

Te Kaunihera o Te Hiku o te Ika

AGENDA

Ordinary Te Kuaka - Te Ao Māori Committee Meeting

Thursday, 27 June 2024

Time: 10:00 am

Location: Council Chambers

Memorial Avenue

Kaikohe

Membership:

Chairperson Harry Burkhardt - Chairperson

Cr Hilda Halkyard-Harawira

Kahika - Mayor Moko Tepania

Kōwhai - Deputy Mayor Kelly Stratford

Cr Ann Court

Cr Felicity Foy

Cr Babe Kapa

Cr Penetaui Kleskovic

Cr Steve McNally

Cr Mate Radich

Cr Tāmati Rākena

Cr John Vujcich

Te Kahu o Taonui Representatives

Far North District Council	Authorising Body	Mayor/Council
Te Kaunihera o Tai Tokerau ki te Raki	Status	Standing Committee
	Title	Te Kuaka – Te Ao Māori Committee Terms of Reference
COUNCIL COMMITTEE	Approval Date	29 June 2023
	Responsible Officer	Chief Executive

Kaupapa / Purpose

The purpose of Te Kuaka Committee is to strengthen a Te Ao Māori perspective within Council decision-making across policies and strategies.

To perform his or her role effectively, each member must develop and maintain his or her skills and knowledge, including an understanding of the Committees' responsibilities, and of the Council's business, operations and risks.

Ngā Huānga / Membership

The Committee will comprise of Mayor and all Councillors as well as 12 iwi representatives nominated through Te Kahu o Taonui.

Mayor Moko Tepania

Harry Burkhardt - Chairperson

Hilda Halkyard-Harawira - Deputy Chairperson

Deputy Mayor Kelly Stratford

John Vujcich

Ann Court

Babe Kapa

Felicity Foy

Mate Radich

Penetaui Kleskovic

Steve McNally

Tāmati Rākena

Kōrama / Quorum

The quorum at a meeting of the Committee is 7 members comprising of 5 FNDC representatives and 2 Te Kahu o Taonui members.

Ngā Hui / Frequency of Meetings

The Committee shall meet bi-monthly.

Ngā Apatono / Power to Delegate

The Committee may not delegate any of its responsibilities, duties or powers.

Ngā Herenga Paetae / Responsibilities

The Committees responsibilities are described below:

- Ensure that the work of Te Kuaka is carried out in a way that enhances the social, economic, cultural, and environmental wellbeing of the Far North District
- Mahi ngātahi mā te huihui, wānanga Recommend to Council, aspects of importance to Māori for incorporation into the development of the Strategic documents (e.g. Te Ao Māori Framework, Annual Plan, Long Term Plan, District Plan)
- Manaaki To assist Council as appropriate in conducting and maintaining effective, good faith working relationships with the Māori community (e.g. Iwi Hapu Environmental Management Plans)
- Recommend to Council aspects that the Far North District Council could pursue to develop and or enhance Māori capacity to contribute to Council's decision-making processes.

Ngā Ture / Rules and Procedures

Council's Standing Orders and Code of Conduct apply to all meetings.

Far North District Council Ordinary Te Kuaka - Te Ao Māori Committee Meeting will be held in the Council Chambers, Memorial Avenue, Kaikohe on: Thursday 27 June 2024 at 10:00 am

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1 KARAKIA TIMATANGA / OPENING PRAYER

2 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST

Members need to stand aside from decision-making when a conflict arises between their role as a Member of the Committee and any private or other external interest they might have. This note is provided as a reminder to Members to review the matters on the agenda and assess and identify where they may have a pecuniary or other conflict of interest, or where there may be a perception of a conflict of interest.

If a Member feels they do have a conflict of interest, they should publicly declare that at the start of the meeting or of the relevant item of business and refrain from participating in the discussion or voting on that item. If a Member thinks they may have a conflict of interest, they can seek advice from the Chief Executive Officer or the Manager - Democracy Services (preferably before the meeting).

It is noted that while members can seek advice the final decision as to whether a conflict exists rests with the member.

3 NGĀ TONO KŌRERO / DEPUTATION

No requests for deputations were received at the time of the Agenda going to print.

4 TE WHAKAAETANGA O NGĀ MENETI O MUA / CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

File Number: A4536224

Author: Imrie Dunn, Democracy Advisor

Authoriser: Casey Gannon, Manager - Democracy Services

PURPOSE OF THE REPORT

The minutes are attached to allow the Committee to confirm that the minutes are a true and correct record of the previous meeting.

RECOMMENDATION

That Te Kuaka – Te Ao Māori Committee confirm the minutes of the meeting held 22 April 2024, with the public excluded, are true and correct.

1) BACKGROUND

Local Government Act 2002 clause 7 Section 28 states that a local authority must keep minutes of its proceedings. The minutes of these proceedings duly entered and authenticated as prescribed by a local authority are prima facie evidence of those meetings.

2) DISCUSSION AND OPTIONS

The minutes of the meeting are attached.

Far North District Council Standing Orders Section 27.3 states that "no discussion shall arise on the substance of the minutes in any succeeding meeting, except as to their correctness".

Reason for the recommendation

The reason for the recommendation is to confirm the minutes are a true and correct record of the previous meeting.

3) FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or the need for budgetary provision.

ATTACHMENTS

1. 2024-04-22 Te Kuaka - Te Ao Māori Committee Minutes - A4668282 🗓 🖫

Compliance schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

- 1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
- 2. This section is subject to Section 79 Compliance with procedures in relation to decisions.

Compliance requirement	Staff assessment
State the level of significance (high or low) of the issue or proposal as determined by the <u>Council's</u> <u>Significance and Engagement Policy</u>	This is a matter of low significance.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	This report complies with the Local Government Act 2002 Schedule 7 Section 278.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	It is the responsibility of each meeting to confirm their minutes therefore the views of another meeting are not relevant.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	There are no implications on Māori in confirming minutes from a previous meeting. Any implications on Māori arising from matters included in meeting minutes should be considered as part of the relevant report.
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences.	This report is asking for the minutes to be confirmed as true and correct record, any interest that affect other people should be considered as part of the individual reports.
State the financial implications and where budgetary provisions have been made to support this decision.	There are no financial implications or the need for budgetary provision arising from this report.
Chief Financial Officer review.	The Chief Financial Officer has not reviewed this report.

22 April 2024

MINUTES OF FAR NORTH DISTRICT COUNCIL ORDINARY TE KUAKA - TE AO MĀORI COMMITTEE MEETING HELD AT THE COUNCIL CHAMBERS, MEMORIAL AVENUE, KAIKOHE ON MONDAY, 22 APRIL 2024 AT 10:17 AM

PRESENT: Chairperson Harry Burkhardt, Cr Hilda Halkyard-Harawira, Kahika - Mayor

Moko Tepania, Kōwhai – Deputy Mayor Kelly Stratford, Cr Ann Court, Cr Babe Kapa, Cr Penetaui Kleskovic, Cr Steve McNally, Cr Mate Radich, Cr Tāmati Rākena and Te Kahu o Taonui Representatives Pita Tipene, Toa Faneva,

Sam Napia, Craig Hobson, Wallace Rivers and Kiri Sloane-Hobson.

IN ATTENDANCE: Phil Grimshaw (Kaitohutohu Taiao Senior Advisor- Te Kahu o Taonui)

STAFF PRESENT: Guy Holroyd (Chief Executive Officer), Tania Steen (Manager - Property &

Facilities Management), Margriet Veenstra (Manager – Property Data and Business Compliance), Simone Elsmore (Infrastructure Consenting Team Leader), Scott May (Acting Group Manager – Strategic Relationships), Ruben Garcia (Group Manager- Community and Engagement), Llani Harding (Manager- Te Hono), Marlema Baker (Te Kuaka Te Ao Māori Coordinator-Democracy Services), Casey Gannon (Manager - Democracy Services), Ellie

Greenwood (Democracy Advisor)

The meeting commenced at 10.17am.

1 KARAKIA TIMATANGA / OPENING PRAYER

Chairperson Harry Burkhardt commenced the meeting and Councillor Tāmati Rākena opened with a karakia.

2 NGĀ KŌRERO A TE HEAMANA / CHAIRPERSON ANNOUNCEMENTS

Chairperson Harry Burkhardt

- Te Kahu o Taonui met last week and reaffirmed their commitment to this table through iwi.
 having a relationship with the Crown and Supporting far North District Council
- Welcome to Charlie Billington General Manager of Corporate Services.
- Congratulations to Kahika Mayor Moko for attaining his Masters of Education.

Deputy Chairperson Hilda Halkyard-Harawira

- Acknowledgement to Cr Rākena for opening proceedings.
- Acknowledge Pita Tipene and Kahika Moko for his Masters of Education.
- Further acknowledgements to Council's kapa haka standing at the Tai Tokerau kapa haka competition.
- Mention of the secondary schools kapa haka competition recently hosted by Ōkaihau
 College, noting curriculum is extending to include Māori performing arts.
- Mihi to the Chair Burkhardt for leading the hui.

Councillor Tāmati Rākena

- Acknowledge those who have recently passed beyond the veil and acknowledge those present in the hui.
- Congratulations also to Kahika Mayor Moko for attaining his Masters of Education and also first-class honours.

22 April 2024

- Kura Reo ki Whirinaki had their whakatūwheratanga I ngā pō at Te Kura Kaupapa Māori o Hokianga with over 200 attendees including experts in Te Ao Māori, Te Reo Māori, Mātauranga Māori
- Ngā mihi to the groups who qualified for Te Matatini 2025 in Australia.

3 NGĀ WHAKAPĀHA ME NGĀ PĀNGA MEMA / APOLOGIES AND DECLARATIONS OF INTEREST

APOLOGY

RESOLUTION 2024/8

Moved: Cr Mate Radich Seconded: Cr Tāmati Rākena

That the apology received from Te Kahu o Tainui representatives Maahia Nathan, Katie Murray, Teresa Ashton-Tepania, Thomas Hohaia, Mane Tahere, Aperahama Edwards be accepted and leave of absence granted.

CARRIED

4 TE WHAKAAETANGA O NGĀ MENETI O MUA / CONFIRMATION OF PREVIOUS MINUTES

4.1 CONFIRMATION OF PREVIOUS MINUTES

Agenda item 4.1 document number A4536221, pages 8 - 13 refers.

RESOLUTION 2024/9

Moved: Cr Hilda Halkyard-Harawira

Seconded: Cr Tāmati Rākena

That Te Kuaka – Te Ao Māori Committee confirm the minutes of the meeting held 22 February 2024 as a true and correct record with the addition of tohutō on hapū and Māori on items 6.3 and 6.4.

CARRIED

At 11:05 am, Kahika - Mayor Moko Tepania left the meeting.

At 11:06 am, Cr Tāmati Rākena left the meeting.

At 11:06 am, Kahika - Mayor Moko Tepania returned to the meeting.

At 11:07 am, Cr Tāmati Rākena returned to the meeting.

5 NGĀ PŪRONGO / REPORTS

5.1 AROTAKE WHAKAAHUATANGA TANGATA - REPRESENTATION REVIEW 2024 UPDATE

Agenda item 5.1 document number A4635954, pages 14 - 27 refers.

RESOLUTION 2024/10

Moved: Kōwhai – Deputy Mayor Kelly Stratford

Seconded: Pita Tipene - Te Kahu o Taonui Representative

That the Te Kuaka – Te Ao Māori Committee recommend that Council:

22 April 2024

a) do not disestablish the Ngā Tai o Tokerau Māori Ward; and

- support the enhancement of Ngā Tai o Tokerau Māori Ward as one district-wide ward;
 and
- c) endorse a submission to the select committee on the Local Electoral Māori Wards and Constituencies Amendment Bill articulating the abhorrence for unnecessary legislative changes; and
- d) appoint Te Kahu o Taonui representatives to be included in the Representation Review submissions hearing.

In Favour: Chairperson Harry Burkhardt, Crs Hilda Halkyard-Harawira, Moko Tepania, Kelly

Stratford, Babe Kapa, Penetaui Kleskovic, Mate Radich, Tāmati Rākena and Kahu o

Taonui Representatives

<u>Against:</u> Cr Ann Court <u>Abstained:</u> Cr Steve McNally

CARRIED 9/1

At 12:03 pm, Kahika - Mayor Moko Tepania left the meeting.

At 12:06 pm, Kahika - Mayor Moko Tepania returned to the meeting.

At 12.14 pm, Sam Napia - Te Kahu o Taonui Representative left the meeting.

At 12:15 pm, Cr Steve McNally left the meeting.

6 NGĀ PŪRONGO TAIPITOPITO / INFORMATION REPORTS

6.1 MEMORANDUM OF UNDERSTANDING UPDATE REPORT

Agenda item 6.1 document number A4650704, pages 28 - 30 refers.

RESOLUTION 2024/11

Moved: Cr Hilda Halkyard-Harawira

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That the Te Kuaka – Te Ao Māori Committee receive the report Memorandum of Understanding Update Report.

Abstained: Cr Ann Court

CARRIED

Note: Te Kuaka Te Ao Māori Committee recommends Te Kuaka Committee Coordinator, Te Hono and CE in conjunction with Iwi to find connection to execute the MOU's in a meaningful way.

At 12:20 pm, Kōwhai – Deputy Mayor Kelly Stratford left the meeting.

At 12:21 pm, Kōwhai - Deputy Mayor Kelly Stratford returned to the meeting.

At 12.31 pm, Sam Napia – Te Kahu o Taonui Representative returned to the meeting.

At 12:32 pm, Cr Steve McNally returned to the meeting.

6.2 TE PAE O UTA TE AO MAORI FRAMEWORK PROGRESS UPDATE

Agenda item 6.2 document number A4653189, pages 31 - 53 refers.

RESOLUTION 2024/12

Moved: Pita Tipene - Te Kahu o Taonui Representative Seconded: Toa Faneva - Te Kahu o Taonui Representative

That the Te Kuaka – Te Ao Māori Committee receive the Te Pae o Uta Te Ao Māori Framework Progress Update and supporting documentation.

CARRIED

22 April 2024

The meeting was adjourned from 12:35pm to 1:05pm.

At 12:36 pm, Cr Ann Court left the meeting.

At 12:36 pm, Toa Faneva - Te Kahu o Taonui Representative left the meeting.

6.3 PROGRESS UPDATE ON OUTSTANDING REPORTS TO THE COMMITTEE

Agenda item 6.3 document number A4653702, pages 54 - 55 refers.

RESOLUTION 2024/13

Moved: Pita Tipene - Te Kahu o Taonui Representatives

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That the Te Kuaka – Te Ao Māori Committee receive the report Progress Update on Outstanding Reports to the Committee.

CARRIED

Noted that Wallace Rivers – Te Kahu o Taonui Representative will provide an update on the Kaitāia Airport in the Public Excluded portion of the meeting.

At 1:21 pm, Toa Faneva - Te Kahu o Taonui Representative returned to the meeting.

6.4 TINO RANGATIRATANGA ME TE KĀWANATANGA: THE REPORT ON STAGE 2 OF THE TE PAPARAHI O TE RAKI INQUIRY

Agenda item 6.4 document number A4593306, pages 56 - 60 refers.

RESOLUTION 2024/14

Moved: Pita Tipene - Te Kahu o Taonui Representative

Seconded: Kōwhai - Deputy Mayor Kelly Stratford

That the Te Kuaka – Te Ao Māori Committee receive the report Tino Rangatiratanga me te Kāwanatanga: The Report on Stage 2 of the Te Paparahi o Te Raki Inquiry.

CARRIED

6.5 TE KUAKA- TE AO MĀORI COMMITTEE OPEN RESOLUTIONS UPDATE APRIL 2024

Agenda item 6.5 document number A4647627, pages 61 - 66 refers.

RESOLUTION 2024/15

Moved: Cr Hilda Halkyard-Harawira

Seconded: Toa Faneva - Te Kahu o Taonui Representative

That Te Kuaka – Te Māori Committee receive the report Te Kuaka – Te Ao Māori April 2024 Open Resolution Report.

CARRIED

At 2:01 pm, Kōwhai - Deputy Mayor Kelly Stratford left the meeting.

At 2:03 pm, Kōwhai – Deputy Mayor Kelly Stratford returned to the meeting.

At 2:09 pm Toa Faneva - Te Kahu o Taonui Representative left the meeting.

6.6 TE PUNA O KUPENUKU UPDATE

Agenda item 6.6 document number A4541172, pages 67 - 70 refers.

RESOLUTION 2024/16

22 April 2024

Moved: Kōwhai - Deputy Mayor Kelly Stratford

Seconded: Cr Tāmati Rākena

That Te Kuaka – Te Ao Māori Committee receives the report: Te Puna o Kupenuku Update.

CARRIED

RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION 2024/17

Moved: Kōwhai - Deputy Mayor Kelly Stratford

Seconded: Pita Tipene - Te Kahu o Taonui Representatives

That Te Kuaka Te Ao Māori Committee

- a) moves into the Public Excluded portion of the meeting; and
- b) moves that Paddy McNamara (Partner) from Simpson Grierson be permitted to join the Public Excluded part of the meeting to provide subject matter expertise and advice.

CARRIED

- At 2:19 pm, Cr Tāmati Rākena left the meeting.
- At 2:24 pm, Craig Hobson Te Kahu o Taonui Representative left the meeting.
- At 2:26 pm, Craig Hobson Te Kahu o Taonui Representative returned to the meeting.
- At 2.26 pm, Kahika Mayor Moko Tepania left the meeting.
- At 2:46 pm, Kahika Mayor Moko Tepania returned to the meeting.
- At 2:49 pm, Cr Steve McNally left the meeting.

CONFIRMATION OF INFORMATION AND DECISIONS TO BE RELEASED IN PUBLIC

RESOLUTION 2024/18

Moved: Kōwhai – Deputy Mayor Kelly Stratford

Seconded: Pita Tipene - Te Kahu o Taonui Representative

That Te Kuaka Te Ao Māori Committee confirms the information and decisions contained in the part of the meeting held with public excluded not be restated in public meeting

- 8.1 Confirmation of Previous Minutes
- 8.2 Pātia o Matariki Waahi Tapu Memorandum of Understanding Update

CARRIED

8 MEETING CLOSE

The meeting closed at 3:29 pm.

The minutes of this meeting will be confirmed at the Ordinary Te Kuaka - Te Ao Māori Committee Meeting held on 27 June 2024.

	СН	AIRPER	SON

5 NGĀ PŪRONGO / REPORTS

5.1 TOI MANA - ARTS, CULTURE & HERITAGE STRATEGY

File Number: A4693851

Author: Shayne Storey, Policy Advisor

Authoriser: Roger Ackers, Group Manager - Planning & Policy

TAKE PÜRONGO / PURPOSE OF THE REPORT

To seek recommendations from the Te Kuaka Te Ao Māori Committee on the draft Toi Mana - Arts, Culture & Heritage Strategy (the Strategy) in preparation for public consultation.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- In 2021 Council was awarded funding from the Ministry of Culture and Heritage to develop a 10-year Arts, Culture and Heritage Strategy (the Strategy).
- Creative Northland was contracted to develop the Strategy on behalf of Council and began targeted consultation with the arts community and interested parties.
- A draft version of the Strategy was delivered to Council for approval ahead of wider community consultation, however it did not meet Council standards and Council engaged Cinna Smith to complete the Strategy.
- While Creative Northland undertook targeted consultation, Staff believe further consultation with wider Far North communities is needed to strengthen the Strategy and achieve community agreement.
- This report seeks approval from Council to initiate consultation with wider Far North communities.
- A final draft of the Strategy will be brought to Council for adoption once this process has concluded.
- Resourcing to implement the Strategy will be sought in the 2025-26 Annual Plan process.

TŪTOHUNGA / RECOMMENDATION

That the Te Kuaka – Te Ao Māori Committee recommend that Council approve the initiation of public consultation on the draft Toi Mana - Arts, Culture & Heritage Strategy.

TĀHUHU KŌRERO / BACKGROUND

While the Far North is known for its artistic and cultural communities, Council does not have a decisionmaking guide related to Arts, Culture and Heritage. As a result, decisions for funding and activities tend to be made in isolation and on an ad-hoc basis.

The purpose of the Toi Mana - Arts, Culture & Heritage Strategy is to promote social, cultural, economic, and environmental well-being, in accordance with the Local Government Act 2002, through the facilitation, support, promotion, regulation, and in some cases, the direct provision of public arts within the Far North community. The Strategy is a consolidated document which seeks to provide a consistent and integrated approach to the delivery of Council services in areas of arts, culture & heritage.

Council administers the Far North Creative Communities Scheme, which distributes funding received from Creative New Zealand quarterly. Other projects receive funding through the annual Events Investment Fund (EIF) and/or through the Community Boards via contestable funding applications.

In May 2021, Council was given the opportunity to apply for Ministry of Culture and Heritage funding to develop a 10-year Arts, Culture and Heritage Strategy and Action Plan for the Far North. The application was successful, and the funds were granted to Council in September 2021.

Creative Northland, the regional arts development agency for Te Tai Tokerau, was initially contracted by Council to write the Strategy and undertake consultation across the Far North. This consultation started in late 2021 however, due to the pandemic, 80% of the consultation was held virtually). Consultation included:

- the establishment of a stakeholder reference group;
- public in-person hui/meetings held in Kaikohe and Kaeo;
- a series of virtual on-line zoom hui (zui);
- one-on-one meetings with artists, representatives from arts, culture and heritage organisations and funders;
- online surveys specific for rangatahi/youth feedback; and
- a wānanga with the Toi Ngāpuhi Regional Nga Toi Māori Arts organisation.

Creative Northland's contracted writers produced a first draft of the Strategy in mid-2022 however Council staff determined that the draft was not fit for purpose. Several attempts were made to rework the draft unfortunately these proved unsuccessful.

In October 2022, Far North District Council (FNDC) contracted Cinna Smith, local researcher and writer with arts, funding and marketing experience, to build upon Creative Northland's draft and to:

- provide more context and a deliverable action plan for Council and Community Boards
- emphasise wellbeing
- identify developing Te Reo usage in alignment with Councils aspiration to become a bilingual district
- further develop the Heritage component of the Strategy and incorporate different cultures
- explore the Far North's position as the "birthplace of the nation/place of beginnings"
- broaden the definition of Arts.

This work included reviewing Creative Northland's consultation outcomes, conducting additional one-on-one interviews with artists, arts and heritage organisations, festival organisers, and library staff, conducting extensive desktop research to review relevant strategies, documents and central government priorities for arts, culture and heritage, and interviewing members of the Reference Group, who reviewed the drafts and provided feedback.

The Reference Group consisted of:

- · Rachel Smith, Former Councillor, Far North District Council
- Gail Richards, Toi Ngāpuhi
- · Bill Edwards, Heritage New Zealand Northland Area Manager and Heritage NZ Planner,
- Andi Blanshard, Department of Conservation Senior Heritage Advisor,
- · Whina Te Whiu, Te Ahu Museum Curator,
- · Gerry Paul, Turner Centre General Manager
- · Wally Hicks, Creative Communities Local Funding Assessment Committee Chairperson,
- · Jackie Sanders, Jacman Entertainment Events Organiser,
- · Chanel Clarke, Waitangi National Trust Board Head of Māori Development & Lead Curator,
- · Caitlin Timmer-Arend, Waitangi National Trust Board Curatorial Manager,
- Bayley Moor, Sales & Marketing Coordinator.
- · Tania Birt, Northland Inc General Manager and
- Amy Simpkin, Destination Management Plan Writer who also reviewed the draft to ensure that it aligned with the Regional Destination Management Objectives.

Iwi/Hapu Management Plans were reviewed as part of the development of the Strategy to ensure alignment with the aspirations of Iwi and hapū.

Council staff which included Te Hono, Policy & Planning, Property & Facilities, Communications & Engagement, Libraries & Customer Service, and Te Ahu Museum were involved in the development of the Strategy and Action Plan.

Kawiti Waetford (Kaiwhakawhiti Reo Language Translator) was also engaged to conduct a Te Reo Māori translation review of the draft strategy document.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

The purpose of the Toi Mana - Arts, Culture and Heritage Strategy is to promote social, cultural, economic, and environmental well-being in accordance with the Local Government Act 2002 through the facilitation, support, promotion, regulation, and in some cases, the direct provision of public arts within the Far North community.

While targeted consultation has taken place, Staff believe further consultation with the wider Far North communities is needed. This will serve to strengthen the Strategy and achieve community agreement.

Following the *(potential)* adoption of the Strategy, Council will establish a cross-sector Arts, Culture and Heritage working group with key partners meeting regularly. The priority of the working group will be to turn the Strategy's Action Plan into an Implementation Plan, which will:

- further develop the proposed actions;
- · identify key partners;
- · identify resources required and timelines; and
- · determine how impacts and outcomes will be measured.

The intention is that the Toi Mana - Arts, Culture and Heritage Strategy will be resourced through the Far North District Council's Annual Planning and Long-Term Plan processes.

Options

Option one: Undertake public consultation on the Draft Toi Mana Strategy (recommended option)

The Strategy will be released for public consultation to allow the community to have their say on the Strategy and Action plan.

Please note: There is no statutory requirement to undertake consultation on the Strategy.

Advantages of releasing the Strategy for public consultation

- The community will have an opportunity to feed into the Strategy
- Council will have confidence that the identified actions align with the communities' views
- Increased community buy in

Disadvantages of releasing the Strategy for public consultation

Timeframe to Strategy adoption will be lengthened.

Option two: Do not undertake public consultation and adopt the Strategy

The Strategy will not be released for public consultation. Instead Council adopts Toi Mana - Arts, Culture and Heritage Strategy immediately.

Advantages of not releasing the Strategy for public consultation before adoption

- The social, cultural, economic, and environmental well-being is promoted in accordance with the Local Government Act 2002
- Implementation of the actions can begin immediately.

Disadvantages of not releasing the Strategy for public consultation before adoption

- The wider community will not have been consulted
- Reputational risk of upsetting community members
- Non-inclusive way of working

Option three: Do not proceed with the Toi Mana Toi Mana - Arts, Culture and Heritage Strategy work

The Strategy does not go out for public consultation and is not adopted. All work on the Strategy ceases, and the project is removed from current work programmes.

Advantages

None

Disadvantages

- Loss of Ministry of Culture and Heritage funding
- · Community wellbeing will not be promoted
- Reputational risk as the Arts, Culture & Heritage community have participated in the Strategy
 work to date and this will be seen as a waste of their time.

NEXT STEPS:

If Council approves the initiation of wider public consultation, Council staff will undertake consultation in line with section 82 of the Local Government 2002. The public will be invited to make written and oral submissions on the Strategy. The period for make written submissions will be open for a minimum of four weeks.

Following consultation, staff will present an Analysis of Submissions and a final draft Toi Mana - Arts, Culture and Heritage Strategy Toi Mana - Arts, Culture and Heritage Strategy to Council for adoption in Q2 of the 24/25 financial year.

TOI MANA - ARTS, CULTURE AND HERITAGE STRATEGY Costs relating to consultation will be minimal (less than \$1000) and will be met from existing Policy and Planning budgets. Funding to implement the Strategy will be sought in the appropriate future Annual Planning and LTP processes.

ĀPITIHANGA / ATTACHMENTS

1. Toi Mana Draft May 2024 - A4729770 🗓 🖼

Hōtaka Take Ōkawa / Compliance Schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

- 1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
- 2. This section is subject to Section 79 Compliance with procedures in relation to decisions.

	· · · · · · · · · · · · · · · · · · ·
He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the <u>Council's Significance and Engagement Policy</u>	In line with the Significance and Engagement Policy, the recommendation to undertake public consultation on the Draft Toi Mana Strategy will have little effect on financial thresholds, ratepayers, specific demographics or levels of service. Therefore, the level of significance is low. However, the recommendation to release the draft strategy for public consultation will allow the community to have their say and achieve agreement. Please note: There is no statutory requirement to undertake consultation on this strategy.
Otata the melavant Ossanil melicies	While there is no specific legislative requirement to
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	develop a Toi Mana- Arts, Culture & Heritage Strategy, under the Local Government Act (2002), local authorities are required to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future.
	 Community Outcomes Proud, Vibrant Communities We embrace and celebrate our unique culture and heritage and value it as a source of enduring pride
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	The recommendation has district wide relevance. Therefore, the views of the Community Boards have not been sought.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water.	Tāngata whenua have been taken into consideration in the development of Toi Mana and Iwi/Hapu Management plans have been reviewed during development of Toi Mana to ensure alignment with aspirations of Iwi and hapu. Iwi/hapu will have opportunities to be part of the cross-sector Toi Mana working group, which will develop the implementation of the strategy.

State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	
Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	The Arts, Culture & Heritage Community will have an interest in this strategy. Considerable targeted consultation has taken place and the working group included those involved in the Arts, Culture & Heritage arena.
State the financial implications and where budgetary provisions have been made to support this decision.	Costs relating to consultation will be minimal (less than \$1000) and will be met from existing Policy and Planning budgets. Funding to implement the Strategy will be sought in the appropriate future Annual Planning and LTP processes.
Chief Financial Officer review.	This report has not been reviewed by the CFO



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Cover Photo: Tame Tango-Cooper at Bling Bling Toi Marama Matariki event Kaikohe Northern Advocate photo by Peter de Graaf

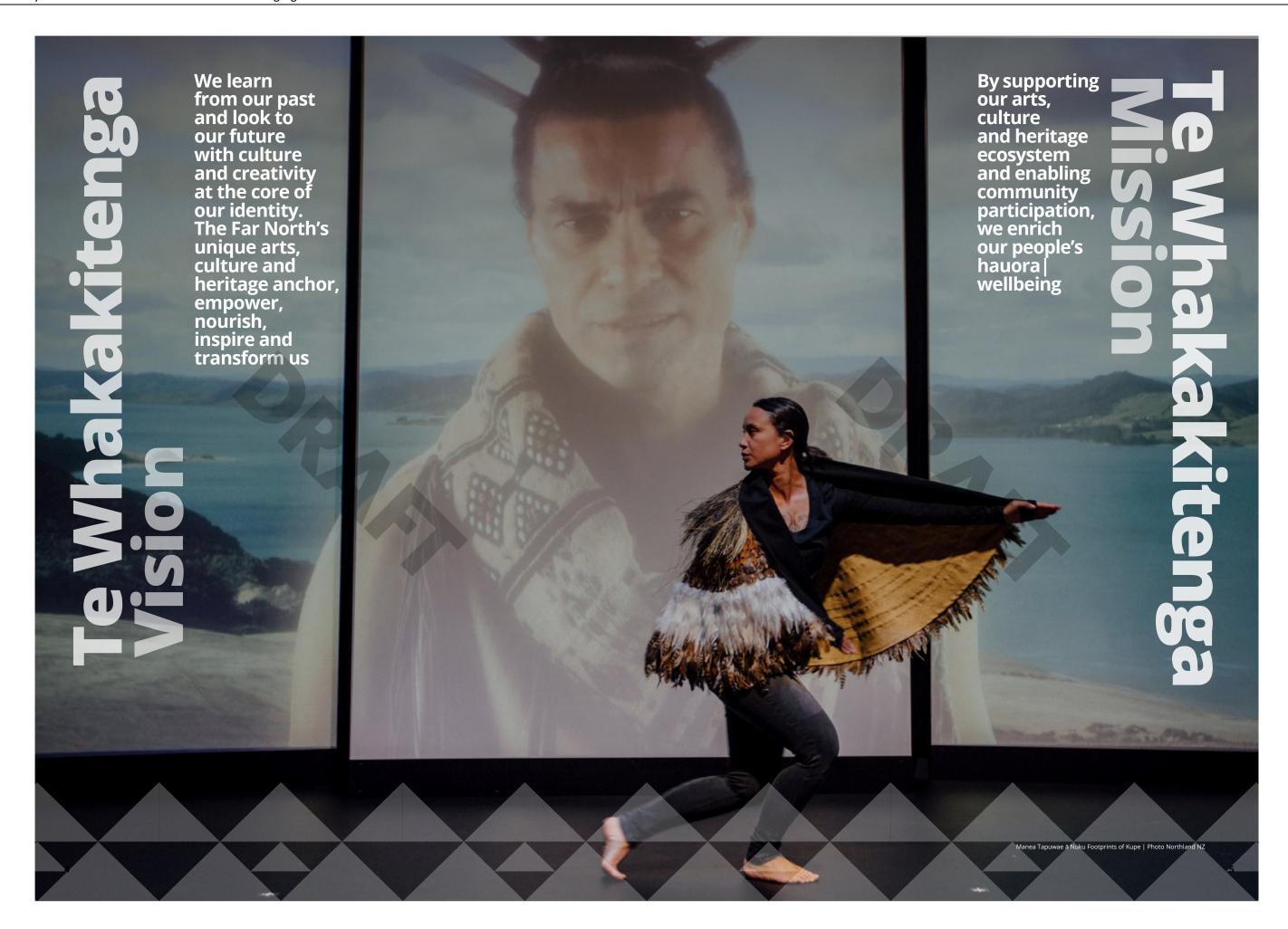


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2

Item 5.1 - Attachment 1 - Toi Mana Draft May 2024



A message from our Kahika | Mayor

Kia kawea tātou o Te Hiku o te Ika e te rēhia o Toi Mana!

first Arts, Culture and Heritage Strategy.

Toi Mana recognises that arts, culture and heritage are the mauri | life force of the Far North, essential to the wellbeing, identity and connectedness of our people, and the vitality, success and future of our district.

The arts, culture and heritage of the Far North are important not only to our district, but to Aotearoa New Zealand. Our district is home to Hokianga Whakapau Karakia, where Kupe discovered Aotearoa and Te Rerenga Wairua, the leaping off place of spirits. It is here that He Whakaputanga o Te Rangatiratanga o Niu Tīreni | the Declaration of Independence was signed in 1835 and where Te Tiriti o Waitangi | Treaty of Waitangi was first signed in 1840.

> As a place of beginnings, our district has much to teach Aotearoa about the formation of our contemporary nation.

> > Arts, culture, and creativity help us tell the stories of Aotearoa and allow us to have important conversations about our national identity.

I am excited to present Toi Mana, the Far North district's We can learn from our past and work together, as our tūpuna | ancestors intended through the vision of Te Tiriti o Waitangi, to build a more equitable

> Toi Mana was developed in collaboration with the Far North's creative and heritage sectors and our creative communities. It represents our collective vision and will require our collective efforts to achieve our aspirations.

> We want to be renowned as a district that values and supports arts, culture and creativity while protecting and treasuring our rich heritage. We want to be known as an area that embraces toi Māori, taonga Māori and mātauranga Māori. We want to take every opportunity to tell our district's unique stories. We want to harness the power of art, culture and creativity to bring about positive change, growth and transformation in our

Guided by Toi Mana, Council aims to better support our communities as the grassroots leaders, drivers and kaitiaki of our district's culture and creativity. It is our people that make arts, culture and heritage flourish.

We would like to thank everyone who has contributed to Toi Mana, including Creative New Zealand, who granted us funding to develop the strategy.

Our district is alive with creativity, culture and talent. We hope that Toi Mana sparks conversations, ignites ideas and kindles collaboration

Ngā mihi nui

Moko Tepania Te Kahika o Te Hiku o te Ika Mayor of the Far North District

Te Kaupapa **Purpose of Toi Mana**

Toi Mana is a ten-year strategy and high-level action plan developed by Te Kaunihera o Te Hiku o te Ika | Far North District Council in collaboration with the arts, culture and heritage sectors and our creative communities.

Toi Mana presents a collective vision for arts, culture and heritage in the district. It sets out priorities and actions that will help focus our resources and energy to achieve our vision.

The strategy will be used to guide the decisionmaking and actions of the Far North District Council and the Bay of Islands-Whangaroa, Te Hiku and Kaikohe-Hokianga Community Boards. It is a roadmap for Council staff, designed to bring arts, culture and heritage to the forefront of our thinking, planning and practice.

Council will investigate assigning an arts officer and a heritage officer to support the delivery of the actions proposed in Toi Mana and an elected member to take on the arts, culture and heritage portfolio to help champion the vision of Toi Mana.

Te Haerenga Journey

Development of Toi Mana included reviewing our district's iwi and hapū Environmental Management Plans and Community Development Plans. Creative Northland, the lead regional arts development agency for Te Tai Tokerau, led online and in-person consultation and hui, surveys and oneon- one meetings with a diverse range of community arts leaders, artists, creative organisations, community groups, and representatives from creative and cultural facilities. A reference group including members of Heritage New Zealand Pouhere Taonga, Toi Ngāpuhi, Creative Northland, the Creative Communities Scheme, the Department of Conservation Te Papa Atawhai, Te Kongahu Museum of Waitangi, Te Ahu Museum, the Turner Centre, Jacman Entertainment and Rachel Smith reviewed the draft strategy and offered valuable advice.

Mahi Tahi Collaboration

Achieving the priorities and actions identified in Toi Mana will require collaboration built on strong relationships with tangata whenua, central government agencies such as Creative New Zealand, Heritage New Zealand and the Department of Conservation, Northland Inc - Te Tai Tokerau Northland's Economic Development Agency, advocacy organisations such as Toi Ngāpuhi and Creative Northland, community-led arts, culture and heritage groups, event promoters, performance venues, libraries, festivals, galleries, museums, marae, cultural centres, creatives and artists, schools and the business community.

Consultation revealed the need to establish stronger communication, connection, coordination and collaboration between everyone involved in arts. culture and heritage in the Far North.

We hope that Toi Mana is the start of a journey towards deeper partnerships, communication and collaboration that helps our arts, culture and heritage ecosystem thrive.

Council is proposing to establish a cross-sector Arts, Culture and Heritage working group. The first priority of the working group will be to turn Toi Mana's action plan into an implementation plan that will further develop the proposed actions, identify key partners and timelines and determine how impacts and outcomes will be measured.

The intention is that Toi Mana will be resourced through the Far North District Council's Annual and Long Term Plans.





20-20, Kerikeri Street Party | Photo Claire Gordon, Flash Gordon Photography

How we feel about arts and culture

Arts and culture are embedded into the lives of many Far North residents.

The majority of Northlanders agree that arts define who we are as New Zealanders, improve our society, and should be supported by their local council.⁵

4-5: New Zealanders and the Arts: attitudes, attendance and participation Ko Aotearoa me ona toi: waiaro, wairongo, waiuru. Creative NZ Survey findings for Northland residents 2020 p 8, 15, 18

79% of Northland residents engaged with the arts. Ritmo Amigo at 5as North Joylest, Taupo Ba

Māori in Northland are particularly involved...

91% of Northland Māori engaged with the arts

Tō Mātou Tuakiri Our Identity

An estimated 74,700 people call the Far North home. Our district is home to many towns, villages and settlements.⁶

According to the 2018 Census, 21 places in the Far North have a population of over 500. These places have unique identities shaped by culture and community.

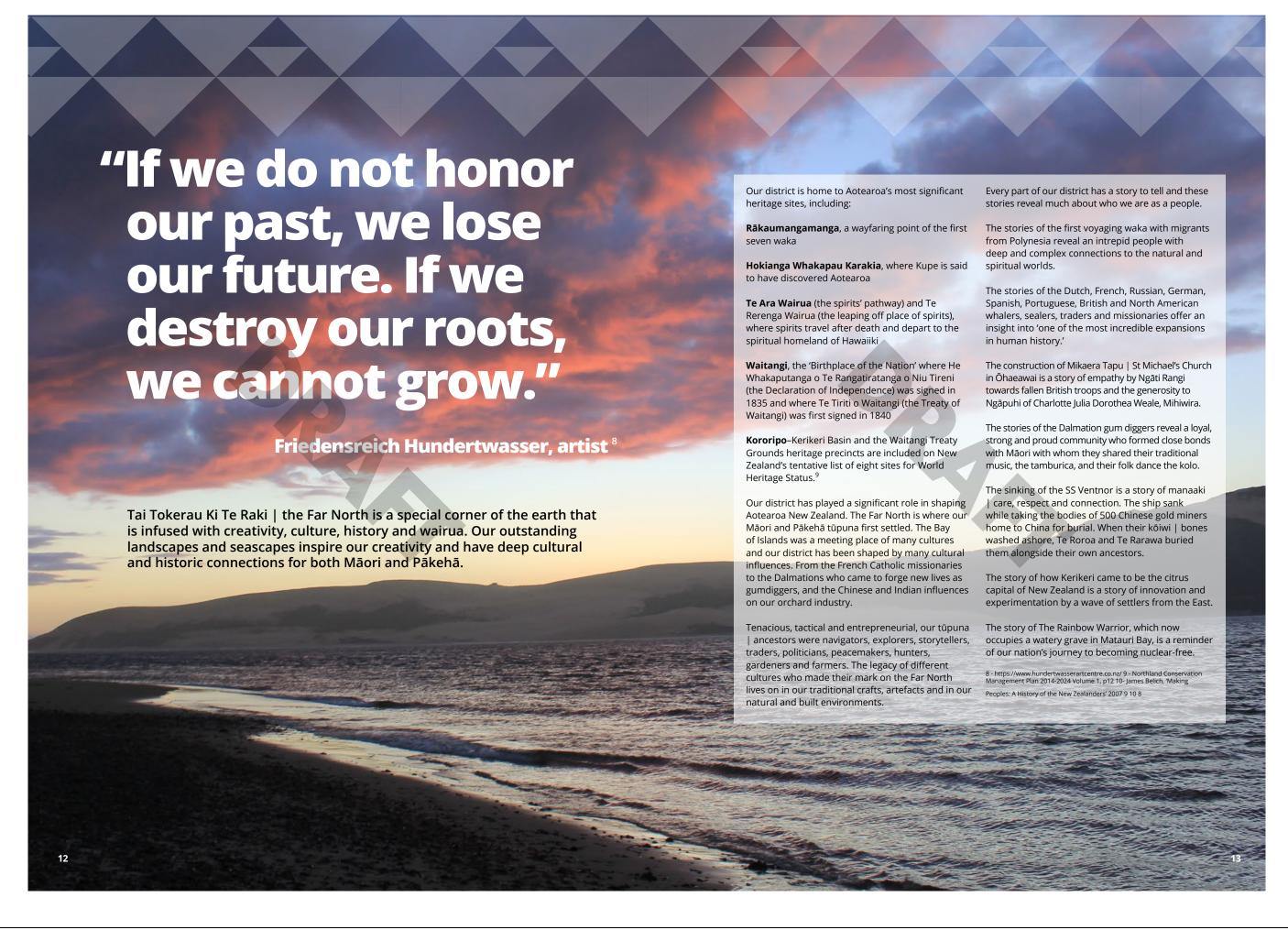
Our people are spread across a wide geographical area - from Hukerenui in the south to North Cape | Otou and Cape Reinga | Te Rerenga Wairua in the north.

People of Māori and European descent are our largest population groups. More than half of the Far North's people identify as having Māori descent⁷, from 11 different iwi: Ngāpuhi, Ngāti Kurī, Te Aupōuri, Ngai Takoto, Te Rarawa, Ngāti Kahu, Ngāti Kahu ki Whangaroa, Ngāpuhi ki Whangaroa, Ngāti Hine, Ngāti Wai and Te Roroa.

The Far North is also home to other diverse cultures, including people from the Pacific, Asia, the Middle East, Latin America and Africa.

- 6 Subnational population estimates (TA, SA2), by age and sex, at 30 June 1996-2023 (2023 boundaries)
- 2023 (2023 boundaries)





Tō Mātou Auahatanga Our Creativity

Some of Aotearoa's most celebrated creatives and artists whakapapa to, live or have lived in the Far North, including: painters Ralph Hotere, Shane Cotton, Kura Te Waru Rewiri, Theresa Reihana and Flox; poet Hone Tūwhare; sculptor Chris Booth; filmmaker Florian Habicht; actor and writer Waihoroi Shortland; author Dame Fiona Kidman; artist and sculptor Friedensreich Hundertwasser; waka builder and navigator Sir Hector Busby; musician and actor Troy Kingi; actor and director Don Selwyn; musician Teeks; reggae band 1814; composer Erima Maewa Kaihau; composer and taonga pūoro practitioner Horomona Horo; photographer Frank Habicht; actors Rena Owen and Rawiri Paratene; weaver and installation artist Dr. Maureen Lander, among many others.

Across our district, tucked away in the bush and overlooking the sea, writers, painters, potters, weavers, carvers, designers, documentary-makers, sound designers are creating magic.

In marae, community halls, schools and professional venues throughout the Far North dancers, actors, musicians, singers and kapa haka performers are taking to the stage to express themselves creatively and tell their stories.

Art, culture and heritage are alive in our homes, papakāinga, neighbourhoods, villages, towns, in our built and natural environments, in our markets, marae, festivals, fairs, community centres, galleries, shops and libraries, in our wild areas and gardens, public spaces and architecture.

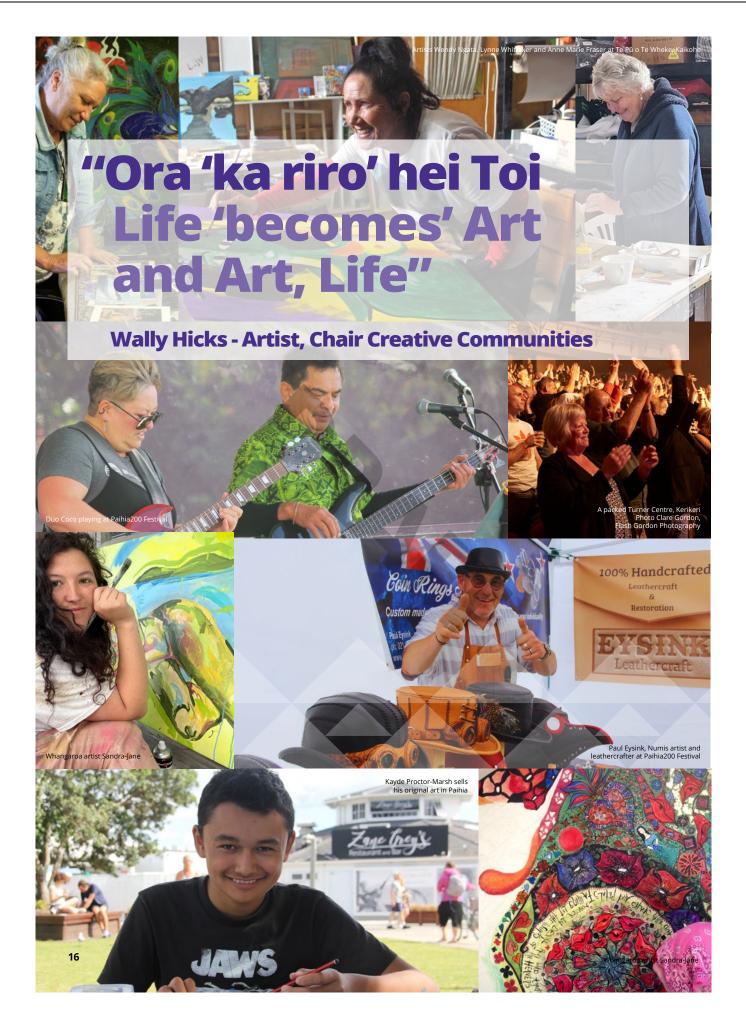
Toi Mana sets out an action plan to inject more creativity and culture into community life by making it easier for our people to participate.

The strategy identifies ways to nurture our artists and creatives, who play such a vital role in our society as storytellers, innovators and disruptors who challenge the status quo, explore and confront the important issues of our time and re-imagine our world.

Toi Mana also commits to protecting the natural and built heritage, taonga, traditional knowledge and stories that make us unique.



Ordinary Te Kuaka - Te Ao Māori Committee Meeting Agenda



Ngā Whakamāramatanga Definitions

Art

Art involves using imagination and skill to express ideas, emotions and meaning. It encompasses visual arts (such as painting, sculpture, photography, design and architecture); crafts (such as weaving, pottery, jewellery-making and carving); performance arts (such as theatre, music, dance, spoken-word poetry, circus and comedy); written arts (such as poetry, fiction and nonfiction); multimedia arts (such as digital art, visual effects, animation, sound design and filmmaking); and other forms of creative expression (such as fashion design, tattoo artistry, floristry, garden design etc.)

Heritage

Our heritage encompasses both tangible and intangible elements including: artefacts, collections, buildings, structures, landscapes, archives, stories - oral, visual and written; knowledge; customary practices and skills.

Historic heritage is defined by the Resource Management Act 1991 (s2) as "those natural and physical resources that contribute to an understanding and appreciation of New Zealand's history and cultures, deriving from any of the following qualities: (i) archaeological; (ii) architectural; (iii) cultural; (iv) historic; (v) scientific; (vi) technological'. Historic heritage includes: (i) 'historic sites, structures, places, and areas; (ii) archaeological sites; (iii) sites of significance to Māori, including wāhi tapu; (iv) surroundings associated with the natural and physical resources." 11

The Heritage New Zealand Pouhere Taonga Act 2014 promotes the identification, protection, preservation and conservation of the historical and cultural heritage of New Zealand. Its definitions of historic heritage include: archaeological sites, historic places, historic areas, sites of interest to Māori, Wāhi tapu, Wāhi tapu areas and Wāhi tūpuna.¹²

- 11- Resource Management Act 1991 Section 2
- 12 Heritage NZ Pouhere Taonga Act 2014
- 13- Creative New Zealand definition, Ngā Toi Māori strategy English p8
- 14- Cambridge Dictionary Photo Te Waimate Mission grounds 14

Ngā toi Māori (Māori arts)

Ngā Toi Māori includes both contemporary and heritage arts practice such as tā moko, tārai waka, waiata, mōteatea, raranga, whakairo, te reo, whaikōrero, karanga, tukutuku, kōwhaiwhai, kapa haka, waiata ā-ringa, waiata tawhito, poi, whakaeke, whakawaatea, waiata haka, mau rākau, taonga pūoro and traditional Māori games. ¹³

Culture

Culture is the set of distinctive spiritual, material, intellectual, and emotional features of society...it encompasses, in addition to art and literature, lifestyles, ways of living together, values systems, traditions and beliefs." UNESCO Declaration on Cultural Diversity

Culture encompasses the characteristics, traditions and knowledge of a particular group of people. New Zealand's Ministry for Culture and Heritage defines cultural wellbeing as "the vitality that communities and individuals enjoy through: participation in recreation, creative and cultural activities; and the freedom to retain, interpret and express their arts, history, heritage and traditions.

Creativity

Creativity is the ability to produce or use original and unusual ideas.¹⁴

Cultural heritage

The Department of Conservation talks about cultural heritage in holistic terms - it is about Place, Story and People | Wāhi, Kōrero and Tangata. Equally important as places are the stories associated with those places and the people who tell those stories.

Ordinary Te Kuaka - Te Ao Māori Committee Meeting Agenda



Council can support, facilitate and advocate for arts, culture and heritage through the work of many departments, including: our libraries, museum, community development, planning, funding, infrastructure, Te Hono and communications teams.

Provider and supporter of facilities

- Council operates and supports public facilities and spaces to enable the community to create, connect and learn:
- Council runs 6 public libraries (Kāeo, Kaikohe, Kaitāia, Kawakawa, Kerikeri and Paihia), one mobile library and supports another 5 community libraries
- Council owns buildings, land and 19 community halls
- Council maintains 500 hectares of parks and reserves in over 30 locations that can be used to stage arts and cultural activities

- · Council supports:
- Te Ahu Centre in Kaitāia, which houses a library, museum, theatre, art space, cinema, rooms for hire. i-SITE and council service centre
- Hundertwasser Memorial Park and Centre Te Hononga in Kawakawa, which brings together a library, council service centre, Hundertwasser Memorial Interpretive Centre, public gallery, community workshop and public facilities
- The Turner Centre in Kerikeri, the largest performing arts venue in the district
- Te Ahurea in Kerikeri, a unique Māori cultural and historical experience
- Council funds local construction and maintenance of walking and cycling routes, which can be used to tell the stories of our district

Funder and fund-seeker

- Council Community Boards support community-led arts, culture and heritage projects including: public art, signage, events, festivals, infrastructure and programmes
- · Council also:
- helps to distribute government grants on behalf of Creative New Zealand through the Creative Communities Scheme (which focuses on participation, diversity and youth)
- supports large events through the Events Investment Fund applies for funding from central government and non-government organisations

Advocate and promoter

Council advocates for the Far North district nationally and internationally

Council is a joint owner of Northland Inc Ltd, the region's Economic Development Agency and Regional Tourism Organisation

Council co-ordinates and, where appropriate, leads the implementation of an Annual Tactical Marketing Plan for destination marketing, in alignment with the direction of national tourism organisations and in partnership with the Tai Tokerau Northland tourism sector.

Protector of heritage

- Council has responsibilities for heritage management and protection under the Resource Management Act 1991, Heritage New Zealand Act 2014, Building Act 2004 and Local Government Act 2002
- Council supports Te Ahu Museum and manages Rediscovery: the Far North District Libraries database providing digital access to heritage photos, documents, maps and related ephemera capturing the Far North District's past
- Council has mana-enhancing partnerships with Heritage Kaikohe and the Far North Regional Museum Trust, so they are able to preserve and share our unique cultural history.

Enabler and regulator of events

Council enforces local bylaws and manages resource consents that impact events and festivals (e.g. alcohol licensing, road use, waste disposal).

Te Horopaki o Te Rautaki Strategic Fit

The Far North District's vision is

HE WHENUA RANGATIRA
A DISTRICT OF SUSTAINABLE PROSPERITY & WELL-BEING

The Long Term Plan (LTP) is one of the Council's key planning tools. It sets out what the Council plans to do from 2021-2031 to achieve the district's vision.

Toi Mana also aligns with several of the community outcomes detailed in the LTP, which Council believes our District needs to grow and succeed:

- Proud, vibrant communities
- Prosperous communities supported by a sustainable economy
- Communities that are healthy, safe, connected and sustainable
- We embrace and celebrate our unique culture and heritage and value it as a source of enduring pride

The district's mission is

HE ARA TĀMATA
CREATING GREAT PLACES
Supporting our people

Far North 2100 is an aspirational strategy that envisages how the Far North might look in 80 years' time. Strategic objectives outlined in Far North 2100 are: Communities of Care, Growth, and Stewardship.

Toi Mana's objectives align closely with three out of five proposed key drivers of change:

- Putting the wellbeing of the communities and people first (taking a place-making approach to 'urban planning' to bolster community wellbeing by creating a sense of purpose and place)
- Promoting resilient economic growth for sustainable prosperity (which includes investing in the tourism experience based on the Far North's cultural and natural heritage)
 Connecting people, businesses, and places

The Far North is home to the Te Tiriti o Waitangi | the Treaty of Waitangi, the founding document of Aotearoa New Zealand. Council honours the principles and spirit of te Tiriti o Waitangi and its original promise of mutual benefit.

Council recognises the special place of tangata whenua in the Far North District and seeks to work in partnership with Māori communities for the enhancement and benefit of those communities and the whole district. We acknowledge that the 1835 He Whakaputanga o Te Rangātiratanga o Niu Tireni is an important foundational document for the hapū of the Far North.

Toi Mana celebrates the vital and significant contribution of Māori to our district's arts and culture and acknowledges that Māori are the kaitiaki | carers of their natural, cultural and historic heritage, as recognised in Article 2 of the Treaty of Waitangi.

Strong partnerships with tangata whenua are fundamental to the success of this strategy and we aim to work together to achieve our goals and outcomes while valuing and integrating te ao Māori | a Māori world view.

Rammed earth lovingly crafted by Kawakawa locals for Te Honong, Hundertwasser Memorial Interpretive Centr Photo: Cinna Smitl

Ngā Uara

- Manawatōpū | unity of purpose and collaboration Whanaungatanga | connection, inclusion and caring
- Tū tangata | strong cultural identities Mana tangata | respect and fairness
- Te Tiriti o Waitangi | partnership
- · Kaitiakitanga | stewardship and sustainability
- · Mōhiotanga | knowledge sharing
- Mahi hou | innovation

Embracing these values, Toi Mana recognises the diversity of cultures that makes our area unique and seeks to support and encourage opportunities that enable the expression of this diversity through arts and creativity, in order to make the Far North a more vibrant and inclusive place.

14 Rammed earth lovingly crafted by Kawakawa locals for Te Hononga Hundertwasser Memorial Interpretive Centre Ngā Uara | Values 15

Toi Mana aligns with Council's key strategic priority, which is outlined in Council's LTP:

"Deepen our sense of place and connection"

20

Ngā Wero Challenges

Some of the key challenges facing arts, culture and heritage in the Far North include:

- the wide geographical spread of our communities and a lack of affordable local spaces to participate in creative activities
- a lack of coordinated promotion for arts, culture and heritage
- funding is insufficient and fragmented with creatives having to compete for limited resources, which is detrimental to collaboration. There is an expectation that creatives will work for free and the sector relies heavily on volunteers
- red-tape roadblocks, high costs and a lack of capacity for our events sector
- limited skill development opportunities or creative career pathways for youth and creative professionals
- a lack of connection and collaboration
- a lack of protection for significant cultural heritage landscapes and other tangible and intangible heritage resources.

Toi Mana sets out priorities and actions to address these challenges, in order to better support our arts, culture and heritage and to improve community access to creativity and culture.

Ngā Arawātea Opportunities

Toi Mana identifies actions to harness the incredible opportunities and potential in our district, which include:

- passionate, talented, knowledgeable, experienced and innovative creative and cultural practitioners and communities, both professional and grassroots
- · strong Māori culture and Ngā Toi Māori
- potential for greater collaboration
- diverse communities across our district, with distinct identities
- unique stories that reveal the beginnings and formation of contemporary Aotearoa New Zealand
- significant cultural heritage landscapes, places and taonga
- legendary manaakitanga | hospitality
- stunning beaches, forests, islands, seascapes and landscapes that inspire creativity and attract visitors.

Below left: Dallon August's mural in Rawene depicting the Dog Tax War of 1898 **Below right:** Nick Grace's Chinese-inspired gate to Mitimiti Urupā is a tribute to the tragic sinking of the SS Ventnor | Photo Northland NZ



Te Whakatakanga Mission

We learn from our past and look to our future with culture and creativity at the core of our identity. The Far North's unique arts, culture and heritage anchor, empower, nourish, inspire and transform us

Te Whakakitenga Vision

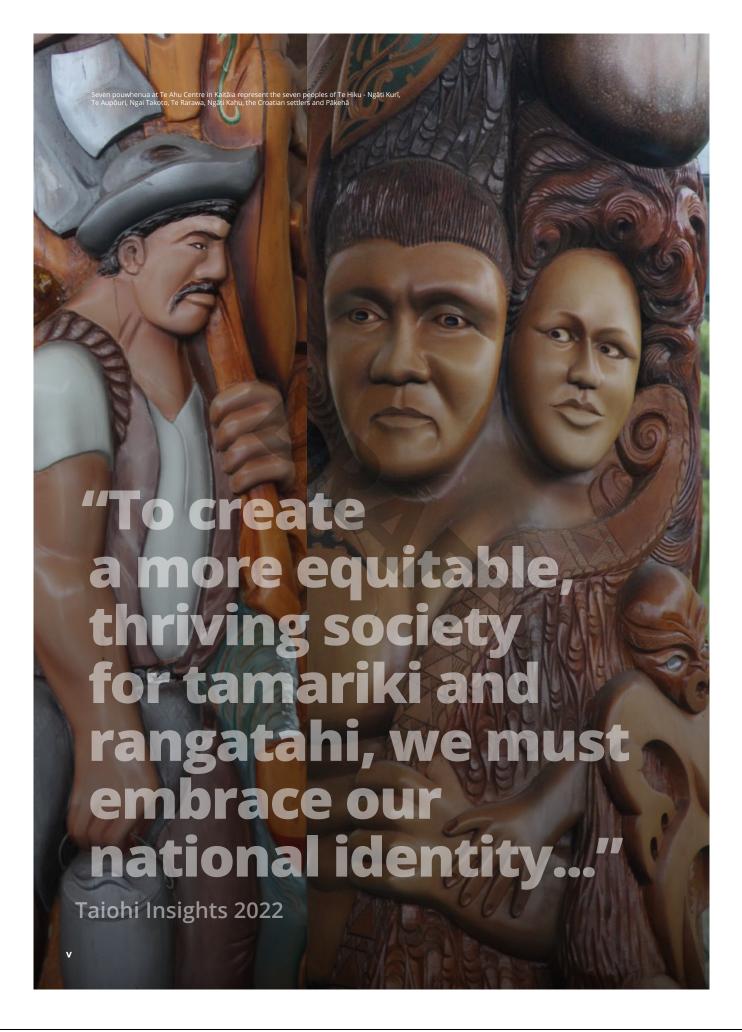
By supporting our arts, culture and heritage ecosystem and enabling community participation, we enrich our people's hauora | wellbeing

To drive the success of Toi Mana, we have identified five focus areas and goals with 15 key priorities.

Ngā Aronga Focus Areas	Ngā Whāinga Goals	Ngā Whakaarotau Priorities
Tuakiritanga Identity Whai wāhitanga Participation	We are empowered by expressing our unique identity and culture Everyone can access and participate in creative and cultural activities	 Champion and promote te reo Māori Tell our unique stories to foster our community, district and national identity Celebrate and promote Ngā Toi Māori Support a range of creative spaces and places Foster and grow youth participation Remove barriers to access Build our promotion of arts, culture and heritage
Whakahaumanutanga Revitalisation	Arts, culture and heritage revitalise our public spaces and infrastructure	 Support our communities to revitalise their public spaces Integrate culture and creativity into our infrastructure and facilities
Whakamaru Protection	We value and protect our heritage and have opportunities to learn about it	 Identify and protect more of our district's heritage resources Support opportunities for our people to learn about our heritage Advocate for the repatriation of cultural artefacts taonga to the Far North
Pitomata auaha, ahurea hoki Creative & cultural potential	The Far North is reaching its creative and cultural potential	 Build the capacity and sustainability of our creative sector Explore ways to grow the Far North district's creative economy Include creativity, culture and heritage as a key part of our destination development

The following 10-year Mahere Hei Whai | Action Plan gives context for Toi Mana's focus areas, goals and priorities and suggests actions to help achieve our goals. These actions will be further developed in partnership with iwi, hapū, our creative communities and the proposed cross-sector Arts, Culture and Heritage working group once Toi Mana is adopted.

Ordinary Te Kuaka - Te Ao Māori Committee Meeting Agenda



Tuakiritanga Identity

We are empowered by exploring and expressing our unique identity and culture

A strong sense of self identity, cultural identity and national identity is empowering. It is key to people's wellbeing and selfdetermination | mana motuhake. Art, culture and heritage help to tell the stories of Aotearoa and contribute to our sense of self, nationhood, and understanding of others.

The Far North is the place of beginnings. It is the earliest area of settlement for both Māori and Pākehā, and the meeting place of different cultures whose histories are entwined with the growth and stories of our district.

As the birthplace of modern Aotearoa, the Far North District is well positioned to tell the stories of our ancestors, the early contact period, the signing of He Whakaputanga o Te Rangatiratanga o Niu Tîreni | the Declaration of Independence and Te Tiriti o Waitangi | the Treaty of Waitangi.

Our history can be uncomfortable and contentious, but it needs to be heard and reflected upon. Discovering our past, the reasons for and the true intent of Te Tiriti is key to exploring our national identity and empowering our people to build an equitable shared future.

Priority 1

Champion and promote te reo Māori
— the Far North is a bilingual district

Why?

Te reo Māori was the first language of our country. It is a precious cultural taonga for all, that deserves to be seen, heard, read and spoken.

Te reo Māori is integral to our district's identity. We have the most te reo Māori speakers in the country. 43% of Māori in Te Taitokerau are able to understand or converse in te reo Māori. ¹⁵

Elevating the visibility, use and mana of te reo Māori alongside reo Pākehā helps us to acknowledge the Far North's unique cultural heritage. Council's Te Hono department is supporting Council staff on their journey of cultural competency.

Council acknowledges that Māori are the kaitiaki of their language and that there are different dialects in our district. We will be guided by mana whenua in our journey to become a bilingual district that champions and promotes te reo Māori.

An initiative to make Kerikeri the Far North's first bilingual town will involve local hapū Ngāti Rēhia and Council working together to develop more spaces, places and opportunities to see, hear and celebrate te reo Māori.

15- FNDC Section 32 Report Tangata Whenua May 2022 p17



Actions

1.5

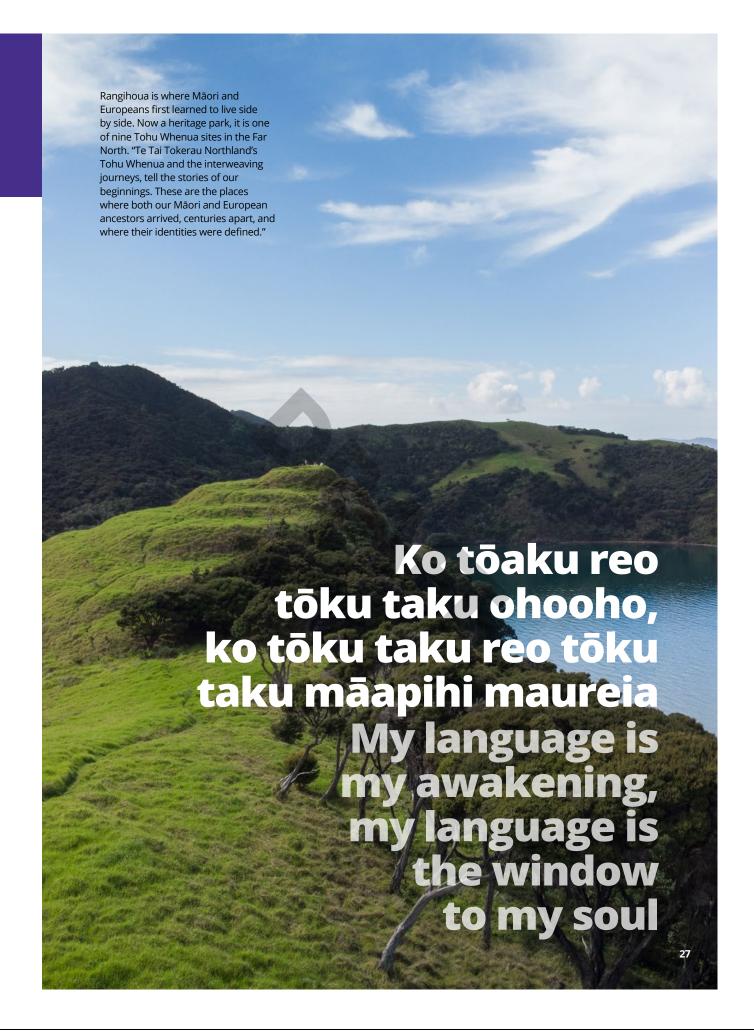
1.6

1.7

1.8

- Make te reo Māori heard and visible in our communities - e.g. use te reo Māori on town gateway signs, in our public places, in our communications and at events.
- 1.2 Support creative and cultural events and programmes that give our people the opportunity to engage with te reo Māori and tikanga, including those run by our libraries
- 1.3 Support the use of te reo place names that reflect the unique culture and identity of communities in the Far North District.
- 1.4 Use bilingual signage in public spaces such as parks, reserves, playgrounds and at Councilmanaged facilities.
 - Resource and administer Naming Komiti | Committees to offer guidance for developers and property owners to consult with mana whenua when choosing Māori names for developments or roads.
 - Work with mana whenua to correct historical inaccuracies of original place names.
 - Support the integration of te reo Māori and tikanga in Council communications, operations, delivery and events.
 - Encourage and support te reo speaking Council elected members/staff to engage with media organisations that help te reo Māori flourish on air, online and in print.

Left: An initiative to make Kerikeri the Far North's first bilingual town will involve local hapū Ngāti Rēhia and Council working together to develop more spaces, places and opportunities to see, hear and celebrate te reo Māori.



Priority 2

Tell our unique stories to foster our community, district and national identity

Why?

We want to take every opportunity to use art, culture and heritage to tell the Far North's stories, which offer insight into who we are as individuals, communities, a district and a nation.

The Far North's distinct communities have unique beginnings, cultural influences and stories.

Our communities have told us that it is important that they are supported to tell their own stories.

Traditional written history does not tell the whole story of our past. It is important that communities, especially those whose voices have traditionally been underrepresented, are supported to tell their stories through a variety of creative mediums.

The power of impactful storytelling can be harnessed to build a greater district identity and to encourage community engagement in important contemporary issues, such as climate change.

There is strong evidence that sharing stories builds empathy and understanding for different experiences. Sharing stories can also be a powerful and transformative tool for empowering communities to make social change to redress inequities. ¹⁷

Creative activities that bring different cultures together can improve interethnic relations between different cultural groups. 18



Actions

2.2

Empower our communities to tell their unique stories | pūrākau by building community storytelling capability, e.g.

- run programmes at our libraries and museums teaching communities how to collect and present their stories
- · seek external funding to appoint a historian/researcher to work with communities to tell their stories
- help communities access central government funding that supports storytelling projects.

Through Creative Communities, Community Board and Events funding, support projects that bring different cultures together and allow our diverse communities and cultures to explore different ways to tell the stories of the Far North - e.g., through festivals, art, theatre, kapa haka, waiata, kōrero, music, film, digitally, through apps and pop-up events.

Work with mana whenua to improve our signage with interpretation and the stories of our places.

> For new developments, at the planning stage, seek information about the historical significance of the site and explore the possibility of telling the story of the place (ensuring that stories are told by those who have the right to tell them).

2.5 Use our communities' stories to enrich our destination marketing - strengthen our promotion of the Far North as the place of beginnings where all New Zealanders should visit to discover the origins of our unique partnership and to explore our national identity; the place where Māori and Pākehā first met and where we continue to live side by side.

17 - Empowering social action through narratives of identity and culture, Williams, Labonte, O'Brien. Health Promotion International, Oxford University 2003 p8 18 - What is the evidence on the role of the arts in improving health and well-being? A scoping review.World Health Organisation 2019 p9 P **Above:** The Far North is proud to be home of the award-winning Te Köngahu Museum of Waitangi, which tells the story of Te Tiriti o Waitangi from multiple perspectives and examines Te Tiriti's role in the past, present and future of Aotearoa | Photo David Kirkland, Northland







Celebrate and promote Ngā Toi Māori

Why?

People, art, culture and heritage are inseparable in te ao Māori and Ngā Toi Māori | Māori art is a powerful vehicle to bring Māori culture to life. Ngā Toi Māori enhances cultural wellbeing and strengthens identity. 19

Ngā Toi Māori distinguishes Aotearoa from any other country, it is our unique voice. 63% of Northlanders believe that Ngā Toi Māori helps define who we are as New Zealanders and 71% of Northland Māori say art is an important way of connecting with their culture. ²⁰

The Far North is home to exceptionally talented traditional and contemporary Ngā Toi Māori practitioners. Their work is an essential element of our district's unique identity that needs to be celebrated and promoted.

Hapū and iwi must be supported to protect and revitalise local knowledge and cultural practices.

Actions

- Increase opportunities for our people to engage with Ngā Toi Māori e.g., through
- 3.2 Promote and celebrate the talent and successes of our Māori artists and creatives through destination marketing, including expanding existing art trails and journeys to
- Build deeper relationships with iwi, hapū, marae and advocacy organisations such as Toi Ngāpuhi to identify and advance the
 - Recognise and support marae as creative spaces that provide training and showcase the arts - this could include creating a new fund to specifically support Ngā Toi Māori
- Facilitate connections between Ngā Toi Māori artists, creatives and performers and organisations working on development projects and events
 - practice both contemporary and traditional Ngā Toi Māori and initiatives that provide pathways for them to build a future in the
- 3.7 Consider the implications of WAI 262 claim regarding Māori culture and products and

public art, events, programmes and festivals such as Matariki.

showcase Ngā Toi Māori.

needs of the Far North's Toi Māori artists and practitioners. 3.4

creative spaces.

Support initiatives that provide opportunities for ringatoi | young Māori artists to learn and

have conversations about appreciation versus appropriation.



^{20 -} New Zealanders and the Arts: attitudes, attendance and participation Ko Aotearoa me ōna toi: waiaro, wairongo, waiuru. Creative NZ Survey findings for Northland





Above: Bone carving and Pounamu Toki workshops at Matariki Pewhairangi Festival Photo Mark Russell (Renegade Peach) and Jacman Entertainment

Above right: Dallas King painting at Wānanga Toi, Ōtiria Marae, Moerewa. Toi Ngāpuhi, Tai o Hī Tai o Hā Wānanga Toi Series 2021 | Photo Te Rawhitiroa Bosch

Celebrating Ngā Toi Māori 23

Right: Wiremu Sarich teaching ngå taonga tåkaro (traditional Måori games) at Taiohi Exhibition, Hihlaua Cultural Centre, Whangārei. Toi Ngāpuhi, Tai o Hī Tai o Hā Wānanga Toi Series 2021 | Photo Jos Wheeler

Below: Mikara Hita learning muka, Wānanga Tuatahi, Waiwhatawhata Marae, Hokianga. Toi Ngāpuhi, Tai o Hī Tai o Hā Wānanga Toi Series 2021 | Photo Bethany Edmunds

Below right: Makareta Jahnke teaching daughter Mikara Hita, Wananga Toi, Ötiria Marae, Moerewa. Toi Ngāpuhi, Tai o Hī Tai o Hā Wānanga Toi Series | Photo Te Rawhitiroa

Bottom: A carving at Ngāwhā Springs | Photo Northland



Whai wāhitanga Participation

Everyone can access and participate in creative and cultural activities

Communities are stronger and more connected when everyone has equal opportunities to participate in community-based activities such as arts and cultural events. ²¹

Engaging with arts and culture has positive impacts on individuals, communities and our wider district, but these impacts are not always evenly distributed. Despite high engagement with the arts, only half of Northlanders say they can easily access the arts in their community. ²²

The greatest barriers to participation in the Far North are geography, cost, a lack of opportunities for youth, and inadequate communication about arts and cultural activities.

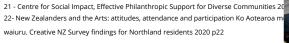
Growing participation will involve addressing these barriers while ensuring that our diverse and underrepresented communities are included and have equal access.

"Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts." Universal Declaration of Human Rights Article ²⁷

Top: Te Ahu Museum partners with local schools and learning institutions to co-design and run outreach programmes that take collections to remote rural schools and marae

Right: The award-winning show 'Meremere' at the Turner Centre | Photo Claire Gordon, Flash Gordon Photography

Bottom: The free family festival Ngā Purapura Kaeo celebrates community and creativityThe free family festival Ngā Purapura Kaeo celebrates community and creativity





Support a range of creative spaces and places

Why?

Ideally, everyone in our district would have easy access to a performing arts venue, a library where they can access the internet, a community art gallery where they can see, exhibit and buy local work, a space to see their taonga, a creative meeting and learning space and public outdoor spaces where they can see and create art.

Our district is faced with significant challenges in providing creative spaces for our many communities. We need to innovate by incorporating areas for creativity in our existing facilities, by taking art and events into our public spaces, and by forming partnerships with iwi, businesses, education facilities and other stakeholders to ensure that all of our residents, even those who live remotely, are able to participate in creative activities.

Top left: Pottery classes at Cherry Park House, an arts hub based in a council-ow building in Kerikeri that is the creative home of more than 30 community groups.

Top right: Kylie Fifield, Maudena Wood and Alexander Moa at Ako Hokianga's Pūtātara workshop run by Nopera Pikari at the Hokianga Community Campus | Phot

Middle 1: Kerikeri's Turner Centre is our district's largest performing arts venue. A hub for over 32 community groups, it has hosted 2000+ events | Photo Clare Gordon, Flash Gordon Photography

Middle 2; Arko Fenwick and William Burling get creative at Kaikohe Library's Crafternoon..

Bottom: Secrets in Your Streets - Java Dance Company and Upsurge Festival taking performance to the streets | Photo Claire Gordon, Flash Gordon photography.

Actions

4.8

Create an inventory of the district's existing creative spaces and venues (including size, facilities, charges) so that our communities and touring groups know what spaces are

Support the growth of our district's libraries 4.2 as community spaces to discover and participate in cultural and creative activities.

Continue to upgrade Council-owned 4.3 community halls and support their reinvigoration as creative hubs.

Explore options for including areas for creativity, arts and heritage in new and existing council libraries and council spaces (e.g., performance spaces or places to showcase taonga).

Partner with The Centre at Kerikeri Limited to improve the Turner Centre's long-term sustainabilit as a more affordable and inclusive community venue that connects people with creativity and culture.

Improve the communication and navigation of rules, regulations and permitting processes so that it is easier for the community to use public spaces for creative projects such as street festivals, craft markets, pop-up galleries and busking.

If a Council-owned building becomes vacant, explore partnerships that could enable the building to be used for creative activities.

Explore investing in mobile infrastructure (e.g., temporary stages, theatre tents, inflatable screens) to take events and programmes to remote areas of our district.

Support outreach programmes, touring acts and festivals that take creative and cultural activities to remote areas and programmes that provide subsidised transport options.

an important role in a community; as well as providing programmes community spirit, fulfilment."

> **Gerry Paul -**General Manager, The Turner Centre





Foster and grow youth participation

Why?

Arts, culture, and creativity help to grow healthy tamariki and rangatahi. Participating in creative and cultural activities builds their confidence, resilience, sense of belonging and connection.

Research conducted by Creative New Zealand in 2020 revealed that nearly three quarters of young people feel good about life in general when taking part in arts activities and they see the arts as something that can contribute to their wellbeing. ²³

The arts also enable young people to engage with social issues, contribute to their communities and instigate social change. ²⁴

Participating in creative activities can help reduce antisocial and criminal behaviour in teenagers, including substance use. ²⁵

We want our young people to be able to participate in fun, exciting creative experiences that build a lifelong love of arts, culture and creativity. We want our tamariki and rangatahi i to have the freedom to express themselves creatively.

Creativity is key to our future economies. According to the World Economic Forum, creativity will be a key skill for the workforce of the future. We want to embed creativity in our district so that our young people are creative thinkers, innovators and problem solvers who can navigate challenges and lead our district to a positive, prosperous future.

Connecting our youth with their culture and history is vitally important. There is evidence that giving young people opportunities to learn about the successes and strengths of their tūpuna | ancestors can be used as a powerful tool to enhance their aspiration, optimism and cultural pride, presenting them as 'powerful agents of their own destiny.' ²⁷

- 23 New Zealanders and the Arts Young Persons Survey 2020, Creative New Zealand p6 24- Dr. Molly Mullen, University of Auckland 'Arts funding central to improving youth wellbeing ' March 2022 25-
- 25 Arts Culture & the Brain: A literature review and new epidemiological analyses, Arts Council (UK) 2022, P1
- 26 World Economic Forum, The Future of Jobs Report 2018 p12 $\,$
- 27 A Fire in the Belly of Hineāmaru: Using Whakapapa as a Pedagogical Tool in Education, Melinda Webber and Kapua O'Connor, 2019 26 24 27 27 Actions

Actions

- Provide more opportunities for youth to participate in the arts, culture and heritage activities by supporting youth programming through Community Board, Creative Communities and Events funding.
- **5.2** Ensure that the voices of our young creatives are heard on Youth Council.
- 5.3 Grow creative and cultural programming for youth in our libraries and museums. Build stronger relationships with schools to enable youth learning the new Te Takanga o Te Wā and Aotearoa New Zealand's histories curriculum to access and engage with local history.
- 5.4 Showcase the talents of our youth performers and creatives at Council-run events and activities.
 - Support opportunities for Far North creative professionals to engage and inspire the next generation e.g. motivational events, mentoring opportunities, internships, holiday programmes.
 - Explore ways for our youth to take a more active role in telling our district's stories and promoting our heritage e.g. guiding.
- 5.7 Use social media platforms to reach youth to promote arts, culture and heritage events, activities, volunteering and career development opportunities.





Top left: The R. Tucker Thompson delivers a diverse Youth Development Programme, which includes an introduction to maritime heritage and the history of the Bay of Islands while nurturing their nautical skills, confidence and connection | Photo R. Tucker Thompson

Top right: BMax streetwear is the label of Kaitāia teen Max Beatson. F.O.S Clothing is mentoring Max to realise his dream of bringing his art to life in streetwear. His designs are popular with tourists at local markets.

Above: Tai Huri Films making the waiata Māori video music series The Barber Shop Sessions featuring rangatahi from Te Tai Tokerau | Photo Tai Huri Films

Above right: Jojo Edmonds and Te Awa Neumann learn taonga pūoro at Wānanga Tuatahi, Waiwhatawhata Marae, Hokianga. Toi Ngāpuhi, Tai o Hī Tai o Hā Wānanga Toi Series 2021 | Photo Bethany Edmunds

Right: Anika Moa entertaining young audiences in Tōtora North at Hullabaloo - Children's Arts Festival | Photo Claire Gordon, Flash Gordon Photography and Jacman Entertainment

 $\textbf{Left:} \ \mathsf{Tamariki} \ \mathsf{from} \ \mathsf{M\bar{o}} \mathsf{tatau} \ \mathsf{School} \ \mathsf{at} \ \mathsf{Te} \ \mathsf{P\bar{u}} \ \mathsf{o} \ \mathsf{Te} \ \mathsf{Wheke}$



Priority 6 Remove barriers to access

Why?

We want to increase access to the arts and creativity for people who experience barriers to participation. People of all cultures, ages and abilities should have equal access to creative and cultural activities.

The cost of participating in creative and cultural activities can be prohibitive for many of our people. Half of the Far North's population lives in the highest areas of deprivation. 28

Northland has one of the highest rates of disability in the country, which is likely to increase as our population ages. By 2043, it is estimated that 31% of our population will be aged 65+. ²⁹

Participating in creative activities can support health outcomes, bringing benefits for mental health, physical rehabilitation, and treating chronic and age-related conditions. 'Creative Ageing' harnesses the physical, mental and social wellbeing benefits of engaging with the arts and tackles social issues such as isolation and

Technology is transforming the ways we participate in and engage with arts and cultural activities. Eliminating the 'digital divide' in our district is also necessary to remove the barrier to digital participation.

Actions

Support free and low-cost events and programming through Community Board, Creative Communities, and Events funding.

Build the capability of our libraries to offer 6.2 free creative and cultural programming - aim to increase the number of attendees at library events and programmes by 5% annually.

Continue to upgrade Council facilities, including community halls, libraries, parks and reserves, to ensure that people with access needs can participate in creative and cultural activities.

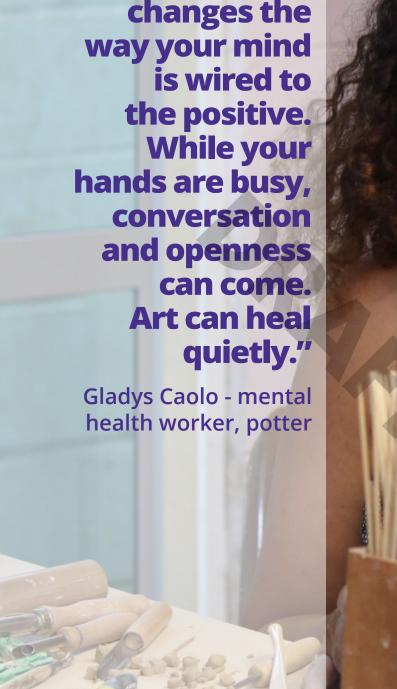
6.4 Advocate for more arts therapy programmes that support community wellbeing in the Far

Continue advocating for 100% digital connectivity in our district to enable isolated communities to participate and engage in creative and cultural activities digitally.

Ensure that all of our district's diverse cultures feel supported to showcase their creativity and share their cultural traditions e.g., celebrate Diwali and the Chinese New Year at our libraries and community facilities.

Ensure that our rainbow communities have opportunities and safe spaces to connect creatively.

"Working with your hands and being creative changes the way your mind is wired to the positive. While your hands are busy, conversation and openness can come. **Art can heal** quietly." **Gladys Caolo - mental** health worker, potter



28- Understanding the Landscape of Auckland & Northland: An Evidence Review Written by the Centre for Social Impact 2018 p6

29 - Far North 2100 p14

Build our promotion of arts, culture and heritage

Why?

The Far North is alive with creativity, but a lack of clear and coordinated communication means that people often find out about events, creative programmes and activities after they have happened. Young people, in particular, say they are unaware of what arts and cultural activities are happening.

Many arts organisations and individual creatives lack the resources to pay for advertising to promote their work and events.

A more cohesive approach to communicating the creativity in our district will enable greater participation.

Council will actively champion the value of arts, culture and creativity in our district and take every opportunity to showcase, celebrate and promote local talent and success.

Actions

7.1

- Explore ways to build our district's promotion of arts, cultural and creative events, programmes and practitioners (ensuring that existing resources are utilised, leveraged and not duplicated or competing).
- 7.2 Investigate the feasibility of creating a 'go-to' online hub for arts, culture and heritage in the Far North that includes:
 - an inventory of our arts, culture and heritage practitioners, resources and places
 - links to event calendars, learning opportunities, and resources for creative practitioners
 - 'Far North stories', with links to community websites that tell local stories and apps that offer GPS-triggered audio tours telling the stories of taonga and historic sites.

Arts, culture and heritage revitalise our

Arts, culture and creativity are powerful tools for community renewal and revitalisation, which can be used to change the energy of our communities, turning neglected and run-down places into welcoming, vibrant spaces filled with life, music, theatre, emotion and wairua.

Whakahaumanutanga

public spaces and infrastructure

Revitalisation

The arts improve the built environment, enhance social cohesion and decrease levels of violent crime, leading to safer places. 30

Public art, festivals and events transform public spaces, inject vibrancy and connect disparate community groups.

Creative placemaking harnesses the existing strengths of our communities. It highlights community culture and identity and refines the narrative of a place. Community-centred creative placemaking can offer healing, hope and inspiration - it stimulates neighbourhood pride. ³²

30- What is the evidence on the role of the arts in improving health and well-being? A scoping review. World Health Organisation 2019 p 11

- 31 Valuing the Arts, Ministry for Culture & Heritage Manatū Taonga (NZ)2022 p32
- 32 Center for Community Progress, Creative Placemaking Progress Points 2022









Kaitāia, Awanui and Ahipara have been transformed by more than 80 infrastructure, art and placemaking plans completed by the community-led, multi award-winning Te Hiku o Te Ika Open Spaces Revitalisation Project. Awanui was named Most Beautiful Tiny Town in the 2023 Keep NZ Beautiful Awards.

Support our communities to revitalise their public spaces

Why?

We want to support our people to develop a creative vision for their communities that reflects their identity and stories.

It's about bringing fun, magic and wairua into communal spaces so that people want to spend time there, connecting with others.

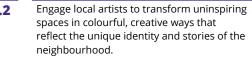
We want our people to be proud of their towns and public spaces, so they feel more connected to them and want to protect and look after them. There is evidence, for example, that public art can deter tagging and graffiti.

33- Place: 29 secrets to creating extraordinary public place Edition 2, David Engwicht & Jodi Stojanov, 2015 p15 33 Revitalising our communal spaces Bringing colour to the

Actions

- 8.1 whenua, youth, artists, local organisations and businesses to collectively develop a creative vision for their neighbourhood.
- 8.2 spaces in colourful, creative ways that
- Encourage and enable communities to use





public spaces for music, busking, art-making, street theatre and craft markets.

Engage youth-led community art projects to target graffiti hot-spots.



Revitalising our communal spaces

"Creative placemaking animates public and private spaces, rejuvenates structures and streetscapes, improves local business viability and public safety, and brings diverse people together to celebrate, inspire, and be inspired."

'Creative Placemaking', Markusen Economic Research Services and Metris Arts Consulting, 2010`

Top left: Paihia has completed over 20 placemaking projects, earning them a 'community of the year' award.

Top right: Paihia's community working with master placemaker David Engwicht to revitalise their public spaces

Above: Taitamariki were actively involved in a project to revitalise the Kerikeri Domain and skate park. Youth were encouraged through art, design and storytelling to explore concepts that would uplift the face, mana and mauri of their

Left: Kohokohu has created its own community plan with the vision: "Kohukohu, a community that supports, empowers and celebrates our people – hapū/iwi and tauiwi – our diverse cultures, skills, arts and heritage; and our strong desire for

Below left: Kāretu School's conservation-inspired mural project won a Keep New Zealand Beautiful award and is a much-photographed local landmark.

Below right: An art project designed to discourage tagging at Forest Pools picnic area.





Integrate culture and creativity into our infrastructure and facilities

Why?

Integrating creativity and culture into the design of our streets, parks, bridges, service facilities, housing and other new assets has the potential to uplift and revitalise our public spaces and utilities.

There is evidence that public art initiatives can increase the use of public spaces and encourage a sense of ownership and community pride. 34

We want to ensure that arts, culture and creativity are a central component, not an afterthought, when developing infrastructure. Artistic and cultural values should be considered alongside function, cost, sustainability and environmental impact, and artists should be involved in the planning from the start.

Bottom left: Kawakawa's toilets, designed by internationally-acclaimed artist Friedensreich Hundertwasser have been listed as a Category 1 historic place. The toilets are an example of how public facilities can be transformed into works of art. They are a major tourist attraction, drawing a reported million visitors annually | Photo Northland NZ

Bottom right: A waharoa | gateway represents the many rangatira | chiefs of Kororāreka | Russell, where Ngare Raumati held mana whenua 600 years before

Actions

9.1

Explore options for including art and design elements in council infrastructure projects.

9.2 Consider Māori design based on te ao Māori principles when building new Council facilities and work with mana whenua to include mātauranga Māori and stories in council infrastructure projects, where appropriate.

Investigate establishing a new fund to support public art that celebrates our communities' distinct identities and enhances residents' sense of place.

Ensure there are funds available to maintain and conserve Council-commissioned public artworks (e.g., art commissioned as part of the Kerikeri Domain and Te Hiku Revitalisation projects) and work with communities to create conservation plans for community-led public art projects in the public spaces Council owns and manages.

34 - Kakano: A review of the Henderson Youth Art Project to determine its effectiveness in engaging disenfranchised young people in further education, Kākano



Whakamaru Protection

We value and protect our heritage and have opportunities to learn about it

The Far North's heritage is central to our identity. It connects us to the whenua, each other, and our ancestors. It enriches our lives by teaching and inspiring us. It can also sustain us through tourism.

'Te ira tangata – our rich heritage and diversity is respected and celebrated.'

> Far North District Council's Long Term Plan 2021-2023

Protecting and conserving our district's heritage resources for current and future generations is an investment in our district's social, cultural, environmental and economic wellbeing. The Resource Management Act (RMA) requires the Far North District Council to ensure that historic heritage is managed sustainably.

Council recognises that Māori are the kaitiaki | carers of their natural, cultural and historic heritage, as recognised in Article 2 of the Treaty of Waitangi. Council is committed to supporting the kaitiakitanga guardianship of iwi, hapū and whānau.

Council will work in partnership with tangata whenua and organisations tasked with protecting heritage, such as Heritage New Zealand and the Department of Conservation, to research, identify and give formal recognition to more of our district's heritage resources to ensure their long-term protection. This includes building our knowledge and protection of cultural landscapes and sites of customary value.

Top: Ruapekapeka Pā, New Zealand's best preserved land war battlefield | Photo Northland NZ

Middle: Christ Church, Kororāreka | Russell - New Zealand's oldest surviving church | Photo David Kirkland, Northland NZ

Bottom right: Kororipo Heritage Park is culturally and historically one of the most important sites in Aotearoa New Zealand | Photo Northland NZ



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Priority 10

Identify and protect more of our district's heritage resources

Why?

Northland's Conservation Management Plan identifies the biggest threats to heritage values as natural forces, ignorance of their values or their protection by law, a lack of knowledge about their precise location, land developments and loss of knowledge. ³⁵

The Far North District Plan is used to identify and protect heritage resources. It includes schedules of historic sites, buildings and objects, sites of cultural significance to Māori (including wāhi tapu, urupā, pā sites, sacred awa, historic and Māori reserves, marae, maunga tapu and taonga islands), registered archaeological sites, notable trees and heritage overlay areas where there are significant clusters of historic heritage (Kerikeri, Kohukohu, Kororāreka Russell, Mangōnui and Rangitoto Peninsula, Paihia, Rangihoua, Rāwene and Te Waimate).

Council acknowledges the need to build deeper trust and make it clearer to communities the importance of and process for scheduling heritage resources in the District Plan. Council is committed to working with our communities, iwi and hapū to identify more of our heritage resources in order to protect them.

35 - Conservation Management Strategy 107B Northland 2014-2024, Volume I, p24 $\,$

The Ōruru Valley is a site of considerable significance due to its exceptionally intact archaeological landscape. There are hundreds of archaeological sites in the valley and more pa sites than the whole of the South Island. Currently, less than 1% of the total recorded archaeological sites in the valley are scheduled within the Operative District Plan. Te Paatu ki Kauhanga Trust Board, Far North District Council and Heritage New Zealand are seeking funding to collaborate to record the information, in order to better protect the Ōruru Valley as a cultural landscape. The pilot project will play an important role to inform and guide the approach to the future District-wide assessment of sites and areas of significance to Māori in collaboration with tangata whenua.

Actions

10.3

10.4

10.5

10.6

10.7

10.1 Aim to strengthen relationships between mana whenua, heritage groups, the wider council family and community to enable stronger heritage and cultural landscape outcomes.

10.2 Investigate the appointment of a Heritage Officer to support heritage processes and outcomes.

Encourage research, support and funding to widen our knowledge of the district's heritage resources to enable their identification and better protection through regulatory and non regulatory processes.

Work towards increasing our recognition of tangata whenua values and cultural heritage, including cultural landscapes, as part of the development of the Open Spaces Strategy and within the District Plan framework (subject to RMA and Local Government Reform).

Work with mana whenua to grow our

understanding of the cultural heritage values of reserves and parks that are currently managed by the Council, and explore the possibility of telling the stories of those places.

Explore ways to assist private owners of built heritage resources to preserve their heritage values (e.g., re-instate the heritage fund, relief/waiving of consent fees, provision of free expert advice).

Partner with tangata whenua, the Department of Conservation, Heritage New Zealand, communities and the tourism and recreation sectors to develop joint long-term regional destination management plans for visitor experiences, facilities, infrastructure and transport to heritage sites.



Top right and left: Kaikohe's Pioneer Village has a collection of 30,000 items gifted by the community and 22 heritage buildings, including the oldest court house in the country, built to be part of the romanga system of local government. The village regularly hosts community events and education outreach programmes to engage people with their past.

Above: Stuart Park, Heritage New Zealand's former Northland Manager shares the stories of interesting characters from different backgrounds and time periods who 'Came to Kerikeri' in one of Procter Library's Monthly Heritage Talks.

Below right: Discovering the art of tintype photography at Te Ahu Museum during Far North Heritage Week.

Below left: Rediscovery is the Far North District Libraries' Recollect website. It is a database providing digital access to heritage photos, documents, maps and related ephemera capturing the Far North District's past.

Bottom photos: The Bay of Islands Pastoral & Industrial Show, held in the historic Waimate North Showgrounds, is the oldest agricultural Show in New Zealand.





Support opportunities for our people to learn about our heritage

Why?

Enriching experiences of connecting with our heritage make us more likely to become advocates for the protection of natural, cultural and historic heritage. 36

Much Māori land-based, built heritage, and archaeology has been damaged or destroyed over the past 150 years due to a lack of understanding of their cultural significance.

We want to improve our communities' understanding of our district's heritage resources when they visit physical sites and by offering learning experiences through our libraries, museums, digital archives, events and experiences.

Council recognises that some information about places, spaces and sites is highly sensitive and we will be guided by mana whenua as to what information can be made public.

36 - Department of Conservation Heritage and Visitor Strategy He Rautaki Taonga Tuku Iho, Manuhiri Tūārangi hoki p20



Actions

11.1 Support projects that tell the human stories and explain the cultural significance of the heritage sites, buildings, objects and areas in our district, including those scheduled in the District Plan.

11.2 Support iwi, hapū and whānau as kaitiakitanga | guardians of their mātauranga | knowledge and tukuihotanga | cultural property, heritage - support events and programmes that share this knowledge and grow understanding.

11.3 Work to grow the community's understanding of the importance of preserving heritage e.g., education opportunities for landowners and developers, more community engagement with residents living in heritage precincts and heritage properties.

Expand and promote Rediscovery: the Far North District Libraries Recollect website which offers digital access to heritage material to preserve it for future generations.

11.5 Support the growth of the digital collections of our district's museums to enable wider access to their taonga.

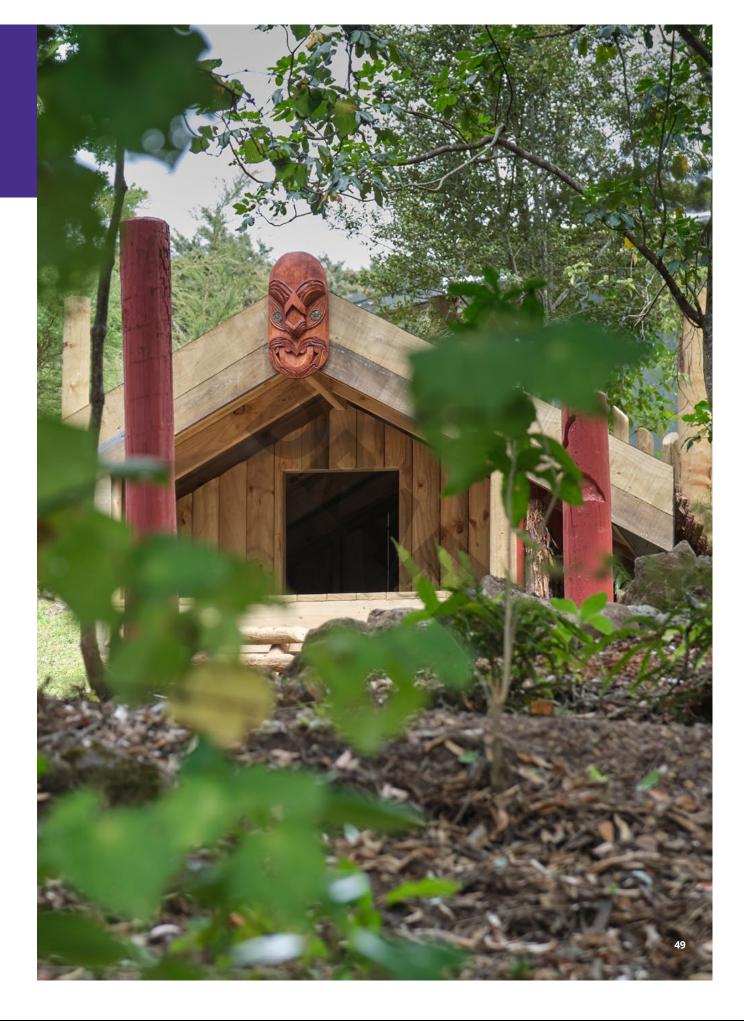
11.6 Continue to support and advocate for the district's many community-led local heritage preservation and museum initiatives (e.g., Kaikohe Pioneer Village, The Bay of Islands Vintage Railway Trust and others).

11.7 Continue to support and promote events that allow people to engage with and celebrate our history and heritage e.g. Far North Heritage Week, run by Te Ahu Museum.

11.8 Explore ways to connect art, culture and heritage and bring heritage spaces to life e.g. creative residencies, galleries and events in heritage spaces.

Right: Te Ahurea in Kerikeri is an interactive pā site and experiential living and learning centre for Māori culture and heritage that shares cultural and historic mātauranga | Photo Claire Gordon, Flash Gordon Photography

Left: Te Ahu Museum collects, cares for and keeps alive the precious histories and stories of Te Hiku o Te Ika. The museum has more than 10,000 items, but not enough space to show them all, so the museum is embarking on a massive digitisation project to make its collection items available online.



Advocate for the repatriation of cultural artefacts | taonga to the Far North

Why?

Taonga are important and enduring symbols of Māori identity and repatriating cultural taonga can be a powerful tool for reconnecting and revitalising communities. ³⁷

Many of our district's taonga are currently held in collections in other parts of New Zealand or internationally.

Council is committed to supporting projects that aim to repatriate cultural taonga to the Far North district and investigating new ways to store these treasures safely.

37 - He Mana Taonga, He Mana Tangata: Māori Taonga And The Politics Of Māori Tribal Identity And Development by Arapata Tamati Hakiwai p 19 & 24

Below and right: Raiätea Resource Centre is Aotearoa's first tribally controlled purpose-built whare taonga. Based at Motutr (Tamatea) Marae in the Hokianga, Raiätea is solely managed by a collective of hapōu under the banner of Ngāti Tamatea. Raiätea holds over 10,000 items including Māori artefacts gifted to the late Pā Henare Tate such as carvings, tukutuku panels, cloaks and taonga pūoro (traditional musicin instruments). Raiātea will allow Ngāti Tamatea to manage their collections to express, discover, articulate and fulfill kaitiakitanga of the physical, intellectual and spiritual care of taonga. Raiātea is a hapū space with cultural practices taking precedence over museum practices.



Actions

Advocate on behalf of projects led by our museums (including iwi managed whare taonga) that aim to repatriate cultural artefacts | tāonga to the district.

12.2 Support mana whenua to create marae-based or iwi/hapū-led museums that are managed by the descendants of the taonga on their own ancestral lands.

12.3 Where iwi and hapū do not have the space or resources to care for their taonga, investigate new ways to safely store and display taonga - e.g., at Te Ahu Museum, retro-fitting library buildings with spaces for taonga, or explore the possibility of creating a regional museum/gallery.

Support projects that engage young people to document and research cultural taonga from the Far North that is located elsewhere.

Actions

"Bringing cultural taonga home is about enabling Māori for Māori. It doesn't just have to be taonga Māori - let's strive to bring home all taonga that belongs here."

Whina Te Whiu, curator
Te Ahu Museum, Motutī
Marae Archivist and
Raiātea project member

50

Priority 13 Build the capacity and sustainability of our creative sector

Why?

A growing number of our people work in the arts. The Far North is one of the largest movers in the Infometrics Creativity Index, which measures the number of people employed in the arts and creative sector. In the last decade, we have jumped from 23rd place to 14th.³⁸ More people work in the arts and creative sector in Northland than in Nelson, Hawkes Bay or Taranaki. ³⁹

We want to support the artists and creatives who already live in the Far North, and attract more creative practitioners and artists to our area.

Our creative professionals are immensely talented and capable, but face many challenges in attaining sustainable careers. Those who work in the arts and creative industries are more likely to be selfemployed than workers in New Zealand as a whole. 40

Many work in silos and lack the time, resources, or skills to apply for funding, market their work, or run creative businesses. The 'funding treadmill' is seen as relentless, unpredictable and unsustainable. Event organisers creating, developing, and investing time and money into events want support to maximise their creativity and promote their events.

Ensuring that our district's infrastructure, roading, internet and power are fit for purpose is also important for artists who run home studios. More systemic support, advocacy, networking, collaboration and capability-building opportunities will help our creative sector become stronger and more sustainable.

Cross-agency collaboration with other sectors such as housing, health, education, conservation and the environment could open up cross-agency funding opportunities to increase the sustainability of our creative sector.

38 - https://www.infometrics.co.nz/article/2022-05-new-zealands-most-creativecity-in-2021 39 - 2023 Sector profile Arts and Creative Sector, Infometrics, P3 40 - 2023 Sector profile Arts and Creative Sector. Infometrics. P 8

Actions

13.1

Investigate assigning a council staff member to support, connect and advocate for creativity and culture within the Council and the community.

13.2

Work alongside organisations such as Creative Northland and Toi Ngāpuhi to support and facilitate collaboration, networking and professional development opportunities to build the capability of the sector, e.g.,

- support workshops in funding, marketing, digital and creative business skills
- explore ways to offer internships, residencies, mentoring/succession planning
- grow connections with other sectors such as business, health, education, justice and the environment

13.3

Review existing pūtea | funding for arts, culture and heritage in the Far North:

- align our existing funds to the priorities outlined in Toi Mana
- ensure funding information and processes are inclusive, accessible and equitable
- continue to support arts and creative groups applying for Council and other non-Council funding
- explore the creation of potential new funds e.g., for marae as creative spaces, a public art fund, a heritage fund
- consider multi-year funding options to give more security in planning annual events/festivals
- continue to actively apply for central government and other funding to support the Far North's arts, culture and heritage
- advocate for greater investment in regional and local arts, culture and heritage by central government.

13.4

13.5

Explore cross-agency collaboration, facilitate connections between the creative sector and other sectors, and explore ways to collectively fund projects through partnerships

Build the capacity of our events sector by supporting initiatives that train locals to work in event crewing and production roles e.g., security, construction, sound, audio visual, traffic management, videography and promotion.

Pitomata auaha, Ahurea Hoki Creative & cultural potential

The Far North is reaching its creative and cultural potential

Arts, culture and creativity are central to a thriving Far North District. There is enormous untapped potential to grow these sectors, particularly creative, cultural and heritage tourism, to boost our district's economy.

We want our district to be renowned as a place where the cultural and creative landscape is vibrant and filled with passionate makers and creators, practitioners and participants.

We want to be a district that values and supports its creative communities by nurturing local, emerging and indigenous talent and fostering excellence. We want to be known as a leading cultural, creative and heritage tourism destination.

We want to activate and unleash our creative potential to create new opportunities so that we all flourish.

By supporting our arts, culture and heritage we can harness the significant economic development role that these sectors can play in the Far North.

Middle: Creative Northland provides advocacy, funding, capability-building and leadership to develop the Far North's arts, heritage and cultural sector. The organisation offers free services advice, a financial umbrella service, professional development, and programming with and for the community. Creative Northland's professional business development support helped Te Pu o Te Wheke Community Gallery and Arts Trust to secure funding support from the Manatū Taonga Ministry of Heritage and Culture

Below: Matariki Pewhairangi is a collaborative, multi-disciplinary festival to celebrate Puanga Matariki.
Photo Mark Russell (Renegade Peach) and Jacman Entertainment





Explore ways to grow the Far North District's creative economy Why?

Why?

The arts and creative sector generated \$16.3 billion in GDP in 2023, with 117,517 jobs. 42 Between 2000 and 2021, the economic contribution of the arts and creative sector more than doubled (+121%), outstripping the economy as a whole 42

In 2023, GDP growth was 6.5% for the Māori arts and creative sector (compared to 2.9% growth for the total economy ⁴³) and the Māori arts and creative sector contributed over \$1.05 billion to New Zealand's GDP between March 2020 and March 2021. ⁴⁴

We are committed to exploring sustainable ways to grow the Far North's creative economy to help our district flourish. The Ministry of Business, Innovation and Employment says the New Zealand screen industry brings direct and indirect economic benefits to the sector and New Zealand's wider economy. The Ministry for Culture and Heritage suggests councils work with the film and broadcasting sectors to encourage filming in, and promotion of, their areas. "Through film and broadcasting we experience and showcase ourselves and others." ⁴⁵

The Far North's proximity to Auckland means we are in a prime position to attract large-scale television and film productions. Harnessing our spectacular scenery and legendary manaakitanga offers a unique point of difference.

The increase in remote working and the lure of our lifestyle means we are well-placed to attract boutique creative tech companies (e.g., those creating visual effects or sound design). Improving connectivity will be essential to attract creative tech businesses and grow our creative economy.

Music concerts and festivals can also generate significant income for the regions. The 2021 Six60 concert at Waitangi attracted 14,000 people and involved a crew of 650 people behind the scenes. Local workers, accommodation, restaurants, and attractions all benefitted.

- 41 2023 Sector profile Arts and Creative Sector, Infometrics, p2-3 $\,$
- 42 Manatū Taonga Long-Term Insights Briefing 2022 p6
- 43 Arts and Creative Sector Profile 2023 Infometrics report summary , Ministry for Culture & Heritage 44 Manatū Taonga Long-Term Insights Briefing 2022 p21
- 45 Ministry of Culture and Heritage Cultural Wellbeing, What is it? p30 41 42 Actions 45 The story of Far North mother and son 'James & Isey' by Florian Habicht is one of ew Zealand's most successful documentaries of all time | Photo Florian Habicht

Actions

14.4

14.5

14.6

14.1 Explore ways to grow the Far North's music concerts and festivals - support local promoters who use local crew and suppliers and who are working towards zero waste goals.

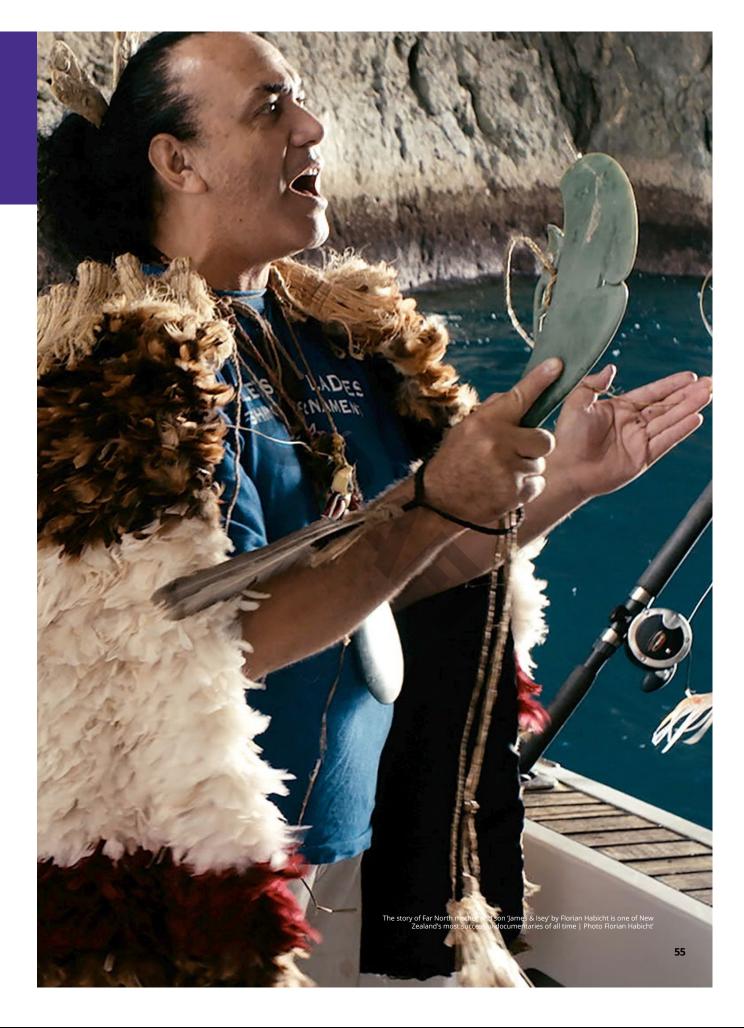
14.2 Investigate the feasibility of attracting largescale international film productions to our district to promote our area and benefit our wider economy.

14.3 Explore ways to grow our local film industry, e.g., investigate building a sound stage on Council-owned land, which could incorporate a community training facility for young filmmakers, actors and technicians to enable them to stay in the district.

Explore ways to encourage creative tech companies to set up in the Far North.

Support our district's community market culture, especially those that feature arts, crafts and performers (such as The Old Packhouse Market in Kerikeri, the Towai Makers Market and the Kohukohu Craft and Produce Market).

Explore launching a 'Buy Far North Art' campaign to promote the work of our artists and creative practitioners. Priority 14 - Explore ways to grow the Far North District's creative economy



Include creativity, culture and heritage as a key part of our destination development

Why?

Tourism is a key contributor to Taitokerau Northland's economy, contributing \$491.7m towards Northland's GDP in 2023 and employing 7,192 people in the Northland region. 46

International research shows that arts can have a significant impact on tourism by attracting visitors, boosting the economy, offering yearround tourism and helping visitors understand different cultures. 47

Harnessing our creativity, culture and heritage in tourism initiatives that are sustainable, respectful, and authentic has the potential to benefit our district.

The Taitokerau Northland Destination Management Plan 2021 recognises that Taitokerau Northland remains relatively undiscovered by domestic and international visitors and has room for intentional growth in the tourism sector.

The Far North has recently benefited from significant central government support to boost our cultural heritage offerings, including the new Manea Footprints of Kupe Cultural Centre in the Hokianga, Te Rau Aroha Museum within the Waitangi Treaty Grounds, Kupe Waka Centre in Aurere, Te Pakanga o Ōhaeawai Memorialisation to the Battle of Ōhaeawai and Te Ahurea interactive pā site in Kerikeri. These new sites will encourage visitors to explore more of our district.

It is vitally important that the economic benefits of cultural heritage tourism are reaped by the communities who have the right to tell the stories of their places. By supporting our communities to tell their own stories, showcase their creativity and talent, we can enrich our tourism for the benefit of our people.

Actions

15.4

15.1 pillars (Subtropical Pathway, Contrasting Coastlines, Māori Living Today and Ancient

Promote our district as the place to 15.2 ways to grow our Matariki events and

> Building-up to the 200-year anniversary of the signing of Te Tiriti in 2040, explore a programme of events to mark significant interactions between Māori and Pākehā leading up to the signing of the Treaty that and the origins of their partnership.

Put our artists and creatives on the map create 'off-the-beaten track' art, culture and heritage trails that encourage locals and visitors to explore more of our district.

Te Puni Kōkiri to build the capability of our communities so that they can earn a sustainable income from their places and stories through cultural and heritage tourism.

Northland regional tourism organisations and trail trusts to enhance the heritage experiences and storytelling (physical and digital) on the district's walkways and cycleways (e.g., the Pou Herenga Tai-Twin Coast Cycle Trail, the Te Araroa Trail, Northland Journeys).

15.7 stewardship are central to our decisionmaking.

Aligning with current regional marketing Living Forests), build the Far North's profile as a creative, cultural and heritage destination.

commemorate Waitangi Day and explore programming.

offer insights into their unique relationship

Work with iwi and organisations such as

Work with mana whenua, Northland Inc,

Ensure sustainability and environmental

Right: Arahia Mahanga from Puhi Designs at Paihia200 Festival, bicentenary celebrations marking the arrival of the first Church missionaries, the establishment of the Paihia Mission Station and the beginnings of the relationship between Māori and

"Visitors are increasingly seeking out **experiences** that have authentic connections to Māori culture and heritage, providing ever more opportunities for tangata whenua to share their stories and benefit from visitors." Department of Conservation Heritage and Visitor Strategy

46 - https://www.northlandnz.com/business/key-industry-sectors/tourism/ 47- Arts vital for the future of tourism, Creative New Zealand Jan 2019

He aha te angitūtanga What is success?

- Art, culture and heritage are enriching our lives and improving our social, cultural, economic and environmental wellbeing
- Te reo Māori is flourishing in our district
- We know our history; we are telling our stories and we have a strong sense of identity and pride
- Ngā Toi Māori is supported and celebrated
- All of our people have opportunities to participate in creative and cultural activities
- Arts, culture and heritage revitalise our public spaces and infrastructure
- Our heritage is identified, protected and we have opportunities to learn about it
- Our arts, culture and heritage sectors are connected and supported
- Our creative communities are supported to realise their full potential
- Our creative economy is diversifying and growing
- Creative, cultural and heritage tourism is thriving and benefiting our people and our district Te Hiku Revitalisation Project,

Te Anga Whakamua What Next?

Toi Mana Arts, Culture and Heritage Strategy is the start of a journey towards deeper partnerships, greater communication and collaboration.

Achieving the goals, priorities and actions outlined in Toi Mana will involve strong partnerships with iwi, hapū, our arts, culture and heritage sectors and our creative communities.

Following the adoption of this strategy,
Council will set up an Arts, Culture and
Heritage working group. The first priority
of this working group will be to create a Toi
Mana Implementation Plan. This process
will further develop the proposed actions
outlined in Toi Mana. The intention is that Toi
Mana will be resourced through the Far North
District Council's Annual and Long Term
Plans.

Toi Mana is a living document that will be reviewed and updated every three years in response to the community and sectors' evolving needs and ambitions.

Council would like to thank the many voices who have contributed to the development of Toi Mana. We want everyone to continue the kōrero | conversations and help us strengthen and grow the mana of arts, culture and heritage in the Far North.



Item 5.1 - Attachment 1 - Toi Mana Draft May 2024



5.2 CONFIRMATION OF IWI/HAPU REPRESENTATION ON THE JOINT CLIMATE CHANGE ADAPTATION COMMITTEE

File Number: A4698762

Author: Esther Powell, Manager - Climate & Action Resilience

Authoriser: Roger Ackers, Group Manager - Planning & Policy

TAKE PÜRONGO / PURPOSE OF THE REPORT

To seek confirmation of iwi/hapū representation on the Joint Climate Adaptation Committee.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Climate change poses significant risks to the people of Te Tai Tokerau, especially iwi and hapū.
- Effective, efficient, and equitable adaptation to climate change requires collaboration among councils, communities, iwi and hapū.
- The Joint Climate Change Adaptation Committee (JCCAC) is a Northland Regional Council standing committee with elected members from all Northland councils and representatives from Northland hapū and iwi.
- Tangata Whenua oversight and decision-making on JCCAC is crucial for its success, it will empower Māori to make decisions by Māori for Māori in climate adaptation.
- Including Māori values and worldviews in council processes and decision-making regarding climate action is essential.
- The last several JCCAC meetings have not had representation from Te Tai Tokerau iwi and hapū.
- This report seeks to reconfirm or appoint new representation from Te Tai Tokerau iwi and hapū to the Joint Climate Change Adaptation Committee.

TŪTOHUNGA / RECOMMENDATION That the Te Kuaka Te Ao Māori Committee: a) Agrees to nominate two iwi/hapū representatives to represent Te Tai Tokerau on the Joint Climate Action Adaptation Committee, and b) Recommends that _____ is endorsed as the iwi/hapū Member to represent Te Tai Tokerau on the Joint Climate Action Adaptation Committee, and c) Recommends that _____ is endorsed as the alternative iwi/hapū member to represent Te Tai Tokerau on the Joint Climate Action Adaptation Committee.

1) TĀHUHU KŌRERO / BACKGROUND

Climate change poses significant risks to the people of Te Tai Tokerau and particularly to our most disadvantaged communities and especially to Māori. Local government is responsible for reducing these risks through adaptation strategies.

Effective, efficient, and equitable responses to climate change require collaboration among councils, communities, iwi and hapū. Collaborative work is already underway, including the Climate Adaptation Te Tai Tokerau joint council working group (CATT) and the adoption of the Te Tai Tokerau Climate Adaptation Strategy (TTCAS). Additionally, the Joint Climate Change Adaptation Committee (JCCAC) comprised of members from the Far North, Kaipara, and Whangarei District Councils, the Northland Regional Council, and equal membership from iwi and hapū representatives, ensures coordinated and collaborative efforts across the region. The JCCAC brings together the councils and an equal representation of Māori to the table to ensure that climate adaptation decisions affecting Māori are made by Māori for Māori.

The Far North District Council Strategy and Policy Committee, at its meeting on 1 December 2020, resolved to approve the forming of the JCCAC and appoint members. The Committee further resolved to request the mayor at that time, to invite Te Kahu o Taonui to nominate a Far North iwi/hapū member and an alternative member to JCCAC.

The mechanisms by which this invitation was made is unclear, however it appears that a Te Kahu o Taonui representative was nominated to the role of iwi/hapū member in 2021.

The JCCAC has not had iwi and hapū representation from the Far North for the last several meetings. Action is needed to reconfirm the representative appointments or to seek alternative representation.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

Joint Climate Change Adaption Committee

The JCCAC is a Northland Regional Council standing committee made up of elected members from all the Northland councils and representatives from Northland hapū and iwi. It exists to provide direction and oversight of the development and implementation of climate change adaptation activities by local government in Te Tai Tokerau.

Tangata Whenua oversight and decision making on JCCAC is critical to its success, particularly in empowering Māori to make decisions by Māori for Māori in the climate adaptation space. It is essential to ensure Māori values and worldviews are included in council processes and decision-making relating to climate change adaptation. A copy of the JCCA Terms of Reference is attached.

Iwi Hapu Representation

Under clause 31(3) of Schedule 7 of the Local Government Act 2002, a non-elected member can be appointed to a committee if "in the opinion of the local authority, that person has the skills, attributes, or knowledge that will assist the work of the committee". The Terms of Reference for the joint committee specify the appointment of the iwi/hapū member should, where possible, "follow recommendations from council Māori advisory groups or committees".

When the original request for representation was made, Far North District Council had no such advisory groups or committees. The Strategy and Policy Committee, when it considered the proposed joint committee at its meeting in December 2020, resolved to invite Te Kahu o Taonui to nominate a person to be the Council's iwi/hapū member on the joint committee. It was agreed that the communication with Te Kahu o Taonui needed to be at the governance level, therefore the mayor at that time was asked to speak directly with Te Kahu o Taonui executive for a nomination.

Te Kuaka - Te Ao Māori Committee

Council now has an established Māori advisory committee. Te Kuaka – Te Ao Māori Committee was established on 15 December 2022 and its membership includes Council Elected Members and 12 iwi representatives nominated through Te Kahu o Taonui. Te Kuaka in partnership with Te Kahu o Taonui can therefore recommend the appointment of iwi/hapū members to JCCAC.

OPTIONS

Option One:

Do nothing.

Option Two:

The Committee invites Te Kahu o Taonui to reconfirm existing representation or to nominate two people to be the Far North District Council iwi/hapū member and alternative iwi/hapū member of the Joint Climate Adaptation Committee.

Option Three: RECOMMENDED

The Committee, having equal membership from Te Kahu o Taonui and Elected Members, agrees to nominate two iwi/hapū representatives to represent Te Tai Tokerau on the Joint Climate Action Adaptation Committee, noting that two people are needed, one as the iwi/hapū member and one as the alternative iwi/hapū member.

TAKE TÜTOHUNGA / REASON FOR THE RECOMMENDATION

Option three is recommended. The appointment of the iwi/hapū representative (and alternative) can be determined by Te Kuaka directly as it has equal representation from Te Kahu o Taonui and Elected Members. The decision would be equitable and enable Te Kahu o Taonui self-determination.

Having iwi/hapū representation on the JCCAC will assist Māori to achieve equitable responses to climate change adaptation through collaboration with the councils and other iwi/hapū representatives. It will put iwi/hapū at the table, making decisions by Māori for the benefit of all Māori.

3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

The iwi/hapū representative will be renumerated as indicated for in the Appointment of Non-Elected Members (Appointed Members) to Committees of Council Policy and the Appointed Members Allowance Policy. Budgeting provisions are through the Climate Action & Resilience Department operational expenditure.

ĀPITIHANGA / ATTACHMENTS

1. JCCAC Terms of Reference March 2022 - A4726392 🗓 🖼

Hōtaka Take Ōkawa / Compliance Schedule:

Full consideration has been given to the provisions of the Local Government Act 2002 S77 in relation to decision making, in particular:

- 1. A Local authority must, in the course of the decision-making process,
 - a) Seek to identify all reasonably practicable options for the achievement of the objective of a decision; and
 - b) Assess the options in terms of their advantages and disadvantages; and
 - c) If any of the options identified under paragraph (a) involves a significant decision in relation to land or a body of water, take into account the relationship of Māori and their culture and traditions with their ancestral land, water sites, waahi tapu, valued flora and fauna and other taonga.
- 2. This section is subject to Section 79 Compliance with procedures in relation to decisions.

He Take Ōkawa / Compliance Requirement	Aromatawai Kaimahi / Staff Assessment
State the level of significance (high or low) of the issue or proposal as determined by the <u>Council's Significance and Engagement Policy</u>	This report has a low level of significance and relates to the appointing of representation on a joint committee. There is no need to seek external opinion and the decision can be made by Te Kuaka.
State the relevant Council policies (external or internal), legislation, and/or community outcomes (as stated in the LTP) that relate to this decision.	The recommendation is consistent with Te Tai Tokerau Climate Adaptation Strategy and the Climate Action Policy. Specifically, Policies 7.1 and 7.2 which firstly require Council to develop its climate change responses in partnership with Māori. Secondarily that Council will encourage, align with, and provide resources that support iwi/hapu led climate change responses to empower Māori in building resilience for Māori, by Māori. The recommendation is consistent with the Appointment of Non-Elected Members (Appointed Members) to Committees of Council Policy and the Appointed Members Allowance Policy. The report is consistent with the values in the Long-Term Plan especially Te Tiritio Waitangi — Partnership, Whanaungatanga and Manawatopu. The related community outcomes are connected communities that are prepared for the unexpected.
State whether this issue or proposal has a District wide relevance and, if not, the ways in which the appropriate Community Board's views have been sought.	In this case there is not a need to consult with community boards or the public as Te Kahu o Taonui is an existing entity that represents iwi and hapu of the Far North and Te Kuaka can make the decision under clause 31(3) of Schedule 7 of the Local Government Act 2002.
State the possible implications for Māori and how Māori have been provided with an opportunity to contribute to decision making if this decision is significant and relates to land and/or any body of water. State the possible implications and how this report aligns with Te Tiriti o Waitangi / The Treaty of Waitangi.	The recommendation is to appoint iwi/hapu representation to the JCCAC by Te Kuaka who is comprised of Council Elected Members and Nominated Members of Te Kahu o Taonui who represent iwi and hapu in the Far North. By appointing an iwi/hapu representative to JCCAC it creates space for collaborative decision making by Māori for Māori in the climate adaptation space.

Identify persons likely to be affected by or have an interest in the matter, and how you have given consideration to their views or preferences (for example – youth, the aged and those with disabilities).	There are no affected or interested parties.
State the financial implications and where budgetary provisions have been made to support this decision.	The iwi/hapū representative will be renumerated as indicated for in the Appointment of Non-Elected Members (Appointed Members) to Committees of Council Policy and the Appointed Members Allowance Policy. Budgeting provisions are available through the OPEX of the Climate Action & Resilience Department.
Chief Financial Officer review.	The Chief Financial Officer has reviewed this report.

Joint Climate Change Adaptation Committee (JCCAC)

Terms of Reference (TOR)

March 2022

Background

Climate change poses significant risks to the environment and people of Te Tai Tokerau - local government has responsibilities in reducing the impact of climate change (adaptation). It is essential that councils, communities and iwi / hapū work collaboratively to ensure an effective, efficient and equitable response to the impacts of climate change. Work on adaptation has already started between council staff with the formation of the joint staff working group Climate Adaptation Te Tai Tokerau and the development of a Climate Change Adaptation Strategy for Tai Tokerau. The formation of a joint standing committee of the Far North, Kaipara and Whangarei district councils and Northland Regional Council elected council members and iwi / hapū is fundamental to ensuring these outcomes are achieved in a coordinated and collaborative way across Te Tai Tokerau.

Role and Responsibilities

- 1) Provide direction and oversight of the development and implementation of climate change adaptation activities by local government in Te Tai Tokerau
- 2) Receive advice and provide direction and support to Climate Adaptation Te Tai Tokerau
- Make recommendations to member councils to ensure a consistent regional approach is adopted to climate change adaptation activities
- 4) Act collectively as an advocate for climate change adaptation generally and within the individual bodies represented on the Committee
- Ensure the bodies represented on the Committee are adequately informed of adaptation activity in Te Tai Tokerau and the rationale for these activities
- Ensure the importance of and the rationale for climate change adaptation is communicated consistently within Te Tai Tokerau
- 7) Receive progress reports from Climate Adaptation Te Tai Tokerau

Membership

The Joint Climate Change Adaptation Committee (the committee) is a standing committee made up of elected members from the Far North, Kaipara and Whangarei district councils, the Northland Regional Council and representatives from Northland hapū and iwi.

The committee shall have eight members as follows:

One elected member from: Kaipara District Council

Far North District Council Whangarei District Council Northland Regional Council

lwi / hapū members: One representative from iwi / hapū appointed by each

council from within their jurisdiction. Where possible, this appointment should follow recommendations from council

Māori advisory groups or committees.

Each council shall also appoint one alternative elected member and one alternative iwi / hapū member who will have full speaking and voting rights when formally acting as the alternate.

Page 1 of 2

Status

The Committee is a joint standing committee of council as provided for under Clause 30(1)(b) of Schedule 7 of the Local Government Act 2002 and shall operate in accordance with the provisions of Clause 30A of that Act. The committee is an advisory body only and has no powers under the Local Government Act 2002 (or any other Act) other than those delegated by decision of all member councils. The joint standing committee shall operate under Northland Regional Council Standing Orders.

Committee Chair and deputy Chair:

The Chair and Deputy Chair is to be appointed by the members at the first meeting of the committee.

Quorum

At least 50% of members shall be present to form a quorum.

Meetings

The Committee shall meet a minimum of two times per annum.

Service of meetings:

The Northland Regional Council will provide secretarial and administrative support to the joint committee.

Draft agendas are to be prepared by Climate Adaptation Te Tai Tokerau and approved by the Chair of the Committee prior to the Committee meeting.

Remuneration

Remuneration and / or reimbursement for costs incurred by council members is the responsibility of each council.

Respective iwi / hapū representatives will be remunerated and reimbursed by the nominating council in accordance with either the non-elected members remuneration policy of that council or alternatively the Northland Regional Council Non-Elected Members Allowances Policy.

Joint Committee not discharged at triennial elections

Pursuant to Clause 30(7) of Schedule 7 of the Local Government Act 2002, the councils have resolved that this joint committee is not discharged at the triennial elections. However, on coming into office following an election, a council may choose to review its appointments on the committee.

Amendments

Any amendment to the Terms of Reference or other arrangements of the Committee shall be subject to approval by all member councils.

6 NGĀ PŪRONGO TAIPITOPITO / INFORMATION REPORTS

6.1 WHENUA MĀORI - FREEHOLD LAND RATING RELIEF

File Number: A4744576

Author: Zena Tango, Team Leader - Transaction Services

Authoriser: Charlie Billington, Group Manager - Corporate Services

TAKE PÜRONGO / PURPOSE OF THE REPORT

The purpose of this report is to update the Te Kuaka - Te Ao Māori Committee (Te Kuaka) on the progress made to date by the Whenua Māori Working Group (the Working Group).

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- The Working Group was established to ensure Far North District Council (FNDC) provides ongoing support to Māori Freehold Landowners as required through the Local Government (Rating of Whenua Māori) Amendment Act 2021 (the Act) and FNDC Rating Relief Policies (Policies).
- To date, the Working Group has established a cross-functional team, collected, and analysed data on Māori Freehold Land, created a tracking dashboard, developed necessary documentation, and initiated property reviews to address debt and usage status.
- The Working Group has committed to a holistic approach with cross Council collaboration and community engagement in order to achieve key outcomes of reducing debt levels, clarifying rating information, reducing barriers to land use and development, stimulating regional growth, and enhancing understanding of Whenua Māori.

TŪTOHUNGA / RECOMMENDATION

That the Te Kuaka – Te Ao Māori Committee receive the report Whenua Māori - Freehold Land Rating Relief.

TĀHUHU KŌRERO / BACKGROUND

When the Local Government (Rating of Whenua Māori) Amendment Act came into force on 1 July 2021, existing arrears on Māori Freehold Land 3 years and older were written off. Landowners were invited to initiate communication with Council, however no Council led engagement took place or process established to review arrears balances on an ongoing basis. As a result, aged balances related to Māori Freehold Land have since re-accumulated.

Council conducted workshops in March and April on Whenua Māori Rates Relief which involved a deep dive into the state of arrears, impacts on operations, and financial impacts. The following key deliverables were identified:

- Establish a working group.
- Assemble clear and concise data to show current state and progress.
- Provide clarity of any financial implications.
- Clarify terminology for unused land.
- Identify tangible actions FNDC can undertake and create a programme of work.
- Implement and complete the programme of work.
- Gain support from relevant internal and external resources.
- Develop a community engagement plan.
- Provide budget requirements and gain SLT approval.
- Determine the timeline for implementation of the engagement plan.
- Provide ongoing reporting of progress to the Te Miromiro committee.

Develop cultural competency in Whenua Māori.

Actions completed

As required by the Committee, the Working Group has been established. Members of the Working Group have been drawn from across business groups:

- Corporate Services (Rates, Revenue Recovery, Property Information & Data Analytics)
- Strategic Relationships (Te Hono)
- Community & Engagement (Communications & Engagement)
- Policy & Planning (Policy & Bylaws)

Terms of reference (ToR) agreed by the Working Group and approved by the Strategic Leadership Team (SLT) outline the following outcomes:

- Reduce current and future debt levels for Māori Freehold Landowners.
- Provide greater clarity around the rating of Māori Freehold Land to landowners.
- Reduce barriers for owners of Māori Freehold Land to use, occupy, build, and develop their land.
- Stimulate regional development through fully utilising and developing Māori Freehold Land.
- Increased understanding of Whenua Māori.

To ensure these outcomes are achieved effectively, the Working Group has committed to a holistic approach with cross Council collaboration and community engagement. It is intended that this approach will provide a robust process that can be repeated as required on an ongoing basis, and in turn, provide greater certainty and a future focussed solution for Council and Māori Freehold Landowners.

The working group met for the first time on the 1 May and is currently meeting weekly. Meetings are in a formal format with an agenda and meeting minutes outlining key decisions. A dedicated Teams Channel is used for other communication.

The following is an outline of actions that have been completed.

Actions completed	Start date	End date
Rates data collected for Māori Freehold Land	26/03/24	12/04/24
Data dashboards created	26/03/24	29/05/24
Statutory declaration document completed – English	26/03/24	05/06/24
Working group Terms of Reference agreed	01/05/24	10/05/24
Senior Leadership Team support for resources	01/05/24	10/05/24
Draft engagement plan & budget reviewed by Senior Leadership Team	01/05/24	07/06/24
Review financial implications Long Term Plan, doubtful debt and Profit & Loss expectations	01/05/24	07/06/24
Unused terminology reviewed and approved by Senior Leadership Team	01/05/24	10/05/24
Manual review of currently non-rated unused properties	01/05/24	05/06/24
Write off non-rated unused accounts	10/06/24	11/06/24
Senior Leadership Team mandate to commence Finance Rates Remissions Policies Review	15/04/24	13/05/24

Analysis and rating relief

The Working Group has commenced a review of information on Māori Freehold Land. So far, this review has included properties which have historically been classified as unused, identified those with arrears balances and compared against aerial imagery to visually confirm if the property remains unused. This review has evaluated 159 properties and has identified:

- 111 properties \$447,889 arrears still unused, and arrears have been written off.
- 31 properties \$116,716 arrears further investigation required buildings/activity identified on the land.
- 17 properties \$92,431 arrears further investigation required occupation identified but there is a potential for rating relief.

To address where further information is required, contact will be made with owners by phone where possible or perform on-site visits.

- 1. For the accounts reclassified as in-use, arrears will be written off and contact will be made with owners to put payment plan in place going forward.
- 2. For accounts confirmed as unused, the arrears will be written off and the account will remain non-rateable.
- 3. In situation where accounts are confirmed as unused and owners have paid, some form of remediation might be required.

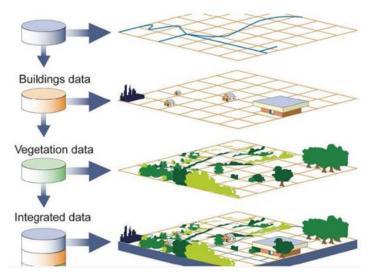
Review of accounts previously classified as unused enables progress to be made. However, of the total number of unused Māori Freehold Land accounts, the balance of 2501 accounts have not yet been reviewed and are yet to be classified for rating relief purposes.

Review of accounts is manual and time consuming, but is required to enable Council to understand and apply appropriate rating relief treatment as required under Policies or the Act, such as in circumstances as the following:

- currently rated and occupied but have a large proportion of vegetation/unused land and are eligible for rating relief through Council's rating remissions policies or relief options provided in the act.
- which do not have buildings or activities and could qualify as unused.
- currently rated but landlocked which could qualify as unused.
- currently not rated but now occupied.
- currently not rated but showing current activity which may no longer qualify as unused as per the agreed terms of used and unused land.
- which is conservation land and could qualify as unused.

The Data Analytics team have identified that the process of classifying accounts will be greatly streamlined by utilising Geospatial mapping with up-to-date aerial imagery. This has been ordered and is expected to be made available in August.

Geospatial mapping is different from traditional mapping as it provides customised maps based on specific queries. For example, specific properties can be quickly identified based on rates, building, vegetation, and other identifying features.



Mapping will be updated annually, and advanced analytics software will be able to identify changes that can be used to update account classifications going forward.

Engagement

The Senior Leadership Team has approved the draft engagement plan for the Whenua Māori Freehold Rating Relief initiative. This plan focuses on addressing outcomes identified in the Terms of Reference and includes the following action points:

- Workshops: Hosting workshops to receive feedback and ensure points of view are considered prior to engaging in Marae visits
- Marae Visits: Engaging with Māori Freehold Landowners through Marae visits.
- Online Platforms: Developing culturally relevant online engagement platforms which may include videos, articles, interactive maps, and dedicated web pages. Engagement will also include emails, surveys, and social media content.
- Cultural Festivals and Events: Participating in or sponsoring events that celebrate Māori culture to foster informal interactions and relationship-building.

For further information please refer to attachment: Whenua Māori – Freehold Land Rating Relief Engagement Plan - draft.

Action items in progress / to commence:

In progress	Start date	End date
Geospatial mapping	01/05/24	31/07/24
Data analysis utilising geospatial mapping	01/08/24	31/08/24
Translation of statutory declaration document to te Reo Māori	05/06/24	30/06/24
Internal learning and development plan Whenua Māori for working group & others involved in engagement plan	01/05/24	15/08/24
Commence further review of 48 properties identified as potentially used	10/06/24	31/07/24
Review of existing rating relief policies	01/05/24	WIP

Next steps	Start date	End date
Initial engagement plan & budget approved by Senior Leadership Team	10/06/24	24/06/24
Engage with Elected Members for feedback on Engagement plan	27/06/24	30/08/24

Commence engagement plan	09/09/24	28/02/25
Review the balance of 2,501 accounts	01/07/24	30/06/25

The Working Group aims to have materially completed its review of accounts by the end of the 2024/2025 rating year, with future reviews to be completed annually. The community engagement plan will be refined and is expected to be conducted throughout the second half of the rating year.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Updates of the Working Group's review all MFL accounts throughout the FY25 rating year will be reported to Te Kuaka – Te Ao Māori Committee, and further information will be included in the revenue recovery report currently provided to Te Miromiro committee.

The Working Group will confirm dates for the community engagement plan with Elected Members and request support for these commitments.

PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

Provision is made for doubtful debts in relation to the arrears owed to council.

Impact on financial performance is expected to be limited as aged balances are provided for under the doubtful debt provision, which offsets the amount written off within the rating year.

Financial implications are relevant to the engagement plan as budget is required to fund this activity.

ĀPITIHANGA / ATTACHMENTS

- 1. Whenua Maori Freehold Land Rating Relief Engagement Plan- Draft A4744336 🗓 🖺
- 2. Data Dashboards Overview A4744333 U
- 3. Non-Reateable Application Form Draft A4744337 🗓 🖺



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Whenua Māori - Freehold Land Rating Relief - Draft

Engagement Plan May 2024

Context

This engagement plan is to address the application of rating relief for Māori Freehold Landowners in accordance with the Local Government (Rating of Whenua Māori) Amendment Act 2021 and FNDC Rating Relief policies, while ensuring collaboration among stakeholders and maintaining cultural competency.

The context for this engagement plan is rooted in the need to address historical and systemic challenges faced by Māori Freehold Landowners within the Far North District Council (FNDC) jurisdiction. Māori Freehold Land holds significant cultural and economic value for Māori communities, yet owners can encounter barriers related to rating processes, debt accumulation, and land use regulations. The enactment of the Local Government (Rating of Whenua Māori) Amendment Act 2021 provides opportunity for FNDC to support to Māori Freehold Landowners. Additionally, FNDC has rating relief policies aimed at addressing these challenges. Effective implementation, however, requires ongoing collaborative efforts among stakeholders to ensure equitable and culturally appropriate outcomes.

Scoping statement

The Rating Relief Whenua Working Group aims to identify tangible actions and complete a programme of work to reduce debt levels, to set up a sustainable and repeatable process that will be applied in the future, provide clarity on rating processes, reduce barriers for land use and development, stimulate development, and increase understanding of Whenua Māori.

Negotiables/non-negotiables Boundaries (or scope) of engagement

Non-negotiables. What cannot be influenced by external parties or partners?

- The need for compliance with Section 82 consultation requirements (Local Government Act 2002) ensuring full compliance with legislative requirements and regulations.
- Demonstrating cultural competency and sensitivity in all engagement activities.
- Maintaining transparency in decision-making processes and accountability for project outcomes
- Providing clear and accessible information about project objectives, progress, and decisions to stakeholders, ensuring transparency and fostering trust

Negotiables. What can external parties or partners contribute to or influence?

- Adjusting the timeline for stakeholder consultation sessions based on availability and preferences.
- Refining the scope of a proposed initiative based on stakeholder feedback and emerging priorities.
- Adjusting resource allocation based on changing project needs or stakeholder requests.
- Selecting communication channels and methods of engagement based on stakeholder preferences.

Understanding the people

External partners and stakeholders	Internal stakeholders
 E.g. Māori Freehold Landowners Treaty Partners Elected Members Te Puni Kokiri Māori Land Court Northland Regional Council Department Of Conservation 	Te Hono Strategic Leadership Team (SLT) Project team Staff with expertise to contribute

Purpose of engagement

The purpose of engagement is to collaborate with stakeholders to develop and implement initiatives that provide greater certainty for Māori Freehold Landowners, stimulate development, and increased understanding of the Whenua Māori constituency.

Goals

- Reduce debt levels for Māori Freehold Landowners.
- Provide clarity on rating processes.
- Reduce barriers for land use and development.
- Stimulate development.

Increase understanding of Whenua Māori. Shape influence

In shaping our engagement approach, we recognise that the level of influence we grant to our partners, stakeholders, and the community will significantly impact the duration and resource requirements of our engagement plan. Considering the combination of context, scope, people, and purpose of our project, we have chosen a collaborative approach, emphasising partnership and co-creation with stakeholders.

Drawing from the International Association for Spectrum of Public Participation, we aim to involve stakeholders at a high level, providing them with meaningful opportunities to contribute to decision-making processes and project outcomes. This level of engagement reflects our commitment to transparency, accountability, and shared ownership of the project.

Additionally, we are guided by the Community Engagement Model, which visualises engagement as a dynamic and interconnected process. Our core team serves as the central hub, facilitating communication and collaboration among stakeholders. Through various engagement channels, such as workshops, meetings, and online platforms, we foster dialogue and exchange of ideas.

By empowering stakeholders to actively participate in the decision-making process, we believe we can harness diverse perspectives, build trust, and achieve more sustainable and equitable outcomes. While this approach may require additional time, resources, and capacity-building efforts, we are confident that it will lead to greater stakeholder buy-in and long-term success for our project.

Leadership commitment

The Senior Leadership Team is committed to supporting the working group and providing necessary resources for successful implementation.

Engagement Sequence

- Stakeholder identification and analysis.
- Programme of work development.
- Stakeholder engagement sessions.
- Programme implementation.
- · Monitoring and evaluation.
- · Feedback and reporting (consultation).



Methods of engagement

How will your stakeholders be activated to participate?

By thinking outside the box and employing culturally sensitive methods of engagement, we can effectively reach and engage with Māori Freehold Landowners while respecting the sensitivity of the subject matter. These methods prioritise relationship-building, cultural understanding, and community empowerment, laying the foundation for meaningful and inclusive engagement processes.

- Koha-based Workshops: Host workshops or information sessions where koha is given as a gesture of
 appreciation for participants' time and input. Koha-based engagements demonstrate respect for Māori
 cultural customs and values reciprocity.
 - Fact finding workshops to determine what real-life hurdles are preventing development of MFL to implement real solutions.
 - o Participatory participants selected randomly from Rates Information Database.
 - o Koha + catering.
 - o Capped at 20 people per session.
- Marae Visits: Engage with Māori Freehold Landowners through visits to Marae. This will offer
 opportunities to connect with landowners, learn about their values and aspirations, and seek their input on
 project initiatives.
 - o One Marae per Ward.
 - o Koha per visit.
 - o Kaiwhakahaere (Local facilitator) Fee.
 - Catering
 - o Capped at 60 people.

- Online Platforms with Cultural Content: Develop online engagement platforms that include culturally
 relevant content, such as videos, articles, and interactive maps showcasing Māori heritage, land use
 practices, and stories. Online platforms provide accessible channels for engagement and education.
 - o Dedicated webpage within our website
 - Video showcasing successful implementation of MFL
 - News story, shared to social media
 - o Email to subscriber list
 - o Survey

Radio/Newspaper/Print

- Use local radio stations such as Te Hiku o te Ika FM, Radio Tautoko and Ngati Hine FM
- o Local newspapers, Northern Advocate, Northern News, Northland Age.
- o Māori Media, Te kukupa.
- Cultural Festivals and Events/Print: Participate in or sponsor cultural festivals and events that celebrate
 Māori culture and heritage. Engaging with Māori Freehold Landowners in celebratory settings provides
 opportunities for informal interactions and relationship-building.
 - o Fliers and promotional material added to future engagement consultations.
 - o Posters.
 - Updated application form.
 - o Cultural events, future consultation drop-in sessions, Waitangi Day.

Stakeholders will be activated through targeted invitations, clear communication of objectives, provision of relevant information, and opportunities for meaningful participation.

Risk

Risk: Disrespecting cultural protocols and values.

Mitigation: Te Hono to support and provide cultural competency training with internal project team.

Risk: Misunderstandings due to language differences or ineffective channels.

Mitigation: Use clear, accessible language and diverse communication channels, offering materials in both English and Te Reo Māori.

Risk: Skepticism from historical grievances.

Mitigation: Build trust through consistent, respectful, and transparent engagement, acknowledging past issues.

Risk: Limited resources affecting engagement quality.

Mitigation: Plan resource allocation efficiently and seek additional funding or partnerships.

Resources

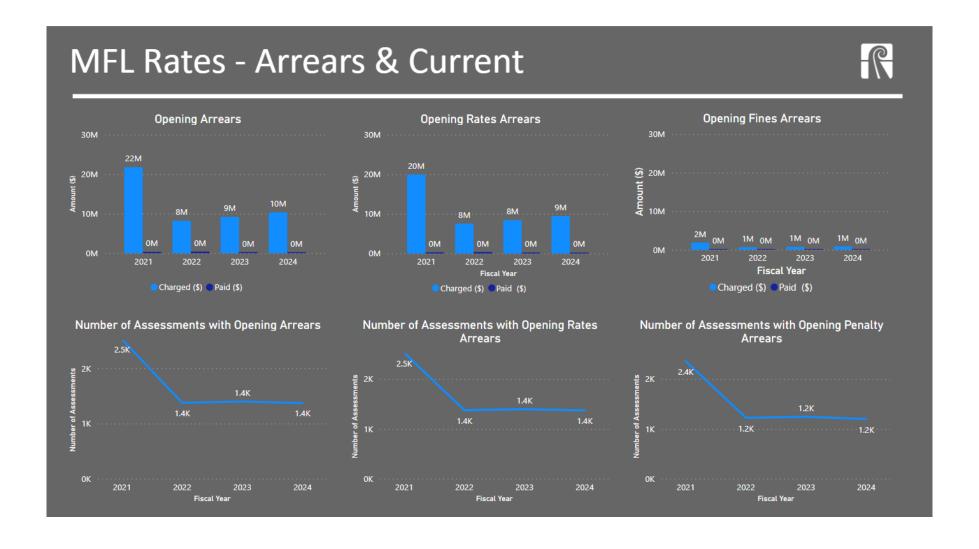
We need a commitment from SLT to provide necessary funding to carry out Engagement Methods mentioned above.

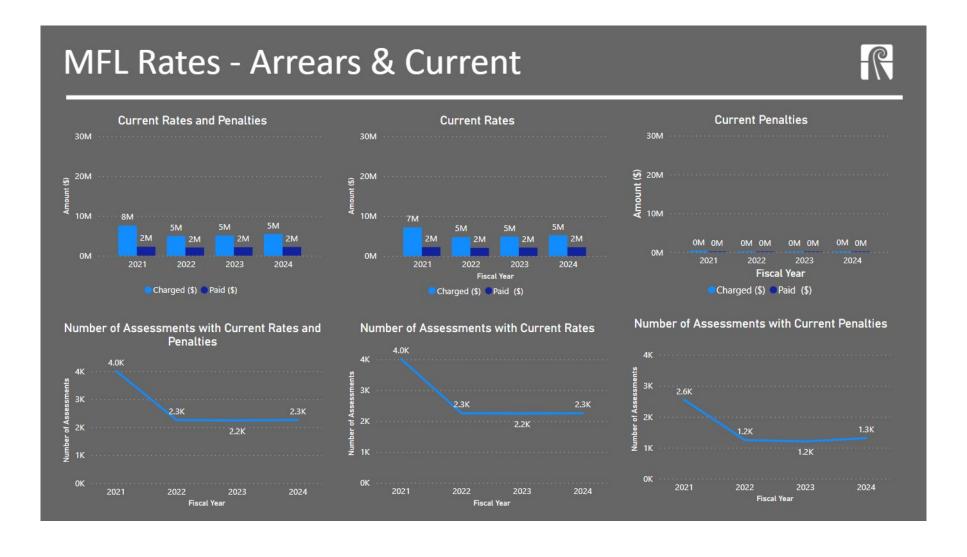
There is an opportunity to build trust within these communities due to historic grievances.

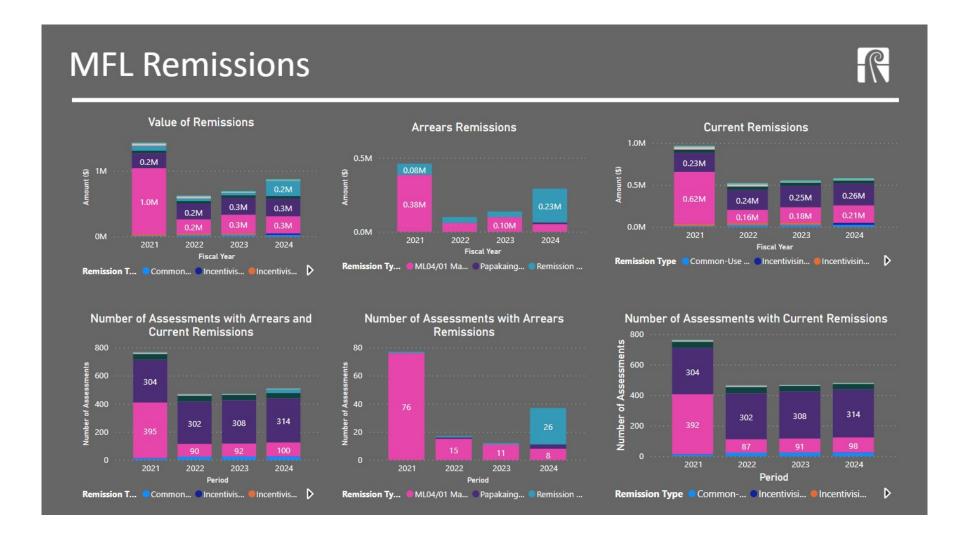
This will help our endeavours to achieve our goals.

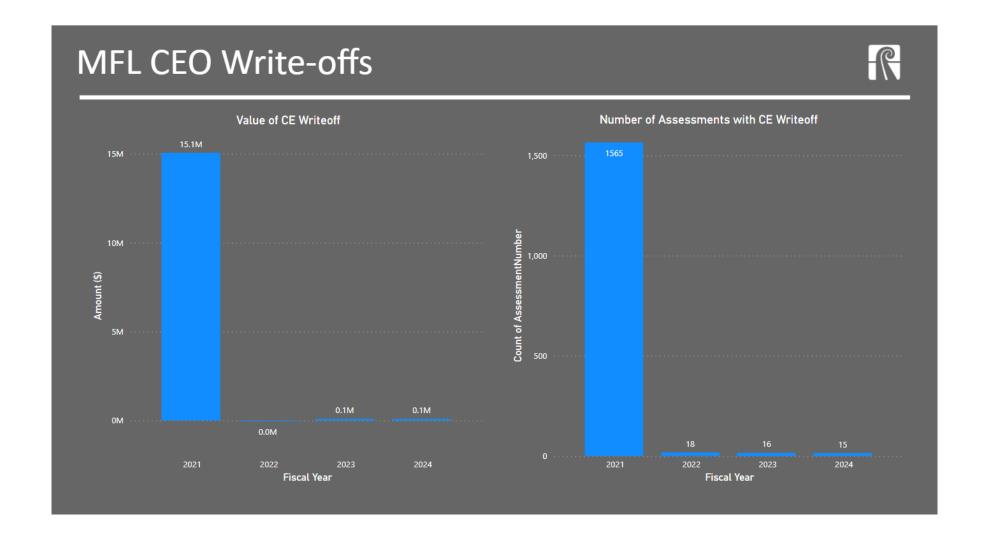
- Reduce debt levels for Māori Freehold Landowners.
- Provide clarity on rating processes.
- Reduce barriers for land use and development.
- Stimulate development.
- Increase understanding of Whenua Māori.













Application for

Unused Rating Unit of Māori Freehold Land to be made Non-Rateable

Under the Local Government (Rating) Act 2002 Schedule 1 Clause 14A – a rating unit is unused if:

- (i) there is no person actually using any part of the rating unit; or
- (ii) the entire rating unit is used in a similar manner to a reserve or conservation area and no part of the rating unit is-
 - (A) leased by any person; or
 - (B) used as residential accommodation; or
 - (C) used for any activity (whether commercial or agricultural) other than for personal visits to the land or personal collections of kai or cultural or medicinal material from the land.

Property Details								
Valuation Number:	Rate Acc Number:							
Property Location:								
Legal Description:								
Total of unpaid rates:								
Applicant's Details								
Name of Trust:								
Name of Applicant:								
Postal address:								
Phone:	Mobile:							
Email address:								
Your relationship to the I	and:							
The Block Informat	tion							
Is the land or any part of	the land leased?	Yes	No					
Is anyone living on the la	and?	Yes	No					
Is the land in pasture or	used to maintain livestock, including horses?	Yes	No					
Is anything stored on the	e land?	Yes	No					
Are there any buildings	on the land?	Yes	No					
Is the land used in any other way, e.g., commercial, or agricultural?								
Is there any intention to	Is there any intention to use or develop the land in the near future?							
Attach current photographs of the block and usage.								

If you have answered YES to any of the questions, please provide more information;
Council may contact you if we require any further information. Please note - it is the owner's responsibility to contact council if the above circumstances change.
Declaration
I confirm the details provided are true and correct.
In signing this form, I acknowledge that the information collected and provided in this application is for the
purpose of processing the application.
Applicant's Date:
Signature
Full Name
(printed)

6.2 TE KERIKERI REORUA STRATEGY - PROGRESS REPORT

File Number: A4730757

Author: Lawrence Wharerau, Kaiārahi Kaupapa Māori

Authoriser: Jacine Warmington, Group Manager - Strategic Relationships

TAKE PÜRONGO / PURPOSE OF THE REPORT

To provide Te Kuaka - Te Ao Māori Committee with an update on Te Kerikeri Reorua Strategy and its implementation to the end of May 2024.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Te Rūnanga o Ngāti Rēhia ("TRONR") have furnished an update report to Te Tari Taiwhenua
 The Department of Internal Affairs (DIA) in accordance with their reporting obligations back to the Ministry.
- Te Kaunihera o Te Hiku o Te Ika Far North District Council ("Council"), have delivered on its obligations under the same agreement.

TŪTOHUNGA / RECOMMENDATION

That Te Kuaka – Te Ao Māori Committee receive the report Te Kerikeri Reorua Strategy - Progress Report.

TĀHUHU KŌRERO / BACKGROUND

On June 1, 2023, Te Rūnanga o Ngāti Rēhia (TRONR) and Far North District Council (Council), launched a Rautaki Reorua/Bilingual Plan for Te Kerikeri (attached). The Rautaki Reorua is an agreement sponsored by ("DIA") to create Te Kerikeri as a bilingual township. Other reorua urban centres in Aotearoa include, but not limited to, Ōtaki, Rotorua and Wairoa.

There is an unofficial ambition for Te Kaunihera o Te Hiku o Te Ika district, to become the first reorua district in Aotearoa New Zealand by 2040 in recognition of the 200th year commemorating the signing of Te Tiriti o Waitangi.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

On May 16th, 2024, on behalf of TRONR, Chair Kipa Munro furnished a standard progress report to DIA (attached).

The Rautaki Reorua Agreement document for Te Kerikeri contains goals to be led by TRONR, Council as well as joint led components. There are expressed in the attached Rautaki Reorua Agreement.

TRONR discuss progression of their goals achieved in their feedback through the attached report furnished by Mr Munro.

Council report that we have met our goals to the end of May 2024 and are well on the way meeting the other goals set in the agreement by the end of June 2025. This includes the Te Reo Māori and Tikanga policy adopted by Council in September 2023. Te Reo Māori and Tikanga classes continue to be made available to staff. The baseline was for 60% of staff to have completed these courses which has since been raised to 100% to be achieved as soon as is practical.

Council acknowledge Ngāti Rēhia as Mana Whenua in Te Kerikeri and Ems, SLT, Te Hono and other key support staff have been invited by TRONR to a marae-based information sharing and relationship building exercise at Whitiora Marae. Arrangements for this have already begun.

TRONR Chair, Kipa Munro, has made a request to give a verbal deputation and report back to the next sitting of Te Kuaka with taiohi involved in some of their reorua strategy outcomes.

PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

Council have made provision to engage external providers, Moko Kauri, to deliver the internal Te Reo Māori and Tikanga courses. This arrangement will cease once Council have engaged an FTE to deliver the courses into the future. Work is well advanced in creating the internal resources to be delivered by the successful candidate.

ĀPITIHANGA / ATTACHMENTS

- 2. Reorua Survey 16 May 2024 A4731242 🗓 🖼

KERIKERI REORUA

RAUTAKI REORUA 2023-2025

Te Rūnanga o Ngāti Rēhia (TRONR) and the Far North District Council (FNDC) are excited to launch this Rautaki Reorua | Bilingual Plan for Kerikeri having signed a joint Memorandum of Understanding: 'Aotearoa Reorua – Kerikeri,' on 1 June 2023, acknowledging too Kerikeri's historical significance as a founding location where both te reo Māori and the English language were spoken and taught following the arrival of the first European settlers to the area.

This Rautaki Reorua is guided by the *Ngāti Rēhia Education Strategy (2018 – 2025)* which strives for everyone living, visiting, and associated with Te Riu o Ngāti Rēhia to have an understanding of their reo, tikanga and culture, and the Far North District Council's draft reo Māori and Tikanga Policy and its commitment to te Ao Māori highlighted in its *2021 – 2031 Long-term Plan, Te Pae Tawhiti.*

This document has also been prepared within the context of the Māori Language Act 2016 and Te Whare o te Reo Mauriora and its two maihi: Te Maihi Karauna - The Crown Māori Language Strategy and Te Maihi Māori - the Māori Language Strategy for Aotearoa.

Utilising Te Taura Whiri guidelines for language planning along with community development principles, this Rautaki has been built around four (4) Pou:

Pou Tuarongo

Kerikeri Reorua partners continuously strengthen their own reorua capacity and capability to help revitalise te reo Māori.

Pou Tokomanawa

Enhance the Mana / Status of te reo Māori in Kerikeri.

Pou Tāhū

Increase te reo Māori acquisition and learning opportunities.

Pou Mataaho

Grow the reorua kaupapa and share learnings with others.





The Pou engender eight (8) strategic goals from which priority actions and outcomes are identified to be led by Ngāti Rēhia and FNDC or Jointly. While one party may take the lead on ensuring delivery of actions the other will help when appropriate and, while not articulated, the plan assumes that most of the actions require the collaboration of others. As such, each Kerikeri Reorua partner may develop their own implementation plan detailing their own delivery of the agreed goals, actions and outcomes of this Rautaki.



#AOTEAROAREORUA

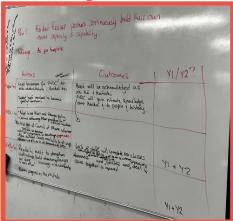
Rautaki Aro Tahi Strategic Focus 1	Pou Tuarongo – Back of the Whare	nun Poorus canacity and canability to holy routalise to ree Māeri						
Whāinga Tuatahi Goal 1	Kerikeri Reorua partners continuously strengthen their own Reorua capacity and capability to help revitalise te reo Māori. The partners' staff and leadership improve understanding, proficiency, and use of te reo Māori							
Whāinga Tuarua Goal 2	Goal 2							
Whāinga Tuatoru Goal 3								
	Ngā Arotau Priority Actions	Ngā Tukunga Outcomes	By 30 Jun 24	By 30 Jun 25				
Ngāti Rēhia-led	Guide and support FNDC elected members to embrace reoruatanga and mātauranga Māori kia wāhi whakahirahira te reo Māori ai a Kerikeri	Ngāti Rēhia will be acknowledged as ahi kā and kaitiaki in Kerikeri. (FNDC) will gain intimate knowledge about Kerikeri, its history and its mana whenua.	*	*				
	Support hapū members to become qualified translators Ngāti Rēhia will grow its pool of reo Māori experts, who will be available for translation work in Kerikeri to ensure quality and correct dialect usage for all reo Māori in use.							
FNDC-led.	Adopt te reo Māori and tikanga policy.	60% of FNDC staff will complete reo classes within three years of the						
	Make reo Māori classes available to all staff.	reo Māori and tikanga policy being adopted.						
	Increase use of te reo Māori in all FNDC documents	Te reo Māori will become normalised at FNDC.						
	Develop a competency framework for Council and staff to influence and enhance Far North District Council's Māori responsiveness capabilities	Ngāti Rēhia will be acknowledged as ahi kā and kaitiaki in Kerikeri. FNDC staff knowledge and capability will grow and their engagement with hapū/ Māori will be enhanced.		*				
	Continue mātauranga Māori programme for elected members	Ngāti Rēhia will be acknowledged as ahi kā and kaitiaki in Kerikeri. FNDC will gain intimate knowledge about Kerikeri, its history and its		*				
	Hold various Council hui at marae whenever possible	mana whenua.		*				
	Reoruatanga is incorporated into Long-term Plan/ Annual Plan cycles	Dedicated Council resource for ongoing Reorua projects in Kerikeri will be gained.		*				
Jointly led.	Partners meet regularly to strengthen relationships/ build whanaungatanga and understanding of each other while overseeing Kerikeri's Reorua journey.	Partners will be consciously aware of the health and well-being of te reo Māori status in Kerikeri and have improved their relationship to identify and foresee any issues and overcome them together.		*				
	Create a working group to lead Kerikeri Reorua - comprising of mangai from Ngati Rehia and FNDC, that is founded on core mutual principles.	ing of māngai from Ngāti Rēhia and FNDC, that is sustainable Reorua activations for Kerikeri will be identified and		*				
	Undertake a key stakeholder analysis by engaging with the community	rsis by engaging with Reorua activations in Kerikeri will reflect community needs, desires and interests						
	Review progress on the Rautaki	Rautaki remains fit for purpose	*	*				

Rautaki Aro Rua	ou Tokomanawa – Heart of the whare							
Strategic Focus 2	Enhance the mana / status of te reo Māori in Kerikeri.							
Whāinga Tuawha Goal 4	Kerikeri Reorua partners show they value te reo Māori.							
Whāinga Tuarima Reoruatanga and Māoritanga are a key part of Kerikeri identity - kia Māori ake nei te āhua o Kerikeri Goal 5								
	Ngā Arotau Priority Actions	Ngā Tukunga Outcomes	By 30 Jun 24	By 30 Jun 25				
Ngāti Rēhia-led.	Establish wānanga to set a clear Reorua identity for Kerikeri	Kerikeri will be recognised as a town that treasures te reo Māori. Te reo o Ngāpuhi is the reo that is used, seen and heard in Kerikeri.						
	Provide ingoa Māori, and their meanings, for any new developments in Kerikeri as well as for existing public spaces		*	*				
	Promote Ngāti Rēhia as the lead for any kaupapa reo Māori in Kerikeri		*	*				
FNDC-led.	Encourage users of council spaces to make their event/activation bilingual	The use of te reo Māori in Council spaces and places will be normalised.		*				
	Make all council spaces and places Reorua	Council will be seen as a Reorua leader		*				
Jointly led.	Establish a clear Reorua/ tangatarua look and feel for Kerikeri (Visually/aurally etc)	Māori identify will be enhanced in Kerikeri.		*				

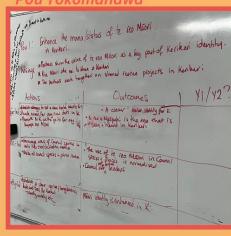
Rautaki Aro Toru Strategic Focus 3	More reo Māori acquisition and learning opportunities are available in Kerikeri. Tinga Tuaono Goal 6 More reo Māori acquisition and learning opportunities are available in Kerikeri. Kerikeri Reorua partners work together on shared Reorua projects and activations in Kerikeri						
Whāinga Tuaono Goal 6							
Whāinga Tuawhitu Goal 7							
Ngāti Rēhia-led	Ngāti Rēhia will establish and lead a kaupapa Reorua that coincides with the changes of the seasons.	Increased use of reo Māori and kōrero tuku iho in the community – framed around the seasons. Once established, the kaupapa will be promoted and shared with other hapū to be led out across the Far North rohe.	*	*			
	Develop dedicated Reorua and Ngāti Rēhia content to be broadcasted via platforms such as reo irirangi Māori, podcast and social media channels.	Te reo Māori, pūrākau and history will be normalised thanks to broadcasted and online mediums.		*			
FNDC-led.	Active, annual planning by FNDC to develop and grow its suite of reo Māori and Reorua activities.	Increase of te reo Māori and Reorua events and kaupapa in the community.		*			
	Promote Ngāti Rēhia events, programmes and classes.		*	*			
Jointly led.	Undertake key stakeholder analysis	Community champions will be identified and supported to develop and lead Reorua activations in Kerikeri. Each year more community-led events and activations will be Reorua.					
	Utilise Maramataka to inform events and initiatives.	Te reo Māori will be championed i ngā wā me ngā wāhi katoa o Kerikeri. Over time, all Kerikeri resident will be fluent in both English and Māori		*			
	Encourage and support Kerikeri businesses to use te reo every day			*			
	Create a wāhi reo Māori.			*			

Rautaki Aro Wha	Pou Mataaho – External to the whare / outward facing							
Strategic Focus 4	Grow the Reorua kaupapa and share learnings with others.							
Whāinga Tuawaru Goal 8	Kerikeri is a centre of Reorua excellence							
	Ngā Arotau Priority Actions	Ngā Tukunga Outcomes	By 30 Jun 24	By 30 Jun 25				
Ngāti Rēhia-led	As needed, support other Reorua towns and cities.	Kerikeri will be recognised as a Reorua leader in Aotearoa and a founding centre where te reo Māori and English was learned in tandem following the arrival of the first European settlers to the township.		*				
	Initiate discussions to develop a Ngāpuhi Reorua strategy across the Far North.	Collaboration opportunities to celebrate and promote Ngāpuhitanga and te reo o Ngāpuhi across the Far North District will be advanced.		*				
FNDC-led.	Actively promote our strengths as a premier Reorua destination.	Kerikeri will be widely recognised as a Reorua destination of excellence		*				
	Embed Kerikeri Reorua into our place brand.	Kerikeri identity will be synonymous with Ngāti Rēhiatanga and Reoruatanga.	*	*				
	Build Reoruatanga into FNDC's Kerikeri documents i.e., Master Plan, Spatial Plan, Annual Plan.	Reoruatanga and Māoritanga and their importance in Kerikeri will be noticeably increased and will grow interest and buy-in from other towns and cities across the district.	*	*				
Jointly-led.	Participate as a tuakana for other Reorua centres within FNDC and Ngāpuhi boundaries	Kerikeri will actively support the growth of Reoruatanga across Ngāpuhi rohe and the Far North district.	*	*				
	Maintain and share (with other Reorua centres and/ or publicly) a corpus of newly translated words developed by the Kerikeri Reorua partners.	Kerikeri partners will have helped build te reo Māori corpus		*				
	Encourage the use of te reo Māori by other public bodies which have dealings with Kerikeri.	All public bodies that deliver services to the Kerikeri public will: * Recognise Ngāti Rēhia as ahi kā and kaitiaki and will engage with Ngāti Rēhia at the outset of their interaction with the township * Be encouraged and supported to use te reo Māori in Kerikeri.		*				

Pou Tuarongo



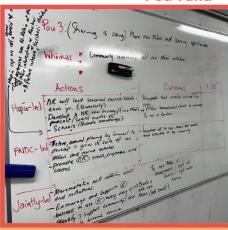
Pou Tokomanawa



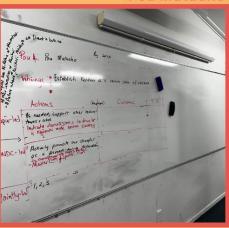




Pou Tāhū



Pou Mataaho



Toi te Kupu – Evaluation of Aotearoa Reorua - Survey

1. What's your vision for Aotearoa Reorua in your rohe/region?

Our vision for Aotearoa Reorua in our rohe is to create a vibrant, bilingual community where te reo Māori is a living language used in daily life. We aim to foster a sense of pride and identity among our whānau, ensuring that te reo Māori and cultural practices are integrated into all aspects of our community life, from education to local government and business. Our ultimate goal is to see te reo Māori flourishing, with widespread use and understanding, contributing to the cultural, social, and economic wellbeing of our region.

What reo kaupapa have been funded through Aotearoa Reorua in your rohe?

In our rohe, several reo kaupapa have been funded through Aotearoa Reorua, including:

- Te Reo M\u00e3ori classes: Offering beginner to advanced courses for community members.
- Kura Reo: Intensive language immersion programs for learners of all ages.
- Whānau Reo Programs: Initiatives that support families in using te reo Māori at home.
- Bilingual Signage: Implementing bilingual signage across public spaces and local businesses to promote everyday use of te reo Māori.
- Cultural Workshops: Workshops that integrate te reo Māori with traditional cultural practices such as weaving, carving, and kapa haka.
- Naming Workshops: Community-led workshops to assign meaningful Māori names
 to local facilities, such as Te Puna Whaiora Arvida Retirement Village, Te Amopūtoro
 Community Playground, Te Puāwaitanga Local Sports Complex, Te Mauora New
 MRI, Xray facility, Te Amotai Predetor 2050 Project, Te Tira, Te Arapū and Te Tui Ora –
 Community Housing Developments.

3. In terms of how you've been partnering/working with mana whenua or council, what's working well?

Our partnerships with mana whenua and the council have been marked by strong communication and mutual respect. Collaborative initiatives such as the bilingual signage project, naming workshops, and community reo classes have seen significant success due to the shared commitment to promoting te reo Māori. Regular meetings with the Far North District Council (FNDC) and joint planning sessions have ensured that both mana whenua and the council are aligned in their goals, strategies and approaches, leading to cohesive and effective implementation of projects.

4. In terms of how you've been partnering/working with mana whenua or council, what can be improved?

While our partnership has been fruitful, there are areas for improvement, such as:

- Increased Resource Allocation: Ensuring that sufficient resources, including funding and personnel, are allocated to support ongoing and new initiatives.
- Enhanced Training: Providing more training opportunities for council staff on cultural competency and te reo Māori to foster a deeper understanding and better collaboration.
- Feedback Mechanisms: Establishing robust feedback mechanisms to regularly assess the effectiveness of initiatives and make necessary adjustments based on community input.

5. From your perspective, what are the key ingredients that make the relationship between local government and mana whenua 'work'?

The key ingredients that make the relationship between local government and mana whenua work include:

- Trust and Respect: Building relationships based on mutual trust and respect for each other's perspectives and knowledge.
- Effective Communication: Maintaining open, honest, and regular communication channels.
- Shared Goals: Aligning on common goals and priorities that benefit the entire community.
- Cultural Competency: Ensuring that local government staff have a strong understanding and appreciation of mana whenua's cultural values and practices.
- Collaborative Decision-Making: Involving mana whenua in all stages of decisionmaking processes to ensure their voices are heard and respected.

6. Are there any other non-Aotearoa Reorua kaupapa you and mana whenua/council are collaborating on?

Yes, there are several non-Aotearoa Reorua initiatives we are collaborating on, including:

- Environmental Restoration Projects: Joint efforts in kaitiakitanga, focusing on restoring native habitats and protecting local waterways.
- Housing Initiatives: Developing affordable housing projects to meet the needs of our whānau, such as the Kainga Ora Housing Development and MHUD Housing Development.
- Health and Wellbeing Programs: Collaborating on initiatives aimed at improving health outcomes for our community through culturally appropriate services and support.
- Community Workshops: Conducting w\u00e4nanga with schools and community organizations like Healthy Homes to promote cultural education and wellbeing.

7. How might this relationship be harnessed in future?

This relationship can be harnessed in the future by:

- Formalizing Partnerships: Establishing formal agreements that outline roles, responsibilities, and shared objectives.
- Long-Term Planning: Engaging in long-term strategic planning to ensure sustainability and continuity of initiatives.
- Capacity Building: Investing in capacity-building programs for both mana whenua and council to enhance their ability to collaborate effectively.
- Innovative Projects: Exploring innovative projects and funding opportunities that align with our shared vision and goals.

8. In terms of how you've been working with Te Tari Tai Whenua, what's working well? Not so well?

Working well:

- Support and Guidance: Te Tari Tai Whenua has provided valuable support and guidance in implementing our reo kaupapa.
- Resources: Access to resources and expertise that have helped enhance our initiatives.

Not so well:

• Communication Delays: At times, there have been delays in communication, which have impacted project timelines.

 Reporting Requirements: The reporting requirements can be cumbersome and timeconsuming, sometimes taking focus away from the actual implementation of initiatives.

9. How do you find the reporting process, through progress reports? How can this be improved?

The reporting process through progress reports is thorough but can be improved by:

- Simplifying Requirements: Simplifying the reporting requirements to reduce the administrative burden on our team.
- Digital Tools: Implementing digital tools and platforms to streamline the reporting process.
- Clear Guidelines: Providing clearer guidelines and templates to ensure consistency and ease of reporting.

10. How often do you use the Aotearoa Reorua website (www.aotearoareorua.govt.nz) for information or resources?

We use the Aotearoa Reorua website regularly, approximately once a week, to access information and resources. The website is a valuable tool for keeping up to date with the latest initiatives, funding opportunities, and best practices related to reo Māori kaupapa.

6.3 TE PAE O UTA TE AO MAORI FRAMEWORK PROGRESS UPDATE

File Number: A4741052

Author: Llani Harding, Pouhautu Te Hono - Manager - Te Hono

Authoriser: Jacine Warmington, Group Manager - Strategic Relationships

TAKE PÜRONGO / PURPOSE OF THE REPORT

To provide an update on Te Pae o Uta Te Ao Māori Framework.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

The Far North District Council (FNDC) adopted the Te Pae o Uta Framework in the Council hui (resolution 2023/8) 7 September 2023. The overall principles for Council in respect of the Te Pae o Uta are to:

- Recognise He Whakaputanga o te Rangatiratanga o Nu Tireni (Declaration of Independence) and Te Tiriti o Waitangi (Treaty of Waitangi) as the founding covenants of Te Tai Tokerau and Aotearoa respectively;
- Acknowledge the importance of relationships both tangible and intangible e.g., Ngā Atua, Whenua, Mauri o Te Wai, Taiao (Oranga Taiao, Oranga Tangata);
- Focus on the pursuit of excellence in the Te Ao Māori space;
- Valuing Te Ao Māori requires staff to understand key Māori concepts and practices;
- Acknowledge k\u00f6rero tuku iho at FNDC by recognising iwi and hap\u00fc k\u00f6rero.

TŪTOHUNGA / RECOMMENDATION

That the Te Kuaka – Te Ao Māori Committee receive the Te Pae o Uta Te Ao Maori Framework Progress Update and supporting documentation.

TĀHUHU KŌRERO / BACKGROUND

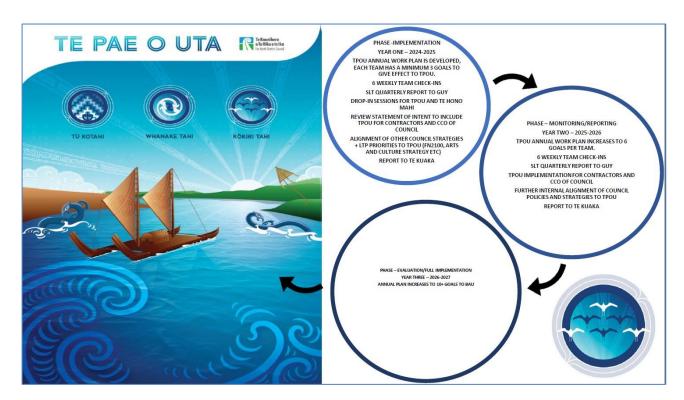
- Te Pae o Uta Te Ao Māori Framework (Te Pae o Uta) adopted by Council in September 2023.
- Te Pae o Uta implementation plan approved by FNDC Strategic Leadership Team (SLT), March 2024.
- Te Pae o Uta organisation work plan approved by SLT, June 2024.

The key components of Te Pae o Uta have been collated and provided as one publication for reference and education purposes. This document is attached.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

The following graphics represent the milestones achieved and progress made to date:





The implementation of Te Pae o Uta is on track. 7 groups (43 teams) of Council have contributed to the work plan which now consists of 147 commitments.

The Chief Executive will monitor the progress of those commitments through "CEO KPI 2 — <u>Cultural Competency</u> - Ensure that the council's cultural competency continues to improve, and strong working relationships are maintained or established with hapu/iwi".

Updates are provided to Council through the quarterly Chief Executive's report and the quarterly key performance indicator report to Te Miromiro Executive Review Committee.

Education and capability building is continuing for council staff and Council-Controlled Organisations (CCOs), and a programme to work alongside external contractors to ensure Te Pae o Uta is recognised in their systems and processes will commence.

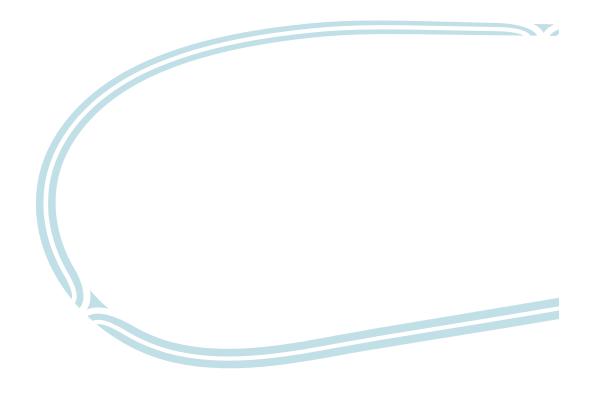
PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

The implementation of Te Pae o Uta will be achieved within existing department budgets.

ĀPITIHANGA / ATTACHMENTS

1. Te Pae o Uta Publication - A4756499 🗓 🖺





RARANGI UPOKO CONTENTS

Wähinga Körero Foreword
Kaupapa Purpose
Te Karakia o Nukutawhiti Prayer
Whakatakinga Introduction
Ngā hononga Key relationships
Ngā whāinga Goals
Whāinga 1 Goal 1
Whāinga 2 Goal 2
Whāinga 3 Goal 3
Rărangi wā Timeline
He Urupare Māori Māori responsiveness maturity model
Tirohanga a waho External measures
He Āhei Tōpū Organisational capability

WĀHINGA KŌRERO FOREWORD



The name Te Pae o Uta derives from a karakia used by Nukutawhiti, upon the arrival of Ngātokimatawhaorua waka into the Hokianga Harbour

Te Pae o Uta refers to the "sight of land" when Nukutawhiti, grandson of Kupe, The Discoverer of Aotearoa, guided the waka hourua Ngātokimatawhaorua into the Hokianga Harbour. The karakia gave the crew a sense of safe arrival and unity having traversed the dangers of the largest body of water on the planet, Te Moananui-a-Kiwa, from Hawaiki to Aotearoa.

The karakia acknowledged the safe passage and guidance across the Pacific and gave Nukutawhiti the confidence to navigate the treacherous bar across the Hokianga Harbour entrance.

KAUPAPA PURPOSE

Te Pae o Uta gives staff of Te Kaunihera o Te Hiku o Te Ika (Far North District Council) guidelines for improving inclusivity and responsiveness of Te Ao Māori in all aspects of work undertaken by the Far North District Council.



TE KARAKIA O NUKUTAWHITI

E kau ki te tai e, e kau ki te tai e

E kau rā, e Tāne wāhia atu rā

Wāhia atu rā te ngaru hukahuka o Marerei-ao

Pikitia atu te aurere kura o Taotao-rangi e

Tapatapa ruru ana te kakau o te hoe

E auheke ana e tara tutu ana te huka o Tangaroa

l te puhi whatukura i te puhi māreikura o taku waka e

Ka titiro iho au ki Te Pae o Uta ki te pae o waho

Piki tū rangi ana te kakau o te hoe

Kumea te uru o taku waka ki runga ki te kiri waiwai o Papatūānuku e E takoto mai nei

Ki runga ki te uru tapu nui o Tāne e tū mai nei

Whatiwhati rua ana te hoe o Poupoto

Tau ake ki te hoe nā Kura he ariki whatu manawa

Tō manawa e Kura ki taku manawa

Ka irihia ki Wai-o-nuku

Ka irihia, ki Wai-o-rangi

Ka whiti au ki te whei ao ki te ao mārama

Tupu kerekere tupu wanawana e

Ka hara mai te toki, haumi e hui e taiki e!

WHAKATAKINGA INTRODUCTION

Vision

HE WHENUA RANGATIRA
A DISTRICT OF SUSTAINABLE PROSPERITY & WELL-BEING

Values



Manawatōpū

Unity of purpose and working together



Kaitiakitanga

Environmental stewardship and sustainability



Mana tāngata

Respect and fairness

Mission

HE ARA TĀMATA CREATING GREAT PLACES Supporting our people



Te Tiriti o Waitang Partnership



Strong cultural identities



Family, community, connecting and sharing



NGA HONONGA KEY RELATIONSHIPS

Far North District Council's vision and mission illustrates the connection between people and place. This is especially so for tangata whenua who have a long and rich association with the Far North. Council recognises these long term and enduring relationships and therefore the special position of tangata whenua within this district and the significant role Māori have to play in Council's decision making.



NGĀ WHĀINGA GOALS

- Recognise He Whakaputanga o te Rangatiratanga o Nu Tireni (Declaration of Independence) and Te Tiriti o Waitangi (Treaty of Waitangi) as the founding covenants of Te Tai Tokerau and Aotearoa respectively
- Acknowledge the importance of relationships both tangible and intangible e.g., ngā atua, whenua, mauri o te wai, taiao (oranga taiao, oranga tangata)
- Focus on the pursuit of excellence in the Te Ao Māori space
- Valuing Te Ao Māori requires staff to understand key Māori concepts and practices
- Acknowledge k\u00f6rero tuku iho at Far North District Council by recognising lwi and Hap\u00fc k\u00f6rero.



WHĀINGA 4

TŪ KOTAHI

INCREASED PARTICIPATION IN COUNCIL STRUCTURES AND DECISION-MAKING PROCESSES



Relationships – strengthening relationships with Mātauranga and Te Ao Māori.

Participation – by giving Māori agency in matters of interest to them.

- Prosperous Māori communities as evidenced by strong partnership arrangements – Māori communities are strong, resilient and realising opportunities
- Advance the Rangatiratanga of mana whenua in leadership and decision making and provide for customary rights.
- Far North District Council staff are equipped to provide Te Ao Māori governance with the direction and advice to better inform elected members.
- Active Māori participation
- Far North District Council is committed to developing systems to engage at hapū level
- Formalising the implementation of Iwi Hapū Environmental Management Plans
- Develop a hapū engagement framework
- Review Council's Significance and Engagement Policy 2021 to include hapū engagement and resourcing.



2 WHĀINGA GOAL

WHANAKE TAHI

CREATE ENABLERS ACROSS STAFF TO RESPOND MORE EFFECTIVELY TO MAORI



People – building organisational capability, capacity, and cultural competency.

Policy – effective consideration and understanding of Māori needs and issues in policy thinking and development.

Process – improvement of processes and systems to maintain and enhance capability to give effect to roles in relation to Māori and to promote a responsive culture and working environment.

Tangata whenua report that Far North District Council has the capability, capacity, confidence and are partnering and engaging successfully with Māori. Applying this lens can provide for more robust, diverse, and long-term solutions and outcomes for Māori.

- Far North District Council leaders are capable of making informed decisions based on Te Pae o Uta goals, principles and values
- In-house training is developed and available so staff can develop the confidence and basic capability to identify and apply a Te Ao Māori lens across internal workstreams.
- People, policies and strategies are reflective of Te Pae o Uta goals, principles, and values
- Value and recognise staff cultural competency
- Review training competency measures
- Increased use of Te Reo across our services across all of our services.





EMPOWERED COMMUNITIES, WORKING COLLABORATIVELY



Engagement – effective communication and engagement with Māori. **Wellbeing** – council's role in contributing to Māori wellbeing.

Capacity - building Māori capability and capacity.

- Meet the needs and support the aspirations of tamariki and their whānau
- Invest in marae to be self-sustaining and prosperous
- Strengthen rangatahi participation in leadership, education and employment outcomes
- · Grow Māori intergenerational wealth
- Celebrate Māori culture and support Te Reo Māori to flourish.

Far North District Council will work in the following areas to achieve the outcomes noted above:

- Papakāinga and Māori housing
- · Whānau and tamariki wellbeing
- Marae development
- Te Reo Māori
- · Māori identity and culture
- · Māori business, tourism and employment
- · Realising rangatahi potential
- Kaitiakitanga/te taiao.

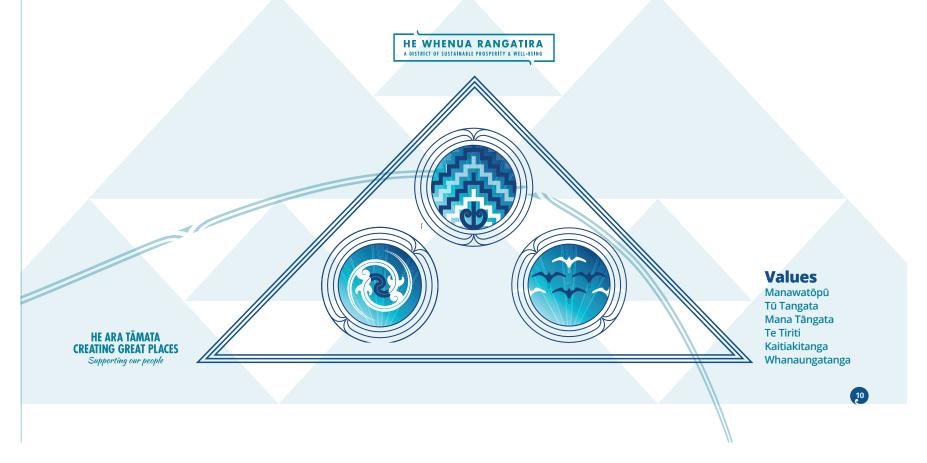




TE PAE O UTA

HE URUPARE MĀORI MĀORI RESPONSIVENESS MATURITY MODEL

Alignment of framework to Far North District Council's organisational vision, values, mission, strategic goals, community goals.



TIROHANGA A WAHO EXTERNAL MEASURES

CAPABILITY	DESCRIPTION	ACTION	
	Support the revitalisation of Te reo Māori me ona tikanga katoa.	• Te Reo Māori action plan	
	The Far North District Council supports Te Reo Māori to be seen, heard,	Te Reo Māori – Customer service options (call centre, face to face, business meetings, Council and committee meetings)	
Te Reo Māori	spoken and learned throughout Te Tai Tokerau.	Quality of Te Reo Māori on council signage across the district	
TE REU MAUTI	 Ensure the Far North District Council has the capacity to work with tangata whenua, the community, marae, hapū and iwi in te reo Māori. 	Dual naming of Council facilities	
	michae, are community, marae, napa ana minite reo machi	Increase the proportion of parks and reserves with Māori names	
		• Te Reo Māori immersion spaces	
	Build awareness and understanding of cultural practices within Te Ao Māori.	The quantity of tangata whenua significant sites incorporated in the Proposed and Operative plan	
	 Te Kaunihera o Te Te Hiku reflects and promotes M\u00e4ori culture and identity within the environment, and values m\u00e4tauranga M\u00e4ori. 	 Increase the number of events and programmes endorsed by the Far North District Council that highlight M\u00e4ori identity and culture in Te Tokerau 	
		 The financial commitment made by the Far North District Council to public realm projects, with a specific focus on mătauranga Măori and design principles 	
	Council gives effect to Te Tiriti in all of its operations	Māori wards	
		• Te Kuaka Committee	
Hapū/lwi		Hapū/lwi Relationship agreements for effective communication and strengthened relationships with Council	
Hapu/IWI		Iwi Hapū Environmental Management Plans	
		 Implementation of the principles of Te Tiriti in all Council decision making and operational processes. 	
		Giving effect to the Te Reo Māori and Tikanga policy	
Whenua Māori	 Rating relief policies that align with the intent of Te Ture Whenua Māori Act and Local Government Act (Whenua Māori). 	A review of all rating relief policies in relation to whenua Māori and all whenua Māori debt under the provisions of Te Ture Whenua Māori, and Local Government Act (Whenua Māori).	
	To facilitate co-governance and to advocate for the presence of both	Conduct assessments to understand the economic and social impact of local government decisions on Māori communities	
	Māori elected representatives and Māori managers within the Far North District Council.	Number of Māori in management positions in Council	
	rai Noi di District Council.	Number of Māori elected members	
Governance		Iwi/hapū on governance and committee structures in Council	
		Conduct assessments to understand the economic and social impact of local government decisions on Māori communities	
		 Evaluate the extent M\u00e4ori communities are engaged in the decision-making processes through public consultations, meetings and feedback mechanisms. 	
	To ensure resources are provided for Marae to work towards self-	Support upgrading of roading conditions to Marae and wāhi tapu	
	sustainability, fostering their growth as vibrant hubs that enhance the well- being of the broader community.	We want to reduce the speed limits, the more signs the better.	
arae Development	some of the stronger community.	Support and develop capability for haukāinga to be prepared in civil emergencies	
arae Development		Upgrade of Wifi/technology for the purposes of good communication during natural disasters	
		Support upgrade of infrastructure of Marae and wahi tapu	
		Use Marae to offer Council services in rural areas – Marae i-sites	



TIROHANGA Ā WAHO EXTERNAL MEASURES (CONTINUED)

CAPABILITY AREA	DESCRIPTION	ACTION		
	Policy and strategy for Māori aim for equity, giving effect to Te Tiriti o Waitangi by fostering cultural well-being, and inclusion in decision-making	Ensure tangata whenua are involved in the development and review of all policies and strategies that impact and involve hapū, iwi and Mā communities		
Strategy and Policy	for Māori communities	Māori strategies guide strategic documents within Council		
2		All Council strategies give effect to Te Pae o Uta		
		Mana whakahono with Ngāpuhi		
	To ensure Māori exercise Tino Rangatiratanga and Kaitiakitanga through	Recognition of kaitiakitanga – opportunities to participate in consent monitoring activities		
	Te Tiriti based relationships with the Council to enhance the mauri of te taiao.	Tangata Whenua partnerships for kaitiakitanga (policies and guidance)		
	of te talau.	Tangata Whenua plans for co-management of district resources		
Kaitiakitanga		Recognising lwi/hapū to sovereignty of their whenua/moana/awa		
Kaitiakitaliga		Zero-waste kōhanga, kura and kāinga		
		All puna and repo will be protected from inappropriate use and development contamination		
		Te Tai Tokerau becomes the most carbon positive district in the Country		
		Review catchment management plans		
	The Council supports economic opportunities for Māori businesses, trusts,	Council develops a Māori procurement strategy		
Economy	and iwi organisations	Māori businesses will have first preference for all procurement at the Far North District Council		
		Proportion of Community grants are provided to Māori projects		
	Enhance tamariki and whānau well-being through comprehensive programs	Increase whānau Māori participation and encourage them to use council services.		
Whānau wellbeing	fostering development, family bonds, and access to health, education, and cultural resources.	Number of Māori youth employed in permanent and fixed term roles across Council		
	cultural resources.	Enhancing cadetship and internships for Māori		
	This initiative aims to nurture resilient Māori families, promoting the well-	Youth Council		
	being of children and whānau in a holistic manner	Civic education programmes		
		Industry experiences within Council		
Taitamariki wellbeing		Council cadetships		
		Increase the career development of Taitamariki to work for Council		
		Mãori wards		
		Engagement with hapū on resource consent applications		



HE ĀHEI TOPŪ ORGANISATIONAL CAPABILITY FRAMEWORK

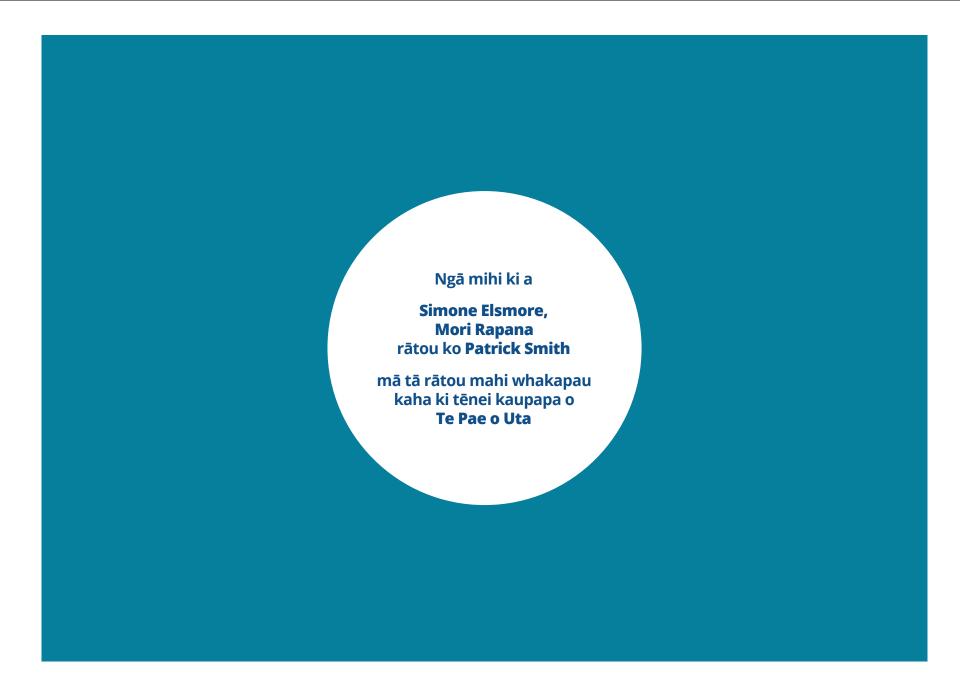
CAPABILITY	DESCRIPTION	0	1	2	3	4	5
Te Reo Māori and Tikanga	 Support the revitalisation of Te reo Māori. Ensure The Far North District Council has the capacity to work with tangata whenua, the community, marae, hapū and iwi in te reo Māori. 	Denigrates or undermines the distinctive identity, language and culture of Māori. Has not thought about the inherent capability of Māori to achieve equitable outcomes. Makes no attempt at correct pronunciation of te reo Māori with no intent to learn.	- Council understands its obligations to te reo Māori as an official language and a taonga protected under Te Tiriti o Waitangi - All mita (dialect) of te reo Māori is expected. Te mita o Te Tai Tokerau is encouraged - Provides for use of te reo Māori within Council business - Uses te reo Māori in all forms of communication. - Use macrons where required,	Prioritises building capability of tikanga Māori and te reo Māori with all Council staff and governance Council communicates actively with te reo Māori speakers and language communities	 Significant M\u00e4ori events such as He Whakaputanga, Te Tiriti o Waitangi, Puanga, Matariki, Te Wiki o te Reo M\u00e4ori, Mahuru M\u00e4ori, Maramataka and other important events are remembered, honoured and celebrated, 	-Council staff and governance lead tikanga in hui -All staff have completed Te Reo Māori, Tikanga and Mātauranga Māori courses which give an understanding to the importance of te reo Māori and tikanga Māori	Tikanga Māori is fundamental to the identity, culture and ways of working at Te Kaunihera o Te Tai Tokerau, the Far North District Council Council operates as a fully functional bilingual organisation
	•Recruitment and retention of Māori and non-Māori that have te reo Māori capabilities are prioritised and valued	Council makes no attempt to retain Māori or non- Māori staff that have Māori capacities and capabilities	in all written communication unless from an iwi that has a different mita. Council recruitment and induction processes are reviewed to identify areas that will attract Māori Māori staff are supported to practice their culture	*Staff are appropriately recognised and remunerated for their reo and mâtauranga Māori *Mana whenua and Māori internships are seen throughout	Recruitment processes demonstrate an understanding of the Māor iskills required for specific roles Māori are involved in recruitment and decision	Mana whenua are employed at Council in areas that support their iw ipriorities Council is well known outside the organisation as a great place for Maori to work	Succession planning is embedded to ensure council has continuity in its Māori capacity and capability Council recruit and retain high performing, knowledgeable and
Recruitment and retention				the Council Councils induction process support Māori and cultural practices	making for key new staff, and consideration of Maori capability is a deciding factor in staff employment •All Māori staff are nourished in tikanga Māori by Far North District Council to succeed as Māori	Council prioritises Māori capability for those working at council	experienced staff with Māori capacity and capability
Te Tiriti o Waitangi	 Understanding Te Tiriti o Waitangi, the Treaty principles, our legal requirements and obligations as well as giving effect to this founding document. 	- Resists engaging Maori expertise in their work. - Argues that Te Tiriti o Waitangi is not relevant to the work of the Council. - Views the Council's commitment to Te Tiriti o Waitangi as irrelevant.	-Understands Te Tirti o Waitangi and what the principles are. -Understands how to implement the principles into the daily work and output.	Council understands statutory obligations to Te Tiriti o Waitangi Council is aware of our tangata whenua/Treaty partners and are maintaining high standard relationships with them	Applies and incorporates te Tiriti o Waitangi principles to their current work programmes. Council is committed to eliminating racial and institutional bias and actively seek ways to eliminate these from the organisation.	-Council makes practical application of Te Tirit, its principles, articles in all its policy writing and operationsCouncil can lead opportunities to apply concepts of kawanatanga and rangatiratanga to our responsibilities and how we work in partnership with tängata whenua.	-Council has an in-depth knowledge of Te Tirrit o Waitangi and can provide practical application and guidance in the organisation



HE ĀHEI TŌPŪ ORGANISATIONAL CAPABILITY FRAMEWORK (CONTINUED)

CAPABILITY	DESCRIPTION	0	1	2	3	4	5
Partnerships	Build meaningful relationships with tangata whenua. so partnerships are mana enhancing and uphold the tikanga and rangatiratanga for both organisations	-Accepts that hapû and iwi Māori are repositories of their identity, language and culture but are yet to engage with hapû and iwiArticulates that hapû and iwi are responsible for imparting their own identity, language and culture to their people and that they have no unique rights or obligations to work in partnership.	 Council engages with tangata whenua partners and their entities on matters relating to them. 	Council engages with tangata whenua in the early phase of planning for all council projects Council resources tangata whenua to engage and give support through Kaupapa funding	-Council partners with tängata whenua partners to develop policy, strategies, frameworks that are relevant to individual hapū and iwi	 Actively seek opportunities with our Tängata whenua partners to co-govern, co-manage, co-design, and co-deliver on projects. 	-Council pro-actively looks for opportunities to enable and support tino rangatiratanga -Genuine partnerships with Tängata Whenua and Mäori are effective and visible daily
Procurement and Māori economy	-Support a prosperous Māori economy with equitable opportunities for enabling Māori success and Tino Rangatiratanga	-Council makes no effort or consideration for the growing Māori economy -Council disregards hapū and iwi requests for all Council projects in their are -Council uses a competitive model without consultation from hapū, iwi and/or local Maori businesses to tender -Council overlooks Tāngata Whenua and local contractors for tendering	-Consider the wider social implications for Māori and how this enables or inhibits a successful Māori economy -Consideration of Māori business and how they contribute to social development	 Council makes changes to its procurement processes to support Māori business in council's procurement process 	-Council identifies challenges for Māori business and works to minimise this from occurring -Council processes reflect potential downstream opportunities for Māori businesses and service providers -Council provides training and opportunities for Māori businesses to improve their accounting systems etc so Māori providers can compete with tier one and two contract providers	-Council actively seeks and responds to feedback from Māori businesses and to make sure agency system and approaches work for them	Council operates in a way that creates and supports prosperous Māori communities
Racial bias and institutional racism	•Identify and eliminate racial bias and institutional racism across the organisation	 Council does nothing to eliminate racial or institutional bias and racism with the organisation. 	Council accepts that institutional racism is an issue for many public organisations and can recognise structural discrimination/bias in its own systems Undertakes reactive planning to address institutional racism at Council	Council support staff with appropriate tools to identify racism and bias and to address it early and safety Council provides a culturally safe environment where Māori staff and Tāngata whenua can operate effectively and confidently	Councils sets and resources equity targets with robust ways to measure progress towards equity *Leadership at all levels demonstrates commitment to recognising and addressing both structural discrimination and racial bias	Council assesses its culture, and all of its policies, programmes, and services, ito identify structural discrimination and take steps to address and eliminate it Regular audits across council are performed to ensure institutional racism and bias is identified	Council proactively works with central government, other local councils and agencies to address structural discrimination Council engages in ongoing self-reflection holding themselves to account for addressing institutional racism and bias
Māori capability	•Create a culturally capable council where staff can operate in Te Ao Māori confidently	•Council does not give effect for staff to operate in a Te Ao Māori capacity	Council is aware of its current Māori capability requirements and priorities building Māori capability through recruitment, upskilling, collaborative arrangement and internships for Māori	•Actively building Māori capacity and capability and to prioritise this through offering development opportunities	Māori capability framework is assessed and supported through all P4P and KPIs across council Appropriate levels are defined and met for all departments of council	•Māori capability framework is actively reviewed to asses effectiveness and impact, with continuous improvement identified and supported •Māori capacity and capability is valued across all people leaders, and is exemplified by senior leadership championing these attributes	Council operates equally effectively in Te Ao Māori as in Te Ao Pākehā





6.4 NGĀ KAUPAPA MĀORI / MATTERS OF IMPORTANCE TO MĀORI

File Number: A4718722

Author: Llani Harding, Pouhautu Te Hono - Manager - Te Hono

Authoriser: Jacine Warmington, Group Manager - Strategic Relationships

TAKE PÜRONGO / PURPOSE OF THE REPORT

To provide the Te Kuaka Te Ao Māori Committee updates on Ngā Kaupapa Māori / Matters of importance to Māori.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Te Kuaka is committed to ensuring that the work of the Committee is carried out in a way that
 enhances the social, economic, cultural, and environmental wellbeing of the Far North District
 and assist Council as appropriate in conducting and maintaining effective, good faith working
 relationships with the Māori community.
- Ngā Tāke Māori / Matters of Importance to Māori are raised at Council meetings and/or by the Kahika/Mayor and Councillors, Te Kahu o Taonui Iwi Representatives or members of the public. This report serves as a mechanism to provide Te Kuaka Committee with regular updates on those matters.

TŪTOHUNGA / RECOMMENDATION

That the Te Kuaka – Te Ao Māori Committee receive the report Ngā Kaupapa Māori / Matters of Importance to Māori.

TĀHUHU KŌRERO / BACKGROUND

At the 15 December 2022 Council meeting, a resolution was passed to establish Te Kuaka - Te Ao Māori Committee (Te Kuaka) and that a Terms of Reference (ToR) be prepared for adoption by Council at a later date. A Terms of Reference (ToR) was developed and then adopted by Council on 29 June 2023.

The purpose of Te Kuaka is to strengthen a Te Ao Māori perspective within Council decision-making across policies and strategies. Its responsibilities include:

- Ensure that the work of Te Kuaka is carried out in a way that enhances the social, economic, cultural, and environmental well-being of the Far North District
- Mahi ngātahi mā te huihui, wānanga recommend to Council, aspects of importance to Māori for incorporation into the development of the Strategic documents (e.g., Te Ao Māori Framework, Annual Plan, Long Term Plan, District Plan)
- Manaaki to assist Council as appropriate in conducting and maintaining effective, good faith working relationships with the Māori community (e.g., Iwi Hapu Environmental Management Plans).
- Recommend to Council aspects that the Far North District Council could pursue to develop and or enhance Māori capacity to contribute to Council's decision-making processes.

This report, Ngā Tāke Māori / Matters of Importance to Māori, serves as a mechanism to provide Te Kuaka with updates on current kaupapa / matters pertaining to Māori.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

NGĀ KAUPAPA - TE HIKU WARD

Moringaehe 1 Wharo Way, Ahipara Hui 24 May 2024

A hui was held between Council and Ngā Hapū o Ahipara regarding the co-management plan for the pending historic reserve. Issues such as the health of the Pohutukawa tree, best practice around structures, erection of pou, official tohu and signage on the reserve will be taken into account in the plan.





Oruru Valley Pilot Project, Te Paatu ki Kauhanga

This pilot project has been vigorous in the preparation of templating the research methods alongside Te Paatu ki Kauhanga board members. This pilot project is nearing completion and the website is due to be completed shortly with further information.

This Project is currently at the contacting of landowner's stage which has been significant in identifying how much Council already has access to and what the engagement process is for other landowners. 50 sites of significance have been Identified and engagement with iwi and hapu leaders has been very successful.

Siani Walker (Bentley & Co) Māori Director/ Resource Management Planner and Ripeka Read, both have strong backgrounds in this field and have initiated the progress with effective planning and brainstorming methods which upholds the relationship and tikanga with Te Paatu ki Kauhanga Trust.

NGĀ KAUPAPA – BAY OF ISLANDS-WHANGAROA WARD

Te Pātukurea Spatial Plan for Kerikeri-Waipapa area

Te Pātukurea Spatial plan committee is made up of hapū with an interest in the Spatial Plan for future development of the Waipapa/Kerikeri area. This kaupapa is well on task to complete their planning and to wind up their function by May 2025. The lead hapū is Ngāti Rēhia and representatives from Te Uri Taniwha, Te Whiu Hapū and other associated hapū from the region.

<u>Te Puawaitanga Sports Complex Development.</u>

Stage one of the Te Puawaitanga Sports Complex development is complete.

Woods Land Development and Infrastructure Company (Woods) have been engaged to develop the following over an 8-week period (beginning mid-May 2024):

- A high-level development strategy for discussion with key FNDC stakeholders. This will
 include the preparation of a high-level masterplan to illustrate the potential development
 extent and key engineering features
- The preparation of a draft financial strategy that includes the Sports Hub maintenance, operation costs and the potential development revenue.

This is week four of engagement and a fourth catch-up date has been scheduled.

Woods are planning to come and present the above deliverables as a close-off to their initial engagement on the future development of the site (this has been built into their proposal).

To date, Council has provided Woods with an extensive set of reports, studies and information, as per their request. The only information request Council has not responded to sits with Stellar Projects and Delivery Specialists, who have committed to provide the following information as soon as possible:

- AutoCAD survey drawings for the entire site, and designs for the sports hub
- Topographical survey for the entire site and offsite roading including any as-built information for the Sports Hub
- The latest sports hub design reports (including stormwater management report) and drawings in DWG format
- Resource Consent, Building Consent and EPA approvals for the sports hub design.

<u>Kerikeri Wastewater Treatment Plant (WWTP) amendment to the existing Resource Consent to increase discharge volumes.</u>

A recent hui was held on 11 June, 2024, to begin the conversation with Ngāti Rēhia and Te Uri Taniwha representatives regarding a proposed increase in the daily discharge rate from the Kerikeri WWTP from 1,000m3 per day to 1,350m3 per day.

Kororāreka Wastewater Treatment Plant (WWTP) Resource Consents Renewal.

Discussions with Kororāreka Marae Society, Ngāti Kuta, Patukeha, Ngāti Manu and Te Kapotai have been initiated through Far North Waters (FNW) regarding the consent renewal for the Kororāreka WWTP.

Questions regarding the disposal of solid waste have been raised with FNW. There has been slow progress with respect to the availability of the different hapū representatives.

Waitangi/Paihia/Ōpua Wastewater Treatment Plant (WWTP)

Ongoing conversations about relocating the Waitangi-Paihia-Ōpua WTP from its current precarious site on the banks of Waitangi River directly above Haruru Falls to the preferred sites, either upstream from the old airfield in Haruru or behind the industrial park on Hawke Drive. A working group with members from Ngāti Kawa, Ngāti Rāhiri and developers Stellar Projects to identify an alternative site is soon to begin further discussions.

NGĀ KAUPAPA - KAIKOHE-HOKIANGA WARD

Kohukohu Wastewater Treatment Plant Working Group

Northland Regional Council (NRC) recently issued a resource consent for the Kohukohu WWTP. The consent identified several improvements that FNDC needs to explore with the community as better outcomes can be achieved in collaboration with hapu and community representatives.

Objectives:

- Form a Working Group from the conditions set out by NRC.
- Representatives for the working group from Te Ihutai Hapu, Ngā Hapū o Hokianga, Te Rūnanga o Te Rarawa, Te Rūnanga A Iwi o Ngapuhi and the Kohukohu Community.

Communication with the recommended people to form the working group has been completed. The date of the first engagement hui is 21 June at 1000hrs at Tauteihiihi Marae, Kohukohu. Louise Wilson (Compliance Advisor- Infrastructure Strategy) is leading the kaupapa and has been tasked with the budgeting and resources.

PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or the need for budgetary provision as a result of this report.

ĀPITIHANGA / ATTACHMENTS

Nil

6.5 THE WAITANGI TRIBUNAL MĀORI WARDS AND CONSTITUENCIES URGENT INQUIRY REPORT – WAI 3365

File Number: A4714684

Author: Marlema Baker, Democracy Advisor

Authoriser: Jacine Warmington, Group Manager - Strategic Relationships

TAKE PÜRONGO / PURPOSE OF THE REPORT

To present Te Kuaka Te Ao Māori Committee (Te Kuaka) with The Māori Wards and Constituencies Urgent Inquiry Report (WAI 3365) from the Waitangi Tribunal.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- On Friday 3 May 2024 Judge Sarah Reeves (*Deputy Chairperson Waitangi Tribunal*) granted an application for an urgent hearing into whether the actions and policy of the Government to amend the provisions of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021, were in breach of the principles of the Treaty of Waitangi.
- This report provides Te Kuaka with a copy of the Waitangi Tribunal Māori Wards and Constituencies Urgent Inquiry Report WAI 3365 (Attachment 1) which outlines the substantive reasons for granting the urgent hearing.
- Also provided is a copy of the Local Government Electoral Legislation and Māori Wards and Māori Constituencies Amendment Bill (Attachment 2).

TŪTOHUNGA / RECOMMENDATION

That the Te Kuaka – Te Ao Māori Committee receive the Waitangi Tribunal report: The Waitangi Tribunal Māori Wards and Constituencies Urgent Inquiry Report – WAI 3365.

TĀHUHU KŌRERO / BACKGROUND

2021 - Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 was introduced by former Minister for Local Government, the Honourable Nanaia Mahuta.

2023 - Coalition agreements between the New Zealand National Party, ACT New Zealand and New Zealand First outlined their priority to restore the right to a local referendum on the establishment or ongoing use of Māori wards, including requiring a referendum on any wards established without a referendum at the next local body elections.

On 4 April 2024, Minister Brown announced the Government's intention to introduce legislation to repeal the 2021 amendments made to the Local Electoral Act 2001 which removed the previous requirement that binding local polls be held following a council's decision to establish a Māori ward or Māori constituency and to reinstate the need for binding polls on Māori wards and require councils that have established a Māori ward or constituency without one since 2021 to hold a poll.

Councils that had established a Māori ward or constituency were given two options:

- Option A resolve this year to rescind the decision to create the Māori wards or constituencies by council resolution (to take effect at the 2025 local elections).
- Option B hold a binding poll on the question of Māori wards/constituencies at the 2025 local elections (to take effect at the 2028 local elections).

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

In her 13 May 2024 memorandum, Judge Reeves gave her reasoning for granting urgency to this inquiry.

On 4 April 2024, she said, the Local Government Minister announced that the Government would introduce a Bill 'in the coming months' to amend the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 to reinstate, amongst other provisions, the requirement for binding polls of all voters on Māori ward decisions.

Judge Reeves stated that the proposed amendment of the Act is an important current and pending Crown action and policy. She indicated that the proposed amendments are likely to result in a significant decrease in Māori representation and participation in local government as a direct consequence of the proposed amendment.

Moreover, she said, the reimposition of polls is likely to act as a significant barrier and disincentive to future Māori representation in local government as well as participation in local government processes. The Crown had also accepted that there had been minimal to no consultation with Māori.

For these reasons, Judge Reeves was satisfied that significant and irreversible prejudice could result from the repeal and that there were no alternative remedies available. She therefore confirmed her urgent decision, and the Waitangi Tribunal was tasked with an urgent inquiry.

Timeline of events:

4 April 2024	Minister Brown announced that the government would introduce a Bill 'in the coming months' to effectively repeal the 2021 amendments.		
19 April 2024	The Tribunal received an amended statement of claim and an application for an urgent hearing from Anne Waapu and Te Raukura O'Connell Rapira.		
23 April 2024	Deputy Chairperson, Judge Sarah Reeves, directed the Crown and any interested parties to respond to the application for an urgent hearing by midday on 26 April 2024.		
26 April 2024	A further application was filed by Merepeka Raukawa-Tait.		
	Memorandum filed by the Crown indicating the proposed amendment to the 2021 Amendment Act no earlier than 20 May 2024.		
2 May 2024	Applicants are to file submissions in response to Crown by this date.		
3 May 2024	A further application was filed by Te Rūnanga o Ngāti Hine.		
	Virtual Judicial Conference held, submissions heard and urgency granted to four claims: Wai 3163, Wai 3362, Wai 3314, and Wai 682.		
6 May 2024	Chief Judge Caren Fox appoints Judge Reeves as the Presiding Officer for the inquiry and Basil Morrison CNZM JP and Kevin Prime ONZM, MBE, CNZM panel members.		
	Further application filed by Te Whakakitenga o Waikato Incorporated.		
8 May 2024	All claimant evidence and opening submissions filed by this date.		
10 May 2024	Crown evidence and opening submissions filed by this date.		
14 May 2024	Closing submissions filed by this date.		
20 May 2024	Bill introduced in Parliament.		
23 May 2024	First reading of the Bill in Parliament.		
	Select Committee appointed.		
24 May 2024	Opening date for submissions on the Bill.		

29 May 2024	Closing date for submissions on the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill.
21 June 2024	Select Committee report due.

PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no budgetary implications in receiving this report.

ĀPITIHANGA / ATTACHMENTS

- 1. Waitangi Tribunal The Maori Wards and Constituencies Urgent Inquiry Report WAI 3365 A4714692 1
- 2. Local Government Electoral Legislation and Maori Wards and Maori Constituencies Amendment Bill A4718248 🗓 🖺

THE MĀORI WARDS AND CONSTITUENCIES URGENT INQUIRY REPORT WAI 3365

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Waitangi Tribunal Te Rōpū Whakamana i te Tiriti o Waitangi Kia puta ki te whai ao, ki te ao mārama

The Honourable Simeon Brown Minister for Local Government

The Honourable Tama Potaka Minister for Māori Development

The Honourable Paul Goldsmith Minister of Justice

The Honourable Judith Collins KC Attorney-General

Parliament Buildings WELLINGTON

17 May 2024

Kei ngā tini aituā kua hinga atu rā, koutou kua mōnehunehu i te kanohi tangata, haere, e moe, e oki. Hoki mai ki a tātou te kaupapa tangata, te kaupapa kōrero tīhei mauri ora!

E ngā Minita, mātorotoro mai ana ki ngā kōrero nei.

We enclose our report concerning the proposed amendment to the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 ('the 2021 Amendment Act'). Our inquiry has been carried out pursuant to our jurisdiction set out in section 6 of the Treaty of Waitangi Act 1975. Because of the short timeframes involved, the inquiry has been narrowly focused on the Crown process to amend the 2021 Amendment Act and its consequences. Specifically, we address whether the actions and policy of the government to amend the provisions the 2021 Amendment Act relating to Māori wards is in breach of the principles of the Treaty of Waitangi.

Māori have long been under-represented in local government. The 2021 Amendment Act removed the previous requirement under the Local Electoral Act 2001 that a binding local referendum, known as a poll, be held following a council's decision to establish a Māori ward or constituency. Māori representation in local government has since increased significantly: from three councils with Māori wards or constituencies prior to 2021 to 34 territorial authorities and seven regional councils with Māori wards or constituencies by the end of 2023.

The 2023 coalition agreements contained commitments to reinstate the requirement for binding polls and to require local bodies hold a poll at the 2025 local elections on any Māori wards that have been established without one. This is now government policy. Our report

assesses whether the actions and policies of the government, in reinstating provisions for binding polls, are in breach of the Treaty of Waitangi and its principles.

After assessing the evidence from parties, we have found breaches of the Treaty principles of partnership – which includes the duties of active protection and to act reasonably and in good faith – equity, mutual benefit, and options.

In deciding to reinstate the poll provisions and require select wards to be dissolved or subject to a binding poll, the Crown has prioritised commitments made in the coalition agreement over its obligations to Māori under the Treaty. There has been no discussion or consultation with Treaty partners as to the proposed changes, and Treaty obligations have been treated as if they were optional. The Government does not have a unilateral right to set aside Treaty obligations. In addition, the failure to consult Māori is a clear breach of the Treaty principle of partnership. We consider that this decision-making process is particularly egregious when it concerns measures that were introduced to remove previous discriminatory barriers to Māori political representation and to uphold the Treaty partnership at a local level.

Moreover, policy documents reveal the Government has failed to make a reasonable and informed decision, in breach of the duty to act in good faith. The policy process has been rushed to fit Ministerial timeframes with inadequate consideration of Māori views in official advice. Any discussion of Treaty obligations and analysis of Treaty issues raised by the proposal is almost entirely absent from the Cabinet paper on which the decision to reinstate poll provisions and overturn the decisions of elected local councils was made.

Māori around the country have clearly expressed their preference to be involved in decision-making at the local level as an expression of their tino rangatiratanga. We were provided with evidence from current and former councillors and mayors, as well as former Members of Parliament, of the extensive advocacy and campaigning efforts prior to 2021 for the establishment of Māori wards and constituencies. The Government's decision to prioritise its political agenda over the clearly expressed desires and actions of Māori for dedicated political representation at the local level breaches the Crown's duty to actively protect the rights and interests of Māori.

We consider that the poll provisions are inequitable and discriminatory and a barrier for Māori representation in local government. Reinstating them will make establishing, or reestablishing, Māori wards or constituencies insurmountable. The proposed legislation is also likely to raise human rights issues under The New Zealand Bill of Rights Act 1990.

Finally, we found that removing the option for Māori voters to choose whether to be represented by general or Māori ward councillors is a breach of the treaty principle of options.

Reinstating the poll provisions and requiring councils to dissolve wards established since 2021 or hold a binding poll on them will result in the reduction of Māori representation at the local level. Alternative mechanisms for Māori participation in local government are not the same as having a dedicated seat at the decision-making table. Further, these alternative mechanisms have historically seen Māori voices ignored when inconvenient. We also consider the reintroduction of the poll provisions, and negative messaging about Māori wards, will stir division and enable discriminatory and racist rhetoric against Māori, as previously occurred

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prior to 2021. We consider that in pursuing this policy the Crown has already done substantial damage to the Māori-Crown relationship and is likely to do more if this legislation is passed.

We recommend the Crown stop the amendment process to allow proper consultation between the Treaty partners with a view to agreeing how Māori can exercise the guarantee of tino rangatiratanga in article 2 to determine their own dedicated representation in local government. We also draw to the Government's attention the existing provisions for representation reviews in sections 19H and 19I of the Local Electoral Act 2001. We consider the approach set out in these provisions better achieves the balance referred to by the Government in their policy documents of enabling the public including Māori to have input into the whole range of representative arrangements in a territorial or regional area without the discriminatory element of the binding polls. We recommend the amendment of the 2021 Amendment Act be stopped to enable these reviews to be carried out.

Nāku noa, nā

Judge Sarah Reeves Presiding Officer

Nā Te Rōpū Whakamana i te Tiriti o Waitangi

Stuck deves.

CHAPTER 1 INTRODUCTION

In this chapter we set out what is at issue, the background to this urgent inquiry, including a summary of parties' positions, and the key issue for determination in this inquiry. We also outline the structure of the report.

1.1 WHAT IS AT ISSUE?

This inquiry addresses claims submitted to the Waitangi Tribunal under urgency regarding the Crown's proposed amendment of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021.¹ The 2021 Amendment Act removed the previous requirement that a local referendum – known as a poll – be held following council decisions to establish a Māori ward or constituency. This legislation was introduced by former Minister for Local Government, the Honourable Nanaia Mahuta, following a petition calling for increased Māori representation in local government.² That petition had called for an amendment to the Local Electoral Act 2001 to enable the establishment of Māori wards and Māori constituencies through the same process by which general wards and constituencies could be established.³ The claimants say the 2021 amendment has contributed significantly to increased Māori representation in local government, while helping the Crown to meet its Treaty obligations.

The genesis of the issue before us in this inquiry lies with the 2023 coalition agreements between the New Zealand National Party, ACT New Zealand and New Zealand First in which the parties outlined their priority to:

restore the right to local referendum on the establishment or ongoing use of Māori wards, including requiring a referendum on any wards established without referendum at the next local body elections.⁴

Once in government, the new Minister for Local Government, the Honourable Simeon Brown, initiated policy work to give effect to this commitment and Cabinet decided in favour of effectively repealing the 2021 amendments. This repeal would give councils that had established a Māori ward or constituency two options:

- Option A resolve this year to rescind the decision to create the Māori wards or constituencies by council resolution (to take effect at the 2025 local elections).
- Option B hold a binding poll on the question of Māori wards/constituencies at the 2025 local elections (to take effect at the 2028 local elections).⁵

² Wai 3365, 3.3.7, p. 8.

⁵ Wai 3365, 3.3.5, p. 12.

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¹ Wai 3163, 2.5.2, p. 1.

³ Wai 3365, 3.3.7, p. 8.

⁴ New Zealand National Party & Act New Zealand, 54th Parliament, Coalition Agreement, 24 November 2023, p. 9; New Zealand National Party & New Zealand First, 54th Parliament, Coalition Agreement, 24 November 2023, p. 10.

On 4 April 2024, Minister Brown announced that the government would introduce a Bill 'in the coming months' to effectively repeal the 2021 amendments.⁶

Claimants and interested parties argue that the repeal of the 2021 Amendment Act and its impact on Māori wards is in breach of the Crown's Te Tiriti o Waitangi / Treaty of Waitangi ('the treaty') obligations. The claimants submit that the Crown's proposed policy and actions will prejudicially affect Māori, as well as damage relationships between the Crown, Māori, and local government. 8

1.2 BACKGROUND TO OUR INQUIRY

This section sets out the application for urgency, events since urgency was granted, the reasons for granting urgency, and summarises the positions of the parties.

1.2.1 Application for urgency

On 19 April 2024, the Tribunal received an amended statement of claim and an application for an urgent hearing in regard to the Crown's proposed amendment of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 from Anne Waapu and Te Raukura O'Connell Rapira.⁹ Further applications were filed on 26 April by Merepeka Raukawa-Tait, 3 May 2024 by Te Rūnanga o Ngāti Hine, and 6 May 2024 by Te Whakakitenga o Waikato Incorporated.¹⁰

On 23 April 2024, Deputy Chairperson, Judge Sarah Reeves, directed the Crown and any interested parties to respond to the application for an urgent hearing no later than midday 26 April 2024.¹¹

A memorandum was filed on 26 April 2024, in which the Crown indicated the proposed amendment to the 2021 Amendment Act would be no earlier than 20 May 2024. 12

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⁶ Hon Simeon Brown, 'Coalition government to require referendums on Māori wards', 4 April 2024 at <u>Coalition Government to require referendums on Māori wards | Beehive.govt.nz</u>

⁷ In referring to te Tiriti o Waitangi / the Treaty of Waitangi, we have followed the practice set out by the Tribunal in its Te Paparahi o te Raki inquiry: we refer to the text in te reo as Te Tiriti o Waitangi and the text in English as the Treaty of Waitangi. When we refer to both texts together we use 'the treaty'. The exception to this usage will be when we refer to the work of others, when we will reproduce the terminology they have used. Waitangi Tribunal, He Whakaputanga me te Tiriti – the Declaration and the Treaty: the Report on Stage 1 of the Te Paparahi o te Raki Inquiry (2014), p 2.

⁸ See Wai 3365, 3.3.1; 3.3.5; 3.3.6, 3.3.7.

⁹ The claim, registered as Wai 3163, made on behalf of 'on behalf of Māori who JustSpeak work with and advocate for rangatahi of today and future generations". Wai 3365, 2.5.7, p 1. Wai 3163 was originally filed on behalf of JustSpeak but this was then changed to the Justice System (Waapu & O'Connell Rapira) claim. Wai 3365, 2.5.6, p 1.

¹⁰ Wai 3365, 2.5.7, pp 1–2.

¹¹ See Wai 3163, 2.5.1; Wai 3163, 2.5.2

¹² Wai 3163, 3.1.10, p. 4

Due to the compressed timeframe, Judge Reeves directed the applicants to file submissions in reply to the Crown and interested parties by no later than 2 May 2024. ¹³ In the memorandum, she directed that a virtual judicial conference be held at 11am, 3 May 2024. ¹⁴

On 3 May 2024, Judge Reeves held a virtual judicial conference where she heard submissions from parties and granted urgency later the same day. Reasons were provided later and are set out below.¹⁵

Given the limited amount of time for the urgent inquiry, Judge Reeves wanted to ensure enough time for parties to file submissions and evidence and for the Tribunal to consider the issues and report before the Bill to amend the 2021 Act was introduced. Therefore, she decided that the urgent inquiry would be conducted on the papers and there would be no in-person hearing.¹⁶

Urgency was granted to four claims for this inquiry: Wai 3163, Wai 3362, Wai 3314, and Wai 682. The Wai 3163 claimants are Anne Waapu and Te Raukura O'Connell Rapira. ¹⁷ The Wai 3314 claimant is Merepeka Raukawa-Tait on behalf of her whānau, hapū, iwi, whānau whānui and whāngai. ¹⁸ The Wai 682 claimants are Rewiti Paraone, Erima Henare, Pita Tipene and Waihoroi Shortland on behalf of Te Rūnanga o Ngāti Hine. ¹⁹ The Wai 3362 claimant is Tukoroirangi Morgan for and on behalf of Te Whakakitenga o Waikato Incorporated. ²⁰

Twenty-one applicants were granted interested party status. A list of the interested parties is included in the appendix to this report.

Judge Reeves directed that claimant evidence and opening submissions were to be filed no later than 12pm, 8 May 2024. Additionally, she directed that Crown evidence and opening submissions were to be filed no later than 12pm, 10 May 2024, as well as closing submissions to be filed no later than 12pm, 14 May 2024.²¹

1.2.2 Events since urgency was granted

On 6 May 2024, Chief Judge Caren Fox appointed Judge Reeves as the Presiding Officer for this inquiry. Basil Morrison CNZM JP and Kevin Prime ONZM, MBE, CNZM were appointed as the panel members.²² The same day, Judge Reeves confirmed that the scope of the urgent inquiry would be narrow due to the compressed timeframe and the Crown's indication that a

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¹³ Wai 3163, 2.5.2, p. 2

¹⁴ Wai 3163, 2.5.2, p. 2

¹⁵ Wai 3365, 2.5.1, p. 3

¹⁶ Wai 3365, 2.5.1, p. 3

¹⁷ Wai 3365, 1.1.1, Wai 3163, 1.1.1(b), Statement of Claim, Anne Waapu and Te Raukura O'Connell Rapira on behalf of JustSpeak, joint opening submission with Te Rōpū Tautoko Māori (Interested Party), 18 April 2024. Wai 3163 I now registered as the Justice System (Waapu & O'Connell Rapira) claim. Wai 3365, 2.5.6, p 1.

¹⁸ Wai 3365, 1.1.3, Statement of Claim, Merepeka Raukawa-Tait, 26 April 2024.

¹⁹ Wai 3365, 1.1.2, Statement of Claim, Te Rūnanga o Ngāti Hine, 19 January 2024; Wai 3365, 2.5.1, p 2.

²⁰ Wai 3365, 1.1.4; Wai 3362, 1.1.1. Statement of Claim, Tukoroirangi Morgan for and on behalf of Te Whakakitenga o Waikato Incorporated and for the benefit of the iwi of Waikato-Tainui and all Maaori residing in the rohe of Waikato-Tainui and the wider Waikato region, 6 May 2024.

²¹ Wai 3365, 2.5.1, p. 3

²² Wai 3365, 2.5.2, p. 2

Bill to give effect to the proposed amendments would be introduced to the House of Representatives no earlier than 20 May 2024.²³

We received claimant evidence and submissions on 8 May 2024, Crown submissions on 10 May 2024, and closing submissions on 14 May 2024.

1.2.3 Why urgency was granted

In her 13 May 2024 memorandum, Judge Reeves gave her reasoning for granting urgency to this inquiry.²⁴ On 4 April 2024, she said, the Local Government Minister announced that the Government would introduce a Bill 'in the coming months' to amend the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 to reinstate, amongst other provisions, the requirement for binding polls of all voters on Māori ward decisions. 25 Judge Reeves stated that the proposed amendment of the Act is an important current and pending Crown action and policy.²⁶ She indicated that the proposed amendments are likely to result in a significant decrease in Māori representation and participation in local government as a direct consequence of the proposed amendment.²⁷ Moreover, she said, the reimposition of polls is likely to act as a significant barrier and disincentive to future Māori representation in local government as well as participation in local government processes.²⁸ The Crown had also accepted that there had been minimal to no consultation with Māori. For these reasons, Judge Reeves was satisfied that significant and irreversible prejudice could result from the repeal and that there were no alternative remedies available. She therefore confirmed her urgency decision.29

THE POSITIONS OF THE PARTIES 1.3

This section sets out the positions of the parties to this inquiry beginning with the four claimants, followed by the Crown and interested parties.

1.3.1 Claimants

The claimants submitted that the Crown's decision to repeal the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 and disestablish Māori wards will disproportionately and prejudicially affect Māori.³⁰ The claimants submit that the Crown's proposal to disestablish Māori wards lacks Treaty and Te Tiriti analysis, consultation, and is inconsistent with Te Tiriti o Waitangi and its principles.³¹ Furthermore, counsel for Wai 3163 and counsel for Wai 3362 submitted that it seems the obligation to meet the government's coalition agreements takes precedence over the impact that the repeal would have on Māori.³²

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<sup>23</sup> See Wai 3365, 2.5.3, p. 2; Wai 3163, 3.1.10, p. 4
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²⁴ Wai 3365, 2.5.8, p 1.

²⁵ Wai 3365, 2.5.8. p 3.

²⁶ Wai 3365, 2.5.8, p. 4

²⁷ Wai 3365, 2.5.8, p. 4.

²⁸ Wai 3365, 2.5.8, p. 4.

²⁹ Wai 3365, 2.5.8, p. 5.

³⁰ See Wai 3365, 3.3.1; 3.3.5; 3.3.6; 3.3.7.

³¹ See Wai 3365, , 3.3.1; 3.3.5; 3.3.6; 3.3.7.

³² See Wai 3365 3.3.7, p. 2; 3.3.5, pp. 4-5, 7.

On this point, counsel for Wai 3314 submitted that the coalition government has 'unequivocally positioned its stance of one law for all and that a Māori seat undermines the principle of equal votes'. 33

As highlighted by counsel for Wai 3163, the establishment of Māori wards and constituencies have historically been subject to limitations such as poll provisions, which ultimately allow the majority vote to determine the establishment of said wards.³⁴ As a result, counsel for Wai 3163 argued, Māori representation in local government has been minimal.³⁵ Counsel for Wai 3163 stated that between 2010 and 2020 significant calls to action were made to address the inequitable poll provisions and the significant lack of Māori representation, which resulted in the introduction of the 2021 Amendment Act, while limited as a means to provide Māori with the ability to determine whether and how they wish to be represented as Māori, has enabled significant progress in the establishment of Māori wards and has significantly improved Māori representation.³⁷

In their submission, counsel for Wai 3163 stated this is further supported by the Human Rights Commission's 2010 report which provides feedback from the Chair of Environment Bay of Plenty, several councillors, council managers, and iwi representatives who all concluded that the system of Māori constituencies helped the council to meet its obligations for Māori participation under the Local Government Act 2002. Therefore, counsel for Wai 3162 and Wai 3362 argued that the Crown's proposal to repeal the 2021 Amendment Act, and the grounds upon which the Crown has made this decision, is 'unconvincing', and signals that the Crown has a problem with the separate representation of Māori as a minority under local government constitutional arrangements.³⁹

Counsel for Wai 3163 argued that they do not see reflection of the Cabinet Manual's guidance concerning the balance between majority power and minority rights in the Crown's policy proposing the repeal, but rather, the policy undermines that stated by the Waitangi Tribunal in its 2024 *Oranga Tamariki* report. ⁴⁰ Additionally, counsel for Wai 3163 drew on the Regulatory Impact Statement (RIS) provided by the Department of Internal Affairs, which set out that the government's objectives are in direct contrast to the Crown's requirement of local authorities to facilitate Māori participation in local government decision-making processes and to give effect to the Crown's treaty obligations as set out in section 4 of the Local Government Act 2002. ⁴¹ Counsel for Wai 3362 support this argument in their submission, stating that any proper analysis of the Crown's treaty obligations should have led officials to advise against the proposal to repeal the 2021 Amendment Act. ⁴² Counsel for Wai 682 further submit that engagement at select committee is far too late in the legislative process for Māori to have meaningful dialogue with the Crown and influence the trajectory of decision-making. In such

³³ Wai 3365, 3.3.1, p. 6.

³⁴ Wai 3365, 3.3.7, p. 1.

³⁵ See Wai 3365, 3.3.7, p. 7.

³⁶ Wai 3365, 3.3.7, pp. 2, 7

³⁷ Wai 3365, 3.3.7, p. 2

³⁸ Wai 3365, 3.3.7, p. 5

³⁹ See Wai 3365, 3.3.7, p. 15; Wai 3362, 3.3.5, p. 4

⁴⁰ Wai 3365, 3.3.7, p. 16

⁴¹ Wai 3365, 3.3.7, p. 15

⁴² Wai 3362, 3.3.5, p. 8

circumstances, Māori are vulnerable to the preferences of the Crown in both process and substance, and exposed to the impacts of those preferences.⁴³

Counsel for Wai 682 said that the Crown cannot maintain that there are other protective mechanisms for Māori participation in local government, when those protective mechanisms existed prior to the 2021 amendments, and Māori experienced disproportionate representation and discrimination.⁴⁴ On the 2021 Amendment Act, counsel for Wai 3362 further submit that the new status quo created by the Act provides Māori with better opportunities to be represented in local government decision-making.⁴⁵ Therefore, they argue, in seeking to undo the current state made possible by the 2021 Amendment Act, and in the knowledge that the binding polls provisions have been 'historically proven to vote down the establishment of Maaori wards', the Crown's policy 'directly engages the Tiriti principles of participation and active protection'.⁴⁶

The claimants highlight what they see as the breaches and prejudice in regard to the Crown's proposal to repeal the Act. Counsel for Wai 3362 and Wai 3314 submitted that the Crown's policy, and their acts and omissions, are inconsistent with the treaty and its principles, including the principles of partnership, participation and protection.⁴⁷ Counsel for Wai 3163 argued that this is a breach of good faith.⁴⁸ Counsel for Wai 3362 submitted that failing to consult with Maori on the proposed changes has indicated that the Crown is treating a commitment made in the coalition agreements as if it is above the Crown's responsibilities under the treaty.⁴⁹ Moreover, counsel for Wai 3362 argued that the Crown's policy will breach the principle of equity by privileging the rights of those who object to Māori wards, as those who object will have a greater influence on the process over those who are in favour of Māori wards. 50 Counsel for Wai 682 submitted that the Crown's policy for Māori wards is inappropriate and an excessive exercise of kāwanatanga, one which undermines and prevents the exercise of tino rangatiratanga and partnership under the treaty.⁵¹ Counsel for 3314 stated that the Crown has an obligation to Maori to uphold the principles of the treaty, reiterating the Oranga Tamariki Tribunal's finding that it is not a proclamation of Waitangi, and the Crown does not have a unilateral right to redefine or breach its terms. The obligation is to honour the treaty and act in good faith towards the treaty partner.⁵²

The claimants sought recommendations from the Tribunal on the Crown's policy proposals. Counsel for Wai 3163 stated that their clients seek a recommendation that the Crown take a step back and return decision making and resources to hapū and iwi Māori. They submitted that hapū and iwi Māori should determine how they wish to be represented through Māori wards and constituencies. ⁵³ Additionally, the Wai 3163 claimants sought recommendations in line with the Human Rights Commission's 2010 report that:

⁴³ Wai 3365, 3.3.14, p. 18.

⁴⁴ Wai 3365, 3.3.14, p. 14.

⁴⁵ Wai 3365, 3.3.20, p. 23.

⁴⁶ Wai 3365, 3.3.20, p. 24.

⁴⁷ See Wai 3365, 3.3.5, p. 3; Wai 3365, 3.3.1, p. 2.

⁴⁸ Wai 3365, 3.3.7, p. 11.

⁴⁹ Wai 3365, 3.3.5, p. 17.

⁵⁰ Wai 3365, 3.3.5, pp. 17–18.

⁵¹ Wai 3365, 3.3.6, p. 9.

⁵² Wai 3365, 3.3.11, p. 4.

wai 3365, 3.3.7, p 18.

- Hapū and iwi Māori should discuss whether or not they want Māori seats on their local or regional council; and
- b. Councils should support the Māori choice.⁵⁴

Counsel for Wai 3314 sought a Tribunal recommendation that the Crown addresses the inequity proposed by the amendment to the Act and reconsiders its position to introduce legislation to rescind Māori wards from local government.⁵⁵ Counsel for Wai 3314 further submits that the Crown must make Māori wards mandatory in local government.⁵⁶

Counsel for Wai 682 sought a recommendation that the Coalition Government's Māori ward policy be abandoned.⁵⁷

Counsel for Wai 3362 did not seek a specific recommendation from the Tribunal and instead offered the following questions to the Crown to consider in its policy development:

- a. What are the policy reasons/rationale behind the proposed changes?
- b. What was the policy process taken?
- c. What advice has the Crown sought or taken regarding its Te Tiriti obligations?
- d. Why does the Crown consider that Select Committee submissions are the appropriate level of 'consultation' on the Crown's policy?⁵⁸

We explore these questions in chapter 3 of this report.

1.3.2 The Crown

In regard to the proposed repeal of the 2021 Amendment Act, the Crown acknowledged that Māori participation and representation in local government is important and that the Tribunal's focus in this inquiry is, by necessity, narrow.⁵⁹ The Crown submitted that the intention of the poll provisions is to involve the community in local government decision-making, and to provide an avenue for Māori communities to demand that their councils hold polls to establish Māori wards.⁶⁰ The Crown stated that restoring the provisions for binding polls is a commitment in both the National-ACT and National-New Zealand First coalition agreements.⁶¹ However, the Crown submitted that the Government has not proposed to remove Māori wards outright. Rather, the proposed repeal concerns the process of establishing Māori wards and reflects a judgement that 'there is an imbalance between the ability for electors to determine their representation arrangements and Māori representation in local government'.⁶²

⁵⁴ Wai 3365, 3.3.7, p 18.

⁵⁵ Wai 3365, 3.3.1, p 6.

⁵⁶ Wai 3365, 3.3.1, p 6.

⁵⁷ Wai 3365, 3.3.6, p 11.

⁵⁸ Wai 3365, 3.3.5, pp 16–17. ⁵⁹ Wai 3365, 3.3.10, p. 1.

⁶⁰ Wai 3365, 3.3.10, p. 2.

⁶¹ Wai 3365, 3.3.10, p. 3.

⁶² Wai 3365, 3.3.10, p. 4.

On consultation, the Crown acknowledged that there has not been a consultation process with its treaty partner leading up to the decision. ⁶³ The Crown submitted that the Crown's conduct should be assessed in this context, and states that the Government's intention is that the proposals are considered at select committee, albeit in a necessarily shorter than usual process owing to the Government's intention for the Bill to come into effect by 31 July 2024. ⁶⁴ The Crown submitted that consultation is only one aspect of the Crown's duty to be informed of Māori interests. ⁶⁵ The Crown further submitted that the duty to consult is not absolute. Rather, it is qualified by what is reasonable in the circumstances but may require 'especially vigorous action' where a taonga is in a vulnerable state. ⁶⁶

The Crown acknowledged that elected members who identify as Māori increased after the 2022 elections, which can be attributed to the increase in Māori wards following the 2021 amendments. Additionally, the Crown said, the increase in Māori wards and constituencies increased opportunities for Māori to elect people to represent them on councils. The Crown accepted that there is a risk that the proposed policy might remove some opportunities for Māori to be represented on local government. However, the extent of this risk is unclear. The Crown further submitted that it is not currently possible to determine how much of the overall increase in elected members who identify as Māori can be attributed to the new Māori ward and Māori constituency positions and how much is from increased representation in other elected positions.

The Crown submitted that provisions in the Local Government Act 2002 require councils to facilitate participation by Māori in local authority decision-making.⁷¹ Additionally, the Crown said there are further obligations under other legislation, such as the Resource Management Act 1991, which requires local authorities to take the principles of the treaty into account when exercising powers and functions. The Crown therefore submitted that the proposed policy will not affect these provisions.⁷² Independent of Māori wards, the Crown said there is a broad spectrum of various participation arrangements between iwi and councils across the motu, some of which are mentioned in claimant evidence.⁷³

1.3.3 Interested parties

The interested parties largely support the arguments presented by the four claimants in the urgent inquiry, and agree that the Crown's proposal to repeal the 2021 Amendment Act will remove the platform for Māori voice in local government.⁷⁴ Making additional points, counsel for Ngāti Pāhauwera submit that the repeal of the 2021 Amendment Act will jeopardise the Māori wards on four out of the five councils in their rohe.⁷⁵ Counsel for Te Kōhao Health and

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<sup>63</sup> Wai 3365, 3.3.10, p. 5.
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⁶⁴ Wai 3365, 3.3.10, p. 5.

⁶⁵ Wai 3365, 3.3.10, p. 5.

⁶⁶ Wai 3365, 3.3.16, p. 6.

⁶⁷ Wai 3365, 3.3.10, p. 5.

⁶⁸ Wai 3365, 3.3.10, p. 5.

⁶⁹ Wai 3365, 3.3.10, pp. 5-6.

Wai 3365, 3.3.16, p. 12.
 Wai 3365, 3.3.10, p. 6.

⁷² Wai 3365, 3.3.10, p. 6.

⁷³ Wai 3365, 3.3.10, p. 6.

⁷⁴ See Wai 3365, 3.3.2, p. 1; 3.3.6, p. 9.

⁷⁵ Wai 3365, 3.3.3, p. 2.

the National Urban Māori Authority submit that the amendment will have a significant impact on Māori voice on Hamilton City Council. The Rūnanga o Ngāti Whātua submit that the proposed amendment will impact their ability to establish a Māori ward within the Auckland Council. Finally, Ngāti Korokoro, Ngāti Wharara, Te Pouka hapū, and Patuharakeke hapū submit that the 2021 Amendment Act has significantly helped in addressing the issue of underrepresentation in local government of Māori in the Hokianga and Te Taitokerau. Therefore, the repeal of the Act will place Māori representatives in their local government at a disadvantage.

1.4 ISSUES FOR DETERMINATION

The key issue for determination in this inquiry is whether the actions and policies of the government to amend the provisions of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 is in breach of the principles of the treaty.⁸⁰

We confine ourselves to this issue only for the purposes of this urgent inquiry, rather than looking into the wider issues around Māori and local government. Any broader constitutional issues related to Māori representation in local government raised will be considered by the Tribunal's Wai 3300 Tomokia ngā tatau o Matangireia – Constitutional Kaupapa inquiry.

1.5 THE STRUCTURE OF THE REPORT

Our next chapter sets out the context for this issue, setting out our jurisdiction and providing an overview of the aspects of the treaty and its principles engaged by this issue.

In chapter 3, we examine the policy process through which the repeal of the 2021 amendments is taking place. We first discuss the origins of the policy in the coalition agreements between the National Party and the ACT Party and the National Party and the New Zealand First Party. We then explore the policy process, the Cabinet paper and decisions, the Regulatory Impact Statement from the Department of Internal Affairs and public announcements.

In chapter 4, we set out our analysis of the Crown's actions and omissions in the policy process and present our findings. First, we briefly consider the treaty consistency of the pre-2021 regime, to which the 2024 proposals are seeking to return. Next, we examine whether the process to reinstate the Local Electoral Act 2001 provisions and to require councils to dissolve or hold binding polls on Māori wards or constituencies established since 2021 is consistent with the treaty. Finally, we assess whether the process is in breach of the treaty and its principles.

⁷⁷ Wai 3365, 3.3.9, p 2.

⁷⁶ Wai 3365, 3.3.2, p1.

⁷⁸ Wai 3365 3.1.18, p 2; 3.1.19, p 2.

⁷⁹ Wai 3365, 3.1.18, p 2; 3.1.19, p 2.

⁸⁰ Wai 6635, 2.5.3, p 2.

In chapter 5, we consider the treaty implications of the proposed policy and whether it will cause prejudice to Māori. We then set out any findings of breach of the treaty principles.

In chapter 6, we summarise our findings and set out our recommendations.

CHAPTER 2 TE TIRITI | THE TREATY CONTEXT

In this chapter, we briefly set out the Waitangi Tribunal's jurisdiction to hear the claims, as well as the treaty principles relevant to this inquiry. We have been particularly guided by the work of previous Tribunals concerning local government and Māori representation. We note that the Tribunal has consistently found that Māori have rights to representation on local authorities, which make many decisions affecting Māori interests. We use the standards and principles set out below to analyse the Crown's actions and omissions in this policy process.

2.1 TRIBUNAL'S JURISDICTION

Section 6 of the Treaty of Waitangi Act 1975 allows for any Māori to make a claim to the Tribunal that they have been, or are likely to be, prejudicially affected by any legislation, policy, act, or omission made by the Crown after 6 February 1840. A well-founded claim is one which demonstrates that Crown acts and omissions have breached treaty principles, and that this breach has caused or will likely cause prejudice to Māori. If we find a claim to be 'well founded', we may recommend to the Crown ways to compensate for or remove the prejudice, or to ensure others are not similarly affected in the future.

Due to recent concerns related to the principle of non-interference or comity that have emerged for the Tribunal in several urgent inquiries we wish to set out in more detail the extent of our jurisdiction to inquire into this matter. Prima facie, the principle of comity exists to preserve the autonomy of Parliament's actions without undue scrutiny from the Judiciary or Executive, which would interfere with its sovereignty.⁸¹

While issues of comity have not been specifically raised in this inquiry, we reference it here due to the proximity of this report to the introduction of legislation to repeal the amendments made in 2021 to the 2001 Act. A plain reading of section 6(1)(c) of the Treaty of Waitangi Act 1975 allows the Tribunal to consider 'any policy' of the Crown, including proposed policy, that is claimed to prejudicially affect Māori. Section 6(6) expressly refers to the Tribunal's lack of jurisdiction to consider Bills that have been introduced to the House of Representatives (i.e. Parliament). A cumulative reading of section 6 therefore reflects that the Tribunal has jurisdiction to scrutinise proposed Crown policy right up until a Bill is formally introduced to the House.⁸²

The Courts have reiterated this perspective in several cases, overturning past precedent which used to enforce the principle of comity more rigidly,⁸³ and emphasising the constitutionality of the Treaty of Waitangi and the unique role the Tribunal plays in New Zealand's constitutional

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⁸¹ P A Joseph Constitutional and Administrative Law in New Zealand (2nd ed, Brookers, Wellington, 2001) at 474.

⁸² Section 6(6) also allows Parliament to refer Bills 'proposed legislation' to the Tribunal, and section 8 of the Treaty of Waitangi Act 1975, which provides for this process, defines "Proposed legislation" in section 8(2) as a 'Bill before the House', ergo policies at a stage prior to this introduction are not considered 'proposed legislation' requiring a referral under s 6(6).

⁸³ Te Runanga o Wharekauri Rekohu Inc v Attorney General [1993] 2 NZLR 301, notably stated at (16) that '[comity] extended, ... to all processes associated with proposed legislation until after its enactment'; upheld in Milroy v Attorney-General [2005] NZAR 562; New Zealand Māori Council v Attorney-General [2007] NZCA 269.

framework.⁸⁴ The interaction between the Tribunal and comity was most recently discussed in the Court of Appeal:

we do not accept that the principle of comity necessarily applies to limit the power of the Tribunal. It is a principle that typically operates as between the judicial and legislative branches of government, which is a different context from that in which the Tribunal operates. The Tribunal is fulfilling a statutory duty, and s 6(6) of the Treaty of Waitangi Act identifies when its jurisdiction is limited by the proceedings of Parliament. Moreover, even if comity applies it applies to the Crown as well as the Tribunal, and such a duty would involve the Minister voluntarily providing the information that the Tribunal requested. That would also be consistent with the Crown's Treaty obligations.

Apart from the mainstream Courts, we, as the Tribunal, have made our view of our jurisdiction clear in several past inquiries: 'policy' does not become a 'Bill' until the moment it is introduced to the House and examining it falls within the very purpose of the Tribunal.86

Another jurisdictional issue relevant to this urgent inquiry is the Tribunal's ability to inquire into the actions of local government. This matter was raised briefly by counsel for Wai 3163 in their submissions in support of the urgency application.⁸⁷ The Tribunal's jurisdiction is to evaluate the acts and omissions of the Crown against the principles of the treaty - 'the Crown' here meaning central government. The Tauranga Moana Tribunal (2010) stated that local councils are responsible to local communities within the parameters set by the Crown - but they are not agents of the Crown. 88 However, the Crown retains a duty of active protection to monitor local government policy and practices.⁸⁹ The Tribunal can evaluate the Crown's monitoring of local government, and the legislative framework the Crown creates for local government, but not individual decisions made at the local government level.

There is no suggestion by any party that the actions at issue are clearly the Crown's. 90 We concur. This claim is about proposed amendments by the Crown to local government legislation. Many Tribunals before us have evaluated the treaty consistency of local government legislation. We do not consider that the subject matter of the proposed amendments prevents this Tribunal from inquiring into this claim.

Finally, we point out that the timeframes to report on this matter are imposed on us by the Crown's legislative timeframes. Unlike the Oranga Tamariki and Treaty Principles Bill Tribunals in their recent respective urgent inquiries, we have had no opportunity to question witnesses to clarify or amplify the points they have made in their evidence. We have only been able to rely on the submissions and evidence provided to us. As a consequence, our findings in this inquiry will be necessarily high-level.

⁸⁴ Comity and the Treaty - Ngāti Whātua Ōrakei v Attorney-General [2018] NZSC 84; Ngāti Mutunga o Wharekauri Asset Holding Company Ltd v Attorney-General [2020]; Hata v Attorney-General (No 2) [2023] NZHC 2919; Comity and the Waitangi Tribunal - Attorney-General v Mair [2009] NZCA 625, Baragwanath J.

⁸⁵ Colleen Skerret-White & ors. v Minister for Children [2024] NZCA 160 at [2](e).

⁸⁶ Wai 2522 #2.5.0009; Wai 2358 #2.6.79 at [41]-[43], [51]-[54]; Wai 3058 #2.5.004 at [21] and [23].

⁸⁷ Wai 3365, 3.1.8, p 3.

⁸⁸ Waitangi Tribunal, *Tauranga Moana*, 1886–2006 (2010), pp 475–476.

⁸⁹ Tauranga Moana, 1886–2006, p 476.

⁹⁰ Wai 3365, 3.1.8, p 3.

2.2 TE TIRITI O WAITANGI | THE TREATY OF WAITANGI

Māori representation in local government engages all three articles of the treaty. The article 1 provision of kāwanatanga relates both to the Crown's responsibilities to ensure that its delegation of authority to local government is treaty consistent and to local government exercising kāwanatanga functions at the local level. Tino rangatiratanga, recognised in article 2, includes the right to participate in local and central government decision-making, while oritetanga or the rights and privileges of British subjects articulated in article 3 extends to voting rights in both local and central government elections.

In its *Tauranga Moana 1886–2006* (2010) report, the Tribunal invoked all three articles of the treaty in its examination of Māori representation in local government in the district. It stated that under the Local Government Act 2002 'local authorities exercise a role akin to kawanatanga over land, resources, and environment'. Similarly, district and regional councils under the Resource Management Act 1991 'exercise a role akin to kawanatanga'. The Tauranga Moana Tribunal found that the exercise of tino rangatiratanga includes representation on local authorities and that such representation must be sufficient to ensure that Māori can 'defend their own rights and interests'. Under article 3 of the treaty, which established citizenship rights for Māori, the Tribunal further found that 'Māori were entitled to equal rights when they participate in democratic election processes'. ⁹³

The Tauranga Moana Tribunal concluded that the inclusion of Māori constituencies by Environment Bay of Plenty – at that time, the only council in the country with Māori constituencies – was a positive and treaty-compliant means of addressing the consistent under-representation of Māori at the local government level. The Tribunal considered that the best way for the Crown to address the wider issue of Māori under-representation was 'to use its legislation and its departmental machinery to resource and encourage local authorities to assist it to meet its Treaty obligations'. We consider how the 2021 Act gave effect to this recommendation – and how the Crown's proposed policy seeks a return to the situation the Tribunal examined in 2010 – further in our analysis.

More recently, the Te Rohe Pōtae Tribunal (2023) considered Māori representation in local government and assessed the 2001 Act provisions in place before the 2021 amendments. They specifically focused on the poll provisions in the 2001 Act, finding:

The provisions in the Local Electoral Act 2001 that allow for the establishment of Māori wards or constituencies are undermined by the provisions, in the same Act, that allow a minority to demand a poll to decide the issue, which can then be defeated, especially when Māori are the minority. ⁹⁵

The Te Rohe Potae Tribunal further found that:

sections 19ZA to 19ZG of the Local Electoral Act 2001, which allows for polls of electors to decide on the establishment of M \bar{a} ori wards or M \bar{a} ori constituencies are inconsistent with the principles of the Treaty. 96

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⁹¹ Tauranga Moana, 1886–2006, p 478.

⁹² Tauranga Moana, 1886–2006, 852–53.

⁹³ Tauranga Moana, 1886–2006, p 487.

⁹⁴ Tauranga Moana, 1886–2006, p 487.

⁹⁵ Waitangi Tribunal, Te Mana Whatu Ahuru: Report on Te Rohe Pōtae Claims, (2023) vol 4 at [19.12].

⁹⁶ Te Mana Whatu Ahuru, vol 4, at [19.14].

The Tribunal has also considered the treaty articles in respect of Māori representation in central government. We note the finding of the Tribunal in its *Māori Electoral Option* report (1994) that:

The Maori seats have come to be regarded by many Maori as the principal expression of their constitutional position in New Zealand. They have been seen by Maori as an exercise, be it a limited one, of their tino rangatiratanga guaranteed to them under the Treaty of Waitangi. ⁹⁷

This finding relates to the current inquiry in that increased representation at the local government level can be seen in an analogous way as upholding the exercise of tino rangatiratanga guaranteed in article 2 of the treaty.

2.3 THE PRINCIPLE OF PARTNERSHIP

The core treaty principle of partnership was first articulated in the Court of Appeal decision in *New Zealand Maori Council v Attorney-General* [1987] ('the Lands case') and has been cited in several subsequent Tribunal reports. In its Te Rohe Pōtae district inquiry, which examined issues of local government relating to historical rating and representation issues, the Tribunal stated:

the Treaty established a partnership where the kāwanatanga or governing power of the Crown was limited by the guarantee of tino rangatiratanga to Māori. Likewise, the former absolute authority of Māori encapsulated in the term tino rangatiratanga was limited by the grant of kāwanatanga. Each would operate in their own sphere of influence and negotiate how their chosen institutions would operate where their authorities overlapped. The Crown also accepted a duty to actively protect Māori interests, and Māori acquired all the rights and privileges of British subjects. The practical details of these arrangements were to be worked out over time. ⁹⁸

This Tribunal identified that the Crown had breached the principles of partnership, rangatiratanga and equity, along with its duty of active protection, in failing to ensure that local authorities acted consistently with the principles of the treaty.⁹⁹

In its 1994 report on the Māori electoral option for central government the Tribunal commented that the partnership relationship the treaty envisages should be founded on reasonableness, mutual co-operation and trust. The Tribunal's *Tarawera Forest Report* (2003) drew on a 'memorable explanation' of this principle, commenting, 'Maori must recognise those things that reasonably go with good governance just as the Crown must recognise those things that reasonably go with being Maori'. The Tribunal's *Tarawera Forest Report* (2003) drew on a 'memorable explanation' of this principle, commenting, 'Maori must recognise those things that reasonably go with being Maori'.

The good governance obligations on the Crown that arise from this principle include the duty of active protection, the duty to act reasonably and in good faith, and the duty to consult. We summarise these three duties below.

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 $^{^{97}}$ Waitangi Tribunal, Maori Electoral Option, (1994), p $11.\,$

⁹⁸ Te Mana Whatu Ahuru, vol 1, p xlv.

⁹⁹ Te Mana Whatu Ahuru, vol 4, p 2257.

¹⁰⁰ Maori Electoral Option, ch 3.8.

¹⁰¹ Waitangi Tribunal, *Tarawera Forest Report* (2003), p 26. (Referencing Te Runanga o Wharekauri Rekohu Inc v A-G [1993] and Waitangi Tribunal, *Te Whanau o Waipareira Report*).

2.3.1 The duty of active protection

The duty of active protection places proactive responsibilities on the Crown. Its obligation to protect Māori interests is therefore an active not a passive one: failure to protect Māori interests is as much a breach of the treaty and its principles as a positive act that removes rights. The duty to actively protect Māori interests applies to all interests guaranteed to Māori under the treaty and extends to intangible properties, including political representation. It is connected to the Crown's duty to consult and to make informed decisions. The Tribunal in its *Te Tau Ihu* (2007) report stated that '[a]ctive protection requires honourable conduct and fair processes from the Crown, and full consultation with – and, where appropriate, decision-making by – those whose interests are to be protected'. 102

2.3.2 The duty to act reasonably and in good faith

The Tribunal has repeatedly referred to the finding of the Court of Appeal in the Lands case that partnership requires each partner to act reasonably and with the utmost good faith towards the other. In considering the governance of State healthcare in its *Napier Hospital* (2001) report, the Tribunal found that representation on district health boards – another kind of local authority – was an aspect of both the principle of partnership and the duty to act reasonably and in good faith:

Our general conclusion is that, to the extent that the governance of State healthcare is devolved to district agencies, consistency with the partnership principle and 'the duty to act reasonably and in the utmost good faith' demands a degree of assurance that Maori are fairly represented. ¹⁰³

The Napier Hospital Tribunal later found that 'the failure to provide for Ahuriri Maori inclusion in provincial governance, including any say in the management of Napier Hospital, breached the principles of partnership and equity'. 104

2.3.3 The duty to consult

The duty to consult is central to good faith partnership. As the Tribunal noted in its *Offender Assessment Policies Report* (2005) '[o]ne element of the Crown's obligations is that it must make informed decisions. Where Crown policies affect Maori, a vital element of the partnership relationship is the Crown's duty to consult with Maori'. The Central North Island Tribunal expanded on this in its *He Maunga Rongo* (2008) report, writing:

In our view, the obligations of partnership included the duty to consult Maori on matters of importance to them, and to obtain their full, free, prior, and informed consent to anything which altered their possession of the land, resources, and taonga guaranteed to them in article 2. The Treaty partners were required to show mutual respect and to enter into dialogue to resolve issues where their respective authorities overlapped or affected each other. 106

¹⁰² Waitangi Tribunal, *Te Tau Ihu o te Waka o Maui: Report on the Northern South Island claims* (2007), p 6 (referencing the *Lands* case).

¹⁰³ Waitangi Tribunal, The Napier Hospital and Health Services Report (2001), p 61.

¹⁰⁴ Waitangi Tribunal, Napier Hospital and Health Services Report, p 168.

¹⁰⁵ Waitangi Tribunal, Offender Assessment Policies (2005), p 10.

¹⁰⁶ Waitangi Tribunal, He Maunga Rongo: Report on the Central North Island claims (2008), p173.

2.4 THE PRINCIPLE OF EQUITY

Deriving from article 3 of the treaty, the principle of equity has been described as the Crown's obligation to act fairly between Māori and non-Māori. Equity can also be described as substantive rather than formal equality. Substantive equality means that treating people equally may require treating them differently. Formal equality, by contrast, means treating everyone in the same way. As the Tribunal's *Te Arawa Mandate Report: Te Wahanga Tuarua* (2005) report noted, equity does not necessarily mean 'treating everyone the same, where they have different populations, interests, leadership structures, and preferences'.¹⁰⁷

This principle requires the Crown to actively intervene to address disparities. The principle of equity directly relates to the situation the 2021 amendments sought to address, which was significant under-representation of Māori in local government. It also relates to the legislative provisions establishing Māori wards and constituencies, which give electors the ability to overturn council decisions by a simple majority, a power that only applies to Māori wards or constituencies and no others.

Māori wards and constituencies can be considered a means to achieve equity of representation for Māori at the local government level, in addition to their function of representing the treaty partnership. The Māori constituencies established at Environment Bay of Plenty in 2001 provide an example of this. Referring to those constituencies, the Tribunal noted in its *Tauranga Moana*, 1886–2006 report that the model had 'stood up under scrutiny – Māori have been enfranchised, while non-Māori have not been disenfranchised'. ¹⁰⁸

2.5 THE PRINCIPLE OF OPTIONS

The principle of options derives from both the guarantee of tino rangatiratanga in article 2 and from article 3. It means that Māori have the option to follow the path of tribal authority and self-determination according to their tikanga or to participate in settler society or both. It is therefore related to other treaty principles such as partnership, active protection and equity, as well as to the principle of autonomy. The Crown's obligation in respect of the principle of options is to protect whichever option Māori choose.

In seeking to participate in local decision-making in matters that affect them, Māori have repeatedly sought to be represented on councils. Examining the establishment of Māori wards at Environment Bay of Plenty in 2001, the Tauranga Moana Tribunal found its empowering legislation to 'uphold the principle of options', noting that 'as in national elections, Māori can decide for themselves whether they wish to be represented as Māori, or whether they wish to be incorporated onto the general roll'. ¹⁰⁹

¹⁰⁷ Waitangi Tribunal, Te Arawa Mandate Report: Te Wahanga Tuarua (2005), p 73.

¹⁰⁸ Tauranga Moana, 1886–2006, p 487.

¹⁰⁹ Tauranga Moana, 1886–2006, pp 477.

2.6 THE PRINCIPLE OF MUTUAL BENEFIT

The principle of mutual benefit relates to the expected benefits that both Māori and the Crown expected to gain from the treaty partnership. The Tauranga Moana Tribunal (2010) considered that mutual benefit and partnership were closely related in matters of local government and that the model offered at Environment Bay of Plenty gave effect to both principles. Māori would benefit from increased representation as Māori on council and the council would in turn benefit from Māori participation in decision-making, particularly in matters related to resource management and the environment.

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¹¹⁰ Tauranga Moana, 1886–2006, p 487.

CHAPTER 3 WHAT PROCESS HAS BEEN FOLLOWED TO REPEAL THE LOCAL ELECTORAL (MĀORI WARDS AND CONSTITUENCIES) AMENDMENT ACT 2021?

This chapter begins by providing an overiew of Māori representation in local government since 2021 to provide context for the current policy proposals. We then look at the commitments made regarding Māori wards in the coalition agreements between the three governing parties. We next consider the initial policy work on the proposed policy by the Department of Internal Affairs once the government was formed, followed by the Cabinet paper, the departmental Regulatory Impact Statement ('RIS') and the Cabinet decision. We then outline Ministerial communications with councils and the public announcements concerning the policy. Finally, we consider whether the policy process has breached the principles of the treaty.

3.1 AN OVERVIEW OF MĀORI REPRESENTATION IN LOCAL GOVERNMENT SINCE 2001

Since 2002, all councils have had the option of establishing Māori wards or constituencies. Prior to this, the only council which had established Māori wards – via its own empowering legislation in 2001 – was Environment Bay of Plenty (the Bay of Plenty Regional Council). Legislation introduced in 2002 amended the Local Electoral Act 2001 ('the 2001 Act') to enable territorial authorities to decide to establish one or more Māori wards and regional authorities to decide that one or more Māori constituencies could be established for electoral purposes. The 2001 Act also provided that once such a decision had been made, councils must notify the public of their right to demand a poll of all voters on the question. To trigger the poll provisions, a petition of 5 per cent of voters was required. Notably, these provisions were not the same as those for establishing general or other wards under the 2001 Act. 112

Under the existing provisions in the 2001 Act, very few Māori wards or constituencies were established: only two further councils had adopted Māori wards or constituencies between 2002 and 2021: Waikato Regional Council and Wairoa District Council. Of eight decisions to establish a Māori ward between 2011 and 2017, seven were overturned by an elector-demanded poll (a poll was not demanded for the eighth). Councils could also agree to initiate their own

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¹¹¹ The history of how Māori constituencies were established in the Bay of Plenty is set out in The Human Rights Commission (2010) *Māori Representation in Local Government: the continuing challenge*, pp 9–10 Wai 3163, #A1(a) p 55 TROR-02. The Tribunal in its *Tauranga Moana*, 1886–2006 (2010) report also sets out the history behind Environment Bay of Plenty and compared it with other local authorities in the Tauranga Moana inquiry district.

¹¹² The 2001 Act also requires representation reviews of local authorities' representation arrangements. All councils must undertake a representation review at least every six years, or after a decision is made to establish or disestablish Māori wards or constituencies. The review determines: how many councillors will be elected; whether any councillors will be elected atlarge; how many general wards there will be, and the names and boundaries of these; how many Māori wards or constituencies there will be, and the names and boundaries of these; and decisions about community boards. Reviews are one means through which communities can have input into their local electoral arrangements. Wai 3365, #A25, Affidavit of Richard Ward, pp 4–5

binding polls: of eight council-initiated polls on Māori wards between 2003 and 2016, only one resulted in the establishment of a Māori ward. 113

Prior to 2021 there were several interventions calling for the establishment of Māori wards and constituencies. In 2010, for example, the Human Rights Commission published a case-study on Environment Bay of Plenty. Based on the largely positive feedback - from both Māori and the council - the Commission recommended that iwi should discuss whether or not they wanted Māori seats on their local or regional council and that councils should support the Māori choice.114 In 2018, Local Government New Zealand wrote to the government with their concerns about the poll provisions and set out their preference for legislation that would 'enable mature and constructive conversations about options for Māori representation'. 115 Two years later, in 2020, an ActionStation petition - co-led by Te Raukura O'Connell Rapira and Toni Boynton¹¹⁶ – called for amendments to the 2001 Act to make the process for establishing Māori wards the same as for general wards.117

In reponse to the petition, the then government introduced legislation sponsored by the Minister for Local Government, the Honourable Nanaia Mahuta. The Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 ('the 2021 Act') came into effect on 2 March 2021, removing all mechanisms for holding binding polls on Māori wards or constituencies. Local authorities could continue to hold non-binding polls and were required to make a resolution to establish a Māori ward following the poll result. The final decision-making power concerning the establishment of these wards was given to local authorities. Under the amendments, local authorities could consider establishing Māori wards and constituencies ahead of confirming representation arrangements for the 2022 local elections. These decisions were required to be made by 21 May 2021, and would apply for a minimum of two local government terms. 118 In 2023, the Local Government Electoral Legislation Act 2023 further provided that councils must consider Māori wards every six years during their representation reviews if they had not established Māori wards. 119

Since the passing of the 2021 Act, councils have been able to decide to establish Māori wards and constituencies without putting it to a poll of voters. As a result, Māori representation in local government has increased significantly. At the 2022 local elections, 29 of the 67 territorial authorities (43.3 per cent) had established Māori wards and six of the 11 regional councils (54.5 per cent) had established Māori constituencies. ¹²⁰ By the end of 2023, a further 14 councils had decided to establish a Māori ward or constituency at the 2025 local election. 121

¹¹³ Wai 3365, #A20, TROR-04, p 92. Department of Internal Affairs, Regulatory Impact Statement: Improving the mechanism for establishing Māori wards and constituencies at local government (15 June 2021), p 6, ¹¹⁴ Wai 3365, #A1(a) p 55 TROR-02, p 39.

¹¹⁵ Wai 3365, #A1(a) p 89 TROR-04 15 June 2021 Department of Internal Affairs Regulatory Impact Statement: Improving the mechanism for establishing Māori wards and constituencies at local government p 2.

¹¹⁶ Wai 3365, #A20, Brief of Evidence of Te Raukura O'Connell Rapira, p 4.

¹¹⁷ Wai 3365, #A1 at [24]. The petition had 11,000 signatures and was delivered to Parliament on 3 December 2020.

¹¹⁸ Wai 3355, #A25, Affidavit of Richard Ward, affidavit, pp 8-10.

¹¹⁹ Local Government Electoral Legislation Act 2023 No 57.

^{120 &#}x27;Vote Local - About Māori wards and constituencies' at About Māori wards and constituencies - Vote 22 | Pōti 22

¹²¹ Wai 3365, #A25, Affidavit of Richard Ward, p 10.

3.2 THE COALITION AGREEMENTS

Prior to the general election held on 14 October 2023, the New Zealand National Party had made its opposition to the 2021 amendments to the 2001 Act clear. The National Party stated that it would repeal the legislation if it were elected to government. 122

Following the election, the National Party entered into coalition agreements with the ACT New Zealand Party and the New Zealand First Party. The National and ACT coalition agreement, dated 24 November 2023, includes a commitment under the heading 'Strengthening Democracy', that in this parliamentary term the coalition government will progress the ACT party's policy to '[r]estore the right to local referendum on the establishment or ongoing use of Māori wards, including requiring a referendum on any wards established without referendum at the next local body elections'. The same list also includes the related commitment to '[r]epeal the Canterbury Regional Council (Ngāi Tahu Representation) Act 2022', which relates to dedicated Ngāi Tahu representation at Environment Canterbury. This latter commitment, aimed at repealing the statutory right of Ngāi Tahu as mana whenua to directly appoint two members to Environment Canterbury, was not the subject of an application for urgency to us.

Similarly, under the heading 'Equal Citizenship', the National and New Zealand First coalition agreement also dated 24 November 2023 includes a commitment that in this parliamentary term the coalition government will '[r]estore the right to local referendum on the establishment or ongoing use of Māori wards, including requiring a referendum on any wards established without referendum at the next Local Body elections'. ¹²⁴

These two agreements were endorsed by Cabinet on 28 November 2023 once the new government had been sworn in. A Cabinet circular was issued by the Cabinet Office on 25 March 2024 providing guidance on how the parties are to work together on the basis of these agreements. 125

3.3 INITIAL POLICY WORK

There were four key briefings provided to the Minister for local government as part of the policy week on these proposals leading up to the Cabinet paper and decisions. We look at each of these briefings in turn.

¹²² Hon Judith Collins, 'National will overturn undemocratic Māori wards bill', 25 February 2021, https://www.national.org.nz/national-will-overturn-undemocratic-maori-wards-bill While this commitment did not form a major plank of National's pre-election policy commitments in 2023, it was nonetheless part of its wider platform. The commitment to '[r]epeal law establishing Māori wards in local councils, [and] revert back to system where referendum needed' appeared in a New Zealand Herald interactive guide to the two main parties' key policies before the election. The same source also contained the statement that 'National believes the establishing of Māori Wards is a decision for local councils and ratepayers'. See Interactive: Tax, housing, health and more - compare the parties' policies for this election - NZ Herald (10 October 2023).

¹²³ New Zealand National Party & Act New Zealand, 54th Parliament, Coalition Agreement, p. 9.

 $^{^{124}}$ New Zealand National Party & New Zealand First, 54^{th} Parliament, Coalition Agreement, p. 10.

¹²⁵ Cabinet Office, National, ACT and New Zealand First Coalition Government: Consultation and Operating Arrangements (CO (24) 2, p 1. CO (24) 2: National, ACT and New Zealand First Coalition Government: Consultation and Operating Arrangements - 25 March 2024 - Cabinet Office (dpmc.govt.nz)

3.3.1 Preliminary policy advice on 5 December 2023

On 5 December 2023 the new Minister of Local Government, the Honourable Simeon Brown, received preliminary advice from the Department of Internal Affairs ('the department') entitled 'Coalition policies for local electoral changes'. The advice concerned both the general policy to repeal Māori wards and constituencies and to repeal Ngāi Tahu representation on Canterbury Regional Council. This advice did not contain options for achieving the policy intent indicated by the coalition agreements, focusing instead on outlining the issues associated with it.

In the 5 December briefing, officials gave a timeframe for introducing legislation to reinstate the poll provisions ahead of the 2025 local elections ('by the end of 2024'). They noted that '[l]egislation to reinstate a more permanent polling mechanism could take a slower track, with enactment by the end of 2025, if more time is needed to work through the policy issues'. Making both changes together would, however, 'be more efficient'. 126

Officials did note that '[r]einstatement of the poll provisions for Māori wards, and the proposed mandatory polls in 2025, is likely to be very unpopular with many local authorities and Māori communities'. ¹²⁷ They sought agreement from the Minister to consult Local Government New Zealand and Taituarā's Electoral Reference Group (Taituarā is a membership network for local government professionals). No agreement was sought for consultation with Māori in general or Ngāi Tahu in particular.

The briefing paper included a short section on how Māori wards meet the Crown's treaty obligations, though it also noted they 'are not the full picture'. Officials advised the Minister that 'the Crown must ensure that local authorities uphold the Crown's Te Tiriti o Waitangi / Treaty of Waitangi obligations to Māori when councils exercise their delegated authority'. They noted that this includes 'providing avenues for Māori self-determination in decision-making which affects Māori and Māori interests'. Officials considered Māori wards to be one way to achieve this, although they also noted that councils had wider obligations to facilitate Māori participation in council decision-making under the Local Government Act 2002. They commented, 'Māori ward or appointed mana whenua representatives do not replace these core relationships'. 128

Officials pointed out that councils would likely be 'very concerned' about the reintroduction of the poll provisions and that the reintroduction would be 'very unpopular with Māori communities, especially where wards have been established'. 129 They further noted that reinstating the poll provisions 'may' have New Zealand Bill of Rights Act 1990 ('NZBORA') implications concerning discrimination on the basis of ethnicity. 130 The advice summarised wider issues, including costs of running the polls at the 2025 local body elections, timings and the 'shortcomings' of polls or referenda in determining minority rights. On the last point, officials noted that such polls are 'an instrument of majority rule which can suppress minority

¹²⁶ Wai 3365, #3.1.31(a), p 8. Department of Internal Affairs to Hon Simeon Brown, 'Coalition policies for local electoral change', 5 December 2025, p 7.

¹²⁷ Wai 3365, #3.1.31(a), p 2. 'Coalition policies for local electoral change', p 1.

¹²⁸ Wai 3365, #3.1.31(a), p 5. 'Coalition policies for local electoral change', p 4.

 $^{^{129}}$ Wai 3365, #3.1.31(a), p 7. 'Coalition policies for local electoral change', p 6.

¹³⁰ Wai 3365, #3.1.31(a), p 5. 'Coalition policies for local electoral change', p 4.

interests' as they do not require other safeguards that can protect minority interests, such as human rights legislation, parliamentary debates and the select committee process. ¹³¹

3.3.2 Officials brief the Minister on options for change on 20 December 2023

On 20 December 2023, the department put forward options for changes to Māori ward processes in response to the Minister's request for advice on a broader range of options. They summarised these options into two issues: 1) long-term changes to provide for greater community influence in Māori ward decisions (the government's stated policy objective), and 2) transitional requirements for councils where Māori wards were previously established without the option of a poll.

In considering the first issue, officials provided alternative options or possible adjustments to meet the government's stated policy objective without necessarily reintroducing mandatory poll provisions. These options included:

- Optional binding polls (the same as, or similar to, the pre-2021 position)
 - Electors <u>can</u> demand a poll on a council decision (or absence of a decision) on establishing, disestablishing or continuing Māori wards
 - o Councils may also choose to initiate their own poll
 - Outcome is binding
- Mandatory non-binding polls
 - o Council must hold a poll on any proposal to establish, or disestablish Māori wards
 - o Council must take the outcome into account as part of its decision-making process
 - Outcome is not binding
- Stronger community consultation requirements
 - [there are requirements due to come into effect in 2025 which will require councils that don't have Māori wards to:
 - consider, every 6 years, whether to establish Māori wards, and
 - engage with their communities before making that decision].
 - This could be strengthened to:
 - be more prescriptive on consultation requirements, and/or
 - add a requirement for consultation on whether Māori wards should remain in place.¹³²

Among other risks, officials noted that the first of these options 'does not provide for balancing minority interests'. Meanwhile, the second option 'may discourage councils from establishing Māori wards'. The third option, however, was considered to 'enable councils to balance respective interests, informed by general public opinion'.¹³³

¹³¹ Wai 3365, #3.1.31(a), p 8. 'Coalition policies for local electoral change', p 7.

¹³² Wai 3365, #3.1.31(a), p 23. 'Options for changes to Māori ward processes', A3 attachment, p 2.

¹³³ Wai 3365, #3.1.31(a), p 23. 'Options for changes to Māori ward processes', A3 attachment, p 2.

In putting forward the options to give effect to the second issue, the department noted that they 'had not yet been tested with the local government sector'. No mention is made of testing the options with Māori. Officials put forward four options to give effect to the policy objective, which were:

- Mandatory binding polls for 45 councils at 2025 local elections
- Mandatory binding polls for 45 councils, but council can choose to do this EITHER at 2025 elections, or in 2026/2027
- Mandatory binding polls for:
 - o 32 councils at 2025 local elections
 - o 13 councils at 2028 local elections
- Mandatory binding polls before the councils' next representation review. [Emphasis in original]¹³⁵

The four options were assessed against four criteria: council costs, wider community challenge, separated debates, and stability of governance. While the third of these criteria does address the possibility of the poll 'becoming politicised' it does not specifically address the impact on Māori – nor do any of the other criteria. 136

Officials raised timing issues with implementing the proposals by the 2025 elections. They further noted that the four options developed were done so 'without external consultation'. The only impacts explicitly noted about the lack of consultation, however, concerned estimates of council costs between the options. They did note that the Local Government Commission had reviewed the advice.¹³⁷ Unlike the previous briefing, this paper is silent on the Crown's treaty obligations and those of local government in exercising delegated authority from the Crown.

3.3.3 Further advice in January 2024 expands on options for change and their timing

On 10 January officials were advised that the Minister intended to take a paper to Cabinet to progress legislation on the proposals. ¹³⁸ On 18 January 2024, the Minister received the briefing '2025 elections: options for legislation and impacts of potential changes' from officials, which expanded on the legislative timing options for implementing the coalition policies at the 2025 elections. Officials asked for the Minister's agreement for them to discuss the preferred option with Local Government New Zealand and Taituarā. There is no reference to discussing the preferred option with Māori. ¹³⁹

This briefing provided advice on the potential impacts for councils of holding polls concerning Māori wards, as well as other logistical issues. ¹⁴⁰ It provided two options to the Minister for the reinstated poll provisions to take effect at the 2025 local elections (preparations for which, they noted, are already underway):

Item 6.5 - Attachment 1 - Waitangi Tribunal - The Maori Wards and Constituencies Urgent Inquiry Report - WAI 3365

¹³⁴ Wai 3365, #3.1.31(a), p 17. Department of Internal Affairs to Hon Simeon Brown, 'Options for changes to Māori ward processes, 20 December 2023, p 1.

¹³⁵ Wai 3365, #3.1.31(a), p 23. 'Options for changes to Māori ward processes', A3, p 2.

 $^{^{136}}$ Wai 3365, #3.1.31(a), p 19. 'Options for changes to Māori ward processes', p 3.

 $^{^{137}}$ Wai 3365, #3.1.31(a), p 20. 'Options for changes to Māori ward processes', p 4.

¹³⁸ Wai 3665, #A25, Affidavit of Richard Ward, p 13.

¹³⁹ Wai 3365, #3.1.31(a), p 24. Department of Internal Affairs to Hon Simeon Brown, '2025 elections: options for legislation and impacts of potential changes', 18 January 2024, p 1.

¹⁴⁰ Wai 3365, #3.1.31(a), p 25. '2025 elections: options for legislation and impacts of potential changes', p 2.

- A two stage-approach with:
 - a Bill to require relevant councils to hold polls on Māori wards, to pass under urgency in May 2024, and
 - a second Bill with all remaining policy objectives to pass between December 2024 and March 2025
- a single Bill to pass in August 2024 with all policy objectives to be included together.¹⁴¹

Officials noted that both options would require adjustment to councils' representation review processes and outlined further benefits and risks. They considered that both options posed some constraints on the public submission process, though in the discussion of both options there is no reference to specific consultation with Māori that we can see. We note, however, that there are some redacted sections in the briefing. The only consultation noted on the briefing is again with the Local Government Commission. 143

Towards the end of this briefing paper, in an 'Other issues' section, officials once again draw the Minister's attention to the treaty and NZBORA issues with reintroducing the poll provisions. They considered that the proposals 'may be found to be inconsistent with the Treaty, even if they were previously in place' and note the possibility of an urgent Waitangi Tribunal claim. They also noted the possibility of a section 7 report from the Attorney-General under NZBORA raising human rights concerns. As previously, officials warned:

We anticipate that this will get a high level of attention and is likely to be unpopular with councils, the local government sector more broadly, iwi and Māori. 144

3.3.4 Officials seek Ministerial agreement for the proposed Bill on 1 February 2024

On 1 February, officials provided a further briefing to the Minister entitled '2025 Elections: scope and process for Local Electoral Omnibus Bill' in preparation for the eventual Cabinet paper in March. This briefing sought agreement to the policy content of the proposed Bill and advised 'time savings' that could be made for its passage. One of the time savings outlined in the briefing was to shorten the standard legislative process from up to 18 months to six months, including a maximum of two months for the select committee process (the default time for this process usually being six months). Officials note that '[t]he issues the Bill deals with are likely to attract substantial public interest and there may be a large number of submissions for the Select Committee to deal with'. Once the select committee reports back, 'all remaining stages of the Bill will need to occur under urgency'. 145

Officials further note that there is 'limited opportunity for consultation on these proposals' before the Parliamentary Counsel Office begins drafting the Bill. They therefore also sought agreement from the Minister for targeted confidential consultation with Local Government New Zealand and Taituarā's Electoral Reference Group as a test group to check workability for councils and understand risks. 146 Again, no consultation with Māori is mentioned.

 $^{^{141}}$ Wai 3365, #3.1.31(a), p 25. '2025 elections: options for legislation and impacts of potential changes', p 2.

¹⁴² Wai 3365, #3.1.31(a), pp 26-7. '2025 elections: options for legislation and impacts of potential changes', pp 3-4.

¹⁴³ Wai 3365, #3.1.31(a), p 31. '2025 elections: options for legislation and impacts of potential changes', p 8.

¹⁴⁴ Wai 3365, #3.1.31(a), p 30. '2025 elections: options for legislation and impacts of potential changes', p 7.

¹⁴⁵ Wai 3365, #3.1.31(a), p 35. '2025 elections: scope and process for Local Electoral Omnibus Bill', p 3.

¹⁴⁶ Wai 3365, #3.1.31(a), p 34. Department of Internal Affairs to Hon Simeon Brown, '2025 elections: scope and process for Local Electoral Omnibus Bill', 1 February 2024, p 2.

This briefing set out the policy content of the Bill including the Minister's preferred option to 'require all councils who resolved to create a Māori ward without a poll since 2020 to hold a poll to take effect at [the] 2025 elections' with some options for councils as to how they would do this depending on their particular circumstances, and to 'reinstate the Māori ward poll provisions in the Local Electoral Act 2001'. There are some redacted parts of the briefing relating to the latter requirement and to other proposals. In the non-redacted parts of the briefing, there are no further mentions of treaty obligations or NZBORA.

On 13 February, officials provided the Minister with a draft Cabinet paper for Ministerial and coalition consultation. It was accompanied by a briefing outlining agency feedback on the proposal. We discuss both the Cabinet paper and agency feedback in the next section.

3.4 THE CABINET PAPER AND DEPARTMENTAL REGULATORY IMPACT STATEMENT

This section looks at the Cabinet paper put up by the Minister of Local Government. We then look at the Regulatory Impact Statement put together by the Department of Internal Affairs, which outlined the policy process followed to inform the Cabinet paper. Finally, we set out the decision made by Cabinet.

3.4.1 The Cabinet Paper

In March 2024, Minister Brown lodged a Cabinet paper with proposals to amend legislation on Māori wards, entitled '[d]elivering on coalition agreement commitments on local government representation'. ¹⁴⁸ In the paper, he proposed to reinstate binding polls on council decisions to establish Māori wards. He also proposed that councils who have made recent decisions to establish Māori wards without a poll should 'be given the option to reverse their decisions' without going through a further poll process. Councils that do not reverse those decisions would be required to conduct a binding poll on establishing Māori wards. ¹⁴⁹

The section of the Cabinet paper on 'the Government's Treaty of Waitangi obligations' is very short. It simply states, 'Māori wards provide for dedicated, elected representation for New Zealanders on the Māori electoral roll', and makes brief reference to the urgency application in train on the proposals. ¹⁵⁰

Later in the Cabinet paper, the Minister does note that the changes specifically affect those people on the Māori electoral roll, and that '[p]rior to the 2021 legislation changes, Māori were typically underrepresented in local government compared to their proportion of the general population'. The Cabinet paper does not go on to discuss how reversing the 2021 legislative changes could negatively impact Māori representation levels, or the treaty implications of this

¹⁴⁷ Wai 3365, #3.1.31(a), pp 35–6. '2025 elections: scope and process for Local Electoral Omnibus Bill', pp 3–4.

¹⁴⁸ Wai 3365, #A1, Proactive release of Cabinet material about policy decisions on reinstating the Māori wards poll provisions. 6 May 2024. Cabinet paper – Delivering on coalition agreement commitments on local government representation, Office of the Minister of Local Government, 25 March 2024, p 1. All subsequent references will be to the pagination in the Cabinet paper.

¹⁴⁹ Cabinet paper – Delivering on coalition agreement commitments on local government representation, p 1.

 $^{^{150}\} Cabinet\ paper-Delivering\ on\ coalition\ agreement\ commitments\ on\ local\ government\ representation,\ p\ 7.$

¹⁵¹ Cabinet paper – Delivering on coalition agreement commitments on local government representation, pp 11–12.

risk. The paper does, however, record that '[m]ore work needs to be done' to determine whether the proposals are consistent with the rights and freedoms contained in the NZBORA or the Human Rights Act 1993. ¹⁵² It further noted that '[r]reinstating polls on the establishment of Māori wards may raise issues of discrimination on the basis of ethnicity'. ¹⁵³

The Minister advised that several agencies were consulted during development of the proposals contained in the Cabinet paper, including the Ministry of Justice, Te Arawhiti and Te Puni Kōkiri.¹⁵⁴ We have received a summary of feedback from these agencies, which we reproduce from the documents supplied to us:

• Te Arawhiti:

- Considers removing the status quo mechanism (optionality for councils, informed by feedback from communities, including Māori) for establishing Māori wards a breach of the Treaty.
- Considers polls divisive.
- Considers Māori wards important for the Crown-Māori relationship at the local level
- Notes that restoring binding polls could impact the relationship between councils and Māori communities.
- Noted there is litigation risk from restoring binding polls as being in breach of the Treaty.

Ministry of Justice:

- Raised concerns that polls that reverse council decisions to establish Māori wards may be seen by Māori as discriminatory and likely to decrease trust and confidence in central and local government.
- Raised concerns about the removal of the Local Government Commission's role in hearing appeals under Māori wards Option One.
- Recommended including more information about low Māori participation rates in democratic process, including local elections.
- Recommended including more information about regional rates of Māori representation.

• Te Puni Kōkiri:

 Raised concerns about the consistency of the proposals in the paper with the Treaty analysis.

Notes that M\(\text{a}\) ori representation in local government could be at risk in some areas.

The Minister also advised that due to time constraints consultation with the local government sector was very limited, and there has 'been no public consultation and no consultation with

¹⁵² Cabinet paper – Delivering on coalition agreement commitments on local government representation, p 12.

¹⁵³ Cabinet paper – Delivering on coalition agreement commitments on local government representation, p 12.

 $^{^{154}\} Cabinet\ paper-Delivering\ on\ coalition\ agreement\ commitments\ on\ local\ government\ representation,\ p12.$

¹⁵⁵ Wai 3365, #A25(a), Exhibits to the Affidavit of Richard Ward, 10 May 2024, p 9. Appendix B: Summary of departmental feedback received on draft Cabinet paper: *Delivering on coalition agreement commitments on local government representation*. Feedback was also received from the Electoral Commission and Stats NZ on costs and population data accuracy issues.

iwi and Māori'. ¹⁵⁶ The Minister said legislative timeframes 'mean this will not be possible before the Bill is introduced'. ¹⁵⁷

3.4.2 The Regulatory Impact Statement

Accompanying the Cabinet paper was a Regulatory Impact Statement ('RIS'), prepared by the Department of Internal Affairs. The intent of the RIS was to inform Cabinet's policy decisions on the proposals. The paper identifies the policy problem at issue as 'determining the correct balance between public input in council representation decisions and facilitating Māori representation and participation in local government'. 159

The RIS states that options for implementing the legislative changes have not been consulted on outside of Government. However, there is existing feedback from stakeholders on the effect of polls for Māori wards, captured in submissions on the 2021 amendments. Feedback in support of the 2021 amendments argued that removing the polls would:

- provide for fairer electoral representation of Māori in local government;
- support the Crown's Treaty obligations;
- · avoid the community division heightened by Māori ward polls; and
- address the discrepancy between the way Māori wards and general wards are treated in law.¹⁶¹

The RIS first analyses the proposed reinstatement of binding polls, comparing it to the status quo established in 2021 with several criteria including whether the policy 'supports councils to facilitate Māori representation and participation in local government' and 'supports adequate public input into decisions about local representation'. ¹⁶²According to the RIS, reinstating pre-2021 poll requirements would be much worse than the status quo on this front – making it 'much more difficult to establish Māori wards'. ¹⁶³ While Māori wards are not the only way for councils to facilitate Māori representation, they do provide Māori greater access to local governance mechanisms. Restoring the old legislation would 'create a new barrier to Māori engagement and participation in local government decision-making'. ¹⁶⁴ While the proposals would allow for greater public input by giving the most direct control over Māori ward decisions to electors, overall, the RIS found the proposals would be worse than the status quo. The paper further records that:

[e]vidence from the period of 2002 to 2019 suggests that Option Two could prevent many other councils from establishing Māori wards, even if the council considered that this would strengthen its decision-making processes and relationships with mana whenua. It may also result in the disestablishment of Māori wards for a number of councils, although evidence for this is limited. 165

¹⁵⁶ Cabinet paper – Delivering on coalition agreement commitments on local government representation, p 12.

¹⁵⁷ Cabinet paper – Delivering on coalition agreement commitments on local government representation, p 12.

¹⁵⁸ Wai 3365, #A1, Regulatory Impact Statement – Binding polls on the establishment of Māori wards (RIS), 14 March 2024,

p 1. All subsequent references will refer to the pagination in the RIS.

¹⁵⁹ RIS – Binding polls on the establishment of Māori wards, p 13.

 $^{^{160}\} RIS-Binding$ polls on the establishment of Māori wards, p 12.

 $^{^{161}}$ RIS – Binding polls on the establishment of Māori wards, p 12. 162 RIS – Binding polls on the establishment of Māori wards, p 14.

¹⁶³ RIS – Binding polls on the establishment of Māori wards, p 17.

¹⁶⁴ RIS – Binding polls on the establishment of Māori wards, p 17

¹⁶⁵ RIS – Binding polls on the establishment of Māori wards, p 20.

Second, the RIS analysed the proposed transitional mechanisms for those 45 councils that have already established or have resolved to establish Māori wards without a poll. Again, the proposals were assessed against a set of criteria, included public input and Māori representation. The RIS noted Option Four (the option to which Cabinet ultimately agreed) would not benefit or negate public input – while electors would have direct influence on Māori wards decisions via mandatory polls, council decisions to rescind or disestablish Māori wards would not allow for public input. One positive of Option Four, however, compared to other proposals, was that it allowed for full representation reviews to occur in the time between the poll in 2025 and the local elections in 2028. ¹⁶⁶ In terms of facilitating Māori representation, the proposals rated as 'much worse than doing nothing'. ¹⁶⁷ The paper records that '[e]vidence from the 2002–2019 period indicates it is likely that most of the Māori wards established since the 2021 legislative amendment will be disestablished by a binding poll'. ¹⁶⁸ The department's preference was the status quo, but it noted that 'does not align with the Government's preferred balance of public input in representation arrangements and Māori representation in local government'. ¹⁶⁹

We note the RIS is not entirely comprehensive. The Department of Internal Affairs Regulatory Impact Analysis panel said the RIS 'partially meets' quality assurance criteria. ¹⁷⁰ The panel notes it was developed 'within a very tight, ministerially set, timeframe' to deal with the Government's coalition commitments. This limited the analysis and consultation that could occur in advance of the RIS. ¹⁷¹ As a result, the RIS failed to meet the 'complete' and 'convincing' criteria. ¹⁷² The panel found the RIS contained 'insufficient analysis of the relative value of Māori wards as a mechanism for meeting effective representation objectives'. ¹⁷³ The RIS itself notes 'there has been limited opportunity to investigate the specific impacts on Māori, iwi, and hapū, and any impacts on Treaty of Waitangi settlement agreements'. ¹⁷⁴

3.4.3 Cabinet makes its decision

After considering the Cabinet paper, the Cabinet Economic Policy Committee agreed on 20 March 2024 to several amendments to the Local Electoral Act 2001, the Local Government Act 2002, and the Local Government Electoral Legislation Act 2023, that would essentially result in a repeal of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021. The amendments would mean that:

- a petition by at least 5 percent of people within a district will require the council to hold a binding
 poll on the establishment of Māori wards;
- councils may also initiate a binding poll on the establishment of Māori wards; and
- councils do not need to consider establishing Māori wards every six years.¹⁷⁵

 $^{^{166}\} RIS-Binding$ polls on the establishment of Māori wards, p 28.

 $^{^{167}\} RIS-Binding\ polls$ on the establishment of Māori wards, p 29.

 $^{^{168}}$ RIS – Binding polls on the establishment of Māori wards, p 29.

¹⁶⁹ RIS – Binding polls on the establishment of Māori wards, p 36.

 $^{^{170}}$ RIS – Binding polls on the establishment of Māori wards, p 5. 171 RIS – Binding polls on the establishment of Māori wards, p 5.

¹⁷² RIS – Binding polls on the establishment of Māori wards, p 5.

¹⁷³ RIS – Binding polls on the establishment of Māori wards, p 5.

¹⁷⁴ RIS – Binding polls on the establishment of Māori wards, p 4.

 $^{^{175}}$ Wai 3365, #A1, ECO-24-MIN-0032 Minute: Delivering on coalition agreement commitments on local government representation, pp 2–4.

The changes would also affect the 45 councils that had chosen to establish a Māori ward without a poll. The legislation would mean:

- councils that established Māori wards since 2020 without a poll can make a resolution before the 2025 local elections to disestablish Māori wards;
- councils that have made a resolution to establish Māori wards in the current local government term can rescind that resolution before the 2025 local elections; and
- councils that established M\(\textit{a}\)ori wards since 2020 without a poll and do not choose to disestablish
 them are required to hold a binding poll at the 2025 local elections, to take effect at the 2028 local
 elections.\(^{176}\)

3.5 POLICY ANNOUNCEMENT AND LETTERS TO COUNCILS

On 4 April 2024, the Minister publicly announced that the government would introduce legislation to effectively repeal the 2021 amendments and return the provisions in the 2001 Act to the previous status quo by reintroducing the poll provisions. Furthermore, any local authorities that had established a Māori ward or constituency as a result of the 2021 Act would either be required to dissolve them or to hold a binding poll to canvas voter opinion on whether to retain them alongside the 2025 elections. The results of any such poll would take effect at the 2028 local elections. 177

The Minister said the government would introduce a bill in 'approximately' May 2024 to be enacted by July 2024. The Department of Internal Affairs' General Manager, Policy and Operations Richard Ward explained that the government wished the Bill to come into effect by 31 July 2024. The reason for that is:

local authorities that have resolved to establish Māori wards or Māori constituencies this term are required to adopt their initial proposals for new representation arrangements (including the Māori wards and constituencies) by 31 July 2024. They must then open the proposal for public submissions within 14 days of the resolution, or in any case by 8 August 2024. To avoid public confusion about being invited to make submissions on a decision that the council intends to reverse shortly afterwards, and unnecessary work for any of these local authorities that wish to rescind their Māori wards or constituencies decision once the Bill is enacted, it is preferable for the Bill to be in effect by 31 July 2024.

If any councils choose to rescind their recent Māori wards or constituencies decision, or disestablish their Māori wards or constituencies, there is a short window for these councils to put in place alternative representation arrangements before they start pre-election processes in April 2025 for elections in October 2025. ¹⁷⁹

On or about 4 April 2024, Minister Brown issued two separate letters to councils providing an update on the Government's progress in implementing the coalition agreement to initiate changes to the legislation for Māori wards and constituencies. The first letter addressed councils that had established Māori wards or constituencies in time for the 2022 local

 ¹⁷⁶ ECO-24-MIN-0032 Minute: Delivering on coalition agreement commitments on local government representation, pp 2-4.
 177 Hon Simeon Brown, 'Coalition government to require referendums on Māori wards', 4 April 2024 at Coalition Government

to require referendums on Māori wards | Beehive.govt.nz |
178 Department of Internal Affairs, 'Upcoming changes to local elections' (undated) at Fact-sheet-upcoming-changes-to-local-

elections.pdf (dia.govt.nz)

179 Wai 3365, #A25, Affidavit of Richard Ward, p 16.

elections. ¹⁸⁰ The second letter addressed councils that had resolved to establish Māori wards or constituencies in time for the 2025 local elections. ¹⁸¹ The two letters explained the Government's binding polls policy before outlining the transitional arrangements and options available for the respective councils.

The Minister's first letter – addressed to councils that had established Māori wards since 2021 without an opportunity for a binding poll – stated these councils are required to choose from two options:

- Option 1 resolve this year to disestablish the Māori wards or constituencies by council resolution (to take effect at the 2025 local elections); or
- Option 2 hold a binding poll on the question of M\u00e4ori wards/constituencies at the 2025 local elections (to take effect at the 2028 local elections)¹⁸²

Minister Brown's second letter – addressed to councils that resolved to establish Māori wards without an opportunity for a binding poll but have not yet implemented this – stated Government policy is for either:

- Option A resolve this year to rescind the decision to create the Māori wards or constituencies by council resolution (to take effect at the 2025 local elections); or
- Option B hold a binding poll on the question of M\u00e4ori wards/constituencies at the 2025 local elections (to take effect at the 2028 local elections)¹⁸³

The letters then outlined the requirements for completing a representation review process under each option.

Shortly afterwards, the department put out public communications concerning the forthcoming changes, including a factsheet and Frequently Asked Questions, entitled on its website 'Reinstating the ability for polls on Māori wards'. These communications reflected the options put forward in the letters to councils. ¹⁸⁴ In addition, the department hosted two information sessions for local government electoral and governance staff on 4 April 2024 and 2 May 2024 and a session with elected members on 19 April 2024. Mr Ward told us that officials 'provided the information that Cabinet had approved about the Bill, the proposed transitional arrangements, and the likely timeframes of both' at these sessions. ¹⁸⁵ There were, however, no information sessions for any Māori groups.

¹⁸³ Wai 3365, 3.3.5(b), p [1].

¹⁸⁰ Wai 3365, 3.3.5(a), Hon Simeon Brown to Mayors and Councils, 'How Cabinet decisions relating to Local Elections 2025 will affect councils with established Māori wards'.

¹⁸¹ Wai 3365, 3.3.5(b) Hon Simeon Brown to Mayors and Councils, 'How Cabinet decisions relating to Local Elections 2025 will affect councils that resolved to establish Māori wards'.

¹⁸² Wai 3365, 3.3.5(a), p [1].

¹⁸⁴ Department of Internal Affairs, 'Upcoming changes to local elections' (undated) and 'Proposed Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill – Council FAQs' (as at 1 May 2024) at Council-FAOs-Proposed-Amendment-Bill-May-2024.pdf (dia.govt.nz)

¹⁸⁵ Wai 3364, #A25, Affidavit of Richard Ward, p 16.

CHAPTER 4 WAS THE POLICY PROCESS TREATY-CONSISTENT?

This chapter sets out our analysis of whether the process outlined in chapter 3 was consistent with the treaty and its principles. Due to the time constraints on this inquiry, we have not had the benefit of questioning witnesses in person during a hearing. However, our reading of the Cabinet papers and officials' advice reveals that the government is clearly set on a course of introducing legislation reinstating the poll provisions removed in 2021 as soon as possible and has not followed any contrary advice from officials.

4.1 GENERAL ISSUES WITH CLAIMS CONCERNING COALITION AGREEMENTS

Before we turn to our analysis of these claims, we wish to make the general point that a consistent theme runs through this and other recent urgent applications to the Tribunal: 'an assumption on the part of the government that the coalition agreements that led to its formation override or take precedence over the Crown's obligations under the Treaty of Waitangi'. ¹⁸⁶ As the Tribunal recently stated concerning the removal of section 7AA of the Oranga Tamariki Act:

It is not for us to comment on the coalition agreement between the National party and the ACT party but, once Ministers are sworn in and the government is formed, the executive so constituted are responsible for meeting the Crown's obligations to Māori under the Treaty of Waitangi. It is a Treaty of Waitangi, not a proclamation of Waitangi, and the Crown does not have a unilateral right to redefine or breach its terms. The obligation is to honour the Treaty and act in good faith towards the Treaty partner. ¹⁸⁷

The evidence we have seen in this inquiry in respect of reintroducing the poll provisions concerning Māori wards shows the same prioritisation in operation: in every policy document we looked at, the coalition agreements take precedence over the treaty, in some instances, literally by being placed earlier and more centrally in policy documents; in other cases, the treaty is barely mentioned at all. At every opportunity the Minister has adopted the shortest possible timeframes to progress coalition agreements at the expense of proper treaty-consistent process, including genuine consultation with Māori.

The Cabinet Manual 2023 makes clear that the treaty is a foundational part of New Zealand's constitutional arrangements and can provide a means of limiting majoritarian decision-making that can impact minority rights. As the Oranga Tamariki Tribunal so recently stated, the government does not have the unilateral right to set these obligations aside.

There are other common elements between this policy process to remove the 2021 amendments and those related to other urgent claims the Tribunal has considered so far in 2024. These elements include the speed at which significant change is being made, the lack of consultation with Māori on matters that affect them and the lack of adequate advice around treaty obligations and analysis of the issues from a treaty perspective. As we have outlined in chapter 2, these treaty obligations contain a range of duties for the Crown when it is proposing changes

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¹⁸⁶ Oranga Tamariki (Section 7AA) Urgent Inquiry, p 27.

¹⁸⁷ Oranga Tamariki (Section 7AA) Urgent Inquiry, p 27.

affecting Māori, including partnering with Māori – especially, as in this case, when Māori are seeking an effective role in the process. We observe that in the interests of political pragmatism, treaty obligations have been jettisoned as if they were optional.

The government's treaty duties are particularly heightened where disparities exist. As both existing research and the evidence provided to us for this inquiry has shown, prior to 2021, Māori were consistently under-represented in local government. The overall proportion of self-identified Māori councillors after the 2022 local elections rose to 21.6 per cent (from 13.5 per cent in 2019), with 27 per cent of these elected to Māori wards or constituencies. There are still, however, several councils that have little to no Māori representation at the decision-making table, resulting in an uneven picture around the country.

4.2 WAS THE PROCESS PRIOR TO 2021 TREATY-CONSISTENT?

Before we look further at the policy process informing the decision to reinstate the 2001 poll provisions and require councils that have established Māori wards and constituencies to either dissolve them or hold a binding poll of voters on them, we briefly consider the situation prior to 2021.

4.2.1 The process prior to 2021

We received evidence from several people who had been involved in attempts to establish Māori wards or constituencies prior to 2021. Whakatāne district councillor Toni Boynton, for example, described Whakatāne's initial efforts to establish Māori wards in 2017. While the district council had voted in favour of establishing Māori wards for 2019 – via a slim majority of six to five votes – a petition submitted in February 2018 demanded a poll be undertaken. Ms Boynton told us the outcome of the poll was: 'a. For Māori Wards: 4801 (44.33% of the votes cast) b. Against Māori Wards: 6004 (55.43% of the votes cast)'. The wards were not established at that time. Three Māori wards were, however, established on council in 2022 and Ms Boynton is currently the councillor for the Kāpū-te-Tangi Māori ward.

Similarly, Dinnie Moeahu, who was elected in 2019 to the New Plymouth District Council and is currently the only Māori councillor elected on the General Ward (and only the second Māori person to ever be elected to council), gave evidence about the process there. In 2014 the district council had voted to establish a Māori ward during its mandated representation review. As in Whakatāne, a poll was held in 2015 with the verdict that Māori wards should not be established. Mr Moeahu said this poll, 'was commissioned by a representative of the Grey power community and they subjected Māori, and anyone who supported Māori to death threats, verbal and physical abuse'. ¹⁹¹ In 2021, by contrast, after six years of education and advocacy about Māori wards, a petition urging a poll on a later council decision did not clear the five per cent threshold. Mr Moeahu commented, 'the community had matured through the tough times they

 $^{^{188}}$ Wai 3365, #A25, Affidavit of Richard Ward, p 11.

¹⁸⁹ Wai 3163 #A3, Brief of Evidence of Toni Boynton, pp 1–2.

¹⁹⁰ Wai 3163 #A3, Brief of Evidence of Toni Boynton, pp 2-3.

wai 3103 #A3, Brief of Evidence of Tolli Boyliton, pp 2-3.

had to overcome, and the world didn't end. Instead, society accepted the value Māori can contribute to the decision-making process in local government'. 192

Andrew Judd, the Pākehā former mayor of New Plymouth District Council at the time of the 2014 vote and subsequent poll, also provided us with a brief of evidence about the New Plymouth experience. Mr Judd said the proposal for Māori wards had brought much divisiveness and hostility from residents. He recalled:

going to a kaumatua meeting to explain the process of the referendum and they were in tears. The kaumatua couldn't understand what was wrong. They asked why are they doing this, all we want to do is work together. 193

Outlining the organised campaign against Māori wards run by Hobson's Pledge, Mr Judd noted:

They are very well resourced but hidden. We don't know who these people were. I always said - let's front up and have a conversation face to face. My invitation was never taken up because ultimately, they want to maintain that structure of power over Maori. 194

Mr Judd said no other representative ward seat that a council votes to establish could be petitioned for referendum - this rule only applied to Māori ward seats illustrating a fundamental inequity: '[it] allows Pākehā to determine Māori rights. How can you allow Pākehā to vote in and out a Māori voice when you won't even think about doing this to Pākehā?' 195 He gave an example showing the contradictory views on the legitimacy of rural wards versus Māori wards:

At one [of] the community events, I met a farmer who said to me - 'none of this race-based crap, those Māori can stand like everybody else.' Following the referendum result, I was out in the community to talk about wards in general. The same man came up to me and had the audacity to say, 'now don't you take away the rural ward. Us farmers deserve a place, and we don't want you townies telling us what to do'.196

Based on his experience, Mr Judd said the process of allowing the majority to determine the political and human rights of New Zealand's indigenous minority was 'divisive, hurtful and fuelled by anti-Maori rhetoric'. He further commented that the current proposals 'are not really about the Māori ward seats – it is about Pākehā creating constructs to exclude Māori'. 197 He concluded by sharing the comments of then Prince now King Charles and New Zealand's constitutional head of State:

During Prince Charles' visit to New Plymouth in 2015, I asked him about Māori ward seats. His response to me was 'Māori must always be at the top decision-making table'. As the King, don't all Ministers swear allegiance to him?¹⁹⁸

We were also provided evidence of councils trying alternative means before 2021 to establish Māori wards. The Honourable Stephanie Chadwick, the former mayor of Rotorua District Council (and a former MP), described the process taken to advance Māori representation on that council. She told us about the council's partnership with Te Tatau o Te Arawa and Rotorua

¹⁹² Wai 3163 #A4, Reply brief of evidence of Dinnie Moeahu, p 2.

¹⁹³ Wai 3365 #A11, Brief of Evidence of Andrew Judd, p 2.

¹⁹⁴ Wai 3365 #A11, Brief of Evidence of Andrew Judd, p 3. ¹⁹⁵ Wai 3365 #A11, Brief of Evidence of Andrew Judd, p 4.

¹⁹⁶ Wai 3365 #A11, Brief of Evidence of Andrew Judd, p 4.

¹⁹⁷ Wai 3365 #A11, Brief of Evidence of Andrew Judd, p 5. 198 Wai 3365 #A11, Brief of Evidence of Andrew Judd, p 6.

Lakes Council, noting that while it increased participation, the relationship was not enshrined in the Local Government Act 2002. It therefore gave no certainty for Māori representation or participation in the council standing committee. In the council's five-yearly review, a majority of elected members recommended that one Māori seat, one General seat and eight seats at large be created. This proposal was rejected. ¹⁹⁹ Finally, Ms Chadwick described a proposed Rotorua District Council Representation Arrangements Bill to allow council to have equal Māori ward and general ward seats. An attempt to mirror the Fenton Agreement 1880 on which Rotorua was initially developed, the Bill was sponsored by MP Tamati Coffey and supported as far as select committee. However, it was not supported by the then Attorney-General on the basis that it was discriminatory against general ward voters and inconsistent with NZBORA. The Bill lapsed due to the 2023 election. ²⁰⁰

What happened in Whakatāne and New Plymouth also happened in several other places where councils had decided to establish a Māori ward or constituency. Between 2002 and 2021, only two further councils other than Environment Bay of Plenty were able to establish them.

4.2.2 The 2021 amendments removed the poll provisions

It was in the context of this repeated voting down of attempts by democratically elected councils to establish Māori representation at the local level – and repeated calls for increased representation to reflect councils' treaty obligations from voices such as the Human Rights Commission, Local Government New Zealand and an ActionStation petition that the previous government sought to remove the poll provisions from the 2001 Act.

We received evidence in this inquiry from the Honourable Nanaia Mahuta, the previous Minister of Local Government, who led the reform introduced in 2021. In her evidence, Ms Mahuta told us that the system prior to 2021 had a different set of rules for establishing Māori wards compared with that for establishing general wards. Her view was that the process should be the same for all wards and that the poll provisions presented 'nearly insurmountable barriers to council trying to improve democratic representation of Māori interests'. She considered that process 'fundamentally unfair to Māori'. ²⁰¹ She affirmed that the changes made in 2021 were 'a positive step towards inclusive nation building'. ²⁰²

Similarly, in their Regulatory Impact Statement from 2021, the Department of Internal Affairs stated that the reason for amendments sponsored by Minister Mahuta was that the poll provisions created a barrier to their establishment, 'in part because of the status of Māori—while tangata whenua—, as a minority in New Zealand and the ability of the tauiwi (non-Māori) majority to outvote Māori interests'. ²⁰³

Former Member of Parliament Tamati Coffey, who chaired the Māori Affairs Select Committee which heard submissions on the 2021 Amendment Bill, provided us with evidence concerning the submission process. He said that among the 12,000 submissions received, were those from 'numerous councils, councillors, and council-affiliated groups [who] submitted in support

¹⁹⁹ Wai 3365 #A3, Brief of Evidence of the Hon. Stephanie Chadwick, pp 3-4.

 $^{^{200}}$ Wai 3365 #A3, Brief of Evidence of the Hon. Stephanie Chadwick, p 4.

 $^{^{201}}$ Wai 3163 #A2, Brief of Evidence of Nanaia Cybelle Mahuta, pp 1–2.

 $^{^{202}}$ Wai 3163 #A2, Brief of Evidence of Nanaia Cybelle Mahuta, p 3.

²⁰³ Wai 3365, #A20, TROR-04, p 92. Department of Internal Affairs, Regulatory Impact Statement: Improving the mechanism for establishing Māori wards and constituencies at local government (15 June 2021), p 6.

[and] cited the changes as ways to give effect to the Te Tiriti o Waitangi between the Crown and Māori'. Mr Coffey said many of these groups were convinced the proposed Bill was consistent with their obligations under the Local Government Act 2002, and found the pre-2021 law unfair, as the polling requirements only applied to Māori wards.²⁰⁴

4.3 WAS THE POLICY PROCESS IN 2024 TREATY-CONSISTENT?

We begin our analysis of the policy process by considering the problem definition informing the proposed changes and then consider other aspects of the process flowing from that definition.

The Cabinet paper setting out the case for the replacement of the 2021 amendments states that its reason for doing so was to 'deliver on coalition agreement commitments'. The problem definition outlined in the RIS was to determine 'the correct balance between public input in council representation decisions and facilitating Māori representation and participation in local government'. The premise of this problem definition puts Māori rights in opposition to those of the wider community, when Māori are members of that community, as well as treaty partners. It also implies that the presumed right of 'the public' to make decisions about Māori rights and interests takes precedence over the Crown's treaty obligations. This framing of the policy problem works to prioritise the assumed interests of the non-Indigenous majority over the Indigenous minority, in a way that inverts the Cabinet Manual's instruction to protect minority rights and interests. We note that no other wards require 'public input' in this way. Given the lack of consultation to date, we note further that there is an assumption here about what the public would consider an appropriate balance, rather than an overview of what the public have actually said.

We were presented evidence of what 'the public' thought in some local electorates around the country, as some of the councils that established Māori wards or constituencies after 2021 undertook their own consultation to assess local electorate views. Hilda Halkyard-Harawira told us that the Far North District Council undertook informal feedback on Māori wards during their representation review in 2021. In that review, approximately 82 per cent of people were in support of Māori wards. The council therefore resolved to establish Māori wards on 4 May 2021 for the 2022 and 2025 elections. Similarly, Lady Tureiti Moxon told us that Hamilton City Council conducted its own consultation process in 2021 in which an 80 per cent majority was in favour of Māori wards. The council therefore established two Māori wards in 2022. Matthew Mullany gave evidence of a five-month consultation process by Napier City Council in 2021 before it too established Māori wards. These examples suggest that democratically elected local councils are capable of balancing public and Māori interests – the stated policy objective of the current proposals – without the need for binding polls.

 $^{^{204}}$ Wai 3365 #A5, Brief of Evidence of Tamati Coffey, p 5.

 $^{^{205}}$ Wai 3365 #A2 Hilda Halkyard-Harawiria, p4.

²⁰⁶ Wai 3365 #A8, Lady Tureiti Moxon, p 4. In an annex, the council summary of feedback showed that it was 81 per cent of 994 responses, with 16 per cent opposed to the creation of Māori wards. Wai 3365 #A8(a), Hamilton City Council, "Maaori Wards and other means of achieving Maaori representation" (Feedback updated 25 November 2021), p 4.

²⁰⁷ Wai 3365 #A18, Brief of Matthew Mullany, p 6.

The initial policy advice, the Cabinet paper and the RIS make clear that no consultation with Māori was undertaken in the development of these proposals. In the RIS, officials attempted to address this significant omission by referring to the consultation that was undertaken in 2021. Feedback in support of the 2021 amendments identified that they would provide fairer representation, support the Crown's treaty obligations, avoid community division and address discrepancies between the processes to establish Māori wards and general wards. While referring to the 2021 feedback was clearly an attempt by officials to provide an alternative viewpoint in the time available, it is not a substitute for actual consultation.

The shortened timeframes for passing legislation have also truncated select committee processes from six to two months — a significant reduction given that no consultation with Māori has taken place prior to Cabinet making its decision. It seems as if the government does not wish to hear from Māori about this issue in any form, much less as a treaty partner prior to the development of policy that materially impacts their rights and interests in order to obtain their free, prior and informed consent to it. We note too that our inquiry and report is not a substitute for either consultation or a proper select committee process. At the very minimum, the government should consider extending the select committee process to the usual timeframes.

It is clear from the RIS that officials favoured retaining the status quo established in 2021. The analysis of the four options included in the RIS did include a criterion for 'facilitating Māori representation'. However, no options included for assessment – aside from the status quo – provided opportunities to facilitate that representation. Earlier policy briefings from the department had provided advice to the Minister of other ways the government might meet the stated policy objective of 're-balancing' the interests of the public and Māori in the establishment of Māori wards. The Minister chose not to pursue any of these alternative options and appears to have little interest in anything other than fulfilling the coalition agreement to the letter. At every opportunity the Minister appears to have shortened timeframes, electing to pass these significant amendments under urgency by the end of May this year, rather than in August, as officials advised.

In the policy advice informing the Cabinet paper to make these changes, officials pointed out that the policy would likely undermine treaty obligations, as well as raise NZBORA issues. While the risk of discrimination and NZBORA impacts were still flagged in the Cabinet paper, there was little discussion of treaty implications beyond noting that the mechanism of Māori wards themselves was a means of fulfilling treaty obligations in respect of Māori representation. The warnings concerning breaching treaty obligations contained in two of the early briefing papers do not appear in the Cabinet paper – at least in the non-redacted sections we were provided.

We note the reframing in the department's public communications from April 2024 of the removal of Māori wards and constituencies – for that is, in effect, what will happen if these provisions pass – to 'reinstating the ability for polls on Māori wards' for communities. This phrasing strongly implies that it was the wider community's rights that were infringed by the 2021 amendments rather than, as was the case, Māori rights to greater representation in local government as an expression of tino rangatiratanga were more fully realised. A more accurate rendering of what is currently happening might be 'requiring the rights of an Indigenous minority to once again be subject to the wishes of the non-Indigenous majority' – a majority, we note, which between 2002 and 2021 voted time and time again to overturn the requests of

Māori and decisions of democratically elected councils to establish Māori wards or constituencies. As the Cabinet Manual 2023 sets out:

A balance has to be struck between majority power and minority right, between the sovereignty of the people exercised through Parliament and the rule of the law, and between the right of elected governments to have their policies enacted into law and the protection of fundamental social and constitutional values. The answer cannot always lie with simple majority decision-making. Indeed, those with the authority to make majority decisions often themselves recognise that their authority is limited by understandings of what is basic in our society, by convention, by the Treaty of Waitangi, by international obligations and by ideas of fairness and justice. ²⁰⁸

Having reviewed the key elements of the policy process to inform Cabinet decisions on the proposals, we find that there was no consultation with Māori, and little in-depth analysis of treaty obligations (and, relatedly, of NZBORA issues) beyond noting that they were affected. We find that the policy problem definition constructed an opposition between 'the public' and Māori and created a presumed right for the former to determine the latter's right to political representation – a fetter not placed on any other community. The policy objective of the process appears to have simply been to fulfil the coalition agreements rather than to facilitate Māori representation at the local level as is required under the treaty. Cabinet clearly made decisions that ignored initial advice that the status quo established in 2021 best fulfilled the balance between public interests and Māori rights. These acts and omissions indicate that the Crown's policy process and final decisions were not consistent with their treaty obligations.

4.4 TREATY FINDINGS ON THE POLICY PROCESS

In light of our analysis in the previous section, we make the following findings in respect of the treaty and its principles.

Several of the claimants and interested parties submitted that the treaty means the Crown cannot act in a unilateral way, arguing, for example, that 'the proposed amendment ... is cynical and is premised on the false belief that the Crown alone can unilaterally make changes in the requisite representational structures'. Having reviewed the evidence provided to us, we agree that the Crown has acted in a unilateral way to prioritise its coalition agreement commitments without any discussion or consultation with its treaty partner. Such unilateral decision-making is particularly egregious when it concerns measures that were introduced to remove previous discriminatory barriers to Māori political representation and to uphold the treaty partnership at the local level. We therefore find the Crown in breach of the principle of partnership and make further findings concerning the duties arising from this principle.

The evidence we have seen demonstrates that there has been no consultation with Māori on any of these proposals. Indeed, Crown counsel acknowledged that there had been 'no consultation with the Treaty partner' in its submissions. ²¹⁰ The Crown did note that 'the duty to consult was not absolute'. The Wai 682 claimants submitted, however, that '[n]egotiation,

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²⁰⁸ Cabinet Office, *Cabinet Manual, 2023* (Wellington: Department of Prime Minister and Cabinet, 2023), p5 cited in Waitangi Tribunal, *Oranga Tamariki (Section 7AA) Urgent Inquiry Report*, p 28.

²⁰⁹ Wai 3365, #3.3.19, [28].

discussion, and agreement [were] essential characteristics and practices in the treaty partnership between Māori and the Crown requiring consultation'211.

The Crown went on to to say that the select committee process is likely 'to provide the claimants, and other Maori with an interest in the matter, with an opportunity to make submissions on the bill'. 212 The Wai 682 claimants were emphatic that:

Engagement at select committee is far too late in the legislative process for Māori to have meaningful dialogue with the Crown and influence the trajectory of decision-making. In such circumstances, Māori are vulnerable to the preferences of the Crown in both process and substance, and exposed to the impacts

We agree. The select committee process, which in itself has been truncated, is not a substitute for consultation. The treaty duty to consult requires engaging with Māori on matters that affect their rights in order to obtain their free, prior and informed consent before policy proposals are developed – not after. We therefore find that the Crown failed in its duty of consultation.

While consultation is 'only one aspect of the Crown's duty to ensure it is informed of Māori interests', 214 as the Crown submitted, the official advice provided does not indicate the government adequately informed itself in any other ways about Māori views on this matter. The initial concerns raised by officials about treaty obligations disappeared from later briefings and advice provided by agencies, including Te Arawhiti and Te Puni Kōkiri, was not heeded. Any discussion of treaty obligations and an analysis of treaty issues raised by the proposal is almost entirely absent from the Cabinet paper on which Cabinet made their decisions.

The departmental RIS did attempt to provide some consideration of treaty issues. In lieu of consultation on the current proposals, officials did include key points raised from the submission process in 2021, which highlighted the beneficial impacts of the 2021 amendments for Māori. While we recognise this was an attempt to ameliorate the shortcomings of the current process and provide some balance to the analysis, we agree with the overall assessment that the RIS was incomplete and lacked proper analysis of the relative value of Māori wards and constituencies in meeting effective representation objectives. We acknowledge, however, that this is largely because officials were operating within 'a very tight, ministerially set, timeframe'.

The Crown acknowledged that the proposals were 'not the outcome of a conventional policy process whereby officials first identify a broad policy issue or problem and then develop and analyse a range of options to address the matter and provide advice to Ministers'. They further acknowledged 'that the policy to introduce such legislation was a commitment forged at a political level' - the role of officials 'has been largely to to advise how to progress and give effect to the coalition commitment'.215 However, the Crown considers this is 'not in itself unorthodox or constitutionally improper".216 It further noted the judgment that 'there is an

²¹¹ Wai 3365, #3.3.14, p 6 [3.9].

²¹² Wai 3365, #3.3.16, p 10 [34].

 $^{^{213}}$ Wai 3365, #3.3.14, p 18 [5.19].

²¹⁴ Wai 3365, #3.3.10, p 5 [15].

²¹⁵ Wai 3365, #3.3.16, p 7 [23–24].

imbalance between the ability for electors to determine their representation arrangements and Māori representation in local government' which informed the proposals.217

Interested parties submitted that:

[T]his approach by the Crown has not arisen as a result of a policy problem identified, as would usually be the case in any policy process. It is submitted that without the coalition agreement, there is no policy problem to fix and no justification (legal or otherwise) for the Crown's current and pending action.²¹⁸

Other interested parties further submitted that 'retrospective reasoning ... cannot make up for the absence of a principled, evidence base and Treaty compliant reason to proceed with the proposed amendments'. We agree. Despite efforts to retrofit a policy problem concerning 'lack of balance' where none existed, we consider that the policy process shows inadequate problem definition. The process takes as its starting point enactment of government policy based on the coalition agreements, as the Crown itself admits, rather than ensuring fair and equitable representation in local government that upholds the Crown's treaty obligations. We find that this failure to make reasonable and informed decisions in favour of decisions based on political commitments is a breach of the Crown's treaty duties to act reasonably and in good faith.

²¹⁷ Wai 3365, #3.3.16, p 5 [15].

²¹⁸ Wai 3365, #3.3.22, p 5 [26].

²¹⁹ Wai 3365, #3.3.21, p 13 [45].

CHAPTER 5 WHAT ARE THE TREATY IMPLICATIONS OF THE PROPOSAL?

In this chapter, we consider the treaty implications of the proposal and assess what prejudice it will cause. We then make our findings on whether these implications constitute a breach of the treaty principles.

5.1 TREATY IMPLICATIONS OF THE POLICY PROPOSALS

In their submissions, the Crown acknowledged that 'elected members who identify as Māori increased after the 2022 elections' and that the 2021 amendments contributed to that. They accepted that 'there is a risk that the proposed policy might remove some opportunities for Māori to be represented on local government'. They considered, however, that 'the extent of this risk is unclear', noting that it is not possible to determine how much of the overall increase was directly attributable to new Māori wards and constituencies. ²²⁰ We think the way the Crown has expressed this risk conflates two issues: the proportion of those who identify as Māori on councils and the provisions for dedicated Māori representation at council decision-making tables reflecting the treaty partnership. As the claimants submitted to us: '[p]artnership is not determined numerically but by the Crown's intention to promote greater protections and participation by Māori. Māori must have a voice in the local government dialogue'. ²²¹

It is quite clear that reinstating the poll provisions and requiring councils to dissolve wards established since 2021 or hold a binding poll to determine their fate will result in the reduction of dedicated Māori representation at the local level. We only need look at the situation prior to 2021, when attempts to establish Māori wards and constituencies were defeated in several districts, to see that. While, as the Crown points out, there are other mechanisms that promote Māori participation in local government, these mechanisms – including standing committees, tangata whenua forums and strategic relationships – are not the same as having a seat at the decision-making table. As Mr Moeahu stated in his evidence, other mechanisms for Māori participation, such as advisory groups or sub-committees, not only do not provide an opportunity to have a voice at the decision-making table at the council meeting level, but have also historically meant Māori advice is ignored.

The reversal of the 2021 amendments will not only have an impact on Māori representation at the local level, it will likely also negatively impact Māori and youth engagement with local government altogether. Māori ward councillor on Wellington City Council Nikau Wi Neera described in his evidence, 'the implicit advantage to civic participation for young people as well as Māori to see themselves reflected in decision-making bodies as rangatahi Māori'. Mr Wi Neera told us how his campaign for council had energised and engaged rangatahi in the city: 'we worked hard at the universities and the telephones and used our peer networks to

²²⁰ Wai 3365, #3.3.10, pp 5–6 [17].

²²¹ Wai 3365 #3.3.1, p 5 [14].

²²² Wai 3163 #A4, p 3.

encourage turnout'.²²³ An ActionStation survey respondent's views also supported this evidence:

The last local body election was the first time i have ever voted, and thats because i had someone worth voting for. Before the formation of Maori Wards there was no reason to engage in local body politics because, more often than not Maori interests were not considered and candidates reflected this. What was the point of voting. 224

Such engagement is important when political participation at both local and central levels is declining among both Māori and young people. This participation is likely to be undermined by the current government's proposed changes.

The Wai 3362 claimants submitted that Waikato-Tainui would be disproportionately prejudicially affected by the Crown's policy as nearly 20 per cent of those wards are on councils in the Waikato-Tainui rohe and the wider Waikato region. ²²⁵ A brief of evidence from Linda Te Aho, Co-Chair of the Joint Management Committee with Waipaa District Council since 2018 (along with several other roles) outlined the lead up to the establishment of Māori wards and how it had provided representation to a community of interest that was underrepresented in local government and, as a result, would provide 'fairer and more inclusive decision-making'. ²²⁶ She explained that considerable work had been undertaken to establish Māori wards in councils in the Waikato-Tainui rohe. ²²⁷ She further stated that the government's proposed reform:

directly undermines the decision-making of local government in relation to the establishment of Maaori wards, which has a manifest impact on the councils within the Waikato region which have democratically determined, following public consultation, to establish Maaori wards. The effect on Waikato-Tainui and other Maaori living within the Waikato region is significant and threatens to undermine decades of work by Waikato-Tainui and others to secure Maaori representation in local government. ²²⁸

As was the case prior to 2021, the reintroduction of poll provisions will stir division and enable racist rhetoric of the kind described in several of the briefs of evidence submitted to us for this inquiry. In Whakatāne, for example, Ms Boynton was concerned about the divisive environment the poll will create (as it had done in 2018), stating '[w]e will be forced to again campaign against better resourced groups and enter highly fueled and uninformed debates about who we are as Māori within our own rohe'. Kaipara District Councillor Ihapera Isabella Paniora told us about her experiences as the only Māori councillor of hostility towards Māori led by the mayor. The mayor actively campaigned against the council's 2020 decision to establish a Māori ward and restructured 'race-based' jobs. Ms Paniora is concerned that the current proposals will 'fuel racial tension and create a safety (psychological and physical) risk to Māori and mana whenua, and subject Māori to dangerous and uneducated white supremacist rhetoric'. ²³⁰

²²³ Wai 3365 #A4, p 2.

²²⁴ A10a, p 9.

²²⁵ Wai 3365, 3.3.5, p 2.

²²⁶ A12, p 7.

²²⁷ A12, pp 7–8.

²²⁸ A12 p 10.

²²⁹ Wai 3163 #A3, p 4.

²³⁰ Wai 3365 #A16, Kōrero Taunaki a Ihapera Isabella Paniora, p 4.

Wai 3163 co-claimant, Te Raukura O'Connell Rapira, shared with us the survey responses from an ActionStation survey conducted in 2024.²³¹ The survey responses provided to us contained several references to experiences of racism, expressions of antagonism towards Māori and concerted campaigns either during pre-2021 campaigns to establish Māori wards and constituencies or in 2024 in light of the current proposals. Some ActionStation survey respondents described the reaction to council votes to establish Māori wards or constituencies prior to 2021. We cite here examples from Whakatāne and New Plymouth:

My siblings and I were present in the council chambers [in New Plymouth District Council in 2014] observing elected members debating over the issue. I distinctly remember the venomous hatred frothing from the mouths of old Pākeha men speaking over kaumatua and kui with entitled distain. Old Pākeha men who tried to intimidate, distract, shout over in efforts to prevent Māori from championing council to establish a Māori ward.²³²

I am a resident of Whakatāne. We had a poll in our area in 2018, following a majority decision by the Whakatane District Council to establish Māori wards in 2017. Hobson's Pledge and others who were outside of our rohe, opposed all Māori wards and managed to secure a poll. The national politicalisation of Māori wards by non-residents of Whakatāne brought to the forefront the ability of well funded, and mobilised national bodies promoting a mono ethnicity approach to local and national politics. ... The poll emboldened racists to rant and rave publicly and denigrate Māori and our interests and rights, not just in terms of Māori wards but also any other issues pertaining to Māori e.g. Treaty of Waitangi settlements. While the messages were not new, the reach was wide due to social media and local reporting. Our children were exposed to this racism, and in my family my 5 year old daughter asked me "why do the Pākeha hate us?" ²³³

Other survey respondents described what was happening in 2024 in light of the government's proposals:

These negative messages that surround the marketing of Māori Wards continue to create an undercurrent of misinformation, presenting a picture of 'over' compensation towards Māori. 234

As a minority voting for something that should be entrenched in all aspects of governance is heartbreaking. Also, having to justify why Māori positions are needed and good for the country against people who feel justified in letting you know (unasked) why there shouldn't such positions is aggravating and tiring. ²³⁵

The Coalition lobby groups systematically engage in conducting polls and surveys across various social media platforms. This pattern has continued since the debates over 3 Waters, Māori wards, and Māori street naming within local government, extending to recent electoral activities. These initiatives frequently distribute content that is hateful, harmful, racist, and misleading. Under the pretense of expressing concern for election integrity, these groups often ignore more pressing issues affecting community well-being, such as the harm inflicted upon us. This relentless spread of misinformation is especially prevalent on platforms like Twitter, mail drops and email – [it] is unbearable. ²³⁶

These are only a few examples of division and harm from the survey responses and we note there were many more.

²³² A10a, p 4.

²³¹ A10, p 2.

²³³ A10a, p 6.

²³⁴ A10a, p 2.

²³⁵ A10a, p 2.

²³⁶ A10a, p 3.

We were also provided evidence of both the financial and emotional costs for Māori in having to advocate and campaign for dedicated Māori representation, something they thought was no longer necessary after the 2021 amendments. Kelly Stratford, Deputy Mayor of the Far North District Council said '[t]he polls on whether to establish Māori wards are costly, both financially and in terms of the Tiriti relationship; they cause division and fuel further racism towards Māori'. Former councillor-at-large for the Rotorua District Council from 2011 to 2022, Merepeka Raukawa-Tait also told us about the financial outlay of getting elected. These costs, she said, included a candidate's fee and any promotional material, as well as needing the finances to repeat this if running every three years. 238

Hand in hand with this was the demoralisation of those who had been engaged in these processes, who told us the clear message the current proposals sent about the lack of trust and value that Māori bring to the local government context. Ms Raukawa-Tait told us that 'having trust in councillors and feeling valued is the biggest decider to increased representation of Māori as elected members of local government'. She explained that when Māori are not represented at the council table, they begin thinking that they do not belong – the knowledge that their views were 'valued and sought after' was therefore important.²³⁹ Several councillors from the Far North District Council spoke of the same issue. Ms Stratford told us that having Māori wards 'helped bridge communication gaps and create trust',²⁴⁰ while Rhonda Tibble, a Māori ward councillor, said at a council meeting in 2021 that having a 'critical mass' of Māori councillors at the table helped to improve trust, access, and equity with voters.²⁴¹

5.2 TREATY FINDINGS – IMPLICATIONS OF THE PROPOSED POLICY

The Crown stated that any prejudice from the policy proposals was, at this stage, speculative 'as the future cannot be known with certainty'. ²⁴² The claimants, by contrast, submitted that the Crown was disingenuous, misrepresenting the extent of the risk the proposals pose to Māori. ²⁴³ We consider that not only are there likely to be prejudicial effects with these proposals but some of them are already happening, including exposing Māori to racism and hostility, exacerbating political disengagement, and damaging the Māori-Crown relationship, as we have outlined in the previous section. We find this is a further breach of the duty of active protection.

The claimants submitted that the 'new status quo' (i.e. since 2021) has 'helped create a state of equity in addressing historic underrepresentation of Māori in civic life and local decision-making'. We note that the Crown has said the current proposals will not remove the provisions to establish a Māori ward or constituency altogether and these provisions continue to provide for Māori representation. We agree that the parts of the 2001 Act providing for the establishment of Māori wards and constituencies are, on their face, equitable. However, the reinstatement of the poll provisions, as the pre-2021 experience has shown, will make

²³⁸ A6, p 2.

²³⁷ A15, p 5.

²³⁹ A6, p 2

²⁴⁰ A15, p 3.

²⁴¹ A15(b), p [1]

²⁴² Wai 3365, 3.3.19, p 10 [35].

²⁴³ Wai 3365, 3.3.11, p 5 [19].

²⁴⁴ Wai 3365, 3.3.20, p 24 [54].

establishing – or, in many cases, re-establishing – such wards or constituencies nearly insurmountable. Not only are the poll provisions themselves inequitable, but also, as Linda Te Aho pointed out in her evidence, Māori do not have a similar ability to petition for a poll in respect of proposals by local authorities to establish general or rural wards. ²⁴⁵ Neither general nor rural wards require a poll to decide on their establishment.

The Crown submits that the election of local representatives is 'only part of the puzzle', pointing to the provisions in the Local Government Act 2002 requiring councils to facilitate Māori participation and other legislative requirements.²⁴⁶ The Wai 682 claimants, however, submit:

The Crown cannot maintain that there are other protective mechanisms for Māori participation in Local Government, when those protective mechanisms existed prior to the 2021 amendments, and Māori experienced disproportionate representation and discrimination.²⁴⁷

We agree with the claimants. While participatory bodies play their part in enabling Māori input into council decisions, that is not the same as having a seat at the table where those decisions are made. As the Wai 3163 claimants point out, this is particularly important for unsettled groups and mātāwaka Māori. 248

Having reviewed the available evidence, it is clear to us that, in breach of the principle of equity, the Crown's current proposals will reinstate the discriminatory poll provisions from the 2001 Act. They will reinstate inequity of process, in that only Māori wards will be subject to the poll provisions, and they will ensure inequity of representation, by requiring those councils that have established Māori wards or constituencies since 2021 to dissolve them or hold a binding poll on them (with the no-doubt justified assumption in light of the evidence prior to 2021 that majoritarian polls will vote to disestablish the wards).

We note too, in respect of the principle of equity, that the proposed legislation is likely to raise human rights issues under NZBORA. At section 19(1), NZBORA provides for the right to be free from discrimination, while section 19(2) provides for measures taken in good faith to assist or advance groups who experience discrimination. Aside from providing a means of representation at the local level for Māori as tangata whenua in line with the guarantee of tino rangatiratanga in the treaty, Māori wards and constituencies could also be viewed as a measure to assist or advance a group that experiences discrimination. We have seen ample evidence of that discrimination in the evidence provided to us in this inquiry.

In relation to human rights, we received submissions concerning the human rights principle of retrogression – human rights are to be progressively realised and governments should not implement regressive measures unless they have been duly justified and weighted against other rights. It was submitted that this human rights principle was relevant to the exercise of kāwanatanga in the treaty context.²⁴⁹ We agree that removing amendments designed to more fully realise the rights of Māori to political representation without a proper justification and

²⁴⁵ Wai 3362 #A12, Brief of Evidence of Linda Naumai Te Aho, p 5.

²⁴⁶ Wai 3365, #3.3.19, p 14 [42].

²⁴⁷ Wai 3365, #3.3.14, p 14 [5.7]

²⁴⁸ Wai 3363, 3.3.18, p 20 [97].

²⁴⁹ Wai 3365, #3.3.17, pp 3–4 [10–11].

analysis is retrogressive in the way these submissions outlined, and contributes to the breach of the principle of equity.

We turn now to consider the principle of mutual benefit. The claimants submit that the '[t]here are ancillary benefits to the establishment of Maaori wards'. Those councils who have established such wards 'have the benefit of Maaori representation, perspectives and ideas at the council table, which will strengthen local decision-making'. Interested parties further submit that 'the Crown policy disregards the positive impact Māori wards have had and have in their respective communities'. The Crown did not refute this, having already pointed to the original provisions for Māori wards being a fulfilment of its treaty obligations. Indeed, we note that none of the policy papers supplied by the Crown highlighted any policy issue with the way the increased number of Māori wards and constituencies are currently working.

We have also seen evidence that they are in fact working well both for Māori and non-Māori. Hilda Halkyard-Harawira, for example, told us:

Māori ward councillors bring an expertise from Te Ao Māori into the [Far North District Council] setting; Te Reo Māori, tikanga Māori, whakapapa to signatories of He Whakaputanga and Te Tiriti o Waitangi and our connections and responsibilities to Iwi, hapū, Māori and also to the wider communities. ... In some cases, Councils need Iwi to help get some projects over the line. Proper consultation and appropriate engagement processes have long been absent and put in the 'too hard basket', but with Māori ward councillors, we are able to bridge the many gaps, and consult and engage directly with our communities because we understand their needs. ²⁵²

Respondents to a 2024 ActionStation survey provided further evidence of benefits for both Māori and non-Māori, with several noting improved and strengthened relationships within the community and between Māori and councils. We cite just two examples here:

(Benefits for Māori)

Non-Maori councillors do not go to the marae to talk to constituents and do not have the same networks. Maori councillors are comfortable in that space, speak Maori and know all of the locals either by name [or] association within iwi. ²⁵³

(Benefits for non-Māori)

Our New Plymouth District Council functions really well with Māori representation on it. We are able to have open frank discussions on all topics including an indigenous perspective on land, marine and health issues. This creates better decision making on a local level. More balanced governance with representation from all members of our community. To have a successfully functioning council all members of our community needs a voice. Women, Men young, old and Māori. 254

From these examples and others provided to us, we consider that after the 2021 amendments, the principle of mutual benefit was starting to be observed at the local level. No doubt Māori wards and constituencies are not perfect in practice nor a panacea for all the issues Māori have with local government, as documented in several previous Tribunal reports. They do, however, establish a means by which the principle of mutual benefit can be realised at the local level.

²⁵⁰ Wai 3365, #3.3.20, p 13 [31].

²⁵¹ Wai 3365, #3.3.22, p5[24].

²⁵² Wai 3365 #A2, Brief of Evidence of Hilda Halkyard-Harawira, pp 10–11.

²⁵³ Wai 3365, #A10 (a), p 13.

²⁵⁴ Wai 3365, #A10(a), p 16.

Reinstating the poll provisions making it harder in the future to establish Māori wards and constituencies – and requiring that councils dissolve or hold a binding poll concerning those established since 2021 without a poll – undoes that promising start. We therefore find that the Crown's policy proposals breach the principle of mutual benefit.

Finally, the Crown submitted that Māori 'may choose to participate in local decision-making in different ways', refering to principle of options. ²⁵⁵ While it is true that not all Māori seek to be represented in this way, many Māori around the country have clearly expressed their preference to be involved in decision-making at the local level as an expression of their tino rangatiratanga – as the sustained effort to achieve Māori representation at the local level over the past two decades shows. In line with the Tauranga Moana Tribunal, we therefore find that removing the option for Māori voters at the local level to choose whether to be represented by general or Māori ward councillors – as they can do at the central government level – is a breach of the treaty principle of options.

²⁵⁵ Wai 3365, 3.3.19, p 14 [42].

CHAPTER 6 SUMMARY OF FINDINGS AND RECOMMENDATIONS

This chapter summarises our findingsand sets out our recommendations to the Crown.

6.1 SUMMARY OF FINDINGS

Due to the time constraints imposed on us by the Crown's legislative programme, our urgent inquiry process has been necessarily narrowly focused and truncated to allow us to report before the legislation is introduced into the House on or about 20 May 2024. By necessity, we have focused on the Crown process to amend the 2021 Amendment Act and its consequences. Broader constitutional issues of Māori representation in local government will be considered by the Tribunal's Wai 3300 Tomokia Ngā Tatau o Mātangireia — Constitutional Kaupapa Inquiry. We had insufficient time to hold a hearing or question witnesses and only limited time to consider all the evidence and submissions we have received.

Nonetheless a clear picture has emerged of a flawed Crown policy process proceeding at speed towards what appears to be a pre-determined legislative outcome. Officials have provided only limited advice and analysis concerning the Crown's treaty obligations. There has been no consultation with Māori or other key stakeholders. There appears to be no other reason for the speed of reform other than the Crown's wish to tick off another of its coalition policy agreements. This is in circumstances where the proposed legislative amendments will have prejudicial effects on the representation and participation of Māori in local government, will likely expose Māori communities to the divisive effects and racist rhetoric that has accompanied local referendums in the past and will cause lasting damage to the Māori—Crown relationship.

We firstly identified that the article 2 guarantee of tino rangatiratanga guarantees to Māori in this context the right to be represented and to participate in decision-making at local and central government levels. We agreed with the findings of previous Tribunals that the process to establish Māori wards and constituencies prior to 2021 was discriminatory and inconsistent with treaty principles. The evidence clearly shows that the removal of the requirement for local binding referendums or polls in 2021 removed an almost insurmountable barrier to the continuation of Māori wards created by council decisions. The removal of the poll provions and has resulted in a significant increase from three councils with Māori wards or constituencies prior to 2021 to 45 councils that have either established or resolved to establish Māori wards or constituencies. We consider this went a long way towards ensuring that the mechanisms for Māori representation and participation in decision-making at the local government level were treaty consistent.

By contrast, in considering the government's current policy process and its consequences, we have found clear breaches of the principle of partnership. This arises in the unilateral way the Crown has yet again proceeded to prioritise its commitments made in the coalition agreements over its obligations to Māori under the treaty. Also, in the Crown's almost complete failure to consult with Māori or other stakeholders such as councils or territorial authorities about what is proposed. We consider the Crown's suggestion that a truncated two-month select committee

process will allow for sufficient consultation to be risible. We find this to be a clear breach of the duty to consult. The advice from officials, whilst attempting to address the evident process issues had significant limitations. There were efforts to address some of the gaps in evidence and analysis by referring to the previous policy process in 2021, but the advice from officials has been clearly compromised by the extremely tight ministerially set timeframes. We find that by failing to make reasonable and informed decisions the Crown has breached its duty to act in good faith.

In the context of Māori representation to local government, the principle of partnership requires that the Crown has a primary duty to actively protect the tino rangatiratanga of Māori to determine how and by whom they are represented. As a panel, we have concluded that the way the government has prioritised its coalition commitments over and above the aspirations and actions of Māori to determine their own dedicated representation at local government is a breach of the Crown's treaty duty to actively protect Māori rights and interests. We note that while the provision to include Māori wards will not be removed from the legislation, the amendment will have largely the same effect because of the reinstatement of the previously insurmountable poll provisions.

We consider that the poll provisions from the 2001 Act were discriminatory and inconsistent with treaty principles. Therefore, the reinstatement of similar poll provisions that require binding polls only in respect of Māori wards and not of any other general or rural wards or constituencies is discriminatory and we find it to be in breach of the principle of equity.

Lastly, we turn to the principle of mutual benefit and the principle of options. We have received much evidence of the benefits to Māori, councils, and communities of having Māori wards. Whole communities have benefitted because of the improved and strengthened relationships within communities and between Māori and councils by having Māori represented around the decision-making table. This is a practical expression of how the principle of mutual benefit can be lived out in local communities. The amendment of the law to require councils to resile from their decisions to establish Māori wards or hold binding polls will undo that mutuality and is a breach of the principle of mutual benefit. Removal of the option for Māori voters to choose whether to be represented by general or Māori wards councillors is a breach of the principle of options.

We have found that the primary prejudice from the rushed and arbitrary amendment of the 2021 Amendment Act is that Māori have been shut out of the process, with no opportunity for consultation as treaty partner or to make any input other than via the shortened select committee process. It is very clear to us that the most significant prejudice will be the likely dramatic reduction of dedicated Māori representation once the amendments come into effect. The Crown has said that the extent of the reduction is speculative, but the history of similar polls in the past has shown them to be virtually insurmountable.

We note the submissions of Te Whakakitenga o Waikato Incorporated that Waikato-Tainui is likely to be disproportionately prejudicially affected because nearly 20 per cent of the wards and constituencies established since 2021 are in the Waikato-Tainui rohe or wider Waikato region. The other significant prejudice we have identified is the likely divisive effects on communities of binding polls, including exposure of Māori communities to racist rhetoric, as described in the evidence we have received of experiences of previous binding polls.

We find the claims to be well-founded.

6.2 RECOMMENDATIONS

We turn now to our recommendations, conscious that the Crown has confirmed that it intends to introduce its Bill most likely on 20 May 2024. We embarked upon this inquiry in the knowledge that time would be short for us to provide some practical recommendations to the Crown in the event we found their conduct failed to live up to their obligations under the treaty. Nonetheless our primary recommendation is that the amendment of the 2021 Amendment Act be halted to allow proper consultation between the treaty partners with a view to agreeing how Māori can exercise the guarantee of tino rangatiratanga in article 2 to determine their own dedicated representation in local government.

We wish to draw the government's attention to sections 19H and 19I of the Local Electoral Act 2001. These sections set out a robust process for reviews of representative arrangements for both territorial and regional authorities and provides for all such arrangements in an area to be considered at the same time, including Māori wards. We consider the approach set out in these sections better achieves the stated policy objective of balancing council decisions about their representative arrangements with public input without the discriminatory element of binding polls for Māori wards. We commend this approach to the Crown for consideration and recommend that the amendment of the 2021 Amendment Act be halted to enable these reviews to be carried out.

Dated at Wellington this 17th day of May 2024.

Auch Weeves.

Kaiwhakawā Sarah Reeves, presiding officer

Basil Morrison CNZM, JP

Kevin Prime ONZM, MBE, CNZM



Appendix List of Interested Parties

#	Interested parties		
1	Te Runanga o Ngāti Whatua		
2	Dennis Greenland and Tim Tukapua on behalf of the Muaūpoko Tribunal Authority (Wai 2139, the Muaūpoko Tribal Authority claim)		
3	Tamati Cairns, Mathew Shayne Walker, Tania Eden, Matthew Mullany and Hori Reti on behalf of Taiwhenua o Te Whanganui a Orotū (Wai 3051, the Taiwhenua o Te Whanganui a Orotū claim)		
4	Te Rōpū Tautoko Māori		
5	Edward Parahi Wilson for and on behalf of Ngāti Tamainupō (Wai 775, Whaingaroa Harbour and Other Waikato Waters claim)		
6	Cheryl Turner, John Klaricich, Harerei Toia (deceased), Ellen Naera, Fred Toi, Warren Moetara, and Hone Taimona on behalf of Ngāti Korokoro, Ngāti Wharara and Te Pouka hapū (Wai 2003, Ngāti Korokoro, Ngāti Wharara and Te Pouka (Turner and Others) Resource Management claim)		
7	Luana Pirihi and the late Paki Pirihi on behalf of the hapū of Patuharakeke and a claim by Ngawaka Pirihi and others of Pukekauri 1B1, 1B2, 1B3, 1B4 and 1B5, and Takahiwai 4C, 4CD1, 4E, 7A, 7B2, and 7C (Wai 745 Patuharakeke Hapu Lands and Resources claim)		
8	Luana Pirihi and the late Paki Pirihi on behalf of the hapū of Patuharakeke and a claim by Ngawaka Pirihi and others of Pukekauri 1B1, 1B2, 1B3, 1B4 and 1B5, and Takahiwai 4C, 4CD1, 4E, 7A, 7B2, and 7C (Wai 1308 Patuharakeke Hapuu Ki Takahiwai claim)		
9	Nora Rameka which has been brought on behalf of Te Rūnanga o Ngāti Rēhia for and on behalf of the hapū of Ngāti Rēhia (Wai 1341, Te Rūnanga o Ngāti Rehia)		
10	Lady Tureiti Moxon and governors of Te Kōhao Health Ltd		
11	Wai 2880, the Local Electoral Act (Heihei) claim		
12	Ms Denise Messiter (Wai 3331, the Constitutional (Messiter) claim)		
13	Dr Rapata Wiri (Wai 3330, the Constitutional (Wiri) claim)		
14	Teina Boasa-Dean (Wai 3341, the Constitutional (Boasa-Dean) claim)		
15	Nicola Dally-Paki (Wai 3319, the Constitutional (Dally-Paki) claim)		

16	Mihirawhiti Searancke, Renee Hinerangi Searancke, Doreen Hinemania Richards, Kingi Tuheka Hetet, Boyce Te Wharemaru lhakara II Taylor and Sharon Bettina Searancke-Rakena and other (Wai 1504, the Constitutional (Searancke & Others) claim)	
17	Natasha Willison-Reardon on behalf of Iwi me Hapuu Ki Marokopa incorporating Ngaati Rarua ki Marokopa, Ngaati Toa Tupaahau, Ngaati Peehi, Ngaati Te Kanawa and Ngaati Kinohaku ki Marokopa me Kiritehere ("nga haukainga o Marokopa me Kiritehere")	
18	Mike Tana	
19	Cr Kerrin Leoni and Deputy Chair Will Flavell	
20	Leonia Pihama, Ani Mikaere, Angeline Greensill, Mereana Pitman, Hilda Halkyard-Harawira and Te Ringahuia Hata (Wai 2872 the Mana Wāhine (Pihama and Others) claim)	
21	Toro Waaka, Gerald Aranui, Chaans Tumataroa- Clark, Thomas Keefe, Charlie Lambert, Theresa Thornton and Siobhan Storey as the Trustees of the Ngāti Pāhauwera Development Trust, on behalf of the members of Ngāti Pāhauwera	

Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill

Government Bill

Explanatory note

General policy statement

This is an omnibus Bill introduced under Standing Order 267(1)(a) as it deals with an interrelated topic that can be regarded as implementing a single broad policy.

The single broad policy of the Bill is to enable local electors to take part in their local elections and decisions about their local electoral arrangements. The policy proposals include—

- reinstating polls on Māori wards and Māori constituencies; and
- requiring councils to hold a binding poll at the 2025 local elections if they
 established Māori wards or Māori constituencies since 2020 and did not hold a
 poll; and
- adjusting the statutory time frames for local elections to give more time for the postal delivery of voting papers.

This Bill amends the following Acts:

- Local Electoral Act 2001:
- Local Government Electoral Legislation Act 2023.

This Bill also makes amendments to the Local Electoral Regulations 2001 as a result of changes to the time frames for local elections.

The Bill gives effect to the Coalition Government's commitment to reinstating the right to a local referendum on the establishment or ongoing use of Māori wards and Māori constituencies. This includes requiring a poll, at the next local body elections, on any Māori wards and Māori constituencies established without a poll.

Explanatory note

Reinstating polls on Māori wards and Māori constituencies

Under the Local Electoral Act 2001, Māori wards and Māori constituencies are an opt-in provision for councils that allows them to decide whether specific members will be elected only by people on the Māori electoral roll.

Before February 2021, councils were required to hold a binding poll on whether to establish Māori wards or Māori constituencies if a petition of at least 5% of the people on the council's electoral roll requested it. Polls could also be initiated by councils. The result of the poll was binding on a council for 2 local government terms.

In 2021, the mechanism for binding polls on the establishment of Māori wards and Māori constituencies (initiated by either the council itself or by a petition of electors) was removed.

This Bill reinstates the poll policy settings as they were before 2021, including the following:

- the threshold for petitioning the council (5% of electors on the council's roll at the last local elections):
- the eligibility to vote (any person on the electoral roll for that council):
- the percentage required to bind the council to the outcome (simple majority):
- the binding length (2 local government terms).

This Bill also removes the requirement, due to come into effect after the 2025 local elections, for councils to consider Māori wards or Māori constituencies every 6 years during their representation reviews if they have not established Māori wards or Māori constituencies.

Requiring poll to be held if one has not been held previously

This Bill also requires councils to hold a poll at the 2025 local elections if they established Māori wards or Māori constituencies, since 2020, without a poll. The outcome of the poll will take effect at the 2028 local elections.

This Bill allows councils who have resolved to establish Māori wards or Māori constituencies for the 2025 local elections to rescind their resolution. If they take this option, these councils will not be required to hold a poll at the 2025 local elections.

Councils who had Māori wards or Māori constituencies for the first time at the 2022 local elections will also be able to resolve to disestablish their Māori wards or Māori constituencies for the 2025 local elections. If they take this option, these councils will not be required to hold a poll at the 2025 local elections either.

Postal delivery of voting papers to electors

Under the Local Electoral Act 2001, there is a 22 and a half day voting period for postal voting in local elections. Under the Local Electoral Regulations 2001, all postal voting papers must be delivered in the first 6 days of the voting period.

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Explanatory note

New Zealand Post (NZ Post) is the main delivery provider for local election voting papers. While booth voting is an option for councils, all councils have used postal voting since 1995.

NZ Post will not be able to deliver voting papers inside the statutory time frames for the 2025 and future local elections. This is because letter volumes have reduced significantly since the Local Electoral Act 2001 was passed, while courier demand has increased. This has led to a reduction in staff and postal infrastructure.

Failing to deliver voting papers in time creates a risk that some voters will not have a reasonable opportunity to cast their vote.

This Bill extends the delivery period for voting papers from 6 days to 14 days. The voting period is also extended by 10 days to a total of 32 and a half days. These changes will enable all eligible voters to receive their voting papers in a timely manner so that they are able to vote in their local elections.

This Bill also fixes some minor administrative problems with the local electoral time frame. These include— $\,$

- providing more time to print and assemble voting documents; and
- changing the day voting documents are sent so any errors can be fixed before the weekend.

Departmental disclosure statement

The Department of Internal Affairs is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2024&no=46

Regulatory impact statement

The Department of Internal Affairs produced regulatory impact statements on 20 February 2024 and 14 March 2024 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

Copies of these regulatory impact statements can be found at-

- https://www.dia.govt.nz/Resource-material-Regulatory-Impact-Statements-Index
- https://treasury.govt.nz/publications/informationreleases/ris

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause.

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Amendments relating to postal voting in local elections

Clauses 4, 8, 9, and 10 to 15 amend the Local Electoral Act 2001 and clauses 30 to 35 amend the Local Electoral Regulations 2001 to—

- extend the voting period for postal voting in local elections from 22 and a half days to 32 and a half days:
- extend the period for the delivery of postal voting papers from 6 days to 14
 days and adjust certain statutory dates in the local electoral time frame to
 enable this change to be made.

These provisions come into force on 1 April 2025 and will therefore apply for the purpose of the 2025 triennial general elections and subsequent local elections.

Amendments relating to polls concerning Māori wards and Māori constituencies

Clause 5 amends section 9 of the Local Electoral Act 2001. Section 9 allows a local authority to direct the electoral officer to conduct a referendum on any matter relating to the activities or objectives of the local authority or the well-being of its local government area. Under section 9(7), as in force since 2 March 2021, the result of a referendum relating to the division of any district or region into 1 or more Māori wards or Māori constituencies is not binding on the local authority. The amendment replaces section 9(7), with the effect that the result of any referendum on that issue will not be binding on the local authority unless the local authority resolves otherwise, or any enactment provides otherwise. This reinstates the law in the same form as applied before 2 March 2021.

Clause 6 amends section 19Z of the Local Electoral Act 2001 (which provides for local authorities to resolve to establish Māori wards or Māori constituencies) by inserting *new subsections (2A) and (2B)* to clarify that the powers in section 19Z(1) and (2) to establish Māori wards or Māori constituencies also include the powers to disestablish them and that the same requirements apply in either case.

Clause 7 inserts new sections 19ZA to 19ZG into the Local Electoral Act 2001 in the same form as in force before 2 March 2021 (the date on which they were repealed by the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021), with some adjustments to dates to match the timing for council resolutions and poll demands under sections 27 to 34 of the Local Electoral Act 2001. This reinstates—

- the provisions enabling electors to demand a poll on whether to establish Māori wards or Māori constituencies; and
- the provisions enabling territorial authorities and regional councils to resolve to hold a poll on whether to establish Māori wards or Māori constituencies.

Clause 16 amends section 138A of the Local Electoral Act 2001 to reinsert references to new sections 19ZC, 19ZD, and 19ZF consequential on these sections being inserted by clause 7.

Clauses 5 to 7 and 16 come into force on 12 October 2025.

Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill

Explanatory note

Amendments relating to consideration of Māori wards and Māori constituencies during representation review

Clauses 19 to 28 repeal provisions of the Local Government Electoral Legislation Act 2023 that would amend the Local Electoral Act 2001 on 12 October 2025 were they to come into force on that date. The provisions would have required local authorities to make an active decision regarding whether to have Māori wards or Māori constituencies, as part of the representation review process they are required to undertake every 6 years under sections 19H and 19I of the Local Electoral Act 2001. The provisions would also have required local authorities to undertake specified consultation with Māori and other communities before determining by resolution whether their representation arrangements should include specific Māori representation. The repeal of these provisions has the effect that decisions of local authorities concerning whether to have Māori wards or Māori constituencies will continue to be made prior to their 6-yearly representation review and that the review process will only consider the implementation of Māori wards and Māori constituencies as provided under Schedule 1A of the Local Electoral Act 2001.

These clauses come into force on the day after Royal assent.

Transitional provisions

New Part 3 of Schedule 1 of the Local Electoral Act 2001 (as inserted by clause 17 and the Schedule on the day after Royal assent) provides for transitional, savings, and related provisions, including provisions to—

- enable local authorities that, since 2020, have established Māori wards or Māori constituencies for the 2025 local elections onwards (being the group 1 local authorities listed in clause 10(2) of new Part 3) to resolve, during a transitional period that starts on the day after Royal assent and ends on 6 September 2024 (the transitional period), to disestablish those wards or constituencies:
- enable local authorities that have resolved, without holding a binding poll, to establish Māori wards or Māori constituencies for the purposes of the 2025 triennial general election (being the group 2 local authorities listed in *clause 10(2) of new Part 3*) to resolve, during the transitional period, to rescind their decision to establish those wards or constituencies:
- require group 1 local authorities that do not resolve to disestablish their Māori wards or Māori constituencies by 6 September 2024, and group 2 local authorities that do not rescind their decision to establish Māori wards or Māori constituencies by that date, to hold binding polls in conjunction with the 2025 triennial general elections on the question whether, from the 2028 triennial general election, the district of the local authority should be divided into 1 or more Māori wards (in the case of territorial authorities) or the region should be divided into 1 or more Māori constituencies (in the case of regional councils) (clause 39 of new Part 3):

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Explanatory note

- specify the representation review process that a group 1 or group 2 local authority must follow in the 2025 to 2028 electoral term, depending on the outcome of the poll (*clause 40 of new Part 3*):
- require group 1 and group 2 local authorities to decide how their representation arrangements will be set for the 2025 triennial general election if they resolve to disestablish, or rescind their decision to establish, their Māori wards or Māori constituencies (clauses 14 and 32 of new Part 3) and set out the options that apply (clauses 14(2), 33, and 34 of new Part 3):
- specify when the local authority must complete its next representation review after the 2025 triennial general election, depending on which option the local authority has chosen for setting its 2025 representation arrangements (*clauses* 20, 28, and 38 of new Part 3).

Clauses 45 to 50 of new Part 3 apply to Tauranga City Council, whose commissioners resolved last term to establish a Māori ward that will be in place from the 2024 election onwards. These clauses provide for the council to resolve, by 30 November 2026, to disestablish its Māori ward and, if it does not, require the council to hold a binding poll by 28 March 2027 on the question whether its district should be divided into 1 or more Māori wards. Clause 50 of new Part 3 specifies the representation review process that the council must follow in the 2025 to 2028 electoral term, depending on the outcome of the poll, and provides that the outcome of the poll determines for 2 triennial general elections of the council whether the district is to be divided into 1 or more Māori wards.

Clause 51 of new Part 3 requires the Local Government Commission to issue and publish guidelines identifying factors and considerations for group 1 and group 2 local authorities to take into account when passing resolutions and making determinations referred to in new Part 3.

The provisions of new Part 3 come into force on the day after Royal assent.

Hon Simeon Brown

Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill

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	19ZA Public notice of right to demand poll	4
	19ZB Electors may demand poll	4
	19ZC Requirements for valid demand	4 5 6
	19ZD Territorial authority or regional council may resolve to hold poll	6
	19ZE Limitation on division into Māori wards or Māori constituencies	7
	19ZF Poll of electors	7
	19ZG Effect of poll	7 8 9
8	Section 28 amended (Public notice of right to demand poll on	9
	electoral system)	
9	Section 30 amended (Requirements for valid demand)	9
10	Section 33 amended (Poll of electors)	9
11	Section 34 amended (Effect of poll)	9
	46—1	1

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12	Section 52 amended (Notice of election or poll)	9
13	Section 102 amended (New election or poll if election or poll declared void)	9
14	Section 120 amended (Election to fill extraordinary vacancy)	9
15	Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)	9
16	Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)	9
17	Schedule 1 amended	10
	Part 2	
	Amendments to Local Government Electoral Legislation Act 2023	
18	Principal Act	10
19	Section 2 amended (Commencement)	10
20	Section 4 amended (Section 5 amended (Interpretation))	10
21	Sections 5 to 10 repealed	10
22	Section 12 amended (Section 19K amended (Requirements for	10
	resolution))	
23	Section 13 amended (Section 19L amended (Distribution of copies	11
	of resolution))	
24	Section 19 amended (Section 19R amended (Commission to	11
	determine appeals and objections))	
25	Sections 20 to 23 repealed	11
26	Section 36 amended (Schedule 1 amended)	11
27	Section 37 amended (Schedule 1A amended)	11
28	Schedule 2 amended	11
	Part 3	
	Amendments to Local Electoral Regulations 2001	
29	Principal regulations	11
30	Regulation 10 amended (Relevant date for inclusion of electors on roll)	11
31	Regulation 21 amended (Closing of roll)	11
32	Regulation 22 amended (Certification of roll)	11
33	Regulation 23 amended (When roll in force)	11
34	Regulation 51 amended (Issue of voting documents)	12
35	Regulation 96 amended (Issue of voting documents)	12
	Schedule	13
	New Part 3 inserted into Schedule 1 of Local Electoral Act	
	2001	

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The Parliament of New Zealand enacts as follows:

_	
1	Title
	1 11116

This Act is the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act **2024**.

2 Commencement

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- (1) Sections 4, 8, 9, 10 to 15, and 30 to 35 come into force on 1 April 2025.
- (2) Sections 5 to 7 and 16 come into force on 12 October 2025.
- (3) Sections 17 and 19 to 28 come into force on the day after Royal assent.

Part 1

Amendments to Local Electoral Act 2001

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3 Principal Act

Sections 4 to 17 amend the Local Electoral Act 2001.

- 4 Section 5 amended (Interpretation)
- (1) In section 5(1), definition of **nomination day**, replace "57th day" with "71st day".

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- (2) In section 5(1), definition of **voting period**, paragraph (b), replace "22 and a half days" with "32 and a half days".
- 5 Section 9 amended (Holding of referendum)

Replace section 9(7) with:

7) The result of any referendum conducted as a consequence of a direction under this section is not binding on the local authority unless it resolves otherwise or any enactment provides otherwise.

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- 6 Section 19Z amended (Territorial authority or regional council may resolve to establish Māori wards or Māori constituencies)
- (1) After section 19Z(2), insert:

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- (2A) The powers in subsections (1) and (2) to resolve to establish Māori wards and Māori constituencies for electoral purposes include the powers to disestablish them.
- (2B) The requirements that apply in relation to establishing Māori wards and Māori constituencies for electoral purposes also apply, with all necessary modifications, to their disestablishment.

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- (2) In section 19Z(3)(a), replace "23 November" with "12 September".
- (3) Replace section 19Z(3)(c) with:

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Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill

- (c) in either case, takes effect for 2 triennial general elections of the territorial authority or regional council, and for any associated election, and continues in effect after that until—
 - (i) a further resolution under this section takes effect; or
 - a poll of electors of the territorial authority or regional council held under section 19ZF takes effect.
- (4) Replace section 19Z(4) with:
- (4) This section is subject to section 19ZE and to clauses 2(5) and 4(4) of Schedule 1A
- (5) In section 19Z(5), after "In this section", insert "and in sections 19ZB to 10

7 New sections 19ZA to 19ZG inserted

After section 19Z, insert:

19ZA Public notice of right to demand poll

- 1) A territorial authority or regional council that passes a resolution under section 19Z must give public notice, not later than the required date, of the right to demand, under **section 19ZB**, a poll on the question whether,—
 - (a) in the case of a territorial authority, the district should be divided into 1 or more M \bar{a} ori wards; or
 - (b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.
- (2) The public notice under **subsection (1)** must include—
 - (a) notice of the resolution under section 19Z; and
 - (b) a statement that a poll is required to countermand that resolution.
- (3) In subsection (1), required date means,—
 - (a) in the case of a resolution under section 19Z that is made after a triennial general election but not later than 12 September of the year that is 2 years before the next triennial general election, 19 September in that year:
 - (b) in the case of a resolution under section 19Z that is made at some other time, the date that is 7 days after the date of the resolution.
- (4) This section is subject to section 19ZE.

19ZB Electors may demand poll

- (1) A specified number of electors of a territorial authority or regional council may, at any time, demand that a poll be held on the question whether,—
 - (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or

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- (b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.
- (2) This section is subject to **section 19ZE**.
- (3) In this section and section 19ZC,—

demand means a demand referred to in subsection (1)

specified number of electors, in relation to a territorial authority or regional council, means a number of electors equal to or greater than 5% of the number of electors enrolled as eligible to vote at the previous triennial general election of the territorial authority or regional council.

19ZC Requirements for valid demand

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- (1) A demand must be made by notice in writing—
 - (a) signed by a specified number of electors; and
 - (b) delivered to the principal office of the territorial authority or regional
- (2) An elector may sign a demand and be treated as one of the specified number of electors only if,—
 - (a) in the case of a territorial authority, the name of the elector appears on the electoral roll of the territorial authority; or
 - (b) in the case of a regional council, the name of the elector appears on the electoral roll of a territorial authority and the elector's address as shown on that roll is within the region; or
 - (c) in a case where the name of an elector does not appear on a roll in accordance with **paragraph (a) or (b)**,—
 - (i) the name of the elector is included on the most recently published electoral roll for any electoral district under the Electoral Act 1993 or is currently the subject of a direction by the Electoral Commission under section 115 of that Act (which relates to unpublished names); and
 - (ii) the address for which the elector is registered as a parliamentary elector is within the local government area of the territorial authority or regional council; or
 - (d) the address given by the elector who signed the demand is confirmed by the Electoral Commission as the address at which the elector is registered as a parliamentary elector and the address—
 - (i) is, if the demand was given to a territorial authority, within the district of the territorial authority; or
 - (ii) is, if the demand was delivered to a regional council, within the region of the regional council; or

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the elector has enrolled, or has been nominated, as a ratepayer elector and is qualified to vote as a ratepayer elector in elections of the territorial authority or, as the case may require, the regional council. Every elector who signs a demand must state, against the elector's signature,— (a) the elector's name; and the address for which the person is qualified as an elector of the territorial authority or regional council. If a valid demand is received after 11 December in the year that is 2 years (4) before the next triennial general election, the poll required by the demandmust be held after 28 March in the year before the triennial general elec-10 has effect in accordance with section 19ZG(4) (which provides that the poll has effect for the purposes of the next but one triennial general election and the subsequent triennial general election). The chief executive of the territorial authority or regional council must, as soon as practicable, give notice to the electoral officer of every valid demand for a poll made in accordance with section 19ZB and this section. This section is subject to section 19ZE. 19ZD Territorial authority or regional council may resolve to hold poll A territorial authority or regional council may, at any time, resolve that a poll be held on the question whether, in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or in the case of a regional council, the region should be divided into 1 or 25 more Māori constituencies. (2) A resolution under subsection (1) may, but need not, specify the date on which the poll is to be held. The date specified for the holding of a poll must not be a date that would (3) require deferral of the poll under section 138A. The chief executive of the territorial authority or regional council must give 30 notice to the electoral officer of a resolution under subsection (1),if no date for the holding of the poll is specified in the resolution, as (a) soon as is practicable: (b) if a date for the holding of the poll is specified in the resolution, at an appropriate time that will enable the poll to be conducted in accordance 35 with section 19ZF(3).

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(5)

This section is subject to section 19ZE.

Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill

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2.5

19ZE Limitation on division into Māori wards or Māori constituencies

Sections 19Z to **19ZD** do not apply, in relation to a territorial authority or regional council, if—

- (a) a poll on the question described in section 19ZB or section 19ZD held under section 19ZF took effect at the previous triennial general election of the territorial authority or regional council or takes effect at the next triennial general election of the territorial authority or regional council; or
- (b) another enactment requires that the district be divided into 1 or more Māori wards or the region be divided into 1 or more Māori constituencies.

19ZF Poll of electors

- (1) If the electoral officer for a territorial authority or regional council receives notice under **section 19ZC(5)** or **section 19ZD(4)**, the electoral officer must, as soon as practicable after receiving that notice, give public notice of the poll under section 52.
- (2) Despite subsection (1), if an electoral officer for a territorial authority or regional council receives 1 or more notices under both section 19ZC(5) and section 19ZD(4), or more than 1 notice under either section, in any period between 2 triennial general elections, the polls required to be taken under each notice may, to the extent that those polls would, if combined, take effect at the same general election, and if it is practicable to combine those polls, be combined.
- (3) A poll held under this section must be held not later than 103 days after the date on which—
 - (a) the notice referred to in **subsection (1)** is received; or
 - (b) the last notice referred to in **subsection (2)** is received.
- (4) Subsection (3) is subject to subsection (2), section 19ZC(4), and section 138A.
- (5) Every poll under this section that is held in conjunction with a triennial general election, or held after that date but not later than 28 March in the year immediately before the year in which the next triennial general election is to be held, determines whether, for the next 2 triennial general elections for the territorial authority or regional council and any associated election,—
 - (a) the district of the territorial authority is to be divided into 1 or more Māori wards; or
 - (b) the region of the regional council is to be divided into 1 or more Māori constituencies.
- (6) Every poll under this section that is held at some other time determines whether, for the next but one triennial general election and the following trien-

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nial general election for the territorial authority or regional council and any associated election,—

- the district of the territorial authority is to be divided into 1 or more Māori wards; or
- (b) the region of the regional council is to be divided into 1 or more Māori constituencies.
- (7) **Subsections (5) and (6)** are subject to clauses 2(5) and 4(4) of Schedule 1A.

19ZG Effect of poll

- (1) **Subsection (2)** applies to a poll held in conjunction with a triennial general election or held after that election but not later than 28 March in the year immediately before the year in which the next triennial general election is to be held.
- (2) If the result of a poll to which this subsection applies requires the division of the district of a territorial authority into 1 or more Māori wards, or the division of the region of a regional council into 1 or more Māori constituencies, that district or region must be divided into those wards or constituencies, as the case requires,—
 - in the case of a territorial authority, for the next 2 triennial general elections of the territorial authority, and any associated election; and
 - (b) in the case of a regional council, for the next 2 triennial general elections of the regional council, and any associated election; and
 - (c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 258I or 258M of the Local Government Act 2002, until a further resolution under section 19Z takes effect or a further poll held under section 19ZF takes effect, whichever occurs first.
- (3) **Subsection (4)** applies to a poll held at some other time.
- (4) If the result of a poll to which this subsection applies requires the division of the district of a territorial authority into 1 or more Māori wards, or the division of the region of a regional council into 1 or more Māori constituencies, that district or region must be divided into those wards or constituencies, as the case requires,—
 - (a) in the case of a territorial authority, for the next but one triennial general election and the following triennial general election of the territorial authority, and any associated election; and
 - (b) in the case of a regional council, for the next but one triennial general election and the following triennial general election of the regional council, and any associated election; and
 - (c) for all subsequent triennial general elections, elections to fill extraordinary vacancies, and elections called under section 258I or 258M of the

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Local	Gover	nmer	nt Act 20	002, u	ıntil a	further	resolutio	n unde	r sectio	on 19Z
takes	effect	or a	further	poll	held	under	section	19ZF	takes	effect,
which	never o	ccurs	first.							

- (5) This section is subject to clauses 2(5) and 4(4) of Schedule 1A.
- 8 Section 28 amended (Public notice of right to demand poll on electoral system)

In section 28(2A), replace "14 March" with "28 March".

9 Section 30 amended (Requirements for valid demand)

In section 30(3A)(a), replace "14 March" with "28 March".

10 Section 33 amended (Poll of electors)

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- (1) In section 33(3), replace "89 days" with "103 days".
- (2) In section 33(4), replace "14 March" with "28 March".
- 11 Section 34 amended (Effect of poll)

In section 34(1), replace "14 March" with "28 March".

12 Section 52 amended (Notice of election or poll)

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In section 52(2), replace "28 days before" with "25 days before".

13 Section 102 amended (New election or poll if election or poll declared void)

In section 102(2),—

- (a) replace "8 November" with "25 October" in each place; and
- (b) replace "89 days" with "103 days" in each place.

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14 Section 120 amended (Election to fill extraordinary vacancy)

In section 120(1)(b), replace "89 days after" with "103 days after".

- 15 Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)
- (1) In section 138A(1)(a),—

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- (a) replace "28 September" with "14 September"; and
- (b) replace "17 February" with "3 March".
- (2) In section 138A(1)(b), replace "14 March" with "28 March".
- (3) In section 138A(1)(c), replace "11 April" with "24 April".
- 16 Section 138A amended (Special provision in relation to certain elections to fill extraordinary vacancies and certain polls)

Replace section 138A(1) with:

(1) Despite **section 19ZF(3)**, section 33(3), and section 120(1),—

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	(a)	if an electoral officer receives a notice under section 19ZC(5) , section 19ZD(4) , section 30(4), section 31(3), or section 120(1)(a) in the period that begins on 14 September in any year and ends with the close of 20 November in that year, the polling day for the poll under section 19ZF or section 33, or for the election under section 120(1), must be a day not earlier than 3 March in the following year; and	5
	(b)	if an electoral officer receives a notice under section 19ZC(5) , section 19ZD(4) , section 30(4), section 31(3), or section 120(1)(a) in the period that begins on 21 November in any year and ends with the close of 15 December in that year, the polling day for the poll under section 19ZF or section 33, or for the election under section 120(1), must be a day not earlier than 28 March in the following year; and	10
	(c)	if an electoral officer receives a notice under section 19ZC(5) , section 19ZD(4) , section 30(4), section 31(3), or section 120(1)(a) in the period that begins on 16 December in any year and ends with the close of 12 January in the following year, the polling day for the poll under section 19ZF or section 33, or for the election under section 120(1), must be a day not earlier than 24 April in that following year.	15
17	Sche	dule 1 amended	
	In Sc	hedule 1,—	20
	(a)	insert the Part set out in the Schedule of this Act as the last Part; and	
	(b)	make all necessary consequential amendments.	
		Part 2	
An	nendı	ments to Local Government Electoral Legislation Act 2023	
18	Princ	cipal Act	25
		ions 19 to 28 amend the Local Government Electoral Legislation Act	
19	Secti	on 2 amended (Commencement)	
	Repe	al section 2(3).	
20	Secti	on 4 amended (Section 5 amended (Interpretation))	30
	Repe	al section 4(2).	
21	Secti	ons 5 to 10 repealed	
	Repe	al sections 5 to 10.	
22		on 12 amended (Section 19K amended (Requirements for resolution)) al section 12(2) and (5).	35

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	Tures or se	
23	Section 13 amended (Section 19L amended (Distribution of copies of resolution))	
	Repeal section 13(2).	
24	Section 19 amended (Section 19R amended (Commission to determine appeals and objections))	5
	Repeal section 19(1) and (2).	
25	Sections 20 to 23 repealed Repeal sections 20 to 23.	
26	Section 36 amended (Schedule 1 amended)	
	Repeal section 36(1) and (2).	10
27	Section 37 amended (Schedule 1A amended)	
	Repeal section 37(1), (3), (5), (6), and (8).	
28	Schedule 2 amended	
	In Schedule 2, Part 1, repeal the item relating to Canterbury Regional Council (Ngāi Tahu Representation) Act 2022 (2022 No 1 (L)).	15
	Part 3	
	Amendments to Local Electoral Regulations 2001	
29	Principal regulations	
	Sections 30 to 35 amend the Local Electoral Regulations 2001.	
30	Regulation 10 amended (Relevant date for inclusion of electors on roll)	20

- 30 Regulation 10 amended (Relevant date for inclusion of electors on roll)
- In regulation 10(1), replace "7 July" with "18 June". (1)
- In regulation 10(2), replace "6 July" with "17 June". (2)
- In regulation 10(3), replace "57th day" with "71st day". (3)
- In regulation 10(4), replace "57th day" with "71st day". (4)
- 31 Regulation 21 amended (Closing of roll)

In regulation 21, replace "57th day" with "71st day".

Regulation 22 amended (Certification of roll)

In regulation 22, replace "25th day" with "36th day".

Regulation 23 amended (When roll in force)

In regulation 23, replace "25th day" with "36th day".

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34 Regulation 51 amended (Issue of voting documents)

In regulation 51(1),—

- (a) replace "23rd day" with "33rd day"; and
- (b) replace "17th day" with "19th day".

35 Regulation 96 amended (Issue of voting documents)

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In regulation 96(1),—

- (a) replace "23rd day" with "33rd day"; and
- (b) replace "17th day" with "19th day".

Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill

Schedule

Schedule

New Part 3 inserted into Schedule 1 of Local Electoral Act 2001

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Part 3

Provisions relating to Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act **2024**

10 Interpretation

(1) In this Part, unless the context otherwise requires,—

amendment Act means the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act **2024**

associated election has the same meaning as in section 19Z

commencement date means the date on which **section 17** of the amendment Act comes into force

group 1 local authority means a territorial authority or regional council named in the first column of the table in **subclause (2)**

group 2 local authority means a territorial authority or regional council named in the second column of the table in **subclause (2)**

transition period means the period starting on the commencement date and ending on 6 September 2024.

(2) Group 1 local authorities

Far North District Council
Gisborne District Council
Hamilton City Council
Hastings District Council
Hawke's Bay Regional Council
Horowhenua District Council
Kaipara District Council
Manawatu District Council
Manawatu District Council

Marlborough District Council

Masterton District Council
Matamata-Piako District Council
Nelson City Council
New Plymouth District Council
Northland Regional Council

Ōtorohanga District Council

Palmerston North City Council Porirua City Council

Group 2 local authorities

Central Hawke's Bay District Council Hauraki District Council

Hutt City Council

Kapiti Coast District Council Kawerau District Council Napier City Council

South Wairarapa District Council

Tasman District Council

Thames-Coromandel District Council

Upper Hutt City Council Wellington Regional Council

Western Bay of Plenty District Council

Whanganui District Council

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Group 1 local authorities

Group 2 local authorities

Rangitikei District Council

Rotorua District Council

Ruapehu District Council

South Taranaki District Council

Stratford District Council

Taranaki Regional Council

Tararua District Council

Taupo District Council

Tauranga City Council

Waikato District Council

Waipa District Council

Wellington City Council

Whakatane District Council

Whangarei District Council

Provisions relating to group 1 local authorities

11 Group 1 local authority may resolve to disestablish Māori wards or Māori constituencies

- (1) This clause applies to a group 1 local authority.
- (2) A group 1 local authority may, at any time during the transition period, resolve to disestablish the 1 or more Māori wards or Māori constituencies it has established for electoral purposes since 2020.
- (3) A resolution under subclause (2) takes effect for the 2025 and 2028 triennial general elections of the local authority, and for any associated election, and continues in effect until—
 - (a) a resolution under section 19Z takes effect; or
 - (b) a poll of electors of the territorial authority or regional council held under **section 192F** takes effect.
- (4) See **clause 39** concerning the requirement for a group 1 local authority to hold a binding poll if it does not, by 6 September 2024, resolve to disestablish the 1 or more Māori wards or Māori constituencies it has established.

12 Special consultative procedure does not apply to resolution to disestablish

A group 1 local authority is not required to use or adopt the special consultative procedure under section 83 of the Local Government Act 2002 in respect of a proposed resolution to disestablish 1 or more Māori wards or Māori constituencies under **clause 11**.

13 Effect of resolution to disestablish

(1) A resolution of a group 1 local authority to disestablish its 1 or more Māori wards or Māori constituencies under **clause 11** does not affect—

Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill

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- (a) any decision of the local authority made after the local authority's resolution under section 19Z to establish those Māori wards or Māori constituencies; or
- (b) any elections held after the resolution referred to in **paragraph (a)** and before the commencement date.
- (2) Subclause (1) is subject to subclause (3).
- (3) If a group 1 local authority resolves to disestablish its 1 or more Māori wards or Māori constituencies under **clause 11**, any determination of the group 1 local authority made by resolution under section 19H, 19I, or 19J in the term commencing after the 2022 triennial general election has no effect (and, accordingly, the authority has no obligation to take any further action in respect of the determination under the provisions of Part 1A of this Act).
- (4) Subclause (3) applies regardless of whether public notice of the proposal contained in the resolution under section 19H, 19I, or 19J has been published under section 19M or 19N.
- 14 Local authority resolving to disestablish Māori wards or Māori constituencies must decide how representation arrangements for 2025 election to be set
- (1) A group 1 local authority that resolves to disestablish its 1 or more Māori wards or consistencies under clause 11 must, by 6 September 2024, determine how its representation arrangements for the 2025 triennial general election will be set.
- (2) For the purposes of **subclause (1)**, the local authority may—
 - (a) resolve to revert to its representation arrangements that applied at the 2019 triennial general elections (pre-2020 representation arrangements), if the requirements in clause 15 are satisfied; or
 - (b) resolve to undertake, in 2024, a shortened review of its representation arrangements for elections in accordance with sections 19H to 19Q and 19T to 19Y, as modified by clauses 21 to 28.
- (3) A group 1 local authority must undertake a shortened review of its representation arrangements for elections, in 2024, if the requirements in clause 15 are not satisfied (see clauses 21 to 28).
- (4) To avoid doubt, sections 19R and 19S continue to apply in relation to a short-ened review of representation arrangements that a local authority resolves, or is required, to undertake under subclause (2)(b) or (3).
- 15 Requirements to be satisfied for local authority to revert to pre-2020 representation arrangements
- (1) A group 1 local authority may resolve under **clause 14(2)(a)** to revert to its pre-2020 representation arrangements only if the arrangements will provide fair and effective representation.

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Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill

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- (2) The local authority must, before passing a resolution referred to in **subclause**
 - (a) request updated population estimates from Statistics New Zealand on the ordinarily resident population of any region, district, local board area, constituency, ward, community, or subdivision that is included in the pre-2020 representation arrangements; and
 - (b) provide to Statistics New Zealand such information that it may require concerning the definition of any area to which any of the estimates referred to in **paragraph** (a) are to relate; and
 - (c) table the following at the meeting at which the resolution is to be considered:
 - (i) the updated population estimates:
 - (ii) an explanation of how the fair and effective representation requirements under sections 19T to 19W will be met if the local authority reverts to the pre-2020 representation arrangements:
 - (iii) a statement from the Local Government Commission on the consistency of the pre-2020 arrangements with section 19V(2), taking into account the updated population estimates.
- (3) For the purposes of considering the fair and effective representation requirements under sections 19T to 19W, if an exception from compliance under section 19V(3) has been upheld on a determination by the Local Government Commission under section 19V(6) relating to the local authority's most recent representation review, that exception continues to apply and the local authority is not required to refer the relevant decision to the Commission under section 19V(4).
- Objections process does not apply to resolution to revert to pre-2020 representation arrangements

Section 19P does not apply in respect of a resolution made by a group 1 local authority under **clause 14(2)(a)**.

17 Adjustments to boundaries by group 1 local authority

If a group 1 local authority resolves to revert to its pre-2020 representation arrangements and the local authority is satisfied that adjustments to the boundaries of any ward, constituency, community, or subdivision are required for the purpose of ensuring that they coincide with current statistical meshblock boundaries determined by Statistics New Zealand, the local authority may determine by resolution the adjustments to be made to the boundaries to achieve that purpose.

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18	Local authority must notify resolution to revert to pre-2020 representation
	arrangements

A group 1 local authority that resolves under **clause 14(2)(a)** to revert to its pre-2020 representation arrangements must—

- (a) give public notice of the resolution, including the following information for the next triennial general election:
 - (i) the number of elected positions the local authority will have:
 - (ii) the number, names, and boundaries of wards (if any) or constituencies, communities (if any), and subdivisions (if any) and the number of members to be elected to each:
 - (iii) whether any adjustments have been made by Statistics New Zealand to the meshblocks aligning with the ward, constituency, community, or subdivision boundaries used for the 2019 or 2016 triennial general elections and whether adjustments have been made to boundaries under clause 17; and
- (b) as soon as practicable, send a copy of the notice to the following:
 - (i) the Local Government Commission:
 - (ii) the Surveyor-General:
 - (iii) the Government Statistician:
 - (iv) the Remuneration Authority:
 - (v) such other local authorities as may be required under section 19Y(2)(b) and (c); and
- (c) provide to the Surveyor-General a copy of the plans for the arrangements they are reverting back to, including any minor changes made to boundaries under clause 17.

19 When notified basis for election for next triennial election has effect

- (1) If a group 1 local authority has, under **clause 18**, given public notice of the basis of election for the next triennial election of the local authority, no such basis has effect unless—
 - (a) a description or plan of each ward or constituency or community or subdivision has been sent to the Surveyor-General; and
 - (b) the Surveyor-General, or a person appointed by the Surveyor-General, certifies that the description or plan is sufficient to render the boundaries of each ward or constituency or community or subdivision capable of identification.
- (2) If the description of any ward or constituency or community or subdivision to which **subclause** (1) applies is defective, but the Surveyor-General, or a person appointed by the Surveyor-General, certifies that it can be amended and the

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defect overcome without making any change in what was evidently intended to be the area comprised in the description, the description—

- (a) may be so amended by resolution; and
- (b) if so amended, has effect as if the provisions of **subclause (1)** had been complied with.

20 Group 1 local authority reverting to pre-2020 electoral arrangements: representation review after 2025 triennial general elections

A group 1 local authority that resolves to disestablish its Māori wards or Māori constituencies and revert to its pre-2020 electoral arrangements must complete its next representation review in the 2025 to 2028 local government term.

Shortened representation review process

21 Application of clauses 22 to 28

Clauses 22 to 28 apply to a group 1 local authority that resolves to disestablish the 1 or more Māori wards or Māori constituencies it has established since 2020 and—

- (a) resolves under **clause 14(2)(b)** to undertake, in 2024, a shortened review of its representation arrangements for the 2025 elections; or
- (b) is required under clause 14(3) to undertake a shortened review of its representation arrangements for the 2025 general election.

22 Requirements for resolution

Section 19K applies as if, in subsection (1AA), the words "must be passed no earlier than 20 December of the year that is 2 years before the year of the election and no later than 31 July of the year that is immediately before the year of the election" were replaced with "must be passed by 13 September 2024".

23 Public notice of proposals and responsibilities

Section 19M applies as if,—

- (a) in subsection (1), the words "must, within 14 days after making the resolution (but, in the year immediately before the year of a triennial general election, not later than 8 August)" were replaced with "must, within 7 days after making the resolution and not later than 20 September 2024"; and
- (b) in subsection (2)(d), the words "specify a period of not less than 1 month from" were replaced with the words "specify a period that ends not later than 11 October 2024 and that is of not less than 3 weeks from".

24 Response to submissions

Section 19N applies as if, in subsection (1), the words "must, within 8 weeks after the end of the period allowed for the making of submissions and specified

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in the notice given under section 19M" were replaced with "must, within 6 weeks after the end of the period allowed for the making of submissions and specified in the notice given under section 19M".

Appeals

Section 19(O) applies as if,—

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- in subsection (2)(a), the words "must not be earlier than 1 month" were replaced with "must not be earlier than 3 weeks"; and
- the words in subsection (2)(b) were replaced with "must not, in the year before the 2025 triennial general election, be later than 13 December 2024".

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26 Obligation to forward appeals and objections to Commission

Section 19Q applies as if the reference to "20 December," were replaced with "23 December 2024,".

Commission to determine appeals and objections

Section 19R applies as if, in subsection (3), the words "before 11 April in the 15

year of a triennial general election" were replaced with "before 11 April 2025".

Group 1 local authority completing shortened representation review process: representation review after 2025 triennial general elections

A group 1 local authority that completes a shortened review process must undertake its next review of representation arrangements in accordance with the requirement in section 19H(2)(b) or 19I(2)(b) (whichever applies).

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Provisions relating to group 2 local authorities

29 Group 2 local authority may rescind resolution to establish Māori wards or Māori constituencies

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- (1) A group 2 local authority may, at any time during the transition period, resolve to rescind its resolution to establish 1 or more Māori wards or Māori constituencies for the purposes of the 2025 triennial general election.
- See clause 39 concerning the requirement for a group 2 local authority to hold a binding poll if it does not, by 6 September 2024, resolve to rescind its decision to establish 1 or more Māori wards or Māori constituencies for the 2025 triennial general election.

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30 Special consultative procedure does not apply to resolution to rescind

A group 2 local authority is not required to use or adopt the special consultative procedure under section 83 of the Local Government Act 2002 in respect of a proposed resolution under clause 29.

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31	Effort.	of wood	lution	40	rescind
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- (1) If a group 2 local authority passes a resolution under **clause 29**, any determination of the group 2 local authority made by resolution under section 19H, 19I, or 19J in the term commencing after the 2022 triennial general election has no effect (and, accordingly, the authority has no obligation to take any further action in respect of the determination under Part 1A of this Act).
- (2) Subclause (1) applies regardless of whether public notice of the proposal has been published under section 19M or 19N of this Act.
- 32 Group 2 local authority rescinding resolution to establish Māori wards or Māori constituencies must decide how representation arrangements for 2025 election to be set

A group 2 local authority that resolves to rescind its decision to establish 1 or more Māori wards or Māori constituencies under **clause 29** must, by 6 September 2024, determine how its representation arrangements for the 2025 triennial general election will be set.

33 Options for representation arrangements for 2025 general election if representation review completed since 2019

- (1) This clause applies to a group 2 local authority if it has completed a representation review since the 2019 triennial general election.
- (2) For the purposes of **clause 32**, the group 2 local authority is not required to, but may, resolve to complete a shortened representation review process in 2024.
- (3) If the group 2 local authority resolves to complete a shortened representation review process, that process must be completed in accordance with the requirements of **clauses 22 to 28** as if the reference to a group 1 local authority were a reference to a group 2 local authority.
- (4) If the group 2 local authority does not resolve to complete a shortened review process in 2024, its existing representation review arrangements continue to apply for the 2025 triennial general election in accordance with section 19H(2)(b) or 19I(2)(b) (whichever applies).

Options for representation arrangements for 2025 general election if no representation review completed since 2019

- (1) This clause applies to a group 2 local authority if it has not completed a representation review since the 2019 triennial general election.
- (2) The group 2 local authority may, for the 2025 triennial general election,—
 - (a) resolve to continue its existing representation arrangements, if the requirements in **clause 35** are met; or
 - (b) resolve to undertake, in 2024, a shortened review of its representation arrangements for elections.

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- (3) A group 2 local authority must undertake a shortened review of its representation arrangements, in 2024, if the requirements in **clause 35** are not met.
- (4) A shortened review process undertaken under subclause (2)(b) or (3) must be completed in accordance with the requirements of clauses 22 to 28 as if the reference to a group 1 local authority were a reference to a group 2 local authority.

Requirements to be satisfied for group 2 local authority to continue existing representation arrangements

- (1) A group 2 local authority that has not completed a representation review since 2019 may continue its existing representation arrangements only if the arrangements will provide fair and effective representation.
- (2) The local authority must, before passing a resolution under **clause 34(2)(a)** to continue its existing representation arrangements,—
 - (a) request updated population estimates from Statistics New Zealand on the ordinarily resident population of any region, district, local board area, constituency, ward, community, or subdivision that is included in the local authority's existing representation arrangements; and
 - (b) provide to Statistics New Zealand such information as may be required by it concerning the definition of any area to which any of the estimates referred to in **paragraph (a)** are to relate; and
 - (c) table the following at the meeting at which the resolution is to be considered:
 - (i) the updated population estimates:
 - (ii) an explanation of how the fair and effective representation requirements under sections 19T to 19W will be met if the local authority continues its existing representation arrangements:
 - (iii) a statement from the Local Government Commission on the consistency of the existing representation arrangements with section 19V(2), taking into account the updated population estimates.
- (3) For the purposes of considering the fair and effective representation requirements under sections 19T to 19V, if an exception from compliance under section 19V(3) has previously been upheld on a determination by the Local Government Commission under section 19V(6) relating to the local authority's most recent representation review, that exception continues to apply and the local authority is not required to refer the relevant decision to the Commission under section 19V(4).

36 Objections process does not apply to resolution to continue existing representation arrangements

Section 19P does not apply in respect of a resolution made by a group 2 local authority made under **clause 34(2)(a)**.

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Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill

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37	Group 2 local authority must notify resolution to continue existing
	representation arrangements

- (1) A group 2 local authority that resolves under **clause 34(2)(a)** to continue its existing representation arrangements must—
 - (a) give public notice of the resolution, including the following information for the next triennial general election:
 - (i) the number of elected positions the local authority will have:
 - (ii) the number, names, and boundaries of wards (if any) or constituencies, communities (if any), and subdivisions (if any) and the number of members to be elected to each; and
 - (b) as soon as practicable, send a copy of the notice to the following:
 - (i) the Local Government Commission:
 - (ii) the Surveyor-General:
 - (iii) the Government Statistician:
 - (iv) the Remuneration Authority:
 - (v) such other local authorities as may be required under section 19Y(2)(b) and (c).
- (2) If either Western Bay of Plenty District Council or Central Hawke's Bay District Council gives public notice under **subclause** (1), the local authority must, in addition, meet the requirements specified in **clause 19(1) and (2)** as if the reference to a group 1 local authority were a reference to a group 2 local authority.

38 Group 2 local authority: representation review after 2025 triennial general election

- (1) A group 2 local authority that has not completed a representation review since the 2019 triennial general election and that resolves under **clause 34(2)(a)** to continue its existing representation arrangements for the 2025 triennial general election must complete its next representation review in the 2025 to 2028 local government term.
- (2) A group 2 local authority that has completed a representation review since the 2019 triennial general election or that completes a shortened representation review process in accordance with the provisions of this Part must complete its next representation review in accordance with the requirements in section 19H(2)(b) or 19I(2)(b) (whichever applies).

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Conduct of binding polls in conjunction with 2025 triennial general elections

- 39 Local authority must conduct binding poll in 2025 if Māori wards or Māori constituencies not disestablished or decision to establish not rescinded
- (1) This clause applies to—

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- (a) a group 1 local authority that does not, by 6 September 2024, resolve to disestablish the 1 or more Māori wards or Māori constituencies it has established:
- (b) a group 2 local authority that does not, by 6 September 2024, resolve to rescind its decision to establish 1 or more Māori wards or Māori constituencies for the 2025 triennial general elections.

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- (2) A group 1 or group 2 local authority to which this clause applies must hold a poll on the question whether, from the 2028 triennial general election,—
 - in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or

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- (b) in the case of a regional council, the region should be divided into 1 more Māori constituencies.
- (3) The poll must be conducted using the First Past the Post electoral system.
- (4) The poll must, in each case, be held—
 - (a) in conjunction with the 2025 triennial general election; and

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- (b) in accordance with the provisions of Parts 2, 3, 4, 7, and 8 of this Act that concern the conduct of a poll.
- (5) Every poll held under this Act as required by this clause determines the question referred to in **subclause (2)(a) or (b)** (whichever applies) for the next 2 triennial general elections for the territorial authority or regional council, and for any associated election, after the 2025 triennial general election.

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- 40 Review of representation arrangements following conduct of poll Poll resulting in "Yes" vote
- (1) **Subclauses (2) and (3)** apply to a group 1 or group 2 local authority if 50% or more of the valid votes cast in a poll held by the local authority as required by **clause 39** are "Yes" votes.

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- (2) The local authority must follow the process set out in Schedule 1A of this Act in the 2025 to 2028 electoral term if it has not completed a representation review since the 2022 triennial general election.
- (3) The local authority may continue its existing representation review arrangements in the 2025 to 2028 electoral term if it has completed a representation review since the 2022 triennial general election.

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Poll resulting in "No" vote

- 4) If more than 50% of the valid votes cast in a poll held by a group 1 or group 2 local authority under **clause 39** are "No" votes, the local authority—
 - (a) must complete a representation review in the 2025 to 2028 electoral term; and
 - (b) must not follow the process set out in Schedule 1A in the 2025 to 2028 electoral term.
- (5) **Subclause (4)** applies despite section 19Z(3)(c).

Group 1 and group 2 local authorities: extension to 31 July 2024 deadline for initial representation review proposals

41 Application of clauses 42 to 44

Clauses 42 to 44 apply—

- (a) only if they commence on or before 31 July 2024; and
- (b) only to a group 1 or group 2 local authority that is required to pass a resolution under section 19H, 19I, or 19J by 31 July 2024 but has not passed the resolution by that date.
- 42 Extension of time for passing initial representation review resolution

A local authority to which this clause applies may pass the resolution referred to in **clause 41(b)** by 13 September 2024.

43 Local authority using extended time must follow shortened representation review process

A group 1 or group 2 local authority that passes a resolution in accordance with **clause 42** must undertake a shortened review of its representation arrangements in accordance with the requirements of **clauses 23 to 27**.

44 When next representation review required

A group 1 or group 2 local authority that undertakes a shortened review under **clause 43** must undertake its next review of representation arrangements in accordance with the requirement under section 19H(2)(b) or 19I(2)(b) (whichever applies).

Provisions applying to Tauranga City Council

45 Application of clauses 46 to 50

Clauses 46 to 50 apply to Tauranga City Council (the Council).

46 Council may resolve to disestablish Māori ward

The Council may, by 30 November 2026, resolve to disestablish (for the 2028 triennial general election onwards), its Māori ward.

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- A resolution of the Council to disestablish its Māori ward under clause 46 does not affect—
 - (a) any decision of the Council made after the Council's 2021 resolution under section 19Z that its district be divided into its Māori ward (the **2021 resolution**); or
 - (b) elections held since the 2021 resolution and before the commencement date.
- (2) A resolution of the Council to disestablish its Māori ward applies for the next 2 triennial general elections of the Council.

48 Council must hold binding poll if it does not resolve to disestablish Māori wards

- (1) This clause applies if the Council does not, by 30 November 2026, resolve to disestablish its Māori ward.
- (2) The Council must, by 28 March 2027, hold a poll on the question whether the district should be divided into 1 or more Māori wards.
- (3) The poll must be held in accordance with the requirements in **clause 49**.

49 Requirements for binding poll

- (1) The Council chief executive must notify the electoral officer, by 1 December 2026, of the date on which the poll under **clause 48** is to be held.
- (2) The date specified for the holding of the poll must not be a date that would require deferral of the poll under section 138A.
- (3) The electoral officer must give public notice of the poll under section 52 as soon as practicable after receiving the notice under **subclause (1)**.
- (4) The poll must be conducted using the First Past the Post electoral system.
- (5) The poll must be held in accordance with the provisions of Parts 2, 3, 4, 7, and 8 of this Act that concern the conduct of a poll.

50 Effect of poll

- (1) If 50% or more of the valid votes cast in the poll are "Yes" votes, the Council must follow the process set out in Schedule 1A in the 2025 to 2028 term.
- (2) If more than 50% of the valid votes cast in the poll are "No" votes, the Council must not follow the process set out in Schedule 1A.
- (3) **Subsection (2)** applies despite section 19Z(3)(c).
- (4) The outcome of the poll determines whether, for the next 2 triennial general elections of the Council, the district is to be divided into 1 or more Māori wards.

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Guidelines

- 51 Commission must issue guidelines for resolutions and determinations under transitional provisions
- (1) The Commission must issue guidelines identifying factors and considerations for group 1 and group 2 local authorities to take into account in passing resolutions and making determinations referred to in the provisions of this Part.
- (2) The Commission may, from time to time, amend or revoke guidelines issued under **subclause (1)**.
- (3) Guidelines issued under **subclause (1)** may relate to group 1 or group 2 local authorities generally or to a specific class of those authorities.
- (4) The Commission must, as soon as practicable after issuing guidelines under **subclause (1)**,—
 - (a) send a copy of those guidelines to every group 1 and group 2 local authority; and
 - (b) publish in the *Gazette* a notice—
 - (i) stating that the guidelines have been issued; and
 - (ii) naming the place or places at which copies of the guidelines are available for inspection free of charge or for purchase at a reasonable price.
- (5) **Subclauses (3) and (4)** apply, with all necessary modifications, in respect of any amendment to or revocation of guidelines issued under **subclause (1)**.

Wellington, New Zealand:

Published under the authority of the New Zealand Government—2024

6.6 FAR NORTH DISTRICT COUNCIL SUBMISSION ON THE LOCAL GOVERNMENT (WATER SERVICES PRELIMINARY ARRANGEMENTS) BILL AND AMENDMENT PAPER 41

File Number: A4750826

Author: Marlema Baker, Democracy Advisor

Authoriser: Casey Gannon, Manager - Democracy Services

TAKE PÜRONGO / PURPOSE OF THE REPORT

For Te Kuaka Te Ao Māori Committee (Te Kuaka) receive the report Far North District Council Submission on the Local Government (Water Services Preliminary Arrangements) Bill and Amendment Paper 41.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- On 30 May 2024 the Local Government (Water Services Preliminary Arrangements) Bill and Amendment Paper 41 was introduced to Parliament and referred to the Finance and Expenditure Committee for consideration. The Chair of the Finance and Expenditure Committee called for public submissions on 4 June 2024 with a closing date of 13 June 2024.
- This was not brought to the 13 June Council meeting due to the short timeframe.
- On 13 June 2024 a submission was made on behalf of the Far North District Council (attachment 1) which included a request to provide an oral submission. The submission specifically addressed
- In the absence of a specific delegation to a committee and/or reservation of the authority by Council, by default, the delegation to approve Council submissions on legislation, falls to the Chief Executive.
- This report seeks to provide Te Kuaka with a copy of that submission and other relevant information for consideration.

TŪTOHUNGA / RECOMMENDATION

That the Te Kuaka – Te Ao Māori Committee receive the report Far North District Council Submission on the Local Government (Water Services Preliminary Arrangements) Bill and Amendment Paper 41.

TĀHUHU KŌRERO / BACKGROUND

The Local Government (Water Services Preliminary Arrangements) Bill (attachment 2) establishes the Local Water Done Well framework (attachment 3) and the preliminary arrangements for the new water services system.

Key areas included in the Bill are:

- Requirements for councils to develop Water Services Delivery Plans (within 12 months of enactment)
- Requirements for councils to include in those plans baseline information about their water services operations, assets, revenue, expenditure, pricing, and projected capital expenditure, as well as necessary financing arrangements, as a first step towards future economic regulation
- Streamlined consultation and decision-making processes for setting up water services council-controlled organisations (water services CCOs)
- Provisions that enable a new, financially sustainable model for Watercare.

In addition, the Government has tabled an amendment paper to the Bill which provides for interim changes to the Water Services Act. This amendment means the Te Mana o te Wai hierarchy of

obligations in the National Policy Statement for Freshwater Management (NPS-FM) will not apply when Taumata Arowai sets wastewater standards.

The Far North District Council submission speaks specifically to the repealing of the Te Mana o te Wai hierarchy obligations and supports the recommendations made by Te Kahu o Taonui as listed in the submission.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

Submissions on the Local Government (Water Services Preliminary Arrangements) Bill and Amendment Paper 41 have closed and dates for the hearing of oral submissions will be made by the Finance and Expenditure Committee. A final report is due to Parliament on 18 July 2024.

Staff will disseminate information on the hearing for the FNDC oral submission to Te Kuaka once the schedule is confirmed.

Elected Member concerns regarding the approving of Council submissions.

Authority to approve Council submissions on legislative reform has historically sat with Council or the relevant Committee with delegated authority.

In circumstances where there has been insufficient time for a submission to be considered by Council and/or the relevant Committee, authority to approve submissions has been delegated to the Chair of the relevant Committee, any portfolio holders, the Mayor, and the Chief Executive, on the condition that all Councillors must be advised of the submission and provided with a copy upon request.

In the current triennium the authority to make Council submissions on legislation has not been delegated to any of Council's Committee's, nor does it appear that Council has reserved authority to approve submissions to itself.

In the absence of a specific delegation to a Committee and/or reservation of the authority by Council, by default, the delegation to approve Council submissions on legislation, falls to the Chief Executive. The Chief Executive holds broad delegation from Council to carry out all functions of Council except for powers that are non-delegable under clause 32, Schedule 7 LGA02 and any powers that Council reserves to itself from time to time. The instrument of delegation makes it clear that this broad delegation does not preclude the Chief Executive from choosing to refer an issue to Council for approval where a matter is of particular political importance or sensitivity or there is a special community interest in it.

Given the wide-ranging programme of reform currently being undertaken by central government, Council may wish to consider clarifying its position on delegated authority to approve Council submissions on legislation, including:

- Whether submissions must be approved by Council and/or a Committee of Council;
- The circumstances in which submissions can be approved under delegated authority by staff and/or specific elected members.
- the procedure around notifying elected members where submissions are approved under delegated authority.

PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or need for budgetary provisions in relation to this report.

ĀPITIHANGA / ATTACHMENTS

- 1. Attachment 1 SIGNED FNDC Submission Local Government (Water Services Preliminary Arrangements) Bill and Amendment Paper 41 A4750831 1
- 2. Attachment 2 Local Government (Water Services Preliminary Arrangements) Bill Amendment Paper 41 A4750832 1

Attachment 3 - Local Water Done Well Overview of Preliminary Arrangements Bill 3. May 2024 - A4750833 🕹 🛣



HE ARA TĀMATA CREATING GREAT PLACES

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13 June 2024

To: Finance and Expenditure Select Committee Wellington

New Zealand

RE: Submission on Local Government (Water Services Preliminary Arrangements) Bill

Thank you for the opportunity for Far North District Council to provide a submission to the Finance and Expenditure Select Committee on the Local Government (Water Services Preliminary Arrangements) Bill

We wish to be heard in support of our submission.

We have provided recommendations and commentary to specific aspects that are particularly relevant to the Far North District and/or the Council.

Contact details:

Far North District Council

Ph: (09) 401 5200

Private Bag 752, Memorial Avenue

Kaikohe 0440

Background

The Far North District is the most northern territorial local authority in New Zealand and shares borders with the Whangārei and Kaipara Districts. It has a land area of 669,251 hectares and an estimated residential population of approximately 74,700. Of those, approximately 38,000 are Māori. The population of the Far North is predicted to grow to over 82,000 by 2043. As at April 2024, there are 35,366 people on the General Roll, and 14,721 on the Māori Roll for the Far North District.¹

The Far North district includes approximately 144 marae, 10 lwi Runanga and over 200 hapū. Not all iwi in the district have reached a treaty settlement.

The Far North is characterised by coastal harbours and bays on the east coast and long beaches interrupted by deep harbours on the west coast. Inland, the Far North is made up of rugged bush covered areas, farmland, and horticulture. There is no single main centre. Instead, our urban population

¹ Based on the Electoral Commission Website: https://elections.nz/stats-and-research/enrolment-statistics/enrolment-by-local-council-voting-area/

is focused in a series of towns across the district, with Kerikeri, Kaitaia, Kaikohe and Kawakawa being the largest.

Currently, more people in the Far North live rurally than in urban settings. The Far North is a holiday destination, which leads to a fluctuating population over summer. Some areas have a household occupancy rate that doubles during the peak summer season.

Context and Concerns

Far North District Council (FNDC) have a number of concerns regarding the Bill and its operation.

This amendment is seeking to repeal the Te Mana o te Wai hierarchy obligations in the NPS-FM 2020 and that these obligations will not apply when Taumata Arowai sets wastewater environmental performance standards.

Te Mana o te Wai established a hierarchy of obligations structured to ensure that:

- 1. The health and well-being of water bodies and freshwater ecosystems are prioritised first.
- 2. The needs of the people (including safe drinking water) follow, once the first obligation is met.
- 3. Thirdly, the ability of people and communities to provide for their social, economic, and cultural well-being is considered, as long as it doesn't compromise the first two priorities.

The 6 principles of Te Mana o te Wai are:

- Mana whakahaere
- Kaitiakitanga
- Manaakitanga
- Governance
- Stewardship; and
- Care and respect.

Taumata Arowai is an independent Crown Entity water services regulator, established to oversee and ensure the quality and safety of the country's drinking water, wastewater, and stormwater services. It was established following the Havelock North water contamination incident and officially established in March 2021.

Te Mana o Te Wai has been part of the National Policy Statement for Freshwater Management since 2014 and remains for now, but there are concerns that this bill is constructing alternative governance principles for water standards.

The introduction of Te Mana o Te Wai was a pivotal moment in New Zealand's environmental policy, aimed at reversing decades of water degradation. This framework has provided a holistic approach to water management, ensuring that the needs of the environment are placed at the forefront of decision-making. Removing these provisions disregards the hard-won progress and the collaborative efforts of iwi, communities, and environmental advocates.

The concerns raised in this submission were referred to in a kanohi ki te kanohi (face to face) hui on Wednesday 5 April 2023 between the previous governance roopu, Waipunaarangi and Far North District Council through Te Kuaka – Te Ao Maori Committee (Te Kuaka).

The purpose of Te Kuaka is to ensure that the work of the Far North District Council is carried out in a way that enhances the social, economic, cultural, and environmental wellbeing of the Far North District on aspects of importance to Māori.

The relationship FNDC has with its communities is of importance, with processes and procedures put in place to ensure that FNDC properly consults and engages with iwi and hapū. This is through

governance structures such as Te Kuaka, through building relationships, and entering into various agreements to enable this. For example,

- Working to put in place a Mana Whakahono ā Rohe with Te Runanga a lwi o Ngapuhi under ss.
 58L 58U of the Resource Management Act.
- Entering into a Memorandum of Understanding with all 11 iwi and 3 hapū in the district which
 covers how we as a council will work with them.
- Entering into Whanaungatanga kī Taurangi, which is an agreement between the Northland Mayoral Form (consisting of FNDC, Whangārei District Council, Kaipara District Council and Northland Regional Council) and Tai Tokerau lwi Chairs' Forum Te Kahu o Taonui (which consisted of the chairs from 11 lwi authorities within the Northland region). This agreement includes principles of participation by the lwi authorities as part of decision making.

In addition, FNDC have strategies and policies which require input from iwi/hapū when decisions are made and have made commitments to how FNDC will address matters within its district. These include:

- Far North 2100, which includes as a Driver of Change to embed Tikanga Māori within Council
 as part of decision-making...",
- Significance and Engagement Policy which directs FNDC to engage with Māori on issues that have a major and long-term impact on iwi/hapū/whanau,
- Iwi/Hapū (Environmental) Management Plans Policy which includes as an objective to "integrate
 and consider the views and values of iwi/hapū regarding the use of natural and physical
 resources in Council's strategies, plans, and work programs".
- Policies in the Proposed District Plan including to:
 - o Work proactively with iwi and hapū and implement agreements with them, and
 - Ensure tangata whenua are provided with opportunities to actively participate in resource management processes which involve ancestral lands, water, sites, wāhi tapu and other taonga.
- Te Mahi Tahi me te Maori/Working with Maori which is included in FNDC's Long-Term Plans.
 This recognises the special position of tangata whenua within the Far North district and the significant and long-term role Maori have to play in Council's decision-making.
- Te Pae o Uta Te Ao Māori Framework for FNDC staff which seeks to guide and improve responsiveness and inclusiveness of Te Ao Māori across the organisation.

The Far North District Council supports the inclusion of Te Mana o te Wai within our operations and support our Iwi and Hapu partners who have developed Te Mana o te Wai statements within their local plans. Far North District Council will continue to work alongside Iwi and Hapu to implement their aspirations acknowledged in their Te Mana o te Wai statements irrespective of this bill moving forward. The principles of Partnership and Participation endure.

FNDC supports the recommendations made by Te Kahu o Taonui, and further recommends:

- Retain Te Mana o Te Wai Provisions
 - It is crucial to maintain Te Mana o Te Wai within the Water Services Bill. These
 provisions ensure that the health and well-being of water bodies remain a priority,
 guiding sustainable water management practices that benefit both current and future
 generations.
- Enhance Wastewater Treatment Standards
 - Rather than lowering wastewater treatment standards, efforts should be focused on providing councils with the necessary resources and support to meet and exceed current standards. This will ensure that we continue to improve water quality and protect our valuable freshwater resources.

- Strengthen Environmental Protections
 - Any amendments to water services legislation should seek to strengthen, not weaken, environmental protections. This includes maintaining stringent standards for wastewater treatment and ensuring robust mechanisms for monitoring and enforcement.

In conclusion, the removal of Te Mana o te Wai provisions from the Water Services Bill would be a significant step backward for New Zealand's water management. I urge the Select Committee to retain these crucial provisions and focus on enhancing environmental protections to safeguard our water quality for future generations.

Yours sincerely,

Guy Holroyd

Chief Executive Officer Far North District Council

No 41

House of Representatives

Amendment Paper

Local Government (Water Services Preliminary Arrangements) Bill

Proposed amendment

Hon Simeon Brown, in Committee, to move the following amendment:

New Part 5

After clause 99 (page 53, after line 25), insert:

Part 5 Amendments to Water Services Act 2021

100 Principal Act

Sections 101 and 102 amend the Water Services Act 2021.

101 Section 138 amended (Wastewater environmental performance standards)

After section 138(3), insert:

- (3A) When making wastewater environmental performance standards under this section, Taumata Arowai must not have regard to the hierarchy of obligations in clause 1.3(5) of the National Policy Statement for Freshwater Management.
- (3B) **Subsection (3A)** applies despite any other provision of this Act.
- 102 New section 138A inserted (Repeal of provisions relating to National Policy Statement for Freshwater Management)

After section 138, insert:

Proposed amendments to Local Government (Water Services Preliminary Arrangements) Bill

AP No 41

138A Repeal of provisions relating to National Policy Statement for Freshwater Management

- The Governor-General may, by Order in Council, on the recommendation of the Minister, repeal section 138(3A) and (3B) and this section.
- (2) The Minister may make a recommendation under **subsection (1)** only when the Minister for the Environment—
 - (a) recommends the approval of a new national policy statement under section 52 of the Resource Management Act 1991 to replace the National Policy Statement for Freshwater Management; or
 - (b) reviews, changes, or revokes the National Policy Statement for Freshwater Management under section 53(1) of the Resource Management Act 1991.
- (3) An Order in Council made under this section is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements).

Explanatory note

This Amendment Paper inserts *new Part 5* into the Local Government (Water Services Preliminary Arrangements) Bill (the **Bill**).

New Part 5 of the Bill makes 2 amendments to the Water Services Act 2021 (the principal Act).

The first amendment is to insert *new subsections (3A) and (3B)* into section 138 of the principal Act. Section 138 of the principal Act authorises Taumata Arowai to make wastewater environmental performance standards. Section 14 of the principal Act requires Taumata Arowai, when making those standards, to give effect to Te Mana o te Wai (as that term is defined in that Act) to the extent that it applies. *New section 138(3A) and (3B)* provides that, when making wastewater environmental performance standards, Taumata Arowai must not have regard to the hierarchy of obligations contained in Te Mana o te Wai.

The second amendment is to insert *new section 138A* into the principal Act. *New section 138A* authorises the Governor-General to make an Order in Council to repeal *new sections 138(3A) and (3B) and 138A* on the recommendation of the Minister responsible for the administration of the principal Act. The Minister may make a recommendation only when the Minister for the Environment recommends either replacing the National Policy Statement for Freshwater Management 2020 (under section 52 of the Resource Management Act 1991) or reviewing, changing, or revoking that national policy statement (under section 53(1) of the Resource Management Act 1991).

Proposed amendments to Local Government (Water Services Preliminary Arrangements) Bill

AP No 41

Departmental disclosure statement

The Department of Internal Affairs is required to prepare a disclosure statement to assist with the scrutiny of this Amendment Paper. The disclosure statement provides access to information about any material policy changes to the Bill and identifies any new significant or unusual legislative features of the Bill as amended.

A copy of the statement can be found at http://legislation.govt.nz/disclosure.aspx?type=ap&subtype=government&year=2024&no=41&.

Regulatory impact statement

No regulatory impact statement (**RIS**) was prepared specifically for the matters in this Amendment Paper. However, a RIS was prepared on 3 April 2024 for related changes to the National Policy Statement for Freshwater Management 2020, which is available at https://environment.govt.nz/assets/publications/regulatory-impact-statement-for-freshwater-rm-amendment-bill.pdf

Wellington, New Zealand:
Published under the authority of the House of Representatives—2024



May 2024

Local Water Done Well: Overview of the Local Government (Water Services Preliminary Arrangements) Bill

This document provides an overview of recent policy decisions and key aspects of the Local Government (Water Services Preliminary Arrangements) Bill, as well as other matters that may be of interest to councils and other interested stakeholders.

It is based on provisions of the Bill as introduced in May 2024.

What the Bill covers

The Bill establishes the Local Water Done Well framework and the preliminary arrangements for the new water services system.

It lays the foundation for a new approach to water services management and financially sustainable delivery models that meet regulatory standards.

Key areas included in the Bill are:

- Requirements for councils to develop Water Services Delivery Plans (within 12 months of enactment)
- Requirements for councils to include in those Plans baseline information about their
 water services operations, assets, revenue, expenditure, pricing, and projected
 capital expenditure, as well as necessary financing arrangements, as a first step
 towards future economic regulation
- Streamlined consultation and decision-making processes for setting up water services council-controlled organisations (water services CCOs)
- Provisions that enable a new, financially sustainable model for Watercare.

In addition, the Government has tabled an amendment paper to the Bill which provides for interim changes to the Water Services Act. This amendment means the Te Mana o te Wai hierarchy of obligations in the National Policy Statement for Freshwater Management (NPS-FM) will not apply when Taumata Arowai sets wastewater standards.

Other legislation to implement Local Water Done Well

This is the second of three Bills that implement Local Water Done Well.

The first Bill, which was passed in February 2024, repealed the previous Government's water services legislation and restored continued council ownership and control of water services.

A third Local Water Done Well Bill will outline the enduring settings for the new water services system, including a comprehensive economic regulation regime. Cabinet decisions on this Bill are expected to be announced early in the second half of this year, with legislation introduced in December 2024.

Page 1 of 7

Water Services Delivery Plans

What are they?

The overarching purpose of the Plans is for councils – individually or jointly – to publicly demonstrate their intention and commitment to deliver water services in ways that are financially sustainable, meet regulatory quality standards for water network infrastructure and water quality, and unlock housing growth.

What do they mean for councils?

Through the development of these Plans, councils will provide an assessment of their water infrastructure, how much they need to invest, and how they plan to finance and deliver it through their preferred service delivery model.

Ringfencing of water services and revenue from other council activities is a key feature of the Plans.

The Plans will be a way for councils to provide transparency to their communities about the costs and financing of water services, and empower them to make decisions about managing and delivering high-quality water services that reflect their local needs and circumstances.

The Plans can also be prepared jointly with other councils where those councils propose to join together to deliver water services through a new water services delivery organisation.

What information do they need to cover?

The Plans cover information across three key areas:

1.	Financial and asset information	Information about each council's financial and asset information and performance measures, pricing and other related policies, methodologies, and assumptions
2.	Investment required	Planned levels of investment, approach to operations, and whether these are sufficient to deliver proposed level of service, meet infrastructure standards and meet regulatory standards
3.	Service delivery arrangements	Councils' proposed service delivery arrangements – including proposals for joint arrangements, across more than one council

To demonstrate financial sustainability, councils will have to show the revenue from delivering water services is adequate for long-term investment in delivering water services and that the council is financially able to meet all regulatory standards and requirements for delivering water services.

Guidance and information material regarding Water Services Delivery Plans will be shared with councils following the enactment of the Bill, to assist them in developing their Plans.

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What is the process and timeline for producing a Plan?

Activity	Indicative timing / milestone
DIA releases Plan guidance Councils formally begin development of Plans	Q3-2024 Local Government (Water Services Preliminary Arrangements) Bill enacted
DIA/council check-in(s) to monitor progress	Throughout the 12-month timeframe for preparing the Plan (following Bill enactment)
Councils submit final Plan to DIA	Within 12 months (of Bill enactment)
DIA accepts the Plan meets statutory requirements or refers back to council(s) for further work	Following submission of Plan
Council publishes Plan on council website	Once Plan is accepted by DIA

What happens if council(s) don't submit a Plan?

There will be a series of check-ins by the Department of Internal Affairs throughout the Plan development process to ensure councils are on track in preparing and submitting an acceptable Plan.

During the Plan preparation process, councils may request, and the Minister of Local Government will be able to appoint, a Crown Facilitator who could provide additional assistance (at councils' expense). For example, the Crown Facilitator could assist and advise a council on how to prepare a Plan, or work across a group of councils to facilitate or negotiate a joint Plan (including providing a deciding role if requested and agreed by councils).

If a council fails to submit a Plan by the statutory deadline, the Minister of Local Government will be able to appoint a 'Crown water services specialist' to prepare a Plan on that council's behalf, and (if necessary) to direct the council to adopt and submit this Plan (a 'regulatory backstop' power). Again, any expenses associated with this appointee and the preparation of the Plan would be covered by the council.

Key information



Plans are one-off, transitional documents, to set a pathway forward to sustainability.



Plans can be developed by individual councils, or jointly where groups of councils are planning to jointly establish a water organisation.



Plans must include drinking water, wastewater and stormwater – but councils have flexibility about transferring stormwater in proposed new service delivery arrangements.



It will be up to councils to determine how best to engage with their communities as part of the Plan development process.



Plans have no regulatory function – LTPs continue to be councils' primary planning and accountability document.



Plans cover a 10-year timeframe, with detailed information provided on the first three years.

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Steps towards future economic regulation

Economic regulation is a key feature of Local Water Done Well. It is intended to ensure consumers pay efficient, cost-reflective prices for water services, that those services are delivered to an acceptable quality, and that water services providers are investing sufficiently in their infrastructure.

Development of an economic regulation system for water services is being led by the Minister of Commerce and Consumer Affairs. Subject to Cabinet decisions, relevant provisions will be included in the third Local Water Done Well Bill intended to be passed in mid-2025 and implemented by the Commerce Commission after that point.

Through the Water Service Delivery Plans, councils will be asked to provide baseline information about their water services operations, assets, revenue, expenditure, pricing, and projected capital expenditure, as well as necessary financing arrangements.

The Plans do not have a regulatory purpose, but are a useful first step to disclose information on water services to support the future economic regulation regime, which is expected to be introduced from the middle of 2025 (through the third Local Water Done Well Bill).

All councils that have water service delivery responsibilities (either directly or through existing council-controlled organisations) will be subject to these requirements. As well as the Plans being published, information collected through them will be shared with the Commerce Commission, to help them with the development of the future regulatory regime.

The Bill also provides for some councils to be subject to an early form of information disclosure by the Commerce Commission, prior to the full economic regulation regime.

This will build on the information collected through the Plans, and is intended to be for councils that have more advanced asset/financial management practices, or those that moved quickly to establish new organisations and are ready for a faster track toward more detailed oversight.

Streamlined consultation and decision-making processes for establishing, joining or changing water services CCOs

Under Local Water Done Well, a range of structural and financing tools will be available to councils to use for water services including a new class of financially independent councilowned organisations.

These options will be included in the third Local Water Done Well Bill, with policy decisions expected to be announced early in the second half of this year.

Recognising that some councils may want to move quickly to start shifting the delivery of water services into more financially sustainable models, the Bill includes provisions that help streamline the process for establishing, joining or changing water services CCOs, as currently provided for under the Local Government Act.

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The Bill sets out alternative consultation and decision-making arrangements that will enable councils to streamline this process, while continuing to provide the opportunity for community input. These streamlined arrangements are voluntary for councils to choose to use, as an alternative to some of the standard requirements in the Local Government Act.

The arrangements include provisions that:

- Clarify that councils can set up joint committees that can assess options, and prepare and consult on a proposal across multiple districts (instead of each council carrying out separate consultation), and to make recommendations to participating councils
- Set minimum decision-making and consultation requirements so a council only has to identify and assess two options (status quo + preferred option) and only undertake one round of consultation
- ➤ Enable councils to consider the collective benefits/impacts of a proposal (across multiple districts), in addition to the interests of their individual districts and to factor in the view of other participating councils.

A new, financially sustainable model for Watercare

The Bill includes provisions that enable Auckland Council to implement its preferred model for water services delivery.

The new model means the Council retains ownership and control over Watercare, but Watercare is provided with the necessary financial independence to access increased borrowing for investment in water services.

Key aspects of the model are:

- Auckland Council retains complete ownership and control of Watercare.
- The Council would not be able to provide financial support to Watercare in the event of any financial distress. This aspect of the model is critical to ensuring Watercare's borrowing is considered separate from Auckland Council for credit rating purposes.
- Existing provisions relating to loans entered into by councils (in the Local Government Act) will be extended to Watercare, stating that any loans entered into by Watercare must include disclosures they are not guaranteed by the Crown.
- A Crown monitor will be appointed to Watercare as a transitional measure, before
 the full economic regulation system for water services is implemented as part of
 Local Water Done Well. This recognises the importance of economic regulation to
 ensure appropriate and sustainable prices and service quality for consumers.

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Changes to applying the Te Mana o te Wai hierarchy of obligations to wastewater standards

In addition, the Government has tabled an amendment paper to the Bill which provides for interim changes to the Water Services Act (WSA). This amendment would mean the Te Mana o te Wai hierarchy of obligations in the National Policy Statement for Freshwater Management (NPS-FM) will not apply when Taumata Arowai sets wastewater standards. The standards are in the early stages of development and are likely to be in place by mid-2025.

Under the Resource Management Act (RMA) a consent authority must not grant a consent for a public wastewater system that is contrary to a wastewater standard that has been prepared under the WSA. Once set, the wastewater standards will apply to new consents issued for public wastewater systems over time.

Te Mana o te Wai

Te Mana o te Wai is a fundamental concept in the NPS-FM that recognises the connection between the health of a waterbody, health of the people, and health of the environment. It includes a hierarchy of obligations that prioritises the health and well-being of waterbodies and freshwater ecosystems over the health needs of people (such as drinking water), and the ability of people to provide for their social, economic and cultural well-being.

Te Mana o te Wai is embedded in the Water Services Act, the legislation for Taumata Arowai and the water services sector.

These changes are in addition to the Government's recently announced interim changes to the RMA that exclude the hierarchy of obligations in the NPS-FM from resource consent applications and resource consent decision making.

The RMA changes are being made through the recently introduced Resource Management (Freshwater and Other Matters) Amendment Bill as an interim measure and are intended to reduce regulatory burden while work to replace the NPS-FM to rebalance Te Mana o te Wai is underway, as signalled in the Government's coalition agreements.

Next steps

The Government will provide details early in the second half of this year on the broader range of structural and financing tools, including through the New Zealand Local Government Funding Agency (LGFA), which will be available to councils to ensure they can access the long-term debt required for investment in water services infrastructure.

These tools will be implemented through the third Local Water Done Well Bill that will establish the enduring settings for the new system. Policy areas to be included in the third Local Water Done Well Bill include:

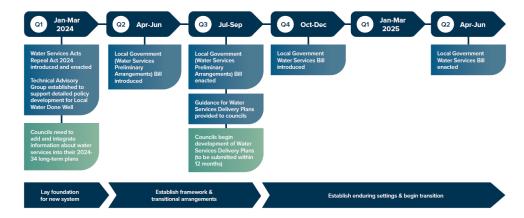
- · Setting long-term requirements for financial sustainability
- Providing for a range of structural and financing tools, including a new class of financially independent council organisations
- Planning, accountability and reporting frameworks for water services

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- Considering the empowering legislation for Taumata Arowai to ensure the regulatory regime is efficient, effective, and fit-for-purpose, and standards are proportionate for different types of drinking water suppliers
- Providing for a full economic regulation regime
- Considering additional Ministerial powers of assistance and intervention in relation to water services, and regulatory powers to ensure effective delivery of financially sustainable water services.

Indicative timeline

The below timeline provides an indicative outline of policy, legislation and related council activity. It is subject to parliamentary processes and timetables.



Further information

The Local Government (Water Services Preliminary Arrangements) Bill is available at www.legislation.govt.nz.

Questions? Contact waterservices@dia.govt.nz

6.7 TE KUAKA TE AO MĀORI COMMITTEE WORK PROGRAMME AND WORKSHOP PROGRAMME 2024

File Number: A4747098

Author: Marlema Baker, Democracy Advisor

Authoriser: Casey Gannon, Manager - Democracy Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To receive and approve the Te Kuaka Te Ao Māori Committee (The Committee) Work Programme and Workshop Programme 2024.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

One of the Committee's responsibilities is to recommend to Council aspects of importance to Māori for incorporation into development of the strategic documents (e.g. Te Ao Māori Framework, Annual Plan, Longterm Plan, District Plan etc). The Work Programme and Workshop Programme will enable the committee to achieve this responsibility.

This Work Programme includes an overview of (known) reports and the Workshop Programme includes the topics scheduled for the remainder of 2024 - attachment 1.

TŪTOHUNGA / RECOMMENDATION

That the Te Kuaka – Te Ao Māori Committee receive the report Te Kuaka Te Ao Māori Committee Work Programme and Workshop Programme 2024.

TĀHUHU KŌRERO / BACKGROUND

Staff have worked collaboratively to produce a work programme and workshop programme for the remainder of the 2024 year. This will help manage the Committee's expectations, give advanced notice of what reports and workshops are pending and include placeholders for Te Kahu o Taonui to view and add to the work and workshop program at any point, should they wish to. The calendar is *attachment 2*.

Staff also commit to holding a post-meeting workshop after the December 2024 meeting to develop the 2025 Work Programme and Workshop Programme for presentation at the February 2025 meeting.

MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND NEXT STEPS

After all workshops there is a likelihood that staff will need to prepare reports for inclusion in the next Te Kuaka agenda if a decision is required. Report deadlines have been included in attachment 2 to assist staff to meet Council's statutory timeframes.

Te Kahu o Taonui also has an open invitation to request workshops and/or add reports to the Te Kuaka agendas as needed and in alignment with Councils statutory deadlines as well.

PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or need for budgetary provisions in receiving this report.

ĀPITIHANGA / ATTACHMENTS

1. Attachment 1: Te Kuaka Work Programme and Workshop Programme 2024 - A4760379

2. Attachment 2: 2024 Te Kuaka Meeting Calendar - A4760372 🗓 🖺

				Te Kuaka Te	Ao Maori C	Committee -	Work Progra	amme & Wo	rkshop Progra	amme 2024				
22 Febru	uary 2024	22 Apr	ril 2024	27 June	2024	17 July 2024	22 Aug	ust 2024	25 September 2024	31 Octol	per 2024	20 November 2024	11 Decen	nber 2024
Work Programme Agenda Reports	Workshop Programme TOPICS	Work Programme Agenda Reports	Workshop Programme TOPICS	Work Programme Agenda Reports	Workshop Programme TOPICS	Ful Day Workshop	Work Programme Agenda Reports	Workshop Programme TOPICS	Ful Day Workshop	Work Programme Agenda Reports	Workshop Programme TOPICS	Ful Day Workshop	Work Programme Agenda Reports	Workshop Programme TOPICS
Memorandum of Understanding (MOU) Process Review	FNDC (Lite) Long- Term Plan	Arotake Whakaahuatanga Tangata Representation Review 2024 Update	Ngapuhi Mana Whakahono ā Rohe CANCELLED	Placeholder - For Te Kahu o Taonui Reports	Te Reo Māori & Tikanga Action Plan	Opportunity for Te Kahu o Taonui to hold workshops on this date with a report for the 22 August meeting	Placeholder - For Te Kahu o Taonui Reports	Opportunity for Te Kahu o Taonui to hold workshops on this date and to provide report for the 31 October meeting	Opportunity for Te Kahu o Taonui to hold workshops on this date and to provide report for the 31 October meeting	Placeholder - For Te Kahu o Taonui Reports	Opportunity for Te Kahu o Taonui to hold workshops on this date and to provide report for the 31 October meeting	Opportunity for Te Kahu o Taonui to hold workshops on this date and to provide report for the 31 October meeting	Kahu o Taonui	Opportunity for Te Kahu o Taonui to hold a workshop
Te Pae o Uta Te AO Māori Framework & Te Reo and Tikanga Update		Memorandum of Understanding Update Report	Variation to the Proposed Far North District Plan	Toi Mana – Arts, Culture and Heritage Strategy		Financial Contributions Plan Change or Variation	Waste Water Treatment Plants Update	Te Reo Māori Booklets	Stage One Adaptation Project - Tangata Whenua Partnership, Participation and Engagement	Stage One Adaptation Project - Tangata Whenua Partnership, Participation and Engagement	Te Reo Māori &	Climate Mitigation - Climate Action Policy	Climate Mitigation - Climate Action Policy	
lwi Hapu Management Plans Refresh		Te Pae o Uta Te Ao Mãori Framework Progress Update		Confirmation of Iwi/Hapu Representation on the Joint Climate Change Adaption Committee			Te Reo Māori & Tikanga Action Plan		governance on	Districtwide Spatial Strategy and how FNDC approaches iwi governance on Districtwide Projects	Te Pae o Uta Review		Te Reo Māori & Tikanga Policy Review	
Te Kuaka Te Ao Māori Committee – Resolutions Escalated to Council in 2023 – Update		Tino Rangatiratanga me te Kawanatanga: The Report on Stage 2 of the Te Paparahi o Te Raki Inquiry		Te Kerikeri Reorua Strategy – Progress Report			Financial Contributions Plan Change or Variation			MOU Update Report			Te Pae o Uta Review	
Te Kuaka Te Ao Māori Open Resolutions Update February 2024		Te Kuaka Te Ao Māori Open Resolutions Update April 2024		Nga Kaupapa Māori / Matters of Importance to Maori			Kaitaia Airport Update			Nga Kaupapa Māori / Matters of Importance to Maori			MOU Update Report	
		Te Puna o Kupenuku Update		Te Pae o Uta Te Ao Māori Framework Progress Update			1 Wharo Way, Ahipara & Pohutukawa Tree Update			Te Kuaka Te Ao Māori Open Resolutions Update June 2024			Nga Kaupapa Māori / Matters of Importance to Maori	
				The Waitangi Tribunal Māori Wards & Constituencies Urgent Inquiry Report – WAI 3365			Te Pae o Uta Te Ao Māori Framework Progress Update						Te Kuaka Te Ao Māori Committee – Resolutions Escalated to Council in 2024 – Update	
				Far North District Council Submission of the Local Government (Water Services Preliminary Arrangements) Bill and Amendment Paper 41			Memorandum of Understanding Update Report						Te Kuaka Te Ao Māori Open Resolutions Update June 2024	
				Te Kuaka Te Ao Māori Committee Work and Workshop Programme			Nga Kaupapa Māori / Matters of Importance to Maori							
				Te Kuaka Te Ao Māori Open Resolutions Update June 2024			Te Kuaka Te Ao Māori Open Resolutions Update August 2024							

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						& WORKSHOP TKoT CHAIR's				TKoT CHAIR'S				TKOT CHAIR'S				_
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25	TKoT CEO's MEETING	22 1	TE KUAKA MEETING &	21	25	S ANZAC DAY	23	TE KUAKA MEETIN	G & 25	22	TE KUAKA MEETING	26	24	SEND AGENDA TO EMS	21		26 BOXING DAY	Ī
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30	MEETING	27		26	30	9	28		30	27			29		26		31 NEW YEARS EVE	
31		28		27			29		31	28			30		27			
														TE KUAKA				_
		29		28			30			29			31	MEETING & FORUM (NICF)	28			
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				29 GOOD FRID	PAY		31			30						GENDA PREVIEW		_
				30						31					30			

6.8 TE KUAKA - TE AO MĀORI COMMITTEE OPEN RESOLUTIONS UPDATE JUNE 2024

File Number: A4708998

Author: Imrie Dunn, Democracy Advisor

Authoriser: Casey Gannon, Manager - Democracy Services

TAKE PŪRONGO / PURPOSE OF THE REPORT

To provide Te Kuaka - Te Ao Māori Committee (Te Kuaka) with an overview of outstanding Committee decisions from 29 June 2023.

WHAKARĀPOPOTO MATUA / EXECUTIVE SUMMARY

- Open resolutions are a mechanism to communicate progress against decisions/resolutions.
- Open resolutions are also in place for all formal elected member meetings.

TŪTOHUNGA / RECOMMENDATION

That Te Kuaka – Te Māori Committee receive the report Te Kuaka – Te Ao Māori June 2024 Open Resolution Report.

1) TĀHUHU KŌRERO / BACKGROUND

Any resolution or decision from a meeting is compiled on an open resolution status report, to capture actions trigged by Te Kuaka - Te Ao Māori Committee decisions. Staff provide updates on progress against tasks that are not yet completed.

The open resolution report also includes outstanding actions from previous triennium committees.

2) MATAPAKI ME NGĀ KŌWHIRINGA / DISCUSSION AND OPTIONS

The outstanding tasks are often multi-facet projects that take longer to fully complete. Where a decision differs to the recommendation of staff there may be unintended consequences or challenges that take longer for staff to work through.

TAKE TUTOHUNGA / REASON FOR THE RECOMMENDATION.

To provide Te Kuaka – Te Ao Māori Committee with an overview of outstanding decisions from 29 June 2023.

3) PĀNGA PŪTEA ME NGĀ WĀHANGA TAHUA / FINANCIAL IMPLICATIONS AND BUDGETARY PROVISION

There are no financial implications or need for budgetary provision in receiving this report.

ĀPITIHANGA / ATTACHMENTS

1. Te Kuaka Open Resolutions Register - June 2024 - A4759765 🗓 🖺

	OPEN RESOLUTION REPORT	Printed: Friday, 21 June 2024 1:06:32 pm
Division: Committee: Officer:	Te Kuaka – Te Ao Māori Committee	Date From: 1/06/2023 Date To: 21/06/2024

Meeting	Title	Resolution	Notes
Te Kuaka –	Te Pae o Uta - Te	RESOLUTION 2023/8	14 Feb 2024 11:34am Harding, Llani
Te Ao Māori	Ao Maori	Moved: Te Kahu o Taonui Representatives	Te Pae o Uta is currently in the Design stages of
Committee	Framework	Seconded: Kahika - Mayor Moko Tepania	Implementation and will be ready for staff roll out
7/09/2023		That Te Kuaka – Te Ao Māori Committee	by 1 July.
		a) recommend that Council approve the Te Pae o Uta – Te Ao	05 Apr 2024 4:55pm Harding, Llani
		Māori Framework, and	Te Pae o Uta is now operative. Te Hono continue
		b) authorises the Chief Executive to make minor changes to the	to implement the framework through Council and
		Te Pae o Uta – Te Ao Māori Framework to correct	will continue to provide updates to Te Kuaka bi-
		grammatical or spelling errors, or formatting.	monthly
		CARRIED	21 Jun 2024 11:52am Baker, Marlema
			A Te Pae o Uta update has been included in the
			27 June 2024 Te Kuaka agenda.
Te Kuaka –	Te Reo Māori and	RESOLUTION 2023/7	14 Feb 2024 11:30am Harding, Llani
Te Ao Māori	Tikanga Policy	Moved: Kahika - Mayor Moko Tepania	The Te Reo and Tikanga Policy is currently in
Committee		Seconded: Cr Tāmati Rākena	action and Te Hono are supporting staff to
7/09/2023		That Te Kuaka – Te Ao Māori Committee	implement via Te Pae o Uta guidance and
		a) recommend that Council approve the Te Reo Māori and	support. A number of immediate actions have
		Tikanga Policy. And	been made to implement this policy including
		b) authorises the Chief Executive to make minor changes to the	Renaming of our Council name and Signage being
		Te Reo Maori and Tikanga Policy to correct grammatical or	replaced
		spelling errors, or formatting.	05 Apr 2024 4:54pm Harding, Llani
		CARRIED	The Te Reo and Tikanga Policy is currently
			operative in council. Te Hono are now developing
			a Te Reo Action plan to further support the Policy
			and Te Pae o Uta
			21 Jun 2024 12:19pm Baker, Marlema
			A post-meeting workshop will be held after the 27
			June 2024 Te Kuaka meeting regarding the Te Reo
			Maori Action Plan and followed with a report on
			the 22 August Te Kuaka agenda.

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	OPEN RESOLUTION REPORT	Printed: Friday,	21 June 2024 1:06:32 pm
Division: Committee: Officer:	Te Kuaka – Te Ao Māori Committee	Date From: Date To:	1/06/2023 21/06/2024

Meeting	Title	Resolution	Notes
Te Kuaka –	Review of	RESOLUTION 2023/15	05 Apr 2024 4:56pm Harding, Llani
Te Ao Māori	Memorandum of	Moved: Cr Tāmati Rākena	The MOU review is in operation. CE Guy Holroyd
Committee	Understanding	Seconded: Cr Hilda Halkyard-Harawira	has completed 9 out of 13 face to face hui with
28/11/2023	(MOU) Between	That the Te Kuaka – Te Ao Māori Committee;	Iwi. An MOU update will be provided at each Te
	Council, and Iwi	a) receive this report and	Kuaka meeting
	and Hapu	b) endorse the approach of developing a Charter of	21 Jun 2024 12:27pm Baker, Marlema
		Understanding outlining Councils broader approach to	A series of MoU hui have been scheduled in June
		partnership, with specific Memorandum of Partnerships	& July. An update report will be included in the 22
		(MoPs) attached and tailored to Iwi and Hapū partners.	August Te Kuaka Agenda.
		CARRIED	
Te Kuaka –	Ratings Relief	RESOLUTION 2023/13	05 Apr 2024 4:57pm Harding, Llani
Te Ao Māori	Policy Amendments	Moved: Kahika - Mayor Moko Tepania	An update on the Staff workshop will be provided
Committee		Seconded: Cr Tāmati Rākena	at the 22nd April Te Kuaka meeting
28/11/2023		That the Te Kuaka – Te Ao Māori Committee:	18 Jun 2024 4:28pm Baker, Marlema
		a) receive the report Ratings Relief Policy Amendments	The Whenua Maori - Freehold Land Rating Relief -
		b) request staff review implementation of Local Government	Information Report will be included in the Te
		(Rating of Whenua Māori) Amendment Act 2021 to	Kuaka 27 June 2024 agenda.
		decrease rating debt and report back to Te Kuaka – Te Ao	21 Jun 2024 12:29pm Baker, Marlema
		Māori Committee 22 February 2024.	A report titled: Whenua Maori - Freehold Land
		CARRIED	Rating Relief is included int he 27 June Te Kuaka
			agenda.
Te Kuaka –	Climate Action	RESOLUTION 2023/11	08 Apr 2024 11:26am Baker, Marlema
Te Ao Māori	Policy	Moved: Cr Hilda Halkyard-Harawira	At the meeting held 28 November 2023 the Te
Committee		Seconded: Kahika - Mayor Moko Tepania	Kuaka committee considered this report and
28/11/2023		That the Te Kuaka Te Ao Māori Committee endorse the Climate	made the following resolution:,
		Action Policy and support its early socialisation with	That the Te Kuaka Te Ao Māori Committee
		iwi/hapu/whanau.	endorse the Climate Action Policy and support its
		CARRIED	early socialisation with iwi/hapu/whanau.
			CARRIED
			Next steps are: How this report will be socialised?

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	OPEN RESOLUTION REPORT	Printed: Friday, 21 June 2024 1:06:32 pm
Division: Committee: Officer:	Te Kuaka – Te Ao Māori Committee	Date From: 1/06/2023 Date To: 21/06/2024

Meeting	Title	Resolution	Notes
			Engagement hui with marae, hapu and Iwi will be
			held. This will be followed by a final workshop
			with Te Kuaka in November 2025.
			A report will be included in the December 2024 Te
			Kuaka agenda.
Te Kuaka –	1 Wharo Way &	RESOLUTION 2024/1	28 May 2024 3:48 pm Steen, Tania
Te Ao Māori	Pōhutukawa Tree	Moved: Pita Tipene - Te Kahu o Taonui Representatives	Classification as historic reserve will protect the
Committee	update	Seconded: Kōwhai – Deputy Mayor Kelly Stratford	pōhutukawa tree in perpetuity. Covenant is not
28/11/2023		That the Te Kuaka – Te Ao Māori Committee receive the report	required if reserve is classified as per resolution
		Progress Update on Outstanding Reports to the Committee.	Work is underway to classify both 1 & 3 Wharo Way
		CARRIED	Historic Reserve - Gazette notices are being drafted
			for the purposes of classification per s 14 and 16
			Reserves Act 1977
			Staff will consult with Ngā Hapū o Ahipara in the
			placing of a plaque to commemorate Moringai's
			historical significance
			Work is underway to draft a co-management plan,
			site visits are required to determine levels of
			service
			10 June 2024 19:34am Steen, Tania
			Staff are working with Rueben Taipari regarding
			maintenance of the site and input regarding the
			plaque.
			An onsite hui was held 24 May 2024 at
			Moringaehe with the CE and Mayor recently which
			went well. Staff will be meeting with Rueben
			Taipari onsite 2 nd week of June to continue
			discussions.

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	OPEN RESOLUTION REPORT	Printed: Friday,	21 June 2024 1:06:32 pm
Division: Committee: Officer:	Te Kuaka – Te Ao Māori Committee	Date From: Date To:	1/06/2023 21/06/2024

Meeting	Title	Resolution	Notes
Te Kuaka – Te Ao Māori Committee 28/11/2023	Kaitaia Airport - Update	RESOLUTION 2024/2 Moved: Pita Tipene - Te Kahu o Taonui Representatives Seconded: Kōwhai – Deputy Mayor Kelly Stratford That the Te Kuaka – Te Ao Māori Committee receive the report Progress Update on Outstanding Reports to the Committee. CARRIED	28 May 2024 3:48 pm Steen, Tania Joint letter between FNDC, FNHL and Ngāi Takoto representing 3 Ngāti Kahu Hapū has been forwarded to the Crown and Ministers to highlight the serious concerns held for the future to the Kaitāia Airport. Upon drafting this update not response has been received 10 Jun 2024 9:34am Steen, Tania
			Still a work in progress which both the CE and Mayor are overseeing
Te Kuaka – Te Ao Māori Committee 28/11/2023	Te Puna o Kupenuku	RESOLUTION 2024/3 Moved: Pita Tipene - Te Kahu o Taonui Representatives Seconded: Kōwhai – Deputy Mayor Kelly Stratford That the Te Kuaka – Te Ao Māori Committee receive the report Progress Update on Outstanding Reports to the Committee. CARRIED	10 Jun 2024 3:02pm Rockell, Michelle An operational meeting was held with TPoK on 24th May 2024. These meetings are held quarterly and allow for FNDC and TPoK to discuss operational changes and challenges as they arise. During this meeting, TPoK informed that their lawyer would be in touch with FNDC staff to begin the process of requesting a long new term lease. TPoK advised that they would begin work to bring the adobe brick reception area and administration building up to compliance, and they raise a concern in regard to a tree leaning over the main office building. No other matters of concern arose.
Puketītī Pā This is not an agenda item that has come to the Te Kuaka table however, Cr Rākena requested an update.		The Mayor and CE's office are working with Polly Tana (hapu represe and representatives of Puketītī Pā on Saturday 22 June 2024 at Te Rit The Mayor and CE's office received confirmation of the hui time and and staff will attend.	to marae.

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- 7 KARAKIA WHAKAMUTUNGA / CLOSING PRAYER
- 8 TE KAPINGA HUI / MEETING CLOSE