

Wednesday 29 May 2024

Committee Secretariat
Justice Committee
Parliament Buildings
WELLINGTON 6160

Tēnā koutou Justice Committee

Kāpiti Coast District Council: Submission on the Local Government (Electoral Legislation and Māori Wards and Constituencies) Amendment Bill

1. Kāpiti Coast District Council (Council) appreciates the opportunity to submit on the Local Government (Electoral Legislation and Māori Wards and Constituencies) Amendment Bill.
2. While understanding the timing of the introduction of this Bill to inform local government representation reviews, Council is concerned that the Bill is being rushed through. However, we do note appreciation for the Justice Select Committee proactively reaching out to local government and iwi to secure time to speak to submissions to ensure that these respective views can be tabled.
3. Council supports the position of our mana whenua partners, which is to retain Māori wards and to reduce the threshold for establishing these wards to ensure Māori have greater access to decision-making at a local level. This would be inline with Te Tiriti obligations.

Opposition to the Amendment Bill

4. Council agrees and supports the position of Local Government New Zealand who have stated that reversing councils' ability to decide on Māori wards without polls is an overreach by central government and unfairly singles out Māori voters. Our mayor, along with 51 other Chairs and Mayors, signed the letter from Local Government New Zealand dated 22 May 2024 opposing the changes the Coalition Government are proposing to Māori ward provisions.
5. Council decided to establish a Māori ward for the Kāpiti Coast District on 14 November 2023 as a result of the consultation survey undertaken with its community and mana whenua partners in September 2023. The survey highlighted that, while the majority of respondents were not in favour of establishing a Māori ward in our rohe, our young people, our rangatahi, those on the Māori electoral roll (who are most directly affected by this

decision) and mana whenua strongly supported the establishment of a Māori ward for our district.

6. Council believes that those who are most impacted by a decision should have the chance to be heard. We are concerned that in a poll or referendum the preferred choice of Māori will not be visible because Māori are a minority group (ie they represent around 20% of our population). Council support acknowledging the special relationship with the Crown and community, as intended by Te Tiriti, which Māori hold meaning that it is important that we hear their view on this matter.
7. Providing opportunity for Māori to choose who locally represents their voice is an important part of democracy at a local government level, including that there is a choice for representation to not only be local but also for a representative that is Māori.

Selective re-introduction of polls creates inequity

8. We are concerned that re-introducing polls for Māori wards creates a higher procedural standard for Māori wards than applies to other decisions made in representation reviews. Polls reduce complex issues to a simple yes or no choice by encouraging voters to take sides. Referendums and polls do not provide an ability for a balancing of interests and the outcome depends on the majority's perception of specific communities of interests. Surveys on the other hand are able to contain open ended questions and elicit more nuanced views from the community that councils can use to form their final decisions considering all aspects of the consultation and process. Legislative frameworks need to have safeguards to make sure minority rights and communities of interest are considered.
9. Council believes that Māori wards should be treated like all other wards and decisions around changes to representation. The proposed Bill singles out Māori wards in an inconsistent way, interfering with wider devolution of decision-making that local government makes. This approach is inequitable irrespective of the constituency, Māori, rural or other community of interest it is applied to. Of note:
 - 9.1. Current legislation already requires councils to seek and consider community views on *all* representation arrangements.
 - 9.2. For all other representation arrangements representing specific communities of interest, such as rural wards, Council is not required to poll its community before deciding to establish such a general ward. Nor is the community able to demand a poll on these arrangements.
 - 9.3. This brings a degree of inconsistency which appears inequitable. The restoration of polls, and the requirement to hold a poll on Māori wards at the next election will place councils in a position where the majority view, rather than those most impacted, in communities decides whether a Māori ward should be established/retained; when upon balancing and deliberating various interests carefully, councils may reach a different decision.

Previous changes have increased Māori participation

10. The introduction of Māori wards in 2001 and the removal of the poll requirement in 2021 have meant more councils have chosen to establish a Māori ward providing good Māori representation. Since 2021 Māori representation in local government has increased from three councils up to 34 territorial authorities and seven regional councils establishing Māori wards by the end of 2023. The proposed provisions undermine important contributions that Māori are making in local government.

11. Ensuring Māori representation is accounted for in decision-making is required under the Local Government Act 2002 and while there are alternative mechanisms for participation in local government, these forms are not the same as having a dedicated seat at the Council table with full voting rights. Establishing a Māori ward is the only mechanism that guarantees Māori representation on the body that makes the final decision and it is the only mechanism that is embedded in the representation arrangements and follows a fully democratic process of electing a representative to Council.

Proposed Bill undermines local government and current Māori participation

12. The reintroduction of polls is sending a negative message about Māori wards and stirring racial rhetoric, division and discrimination against Māori in our local communities. It also undermines and distracts from the work Council has underway and diverts elected members' and council officers' focus from delivering infrastructure and managing costs in the midst of a cost-of-living crisis.

13. The announced Bill is expected to be enacted in July 2024, which coincides with councils needing to decide on their initial representation proposal under current legislation. The timing of the Bill has left Council in a difficult situation where we feel we are stuck between a rock and a hard place. Council will either have to rescind its decision to establish a Māori ward which will confuse and upset our communities of interest most affected due to the timing of just finishing preliminary community engagement, or our community will be asked to elect a Māori ward councillor at the 2025 local body elections while at the same time being polled on the future of the Māori ward.

14. Neither option is palatable and risks creating confusion and concern amongst the community. We do not believe that either option presents a positive outcome for our community and that the introduction of the Bill is undermining local governance.

Conclusion

15. We urge the Justice Committee to consider the intent and purpose of the Bill in light of feedback from the local government sector. Under New Zealand's representational democracy model, decisions about appropriate representation arrangements for local government should be left to local councils in partnership with mana whenua and their local communities.

16. We welcome the opportunity to attend the Justice Select Committee to discuss our submission.

Nāku, nā



Janet Holborow

**Mayor of Kāpiti Coast District Council
Koromatua o te Kaunihera a Rohe o Kāpiti**



Darren Edwards

Chief Executive | Te Tumuaki Rangatira