

Rārangi Take Kauhihera
Whanokē

Extraordinary Council Agenda

To make a decision on Māori Wards

Wednesday 4 September 2024 at 2pm
Council Chamber, Albion Street, Hāwera



Ngā Mema o te Komiti / Committee Members



Phil Nixon
Mayor



Andy Beccard
Councillor



Mark Bellringer
Councillor



Celine Filbee
Councillor



Te Aroha Hohaia
Councillor



Robert Northcott
Deputy Mayor



Leanne Horo
Councillor



Aaron Langton
Councillor



Steffy Mackay
Councillor



Tuteri Rangihaeata
Councillor



Bryan Roach
Councillor



Brian Rook
Councillor



Diana Reid
Councillor



Racquel Cleaver-Pittams
Councillor

Apatono / Delegations

The Full Council's role is to carry out responsibilities under the Local Government Act 2002. It is the final decision-making authority within the Council and generally ratifies recommendations made by other committees.

It is made up of all Councillors and the Mayor.

Powers that cannot be delegated

The powers that cannot be delegated by the Council are:

- (a) the power to make a rate
- (b) the power to make a bylaw
- (c) the power to borrow money, or purchase or

dispose of assets, other than in accordance with the long-term plan

(d) the power to adopt a long-term plan, annual plan or annual report

(e) the power to appoint a chief executive

(f) the power to adopt policies required to be adopted and consulted on under the Local Government Act 2002 in association with the long-term plan or developed for the purpose of the Local Governance Statement.

(g) the power to adopt a remuneration and employment policy

Huinga Tāngata / Attendance Register

Date	27/11/23	11/12/23	19/02/24	13/03/24	18/03/24	03/04/24	13/05/24	20/05/24	22/05/24	04/06/24	12/06/24	24/06/24	08/07/24	05/08/24
Meeting	E	O	O	E	E	O	O	E	E	E	E	O	E	O
Andy Beccard	√	√	A	√	√	√	√	√	√	√	A	√	√	√
Mark Bellringer	√	√	√	A	A	A	√	√	√	√	A	A	√	√
Celine Filbee	A	A	√	√	√	√	√	A	A	√	√	√	A	√
Te Aroha Hohaia	√	√	√	A	√	A	√	√	√	√	√	√	√	√
Leanne Horo	√	√	√	A	√	A	√	√	AO	√	A	√	√	√
Aarun Langton	A	X	X	√	√	√	√	A	A	A	√	√	A	√
Steffy Mackay	A	√	√	√	√	√	√	√	√	√	√	√	√	√
Phil Nixon	√	√	√	√	√	√	√	√	√	√	√	√	√	√
Robert Northcott	√	√	√	√	√	√	√	√	√	√	√	√	A	√
Tuteri Rangihaeata	√	√	X	X	√	X	X	√	X	X	√	A	√	√
Diana Reid	√	√	√	√	√	√	√	√	√	√	A	√	√	√
Bryan Roach	√	√	√	A	√	√	√	√	√	√	√	√	√	√
Brian Rook	√	√	√	√	√	X	√	√	√	√	√	A	√	√
Racquel Cleaver-Pittams	√	√	√	√	√	√	√	√	√	√	A	√	AO	√

Key

√	Attended
AO	Attended Online
-	Was not required to attend
A	Apology
Y	Attended but didn't have to attend
X	Did not attend - no apology

Types of Meetings

I	Inaugural
O	Ordinary Council Meeting
E	Extraordinary Council Meeting

He Karere Haumarū / Health and Safety Message

In the event of an emergency, please follow the instructions of Council staff.
If there is an earthquake – drop, cover and hold where possible. Please remain where you are until further instruction is given.

He Pānga Whakararu / Conflicts of Interest

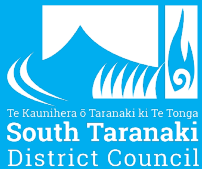
Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as an elected member and any private or other external interest they might have.



Rārangi Agenda

Extraordinary Council **To make a decision on Māori Wards** Wednesday 4 September 2024 at 4 pm

1. **Karakia**
2. **Matakore / Apologies**
3. **Tauākī Whakarika / Declarations of Interest**
4. **Whakatakoto Kaupapa Whānui Whakaaturanga hoki / Open Forum and Presentations**
5. **Pūrongo / Report**
 - 5.1 [Decision on Māori wards](#)Page 9
6. **Karakia**



Karakia

1. Karakia

Ruruku Timata – Opening Prayer

(Kia ururu mai ā-hauora,
ā-haukaha, ā-hau māia)

Ki runga

Ki raro

Ki roto

Ki waho

Rire rire hau

Paimārire

*(Fill me with vitality)
strength and bravery)*

Above

Below

Inwards

Outwards

The winds blow & bind us

Peace be with us.



Matakore Apologies

2. Matakore / Apologies

Leave of Absence: *The Board may grant a member leave of absence following an application from that member. Leave of absences will be held in the Public Excluded section of the meeting.*



Ngā Whakaputanga

Declarations of Interest

3. Tauākī Whakarika / Declarations of Interest

Notification from elected members of:

- a) Any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting; and
- b) Any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968.

Declarations of Interest: Notification from elected members of: Any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting; and Any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968

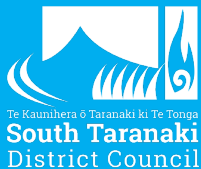


Whakatakoto Kaupapa Whānui, Whakaaturanga hoki **Open Forum and Presentations**

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4. Whakatakoto Kaupapa Whānui Whakaaturanga hoki / Open Forum and Presentations

The Council has set aside time for members of the public to speak in the public forum at the commencement of each Council, Committee and Community Board meeting (up to 10 minutes per person/organisation) when these meetings are open to the public. Permission of the Mayor or Chairperson is required for any person wishing to speak at the public forum.



Pūrongo Report

To	Extraordinary Council
From	Kaiārahi Whaitikanga / Governance Team Leader, Sara Dymond
Date	Wednesday 4 September 2024
Subject	Decision on Māori wards

(This report shall not be construed as policy until adopted by full Council)

Whakarāpopoto Kāhui Kahika / Executive Summary

1. This report seeks a Council decision to either retain Māori wards for the 2025-28 electoral term and hold a binding poll at the 2025 election or disestablish Māori wards and undertake a shortened representation review. The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act (the Amendment Act) requires a decision by 6 September 2024.
2. In November 2020 the Council unanimously supported the introduction of two Māori wards for the 2022 and 2025 electoral terms.
3. The Government passed the Amendment Act to reinstate the previous provisions under the Local Electoral Act 2001 that allowed the establishment of Māori wards to be the subject of a poll. The Amendment Act enables councils to return to their 2019 representation arrangements by disestablishing their Māori wards provided the former arrangements provide fair representation. Alternatively, they can retain their Māori ward(s) and resolve to hold a poll alongside the 2025 local elections.
4. If the Council was to resolve to disestablish Māori wards it will be unable to revert to the 2019 representation arrangements because the updated population figures are no longer compliant with the legislation rule.
5. The Local Electoral Act 2001 requires councils to engage with their constituents but it is up to the Council to determine the level of engagement. The Amendment Act makes it clear that a special consultative procedure is not required in this instance. The Council has informed Te Kāhui Matauraura, Te Kaahui o Rauru, Te Rūnanga o Ngāti Ruanui, Te Korowai o Ngāruahine, Te Kāhui o Taranaki of the requirement for a Council decision.

Taunakitanga / Recommendations

THAT the Council;

- a) Retain its two Māori wards for the 2025-28 local election in accordance with the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 (Schedule 1, Part 3, Section 11(2)(a)).

- b) Notes that this decision will require a binding poll to be undertaken in conjunction with the 2025 local government election.
- c) Notes that the two Māori wards remain in place for the 2025-28 triennium.
- d) Notes that the results of the poll will take effect from the 2028-31 triennium.

Kupu Whakamārama / Background

6. The Council made the decision to introduce Māori wards as part of their 2021 Representation Review prior to the previous government removing sections 19ZA to 19ZG of the Local Electoral Act 2001. The Council unanimously made the decision on 11 November 2020 and a public notice was published including the ability for residents to request a poll. A demand for a poll was received, but the demand did not meet the required 5% elector threshold and therefore did not proceed.
7. South Taranaki has been operating with Māori wards since October 2022 and it has been a positive enhancement to decision-making and enabled us to be more effective as a board of governors. As residents and ratepayers, Māori had been underrepresented and disengaged from the electoral and local democratic process for too long. Our move to Māori wards has encouraged more Māori to participate in the governance of our District and means the Council is more representative of our whole community.
8. The Council submitted on the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill (the Amendment Bill). The Council's submission opposed the change in legislation to include the previous provision for electors to demand a poll. The submission also asked that if the Amendment Bill proceeded, that special consideration be provided to South Taranaki because all legislative requirements were completed before the law was changed. The Council argued that the cost to undertake a binding poll was an unnecessary burden on our ratepayers and residents when the decision had already been made.
9. The Government passed the Amendment Act 2024 on 31 July, which has re-introduced the previous provisions in the Local Electoral Act 2001 regarding the establishment of Māori wards.
10. The Amendment Act requires all councils that made the decision ahead of the 2022 local body elections to either;
 - a) Disestablish Māori wards; or
 - b) Retain Māori wards for next term and hold a binding poll at the 2025 election.
11. The Local Government (Electoral Legislation and Māori wards And Māori Constituencies) Amendment Act requires a resolution of the Council by 6 September 2024.

Ngā Kōwhiringa / Options – Identification and analysis

- 12. The status quo is not an option in this case and the Council must decide to either retain Māori wards and hold a poll as part of the 2025 election or disestablish Māori wards and undertake a shortened representation review. Irrespective of the poll result, the existing Māori wards will continue to be in place for the 2025-28 term.

Options available

Option 1: Disestablish Māori Wards

- 13. If the Council decide to disestablish Māori wards it is unable to revert to the 2019 representation arrangements as the updated population figures would no longer be compliant with legislation. A shortened representation review would be required, and a timetable has been provided.

The shortened representation review process has the following key dates/timeframes: Date/Timeframe	Key milestone
By 6 September 2024	Deadline for Council to disestablish their Māori Wards; or retain Māori wards for next term and hold a binding poll at the 2025 election
By 20 September 2024	Deadline for public notification of initial proposal
20 September 2024 - 11 October 2024	Submission period (minimum 3-weeks)
By 13 December 2024	Deadline for appeals and objections to the proposal
By 23 December 2024	Deadline for appeal and objections to be forwarded to the Local Government Commission
By 10 April 2025	Local Government Commission to determine appeals and objections

- 14. If Council undertook a shortened representation review, this would bring forward the representation review that is due in 2027/28. The Council’s next representation review would then be due in six years’ time (2030/31). This is in line with the usual requirements to undertake a representation review every six years.
- 15. A shortened review would limit the process because of the timeframe. A shortened review may mean that conversations about general wards and community boards would be limited (eg. number of elected members). The review would be in place for six years unless the Council resolved to undertake another one earlier.
- 16. Undertaking meaningful consultation on representation would be difficult to achieve within the short timeframe and current workloads. There is no budget allocated or capacity to undertake a representation review in the 2024/25 financial year.
- 17. There could be a perception that the Council did not proactively seek community feedback prior to making this decision. The Amendment Act excludes the requirement to undertake a special consultative procedure.

18. The four Iwi of South Taranaki and the Council have been working together to strengthen their relationship. A decision to disestablish Māori wards would have a negative impact on the relationship between Iwi and Council and undermine He Pou Tikanga / Ngā iwi o te Tai Whakarunga – Council Partnership Strategy.

Option 2: Retain Māori wards for next term and hold a binding poll at the 2025 election

19. Councils who established Māori wards prior to the 2022 local body elections are required to hold a poll on Māori wards at the 2025 local election. The result of the poll would be binding and take effect for the 2028-31 term. Māori wards would be retained for the 2025-2028 term.
20. If the 2025 poll results in favour of Māori wards, the wards would remain in place for the 2028-2031 and 2031-2034 terms. If the poll result is against Māori wards, the wards would be disestablished for the 2028-2031 and 2031-2034 terms. The representation review in 2027/28 would determine representation arrangements for the 2028-2031 term for general wards only.
21. The legislative changes reinstate the ability for five per cent of a council’s electors to petition their council to hold a binding poll. The result of a poll could not be petitioned again for the next two terms.

Whaiwhakaaro me ngā aromatawai / Considerations and Assessments

Local Government Purpose

22. The purpose of local government is to enable democratic local decision-making and action by, and on behalf of, communities; and to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. The Amendment Act’s stated aim is “to enable local electors to take part in their local elections and decisions about their council’s representation”.

Assessment of Significance and Engagement

23. The level of significance has been determined by considering the following criteria:

Criteria	Measure	Assessment
Degree	The number of residents and ratepayers affected and the degree to which they are affected by the decision or proposal.	In July 2021 the number of Māori electors in the District was 5,130 (17.8%) of the total electoral population. Infometrics data reports that the Māori population in South Taranaki has increased to 29.9% in 2023 which means a considerable portion of the population will be affected by the decision the Council makes.
LOS	The achievement of, or ability to achieve, the stated levels of service set out in the Long Term Plan.	This decision will have an impact on the Council’s democracy and leadership activity and how the community is represented.

Criteria	Measure	Assessment
Decision	Whether this type of decision, proposal or issue has generated wide public interest in South Taranaki.	The decision in 2020 to introduce Māori wards for the 2022 and 2025 trienniums generated some public interest, mainly in support.
Financial	The impact of the decision or proposal on the Council's overall budget or its inclusion in an approved Long Term Plan and the ability to carry out existing or proposed functions and activities now and in the future.	A poll would add an estimated \$10,000, to the cost of the election. A shortened representation review would require considerable staff time to complete.
Reversible	The degree to which the decision or proposal is reversible.	The decision once made, is not reversible.
Environment	The degree of impact the decision will have on the environment.	The degree of the impact on the environment from this decision will be minor.

24. The matrix in the Significance and Engagement Policy establishes that this matter is of medium significance. The Local Electoral Act 2001 requires councils to engage but it is up to the Council to determine the level of engagement. The Amendment Act makes it clear that a special consultative procedure is not required in this instance.
25. The Council has informed Te Kāhui Matauraura, Te Kaahui o Rauru, Te Rūnanga o Ngāti Ruanui, Te Korowai o Ngāruahine, Te Kāhui o Taranaki of the requirement for a Council decision and [attached is written feedback from Te Kaahui o Rauru](#). It is anticipated that Iwi will attend the meeting to speak on the matter.

Legislative Considerations

26. The Amendment Act 2024 became law on 30 July 2024. This amended several key provisions in the Local Electoral Act 2001, and requires the Council to undertake one of two options:
- Disestablish Māori wards; or
 - Retain Māori wards for next term and hold a binding poll at the 2025 election.

Financial/Budget Considerations

27. The requirement to hold a poll on Māori wards in tandem with the 2025 local election will add a cost, estimated to be up to \$10,000.
28. If the Council decides to disestablish Māori wards and undertake a shortened representation this would require considerable resources and staff time.

Consistency with Plans/Policies/Community Outcomes

29. A decision to disestablish Māori wards would be inconsistent with the Council's He Pou Tikanga / Ngā iwi o te Tai Whakarunga – Council Partnership Strategy. However, the Council is obligated to meet the requirements of the new legislation and must make a decision by 6 September 2024.

Consideration of Iwi/Māori

30. The decision to retain Māori wards would have a positive impact for Māori and Iwi as it continues to work towards building a stronger relationship with Iwi and providing opportunities for Māori to contribute to decision-making processes.
31. The decision will not affect the existing Iwi appointments to South Taranaki council committees and portfolio groups.

Whakakapia / Conclusion

32. This report seeks a Council decision to either retain Māori wards for the 2025-28 term and hold a poll at the 2025 election or disestablish Māori wards and undertake a shortened representation review. The Amendment Act requires a decision by 6 September 2024.



Sara Dymond

**Kaiārahi Whaitikanga /
Governance Team Leader**



[Seen by]

Becky Wolland

**Pouhautū Rautaki me te Whaitikanga /
Head of Governance and Strategy**



Te Kaahui o Rauru

5

19th August 2024

Maaori Wards
South Taranaki District Council
Te Haawera 4640
By email transmission – sara.dymond@stdc.govt.nz

Teena koe,

Establishment of Maaori Wards in South Taranaki District

With the introduction of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill to Parliament in May 2024 and its impact on the 2025 local elections, Iwi are again being asked for their opinion on Maaori Wards.

Te Kaahui o Rauru wrote strongly in opposition to the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill. There was no consultation undertaken with Maaori in developing the Bill and there was limited consultation undertaken with local government, indicative of the coalition Government's approach to upholding the Crown's Treaty obligations.

Te Kaahui o Rauru is of the view that the Bill:

- denies and decreases opportunities for Maaori to contribute to local government decision-making processes;
- once again exposes Maaori communities to the type of racism and abuse experienced in New Plymouth in 2015;
- undermines the relationship of mana whenua with the Crown.

This letter is to confirm that at the Te Kaahui o Rauru Trust hui held 11 August 2024, Te Kaahui o Rauru Trust reaffirmed their **continued support for Maaori wards at local elections in the South Taranaki District** (as well as in other local territorial areas that Ngaa Rauru Kiiitahi rohe encompasses). The Council should reaffirm its decision to introduce Maaori wards, and include a poll question on the 2025 local electoral voting papers asking to retain Maaori wards at the 2028 Local Election.

Naaku noa, naa

Renée Bradley
Tumu Whakahaere (Chief Executive Officer)



Karakia

6. Karakia

6

Ruruku Whakakapi – Closing Prayer

Unuhia, unuhia

Unuhia ki te uru tapu nui

Kia wātea, kia māmā te ngākau, te
tinana, te wairua i te ara takatū

Kia wātea, ka wātea, āe rā, kua wātea

Rire rire hau pai marire!

Draw on, draw on,

Draw on the supreme sacredness

*To clear, to free the heart, the body and the
spirit of mankind*

To be clear, will be clear, yes is cleared.

Deeply in peace!