

29 May 2024

Introduction

The Kawerau District Council represents the more than 7,820 residents of the Kawerau community. We represent a community unlike any other in New Zealand. We count one of the highest proportions of Māori residents - 63 percent - and one of the highest proportions of fluent and conversational te reo Māori speakers - 19 percent. Kawerau is also the birthplace of Tūwharetoa i te Aupōuri, the founding ancestor of Ngāti Tūwharetoa, and ancestor from whom the tangata whenua of Kawerau can source their mana tupuna, mana whenua, and mana tangata. As the Kawerau District Council we are mindful of this legacy and the responsibilities we owe to tangata whenua. We are also mindful that, as the only Council with a Māori Mayor and Māori Deputy Mayor, we also owe responsibilities to the maataawaka iwi who make up the community of Kawerau. Therefore, as part of our responsibilities to tangata whenua and maataawaka of Kawerau, we submit opposing the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill.

In November 2023 the Kawerau District Council voted to establish Māori wards at the 2025 local elections.

1. Representative democracy

- 1.1. Local government, like central government, functions on the principle of representative democracy. That is, the voters elect members of their community to make decisions on their behalf. This is the most efficient form of government. Under a representative democracy residents and citizens delegate decision-making power to their representatives who are accountable in three-yearly electoral cycles. Representative democracy eliminates the inefficiencies of direct democracy where citizens or residents must engage and vote issue-by-issue in public referenda.
- 1.2. The Amendment Bill before the Committee undermines representative democracy, carving out Māori wards and constituencies and applying direct democracy. But why subject Māori wards and constituencies to referenda? Why not subject all wards and constituencies to referenda? Carving out Māori wards and constituencies and applying direct democracy creates an irrationality in the law. It singles out te iwi Māori for special scrutiny while exempting other wards and constituencies - for example, rural wards - from the same scrutiny. As a Council, we believe it is unacceptable to single out te iwi Māori in this manner. Therefore, we oppose the Bill.

2. Localism

- 2.1. We applaud the incumbent Government's stated commitment to localism. We also applaud the Government's policy measures to enact localism. But, the Bill before the Committee undermines localism. Kawerau District Council dedicated significant time and resource to consulting with the community - especially the tangata whenua and maataawaka communities - before voting to establish Māori wards for the 2025 local election. This was, in our opinion, an expression of localism - local representatives consulting with local people to come to a local decision. The Bill before the Committee undermines that local engagement and it undermines the ability of community representatives - that is, the Elected Members of Council - to make informed decisions on behalf of their communities.
- 2.2. Central government is the repository of the Crown's obligations under Te Tiriti o Waitangi. However, local government can and does enact the principles of Te Tiriti o Waitangi. In voting to establish Māori wards, the Kawerau District Council was discharging its responsibilities under the partnership principle. The Bill before the Committee undermines that local partnership, riding in over the top of local Council, local iwi, and local maataawaka to impose a policy preference that is not of this community or for this community.

3. Cost

- 3.1. Local Government is facing increasing costs. Increasingly frequent disasters and the looming threat of climate change is locking in increases to insurance costs, guaranteeing a high cost base for the medium to long term. Persistent inflation, and corresponding indications that interest rates will remain high until inflation is within the target band, is also locking in increasing debt servicing costs in the short to medium term. Wherever local government looks, costs are increasing. The Bill before the Committee adds another cost to many Councils. Mandatory referenda are an unnecessary cost at a time when ratepayers, and central government too, are demanding a local government scale back their budgets.

In summary, we oppose the Bill. We recommend that it does not proceed.

Yours Sincerely,

Her Worship Faylene Tunui on behalf of the Elected Members of Kawerau District Council

Kahika | Mayor of Kawerau