



**The Extraordinary Meeting of the  
Kawerau District Council will be  
held on Wednesday 22 November 2023  
commencing at 9.00am**

**A G E N D A**

## **GUIDELINES FOR PUBLIC FORUM AT MEETINGS**

1. A period of thirty minutes is set aside for a public forum at the start of each Ordinary Council or Standing Committee meeting, which is open to the public. This period may be extended on by a vote by members.
2. Speakers may address meetings on any subject. However, issues raised must not include those subject to legal consideration, or be issues, which are confidential, personal, or the subject of a formal hearing.
3. Each speaker during the public forum is permitted to speak for a maximum of three minutes. However, the Chairperson has the discretion to extend the speaking time.
4. Standing Orders are suspended for the duration of the public forum.
5. Council and Committees, at the conclusion of the public forum, may decide to take appropriate action on any of the issues raised.
6. With the permission of the Chairperson, members may ask questions of speakers during the period reserved for public forum. Questions by members are to be confined to obtaining information or clarification on matters raised by the speaker.

**The Extraordinary Meeting of the Kawerau District Council  
will be held on Wednesday 22 November 2023  
commencing at 9.00am**

## **A G E N D A**

**Opening Prayer**

**Apologies**

**Leave of Absence**

**Public Forum**

**Declarations of Conflict of Interest**

Any member having a “conflict of interest” with an item on the Agenda should declare it, and when that item is being considered abstain from any discussion or voting. The member may wish to remove themselves from the meeting while the item is being considered.

**1 Electoral Decisions – Establishing One or More Māori Wards for the Kawerau District (Communications and Engagement Manager) (110400)**

**Pgs. 1 - 32**

Attached is a report from the Communications and Engagement Manager on Electoral Decisions – Establishing One or more Māori Wards for the Kawerau District.

**Recommendations**

1. *That the report “Electoral Decisions – establishing one or more Māori wards for the Kawerau district” be received.*
2. *That pursuant to section 19ZA of the Local Electoral Act 2001 Council resolves to establish one or more Māori wards for the Kawerau District for the 2025 and 2028 triennial elections; OR*
3. *That pursuant to section 19ZA of the Local Electoral Act 2001 Council resolves not to establish one or more Māori wards for the Kawerau District; AND*
4. *As per an earlier Council resolution on 6 September 2023, that regardless of whether one or more Māori wards are established Council undertakes a representation arrangements review with an initial proposal required no earlier than 20 December 2023 and no later than 31 July 2024.*

<b><u>Meeting:</u></b>	Extraordinary Council
<b><u>Meeting Date:</u></b>	22 November 2023 at 11:00am
<b><u>Subject:</u></b>	Electoral Decisions – establishing one or more Māori wards for the Kawerau district
<b><u>File No:</u></b>	110400

## 1 **Purpose**

The purpose of this report is to provide the Council with the an overview of the process and to summarise the feedback and submissions received during the engagement undertaken from September through to November 2023 with Tangata Whenua Iwi, stakeholders and the community regarding the establishment of one or more Māori wards for the Kawerau district.

To ensure that elected members have all the information required, please note that there are three appendices with this report:

1. Māori ward/s for Kawerau District Council? – Summary of Responses Report
2. Māori ward/s for Kawerau District Council? – Table of feedback and survey responses
3. Election Services' presentation Rohenga Māori | Māori Wards (presented throughout the engagement process).

*Please note:* Election Services' Electoral Officer Dale Ofoske and Ben Roser will attend the Extraordinary Meeting via zoom.

## 2 **Background**

In 2020, Council decided not to establish Māori ward/s. Council subsequently heard from submitters in 2021, during the Representation Arrangements Review, that people wanted to have their say on whether to establish one or more Māori wards for the Kawerau District.

Council agreed at the time to carry out a more robust review and hear the views of Tangata Whenua Iwi and our community prior to making a decision next time.

At the Council Meeting on 28 September 2021, elected members resolved to adopt the representation arrangements proposal for the 2022 and 2025 Council elections.

This comprised Council resolving to:

1. retain the First Past the Post electoral system for voting;
2. retain eight councillors plus the Mayor;

3. and to consult and engage with Tangata Whenua Iwi and the community regarding the establishment of one or more Māori wards for the Kawerau district.

As part of Council's considerations of establishing Māori ward/s for the 2025 and 2028 triennial elections, Council has undertaken a thorough engagement project to ensure that we built knowledge of what Māori ward/s would look like for Kawerau, and to ensure Tangata Whenua Iwi and the community have the opportunity to provide feedback as part of the decision-making process.

With 61.7% of Kawerau's population identifying as Māori (2018 Census), Council may wish to consider the views and preferences of Tangata Whenua Iwi in making this decision, along with the feedback from residents and the wider community.

### **3 Processes and Decisions Required**

The electoral process requires Council to make a succession of decisions under the current Local Electoral Act 2001.

A series of workshops were held to update Council about their obligations under the Local Electoral Act 2001 by Election Services Electoral Officer Dale Ofsoske from May through to September 2023. These briefings covered:

- the electoral system First Past the Post or Single Transferrable Voting systems, representation arrangements review and community engagement strategy;
- establishing one or more Māori wards and how it could work in the Kawerau District;
- representation arrangements review should Council establish one or more Māori wards for the district.

At an Extraordinary Meeting on 6 September 2023, Council resolved to retain the First Past the Post electoral system. This met the legislative deadline of 12 September 2023.

At the 6 September meeting, Council resolved to engage with Tangata Whenua Iwi and the community regarding the establishment of one or more Māori wards for the Kawerau District.

In addition, Council resolved on 6 September 2023, to undertake a Representation Arrangements Review by 8 August 2024 *regardless* of Council's decision to establish one or more Māori wards for the district.

The 23 November 2023, is the final date for councils to adopt in principle the decision to establish one or more Māori wards for their districts for the 2025 and 2028 triennial elections.

## Engagement Processes Undertaken

Election Services' Election Officer Dale Ofoske has supported Council through this engagement process as an independent electoral expert to ensure the facts of establishing one or more Māori wards for the district are understood by Council, Tangata Whenua Iwi, residents and the community, and to build knowledge and answer queries regarding the electoral system.

Council wishes to acknowledge the support of Council's Cultural Advisor Ngāti Tūwharetoa ki Kawerau Kaumātua Te Haukakawa throughout this process.

### *Hui with Tangata Whenua Iwi Māori:*

Council met with Tūwharetoa ki Kawerau Hauora Trust Board on 22 September 2023. The attendees included Whakatāne District Councillor Toni Boynton who was invited to the hui as she has been integral in establishing Māori wards in that district prior to the 2022 local government elections. Cr Boynton was elected unopposed to the Kāpū Te Rangi Māori Ward in 2022.

Tūwharetoa ki Kawerau Hauora Trust wished to canvas the views of Tangata Whenua following the presentation. Tūwharetoa ki Kawerau Hauora Trust Co-Chair and Kaumātua / Iwi Leader Hone Te Rire maintained the view in line with his 2021 Representation Arrangements Review submission that Kawerau District Council should establish Māori ward/s. Mr Te Rire will present his submission to Council at the Extraordinary Meeting. The submission received from Tūwharetoa ki Kawerau Hauora Trust Co-Chair / Kaumātua Hone Te Rire on behalf of the organisation states:

*"What is good for Kawerau will be good for Māori, and what is good for Māori will be good for Kawerau. A Tiriti o Waitangi proviso more so around Article 1 - right to govern = representation at the Council table. I support unreservedly the creation of a Māori Ward for Kawerau - Tangata Whenua and other iwi Māori who reside in Kawerau have rights to be at the decision table for their rohe, mana whenua".*

Council received a submission from Tūwharetoa ki Kawerau Hauora Trustee and Kaumātua Dot Mareroa who maintains her support for the establishment of Māori ward/s in line with her original submission in 2021. This submission states:

*"Although Kawerau is quite unique in that we've always had a large number of Māori representation on the Council, that doesn't necessarily mean that a specific Māori perspective is present in the Council Chambers. For me personally, the introduction of Māori wards will help to address Māori inequity and the Council's obligations to honour Te Tiriti o Waitangi. So my vote as a mana whenua would be:*

*1 district-wide Māori ward electing 4 councillors  
1 district-wide general ward electing 4 councillors".*

Council reached out to hui with the Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust that represents the Kainga and the collective interests of beneficiaries as a result of the Wai 62 Claim settled with the Crown in 2005.

Election Services' Election Officer Dale Ofoske and his team member Ben Roser presented the Rohenga Māori | Māori Wards information to the Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust at a board meeting on 14 November 2023. The invitation has been extended to Ngāti Tūwharetoa (Bay of Plenty) Settlement Trust to provide feedback to the Council prior to and/or at the Extraordinary Meeting on 22 November 2023.

A hui was held at Rautahi Marae hosted by the Kaumātua Waraki Te Ruki as the Chair of the Rautahi Marae Committee. Hosted in the wharenuī, this was a public hui held on 25 September 2023. Some 20 members of the public attended, albeit the wet weather most likely hampered the turnout.

#### *Community Hui / Meetings:*

Another public hui | meeting was held on the evening of 25 September 2023 at the Concert Chamber. This was attended by approximately 25 members of the public and a good range of questions were received and answered.

The final two hui, were held at Tarawera High School on Monday, 9 November with between 50 and 60 tauira | students (year 11, 12 and 13) and teachers attending during school hours. The final public meeting was held that evening at Tarawera High School and had a low turnout with less than half a dozen people.

### **Communication and Engagement Methods**

Council has publicised and presented information at a series of hui | meetings via the independent lens of Election Services' Election Officer. This provided an open forum where residents could hear the facts, build knowledge, ask questions and pose scenarios. Most meetings have been amicable, despite at times, strong opinions for and against the establishment of Māori ward/s.

In addition, information has been widely publicised online via Council online communication channels including the website, social media (Facebook and Instagram). An online survey has been open for feedback from Tuesday, 26 September until Friday, 10 November 2023.

Council has published a summary information flyer and delivered information via the Council's Community Pānui | Update to residents' homes on:

- 22 September (information and engagement meeting dates)
- 3 October (information, meeting dates and hard copy feedback form)
- 19 October (information and hard copy feedback form).

In addition, Council staff have answered queries by phone and via email, in response as required. Additionally, residents have the ability to contact Councilors directly.

Information and the process being undertaken has been shared to the Eastern Bay media that service the Kawerau rohe | area with articles subsequently published in the Beacon newspaper and news bulletins on Radio 1XX. More than 165 survey responses were received (See appendices).

## 4 Options

The options are for Council to agree in principle:

1. To establish one or more Māori wards for the Kawerau District for the 2025 and 2028 triennial elections.

Example: 8 *councillors* with Māori ward(s)

- 4 Māori ward councillors
- 4 general ward councillors

*Could have:*

- 1 district-wide Māori ward electing 4 councillors; and
- 1 district-wide general ward electing 4 councillors;

*OR*

- 1-4 Māori wards electing total 4 councillors; and
- 1-4 general wards electing total 4 councillors

*OR*

- a mixture of general and Māori ward councillors, and some “at-large” councillors

2. To decline to establish Māori wards and to continue with 8 councillors elected “at-large” (meaning all councillors are elected from the whole district) for the 2025 triennial elections.

This decision means Council could re-consider establishing one or more Māori wards in 2026, for the 2028 and 2031 triennial elections.

## 5 Significance and Engagement Considerations

The decision to establish one or more Māori wards for the district meets the threshold for Council’s significance and engagement policy.

Council’s obligations under Te Tiriti o Waitangi require appropriate engagement and consideration of the views of Tangata Whenua Iwi with regard to the establishment of one or more Māori wards in the Kawerau rohe | district.

## 6 Legal Considerations

Council must meet the legislative requirements of the Local Government Act 2002 that requires Council to:

- take appropriate account of the principles of Te Tiriti o Waitangi | the Treaty of Waitangi



- maintain and improve opportunities for Māori to contribute to local government decision-making processes

The Local Electoral Act 2001 enables councils to establish one or more Māori wards. These are similar to Māori Parliamentary seats, where Māori wards would sit alongside general wards.

## 7 **RECOMMENDATIONS**

1. *That the report “Electoral Decisions – establishing one or more Māori wards for the Kawerau district” be received.*
2. *That pursuant to section 19ZA of the Local Electoral Act 2001 Council resolves to establish one or more Māori wards for the Kawerau District for the 2025 and 2028 triennial elections; OR*
3. *That pursuant to section 19ZA of the Local Electoral Act 2001 Council resolves not to establish one or more Māori wards for the Kawerau District; AND*
4. *As per an earlier Council resolution on 6 September 2023, that regardless of whether one or more Māori wards are established Council undertakes a representation arrangements review with an initial proposal required no earlier than 20 December 2023 and no later than 31 July 2024.*



Tania Humberstone

### **Manager Communications and Engagement**

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## **Appendices**

1. Māori ward/s for Kawerau District Council – Summary of Responses Report
2. Māori ward/s for Kawerau District Council – Table of feedback and survey responses
3. Election Services’ presentation Rohenga Māori | Māori Wards.

## Rohenga Māori | Māori Wards

# Te Kaunihera ā Rohe o Kawerau | Kawerau District Council Engagement 2023

# Background

- Local Government Act 2002 requires Council to
  - take appropriate account of the principles of Te Tiriti o Waitangi | the Treaty of Waitangi
  - maintain and improve opportunities for Māori to contribute to local government decision-making processes ∞
- Local Electoral Act 2001 enables councils to establish one or more Māori wards
- similar to Māori Parliamentary seats, Māori wards would sit alongside general wards

# Background

- in 2020, Council decided not to establish Māori wards
- Council wants to carry out a more robust review before making the decision this time
- Council is considering establishing Māori wards for the 2025 triennial elections
  - wishes to consult with Tangata Whenua Iwi and community before making its decision
  - has until 23 November 2023 to decide
- 61.7% of Kawerau's population identify as being Māori (2018 Census)

# Current arrangements



- mayor
- 8 councillors elected “at-large”  
(meaning all councillors are elected from the whole district or ward)

# Explanations of wards and electors

- wards = areas where councillors are elected (Māori or general)
- wards are based on geographic / district boundaries
- in Kawerau all councillors are currently elected from the entire district “at-large”
- electors = people who are enrolled and can vote
- Māori wards aim to have a Māori voice on Council

# What are Māori wards?

- only electors on the Māori electoral roll (from Parliamentary Māori Roll) can vote in a Māori ward
- only electors on the general electoral roll (from Parliamentary General Roll) can vote in a general ward
- an elector cannot vote in both a Māori ward and a general ward at the same time
- all electors vote for the mayor

# What are Māori wards?

- any elector (on the general or Māori electoral roll)
  - can stand for a Māori ward, **but** must be nominated by two electors on the Māori electoral roll
  - can stand for a general ward, **but** must be nominated by two electors on the general electoral roll
- a person cannot stand for both a Māori ward and a general ward at the same time
- a person can stand for a ward (Māori or general) and mayor



# Māori wards process

- carry out consultation
- do iwi/hapū want Māori wards?
- other options available instead / as well as?
  - Māori standing committees
  - appoint members to committees
  - working parties
  - iwi partnership models

However, these other options, do **not** have voting rights

## Māori wards process

- every 3-years council can consider whether to establish one or more Māori wards
- council decision required by 23 November 2023
- if Council decides to have Māori wards, in place for minimum two triennial elections (2025, 2028)
- if Council decides not to have Māori wards, the decision can be reviewed again in 2026 (for 2028 triennial election)

# How many Māori wards for Kawerau?

- formula in legislation
  - $nmm = mepd / (mepd + gepd) \times nm$
  - $nmm = \text{number Māori members}$
  - $mepd = \text{Māori electoral population of district}$
  - $gepd = \text{general electoral population of district}$
  - $nm = \text{total number members}$
- 3,480\* Māori Electoral Population (44.84%)
- 4,280\* General Electoral Population (55.16%)
- if 8 councillors retained:
  - 4 Māori councillors (3.59 rounded to 4) elected from 1-4 Māori wards
  - 4 general councillors – elected from 1-4 general wards

\*2022 Department of Statistics population estimates

# How many Māori wards for Kawerau?

Example: 8 councillors with Māori ward(s)

- 4 Māori ward councillors
- 4 general ward councillors

*Could have:*

- 1 district-wide Māori ward electing 4 councillors; and
- 1 district-wide general ward electing 4 councillors;

*OR*

- 1-4 Māori wards electing total 4 councillors; and
- 1-4 general wards electing total 4 councillors

*OR*

- a mixture of general and Māori ward councillors, and some “at-large” councillors

## Other councils with Māori wards

- currently 35 councils have Māori representation
  - 29 city/district councils
  - 6 regional councils
- Examples of councils with Māori wards:
  - Wairoa District Council (5,563 electors)  
*6 councillors*
    - 3 from one Māori district-wide ward
    - 3 from one general district-wide ward

## Other councils with Māori wards

- Whakatāne District Council -25,887 electors  
*10 councillors*
  - 3 from three Māori wards
  - 7 from three general wards
- Gisborne District Council (33,948 electors)  
*13 councillors*
  - 5 from one Māori district-wide ward
  - 8 from one general district-wide ward

## Other councils with Māori wards

- Rotorua Lakes Council (48,000 electors)  
*10 councillors*
  - 3 from one Māori district-wide ward
  - 7 from two general wards
- Bay of Plenty Regional Council (224,000 electors)  
*14 councillors*
  - 3 from three Māori constituencies
  - 11 from four general constituencies

# Where to from here?

- if Māori wards to be established
  - must apply for at least two triennial elections
  - must undertake a representation review
    - total number of councillors
    - number Māori and general councillors
    - number, names and boundaries of wards
    - whether to have community boards (including number, names, membership, boundaries)



# Where to from here?

- Kōrero mai! Council has been consulting with Iwi and community groups
- Views compiled and presented to Council for consideration
- Tangata Whenua Iwi and residents can present their submissions to elected members at the public forum from 11.00am on Wed, 22 November 2023.
- Council meets at 11:00am Extraordinary Meeting on Wednesday, 22 November to decide whether to establish one or more Māori wards for 2025 and 2028 elections.
- Under the Local Electoral Act 2001, Council (Elected Members) must decide by 23 November 2023 for Māori ward/s to be implemented for the 2025 triennial elections.
- If Council chooses not to establish Māori ward/s they can consider the matter again in 2026 (for the 2028 elections)

# Questions? / He Patai?

Election Services 0800 922 822

## Feedback to Council

- Tangata Whenua Iwi and residents can present their submissions to elected members at the public forum of the Extraordinary Meeting from 23 11.00am on Wednesday, 22 November 2023 (Council Chambers)
- Following the public forum at the Extraordinary Meeting, Council (elected members) will make a decision whether to establish one or more Māori wards for 2025 and 2028 elections
- Under the Local Electoral Act 2001, Council must decide by 23 November 2023

## **Rohenga Māori | Māori Wards**

**Te Kaunihera ā Rohe o Kawerau | Kawerau District Council**

**2023**



# Kōrero Mai – Let's Get Talking about Māori wards for Kawerau District Council?

## Summary and Graphs of Submissions Received

22 November 2023

# Kōrero Mai – Let's Get Talking about Māori wards for the Kawerau District Council?

## **Survey to canvas the views of residents in the Kawerau community:**

### Communication Platforms:

Kawerau District Council Website, Facebook, Instagram

Hardy Copy Survey Form via Community Pānui in two consecutive issues

Survey forms and drop-off points at the Council Office, District Library and Kawerau i site

### Survey Dates:

Opened Monday, 25 September – 10 November 2023

Total responses: 165

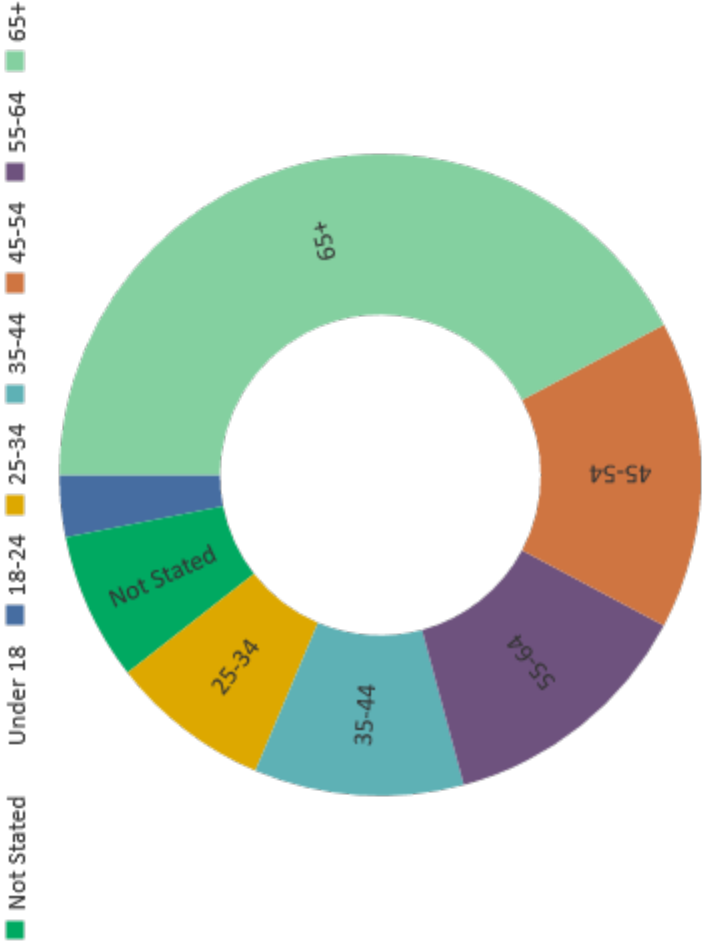
Website (43) Social Media (FB/IG) (50) Hard copy responses (69) Email (3)

*Note: The methodology utilised standard Census demographics and ethnicity choices.*



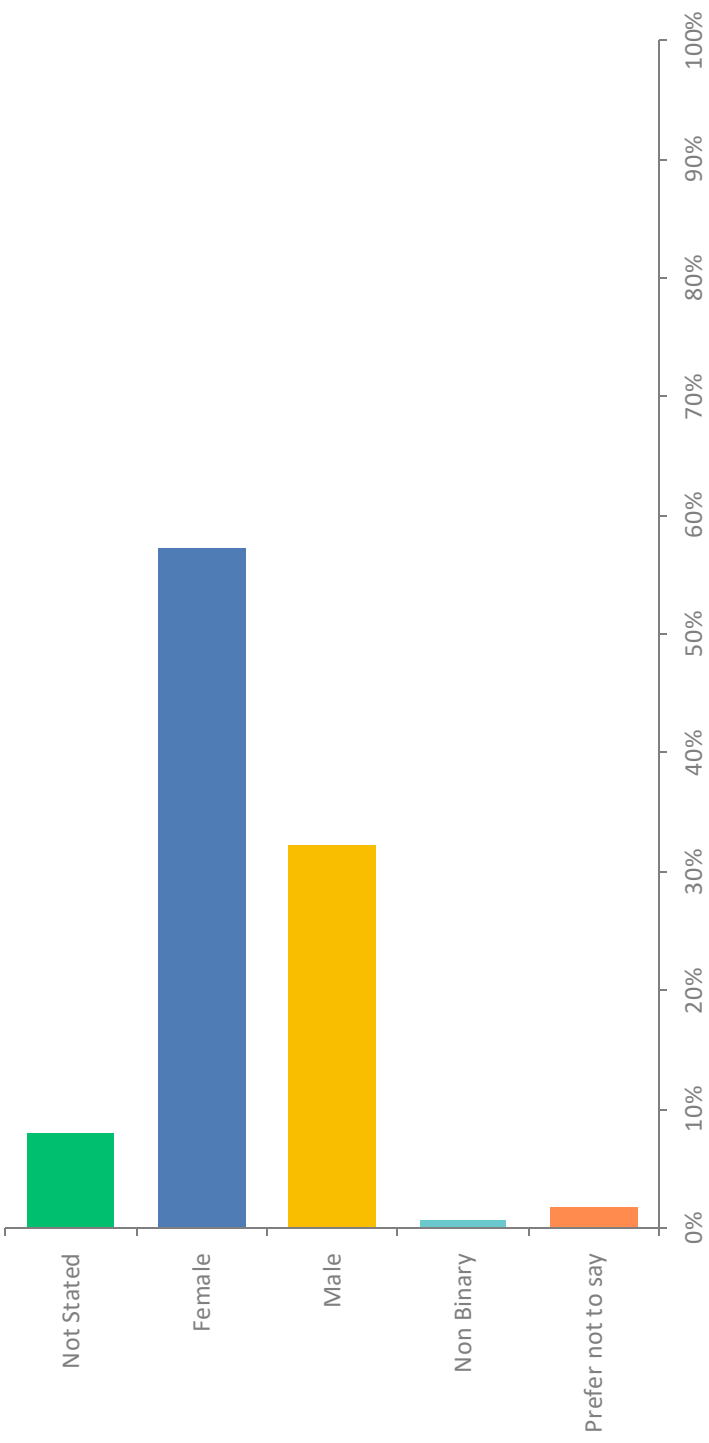
# Q4: What is your age?

Answered: 165 Skipped: 0



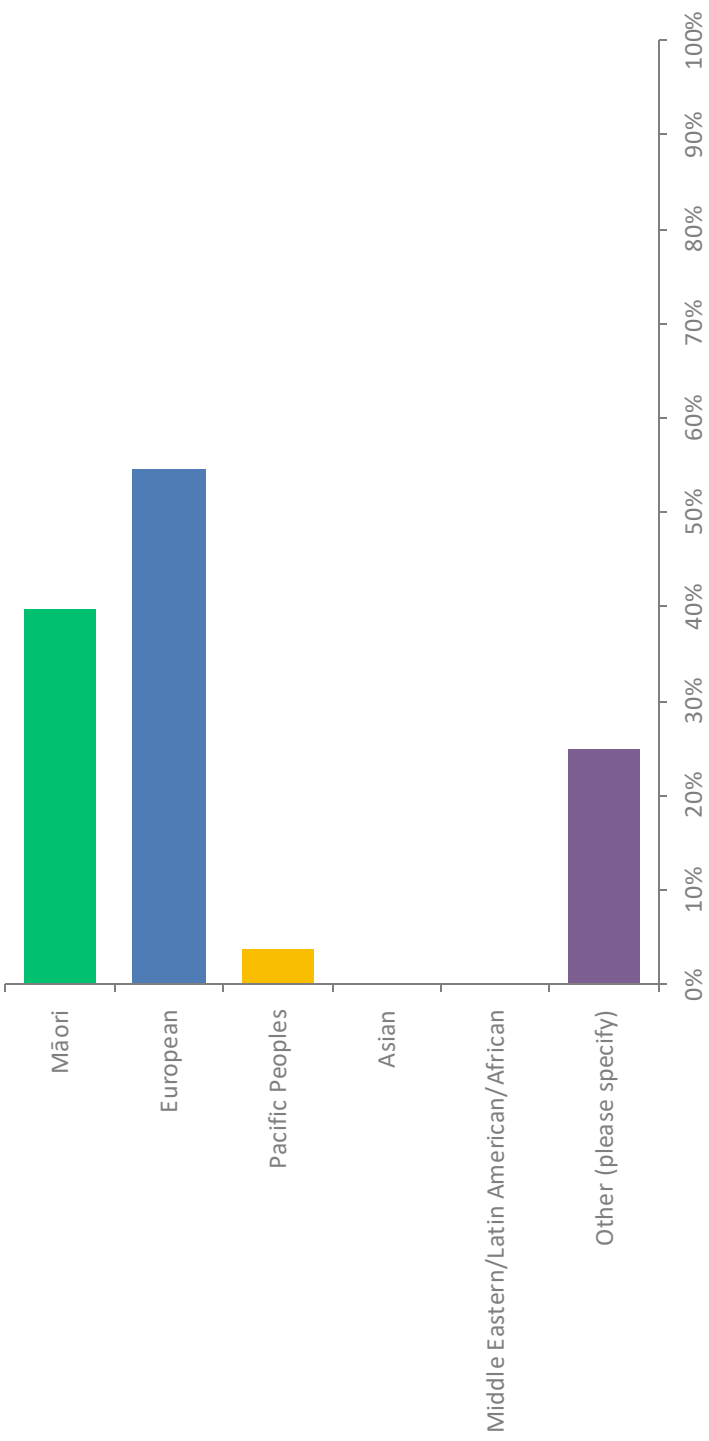
# Q5: What is your gender?

Answered: 165 Skipped: 0



# Q6: Ethnicity – as per the Census demographics:

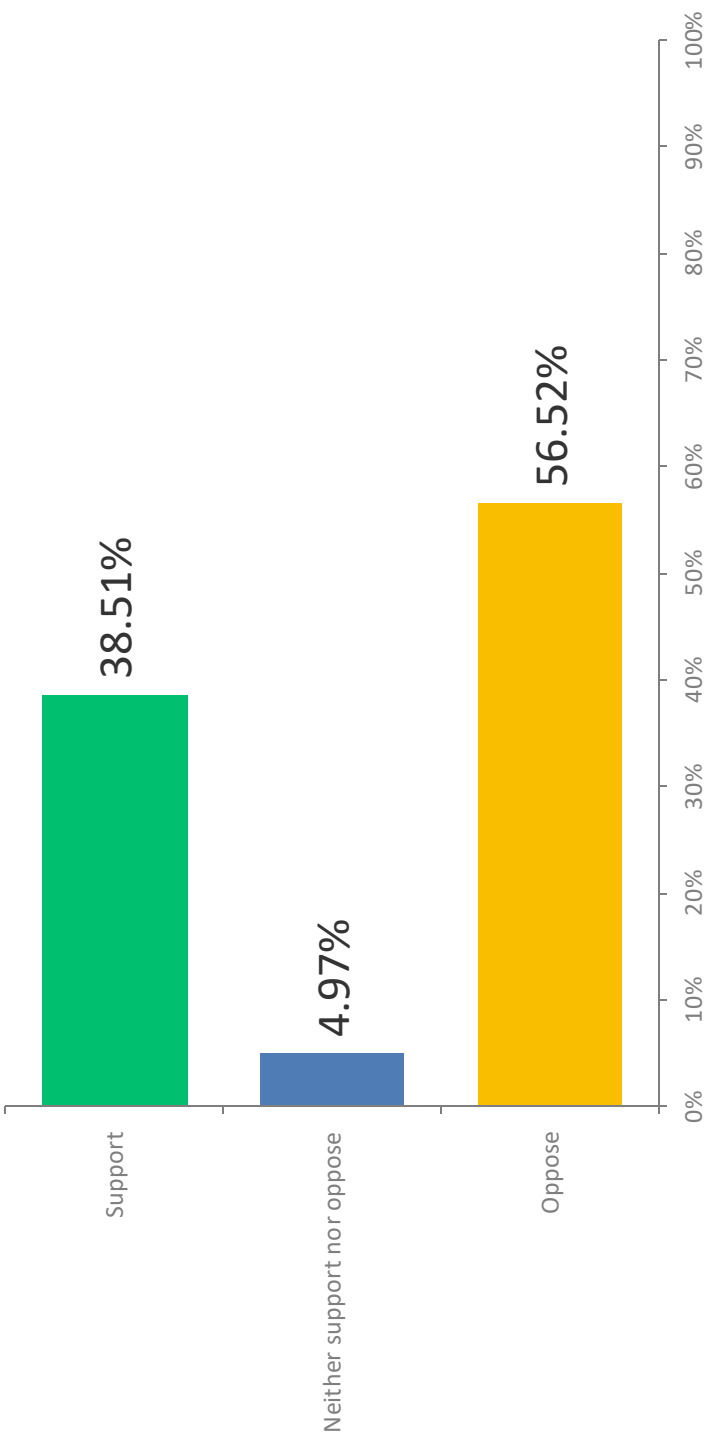
Answered: 165 Skipped: 0



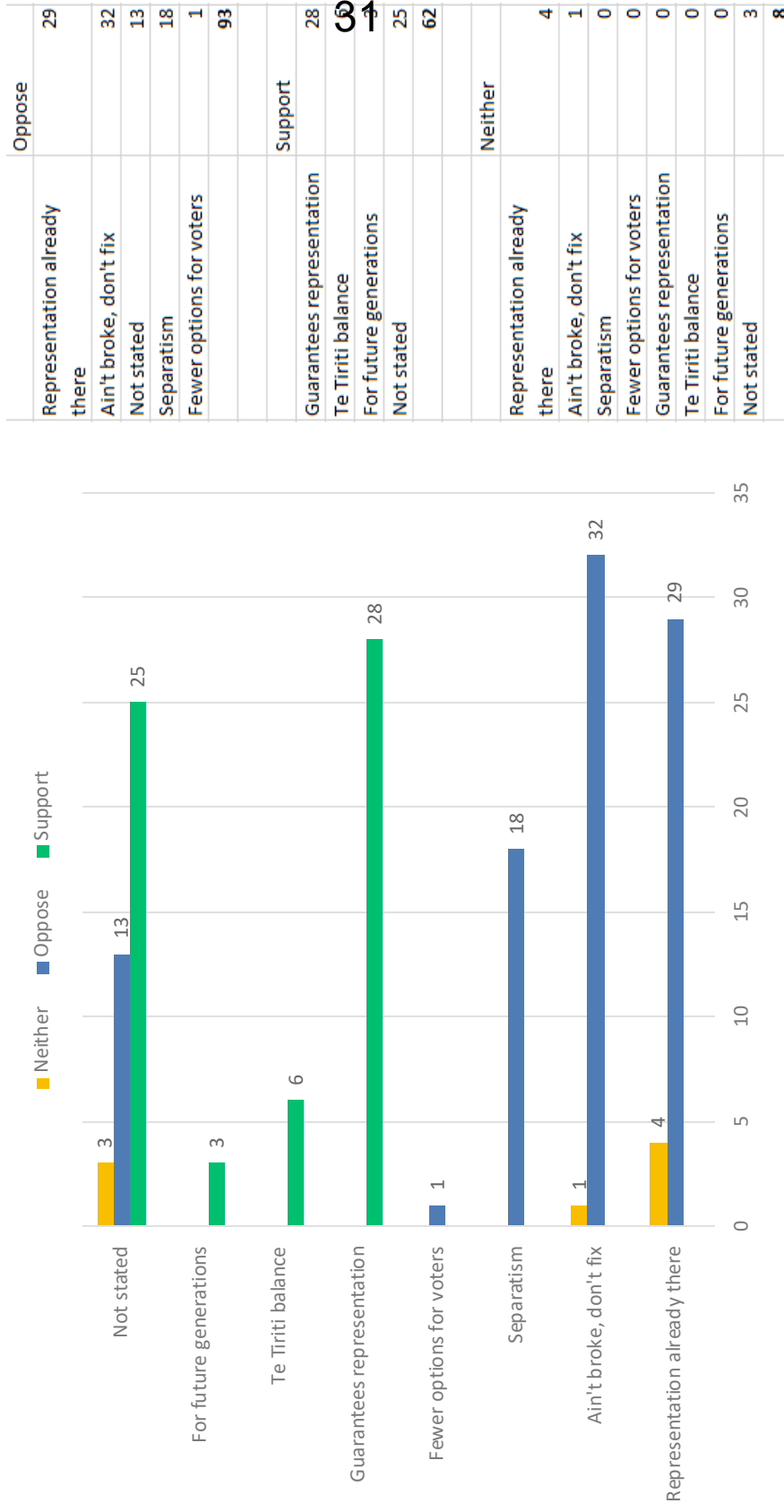


# Q7: Do you support establishing Māori Wards in the Kawerau District?

Answered: 165 Skipped: 0



# Q7: Breakdown of reasons in support or opposing Māori Wards



## Q7: Do you support establishing Māori Wards in the Kawerau District?

Answered: 161 Skipped: 0

ANSWER CHOICES	RESPONSES
Support	38.51% 66
Neither support nor oppose	4.97% 8
Oppose	56.52% 91
<b>TOTAL</b>	<b>165</b>

**Note:** In the earlier weeks of the survey, where the majority of responses were completed online, the survey results showed the majority of respondents were in 'support' of establishing one or more Māori wards.

Following that period, there were a large number of hard copy feedback forms received back to Council (Offices, isite and Library) via the Council Community Update.

These responses were generally from an older demographic, aged 65 plus that were largely opposed to establishing one or more Māori wards.