

QLDC Council
16 September 2021

Report for Agenda Item | Rīpoata moto e Rāraki take 10

Department: Corporate Services

Title | Taitara Submission – Changes to Māori ward and constituency processes

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

- 1 The purpose of this report is to present the submission made to Te Tari Taiwhenua the Department of Internal Affairs, with regard to its changes to Māori ward and constituency processes discussion document.
- 2 This report seeks Council's retrospective approval of the submission's content. The submission was made to Te Tari Taiwhenua the Department of Internal Affairs on 27 August 2021.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report; and
2. **Approve** retrospectively the contents of the submission (Attachment A).

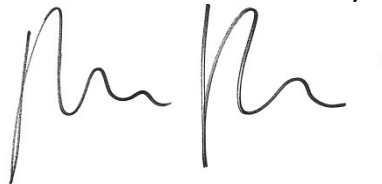
Prepared by:



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Strategy and Development
Manager, Corporate Services

2/09/2021

Reviewed and Authorised by:



Meaghan Miller
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Services

2/09/2021

CONTEXT | HOROPAKI

- 3 Te Tari Taiwhenua the Department of Internal Affairs consulted on its changes to Maori wards and constituency processes recently, with submissions closing on 27 August 2021.
- 4 The discussion document took the approach to:
 - Look at a requirement to consider Māori wards and views.
 - Align decision-making timings to a single set of timings.
 - Define opportunities for public input
 - Layout decision-making rights of the Local Government Commission.
 - Look at the process for the discontinuance of Māori wards.
 - Alignment of the use and types of polls in feedback among wards – general and Māori.

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 5 Queenstown Lakes District has an ever-increasing permanent resident population, this includes an increasing percentage of individuals identifying as Māori.
- 6 QLDC is broadly supportive of Te Tari Taiwhenua's changes to Māori wards and constituency processes discussion document and its intent to ensure equitable and logical voice and processes for Māori within local government.
- 7 QLDC's submission agreed with many of the recommendations throughout the document and made the following key points:
 - a. Decision timing should align to a single set of timings.
 - b. Public input should be sought with an extensive engagement process.
 - c. Decision-making should be equitable.
 - d. The discontinuance process should have consistency with the general wards.
 - e. The types of polls should be consistent and look at non-binding polls alone.
- 8 Councillors have had opportunity to view and comment on the attached submission prior to its inclusion in the process but did not have the opportunity to formally approve the submission at a council meeting in advance of the submission deadline.
- 9 Option 1: to retrospectively agree the contents of the attached submission.

Advantages:

10 The submission will remain in Te Tari Taiwhenua's process and QLDC will have participated effectively.

Disadvantages:

11 There are no clear disadvantages to this option.

12 Option 2: to request the withdrawal of the attached submission from Te Tari Taiwhenua's process.

Advantages:

13 The submission will be withdrawn from Te Tari Taiwhenua's process and any inaccurate representations of QLDC's position will not be considered.

Disadvantages:

14 No aspect of QLDC's position will be represented in the process.

15 This report recommends **Option 1** for addressing the matter (if representative of the council's position) to ensure that QLDC participates effectively in the consultation process.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

16 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy. This advice deals with a matter of interest to a range of individuals, organisations, groups and sectors in the community.

17 The persons who are affected by or interested in this matter are all residents and ratepayers of the Queenstown Lakes District communities.

> MĀORI CONSULTATION | IWI RŪNANGA

18 No specific or distinct consultation has been undertaken with iwi in preparing this submission.

19 RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

20 This matter relates to the Strategic/Political/Reputation. It is associated with RISK00038 within the QLDC Risk Register. This risk has been assessed as having a low inherent risk rating.

21 The approval of the recommended option will support the Council by allowing us to implement additional controls for this risk. This shall be achieved by monitoring future changes in legislation based on the advice to government, in particular addressing those issues that directly affect QLDC and the Queenstown Lakes District community.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

22 There are no financial implications.

COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA

23 The following Council policies, strategies and bylaws were considered:

- The outcomes and principles of the Vision Beyond 2050, in particular – Disaster-defying resilience and Zero carbon communities

LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA

24 Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. The recommended option:

- Can be implemented through current funding under the Ten Year Plan and Infrastructure Strategy;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council.

ATTACHMENTS | NGĀ TĀPIRIHANGA

A	QLDC Submission to Te Tari Taiwhenua the Department of Internal Affairs Changes to Māori wards and constituency processes discussion document
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27 August 2021

Via email: localelections@dia.govt.nz

Dear Sir / Madam,

SUBMISSION TO THE CHANGES TO MĀORI WARD AND CONSTITUENCY PROCESSES DISCUSSION DOCUMENT

Thank you for providing the Queenstown Lakes District Council (QLDC) with the opportunity to submit on the abovementioned discussion document. QLDC welcomes the move by Te Tari Taiwhenua Department of Internal Affairs to review Māori wards and processes.

QLDC broadly supports the direction and goals within the discussion document and this submission defines key details and recommendations under each section. In summary, QLDC supports the requirement to consider and recommends that:

- Decision timing should align to a single set of timings
- Public input should be sought with an extensive engagement process
- Decision-making be equitable
- The discontinuance process should have consistency with the general wards
- The types of polls should be consistent and look at non-binding polls alone

QLDC would welcome the opportunity to be heard on its submission. It should be noted that this submission represents the view of officers and has not yet been ratified by full council.

Yours faithfully,



Jim Boulton
Mayor



Mike Theelen
Chief Executive

1.0 Background

- 1.1 QLDC holds responsibility for representing the voice, wellbeing and reputation of the district and its residents and ratepayers in advocating to central government on matters of significance.
- 1.2 The district has an ever-increasing permanent resident population – this included an increasing percentage of individuals identifying as Māori¹.
- 1.3 QLDC partners with Kāi Tahu, Aukaha and Te Ao Marama to ensure Māori perspective is heard and considered².

2.0 Introduction

- 2.1 QLDC supports the intent of Te Tari Taiwhenua Department of Internal Affairs to ensure fair and effective representation of communities in both Māori and general wards.
- 2.2 QLDC is generally supportive of the creation of Māori wards and the alignment with the general ward timelines, however, there are no Māori wards in the Queenstown Lakes District at this time.

3.0 Requirement to consider

- 3.1 QLDC does not currently have Māori wards to consider. However, QLDC considers the needs of local Māori communities and residents through consultation with local iwi and Māori organisations such as Aukaha and Te Ao Marama. As such, making it a requirement to have Māori wards is not the only mechanism to ensure effective partnership, protection and participation of Māori.
- 3.2 QLDC supports the requirement to consider. However, QLDC recommends that the Department of Internal Affairs and the Local Government Commission prepares guidelines on best practice, consideration and consultation with their local iwi and Māori communities where a Māori ward is not the appropriate way forward.

4.0 Timing of decisions

- 4.1 The five-yearly timing for Māori wards does not align with the electoral cycle which is every three years. The general and local elections have the same cycle, and the option could align and be three-yearly (thereby also aligning with the six-yearly requirement for councils to review their representation arrangements). Alternatively, people could be given the option to change rolls at more frequent intervals or be given the flexibility to change at any time.
- 4.2 QLDC supports moving all decisions to a single set of timings with councils making decisions following a single community consultation process. This would enable the community to accurately understand and feedback on representation proposals as a whole. It avoids the potential for community confusion or multi-step consultation within the community. This will provide greater clarity and certainty for the community.

¹<https://www.stats.govt.nz/tools/2018-census-place-summaries/queenstown-lakes-district#population-and-dwellings>

² Aukaha and Te Ao Marama are planning and consultancy companies mandated to represent Ōtākou and Murihiku rūnaka

5.0 Opportunities for public input

- 5.1 It is not tenable to suggest that councils should not engage with communities when making decisions on the establishment or disestablishment (should the option be available) of Māori wards. Community engagement is not a referendum or poll – the weight of numbers for or against a proposal is not determinative in and of itself. The requirement on local authorities is to consider feedback with an open mind and be open to change.
- 5.2 There should be a process of engagement with the wider community, and some obligation to undertake an additional process for engaging specifically with Iwi, Hāpu and Māori. When consultation on Parliamentary representation is undertaken it is with the general community with targeted engagement with Māori. QLDC recommends that a consistent approach is undertaken in relation to Māori wards.
- 5.3 Engagement with local communities regarding Māori wards should be undertaken on a case-by-case basis and consultation with the community should be the same as with general wards.

6.0 Decision-making rights

- 6.1 Currently the Local Government Commission has the ability to appeal and change local decisions within the general wards. However, this is not the case with Māori wards where local decisions are final. QLDC does not consider this to be equitable as it will create different power structures and accountability mechanisms between the general and Māori wards as well as between different districts across the country. QLDC recommends therefore, that the Māori ward decision-making rights with the Local Government Commission is the same as that of the general wards.

7.0 Discontinuance process

- 7.1 QLDC is of the view that for consistency with general wards a council should consult with its community as to whether it wishes to discontinue Māori wards and that this should be reviewed after every two elections as it is currently legislated. However, QLDC is not opposed to moving to a single election review cycle, the same as for general wards.

8.0 Types of polls

- 8.1 QLDC is of the opinion that inconsistency between binding and non-binding polls between Māori wards and general wards does not lend itself to equitable consultation and consideration. Therefore, QLDC would recommend that the legalities around binding and non-binding polls should be the same for both Māori and general wards. Furthermore, given that there have been no binding polls within the general wards across local government, the distinction is not relevant to consultation efficiency or equity between wards.
- 8.2 A poll does not help build an understanding of community sentiment, beyond simplistic and binary questions.

8.3 QLDC supports the use of non-binding polls alone and considers that these should be the only type of polls that councils can initiate on any matter at any time.

9.0 Summary

9.1 In summary, QLDC supports the requirement to consider and recommends that:

- Decision timing should align to a single set of timings
- Public input should be sought with an extensive engagement process
- Decision-making be equitable
- The discontinuance process should have consistency with the general wards
- The types of polls should be consistent and look at non-binding polls alone