward
- the establishment of community boards.

A representation review to establish Māori wards has the potential to change to the existing ward boundaries, if wards are still the preferred option and number of members for each ward.

Māori Engagement

Council is bound by various Acts to consult and/or engage with Māori, including a duty to act reasonably and in good faith under the principles of Te Tiriti ō Waitangi. Equally, Council has a responsibility to develop and proactively foster positive relationships with Māori as key stakeholders in our district, and to give effect to the principles of Te Tiriti ō Waitangi including (but not limited to) the protection of Māori rights and their

rangatiratanga over tāonga. While we recognise Māori in general, we also need to work side by side with the ahi kaa / resident iwi of our district.

Although good faith does not necessarily require consultation, it is a mechanism for Council to demonstrate its existence and commitment to working together as district partners. Appropriately, the report author acknowledges that they have considered the above obligations including the need to seek advice, guidance, feedback and/or involvement of Māori on the establishment of Māori wards.

Council has met with iwi leaders and individuals from iwi and Māori entities, as outlined in the background section above, to discuss the establishment and possible timing of the establishment of Māori wards. The feedback was that iwi were disappointed with the slow progress of the Māori representation project and the short time frame for providing their feedback on Māori wards. Iwi and hapū sought better representation, given that a large proportion of the land area of the district (60-70%) is owned by Māori that pay rates to Council. Turangitukua are in favour of Council establishing Māori wards but Te Kotahitanga o Ngāti Tūwharetoa explained that they have not had the chance for all hapū of Tūwharetoa to discuss the matter. They have a meeting on 21 November at which the matter will be discussed and feedback will be forwarded to Council in time for the Council meeting. The overall feedback from the meetings was that if Council wanted to establish Māori wards iwi would support the Council's decision. All parties recognised that for Māori and Council to work in partnership and for Māori to have representation, a mix of mechanisms needed to be implemented. Māori wards is only one part of this package of mechanisms.

Council staff, through the Māori representation project have met with iwi leaders and individuals from iwi and Māori entities to discuss how Māori could be involved in Taupō District Council's decision making and have compiled a package of specific actions Council could undertake. This mix of options will be a starting point for discussion and refinement by the working group, iwi/Māori and Council as the next stage of the project. The establishment of Māori seats is just one of the mechanisms to ensure that Māori are involved in the Council's decision-making processes. For there to be true partnership a package of actions needs to be implemented.

Risks

As the consideration of and process for, the establishment of Māori wards, including timeframes, is set out in the LEA there are risks if Council does not adhere to the requirements of the legislation. There are likely to be polarised community views on the establishment of Māori wards which are expected to result in robust discussion in the community and local media.

If Council decides to go straight to a poll or if a poll is demanded then unbudgeted expenditure of between \$85,000 and \$95,000 will need to be found in this financial year. Also if Council resolves to establish Māori wards and the decision is not overturned by a poll, a representation review will need to be undertaken in 2021. The next scheduled representation review was planned for 2024.

SIGNIFICANCE OF THE DECISION OR PROPOSAL

Council's Significance and Engagement policy identifies the following matters that are to be taken into account when assessing the degree of significance of proposals and decisions:

- a. The level of financial consequences of the proposal or decision;
- b. Whether the proposal or decision will affect a large portion of the community or community of interest;
- c. The likely impact on present and future interests of the community, recognising Māori cultural values and their relationship to land and water;
- d. Whether the proposal affects the level of service of an activity identified in the Long Term Plan;
- e. Whether community interest is high; and
- f. The capacity of Council to perform its role and the financial and other costs of doing so.

Officers have undertaken a rounded assessment of the matters in clause 11 of the Significance and Engagement Policy (2016), and are of the opinion that the proposal under consideration is significant.

This is because the establishment of Māori Wards will affect a large proportion of the community and the community interest will be high. Therefore the proposal has a high level of importance under the policy and the decision is considered significant. Under the policy a decision that is significant will need to be assessed against the requirements of section 76 to 82 of the LGA, that describe the decision making process that Council must go through and the principles of consultation. The policy states that as part of that assessment Council will consider whether it is appropriate to engage and how best to do it in the circumstances.

ENGAGEMENT

Section 78 requires the Council, while undertaking its decision-making process, to give consideration to the views and preferences of persons likely to be affected by, or to have an interest in, the matter. Council has met twice with iwi leaders and individuals from iwi and Māori entities to discuss this matter. Also Council staff have been working with iwi leaders and individuals from iwi and Māori entities to discuss how Māori could be involved in Taupō District Council's decision making. The feedback from this process and the package of specific mechanisms Council could implement has been provided to Council. Council is aware of the views and preferences of iwi leaders and individuals of iwi and Māori entities, on behalf of Māori in the community.

The consideration of Māori wards in New Zealand has historically resulted in opposed views and it is unlikely there will be a unified public view on this matter in Taupō.

If Council resolved to establish Māori wards a public notice will be placed in the newspapers as required under the legislation. Information will be made available to the community on the decision, the background to the decision and the formal process to be followed. If a poll is demanded, a communication plan will be developed to ensure the community is aware of the poll and has any information they may require to make an informed decision on the poll.

COMMUNICATION/MEDIA

Staff are developing a communication package for release once a resolution is made by Council. Once Council has made a resolution on whether to establish Māori wards a press release will be issued to inform the community of the Council's decision.

If Council decides to establish Māori wards the process under the LEA apply and a public notice needs to be put in the newspaper. Background information and information about the formal process will be made available on the Council website. If a poll is demanded, a communication plan will be developed.

CONCLUSION

The legislation requires Council to provide for Māori to contribute to Council decision-making. The decision on the establishment of Māori wards is a political one. Māori wards are one mechanism to provide Māori some contribution to Council decision making. A wider package of actions needs to be implemented for Māori to achieve better contribution to Council decision making. It is important that the package of actions developed through the Māori representation project is discussed and further refined by the working group, iwi/Māori and Council and then brought to Council for a decision.

ATTACHMENTS

1. Process and details for the establishment of Māori wards and previous NZ poll results