

**Notice of Meeting:**

I hereby give notice that an ordinary Meeting of the Council will be held on:

**Date:** Wednesday 19 May 2021  
**Time:** 9.30am (Extraordinary)  
**Meeting Room:** Council Chamber and Audio Visual link  
**Venue:** Municipal Building, Garden Place, Hamilton

Richard Briggs  
Chief Executive

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**Extraordinary Council**  
***Kaunihera***  
**OPEN AGENDA**  
***Consideration of Maaori Wards***

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**Membership**

**Chairperson** Mayor P Southgate  
***Heamana***

**Deputy Chairperson** Deputy Mayor G Taylor  
***Heamana Tuarua***

<b>Members</b>	Cr M Bunting	Cr A O’Leary
	Cr M Gallagher	Cr R Pascoe
	Cr R Hamilton	Cr S Thomson
	Cr D Macpherson	Cr M van Oosten
	Cr K Naidoo-Rauf	Cr E Wilson
		Vacancy

**Quorum:** A majority of members (including vacancies)

**Meeting Frequency:** Monthly – or as required

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*Menetia Mana Whakahaere*

**12 May 2021**  
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## **Purpose**

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Hamilton.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

## **Terms of Reference**

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
  - 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 or 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 Council's governance statement, including the 30-Year Infrastructure Strategy.
  - g) The power to adopt a remuneration and employment policy.
  - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
  - i) The power to approve or amend the Council's Standing Orders.
  - j) The power to approve or amend the Code of Conduct for Elected Members.
  - k) The power to appoint and discharge members of committees.
  - l) The power to establish a joint committee with another local authority or other public body.
  - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
  - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
  - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
  - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
  - c) Approval of any changes to city boundaries under the Resource Management Act.
  - d) Adoption of governance level strategies plans and policies which advance Council's vision and strategic goals.

- e) Approval of the Triennial Agreement.
- f) Approval of the local governance statement required under the Local Government Act 2002.
- g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
- h) Approval of any changes to the nature and delegations of the Committees.
- i) Approval of all Council and Committee Advisory Groups and their terms of reference.
- j) Appointments to, and removals from, CCO CCTO and CO boards;
- k) Approval of proposed major transactions or constitutional adjustments of CCOs, CCTOs and COs.
- l) Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO, CCTO or CO.
- m) Approval of city boundary changes, including in respect of Strategic Boundary Land Use Agreements.
- n) Approval Activity Management Plans.

**Oversight of Policies and Bylaws:**

- *Corporate Hospitality and Entertainment Policy*
- *Delegations to Positions Policy*
- *Elected Members Support Policy*
- *Significance and Engagement Policy*

ITEM	TABLE OF CONTENTS	PAGE
1	Apologies – <i>Tono aroha</i>	5
2	Confirmation of Agenda – <i>Whakatau raarangi take</i>	5
3	Declarations of Interest – <i>Tauaakii whaipanga</i>	5
4	Public Forum – <i>Aatea koorero</i>	5
5	Consideration of Maaori Wards	6

**1 Apologies – *Tono aroha***

**2 Confirmation of Agenda – *Whakatau raarangi take***

The Council to confirm the agenda.

**3 Declaration of Interest – *Tauaakii whaipanga***

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 representative and any private or other external interest they might have.

**4 Public Forum – *Aatea koorero***

As per Hamilton City Council's Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for five minutes or longer at the discretion of the Mayor.

Please note that the public forum is to be confined to those items falling within the terms of the reference of this meeting.

Speakers will be put on a Public Forum speaking list on a first come first served basis in the Council Chamber prior to the start of the Meeting. A member of the Governance Team will be available to co-ordinate this. As many speakers as possible will be heard within the allocated time.

If you have any questions regarding Public Forum please contact Governance by telephoning 07 838 6439.

# Council Report

**Committee:** Council **Date:** 19 May 2021  
**Author:** Becca Brooke **Authoriser:** Sean Hickey  
**Position:** Governance Manager **Position:** General Manager Strategy and Communications

**Report Name:** Consideration of Maaori Wards

<b>Report Status</b>	<i>Open</i>
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## Purpose - *Take*

1. To inform the Council on the results of recent public engagement considering Maaori wards and representation.
2. To seek the Council's decision on whether to establish Maaori wards for the 2022 election and note the procedural and legal requirements of any decision to do so.

## Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Council:
  - a) receives the report;
  - b) approves that **Maaori wards are established** for the 2022 election (*option 2 in the options table*);
  - c) notes that the decision in a) above will legislatively be in effect for two trienniums (2022-2025 and 2025-2028) before the matter may be considered again; and.
  - d) notes that a wider representation review will take place in 2021/22 to determine representation arrangements as outlined in the staff report.

**OR**

4. That the Council receives the report and **takes no further action** (*option 1 in the options table*).

## Executive Summary - *Whakaraapopototanga matua*

5. Council is required to provide opportunities for Maaori to contribute to its decision-making processes. This is set out in key legislation, such as the Local Government Act 2002 (LGA) and the Resource Management Act 1991 (RMA).
6. On 24 February 2021, the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill passed its third reading to become law. This bill removes a significant barrier to the ability of Councils to establish Maaori wards. As a result, many Councils have been reconsidering the establishment of Maaori wards as part of their representation arrangements, including Hamilton City Council.

7. Following initial engagement with key Maaori partners, a report was presented to Council on 1 April 2021 outlining options for Council to consider in terms of Maaori representation arrangements, including the establishment of Maaori wards.
8. At this meeting, the Council resolved to commit to reviewing Maaori representation arrangements (including the consideration of Maaori Wards) following the adoption of the He Pou Manawa Ora strategy. This in effect meant Maaori wards would not be established in time for the 2022 election.
9. Following this meeting a notice of revocation for the above resolution was put forward and was later passed at the 15 April Council meeting with a new resolution that the Council consider the establishment of Maaori Wards for the 2022–25 triennium, with wider community engagement to take place.
10. A community engagement process on Maaori wards ran from 16 April 2021 to 10 May 2021 through the Have Your Say the platform. The engagement asked respondents to “please give us your views on Maaori wards and other means of achieving Maaori representation” and 994 responses were received. A link to view the submissions can be found [here](#).
11. As the engagement did not ask a simple ‘Yes/No’ question on support for Maaori wards, Council received a range of views (in narrative form) on Maaori wards and other aspects of Maaori representation. Elected Members have been provided access to all the responses to understand the full nature of those responses.
12. To support a decision on Maaori wards specifically (the scope of this report), staff have analysed the comments received from the engagement to identify support or otherwise for establishing Maaori wards. Based on that analysis, 804 responses (81%) have been identified as favourable towards the establishment of Maaori wards, noting that this was not a quantitative engagement exercise, so numbers are indicative.
13. This report presents the outcome of the community engagement responses and seeks a decision by Council to progress the establishment of Maaori wards for the 2022 election or to retain the status quo.
14. As this decision directly affects the Council’s decision-making roles and responsibilities at a governance level, it is not appropriate to include a staff recommendation in this report.
15. Any establishment of Maaori wards would represent a change to Council’s overall representation system and would trigger a wider representation review to be carried out prior to the next triennium (rather than as scheduled in the 2022-25 triennium).
16. There are not considered to be any significant resource or budget implications should the work programme of a wider representation review be brought forward.
17. Legislation requires that any Maaori wards established must remain in effect for a minimum of two triennium. This means any decision to establish Maaori wards may not be reconsidered until 2028.
18. Staff consider this matter to have medium significance and that the recommendations comply with the Council’s legal requirements.

### **Background - *Koorero whaimaarama***

19. All Councils are obliged by legislation to consider whether the representation arrangements they have in place support effective and appropriate representation for Maaori.
20. Councils must ensure they provide opportunities for Maaori to contribute to local government decision-making processes. This is set out in section 81 of the Local Government Act 2002 which requires local authorities to:

- *establish and maintain processes to provide opportunities for Maaori to contribute to the decision-making processes of the local authority; and*
  - *consider ways in which it may foster the development of Maaori capacity to contribute to the decision-making processes of the local authority.*
21. As part of the wider representation review process, Councils may choose to establish Maaori ward seats alongside general seats and/or a range of other types of Maaori representation.
  22. Hamilton City Council's last full representation review (in the 2016-2019 triennium) considered various options in terms of appropriate Maaori representation, including Maaori wards. This review resulted in the establishment of the current Maangai Maaori representation system.
  23. Until recently a legal mechanism existed within the Local Electoral Act 2001 (LEA) that allowed Council decisions on establishing Maaori wards to be challenged with a binding public poll if a petition to do so was successful. The LEA was amended to remove this mechanism on 24 February 2021. This has led many Councils, around the country to reconsider the establishment of Maaori wards, including Hamilton.
  24. Initial engagement was undertaken with Council's key Maaori partners and stakeholders to understand the preferences of Iwi, Maatawaka, Mana Whenua and Maangai Maaori. This informed the development of a report presented to Council on 1 April 2021.
  25. The report (included in **Attachment 3**) sought direction on whether to establish Maaori wards, and/or consider alternative approaches to enhancing Maaori representation. At this meeting Council resolved in effect not to establish Maaori wards for the 2022 election but to commit to reviewing Maaori representation arrangements following the adoption of the He Pou Manawa Ora strategy.
  26. A notice to revoke this resolution was later put forward by the Mayor. The revocation motion was passed at Council on 15 April 2021 with Council subsequently resolving to consider the establishment of Maaori Wards for the 2022 – 25 triennium, with wider community engagement to take place between 16 April 2021 to 10 May 2021.
  27. A public engagement campaign ran through the Have Your Say platform and asked respondents what they thought about Maaori wards and representation.

### Discussion - *Matapaki*

28. This report asks the Council to consider the results of recent community engagement and decide whether to establish Maaori wards for the 2022 election.
29. It presents the outcome of community engagement for Council to consider in making this decision and describes the procedural and legal requirements of any decision to establish Maaori wards for the coming triennium.
30. For more context and detail, the following areas are covered in the report presented to Council on 1 April 2021 (included as **Attachment1**):
  - Council's legal obligations in terms of Maaori representation.
  - More background on the changes to the LEA and previous decisions on Maaori representation made by Hamilton City Council.
  - An overview of existing Maaori representation arrangements in place for Hamilton City Council and other comparative local authorities across New Zealand.
  - An overview of what are Councils are doing in terms of reconsidering Maaori wards.
  - Early engagement with key Maaori partners and stakeholder groups to seek their preferences on the matter.

- Full Maaori representation options and implications
- Considerations for fair and effective Maaori representation.
- Options presented to Council for alternative Maaori representation arrangements.
- Legal obligations, risks and alignment to wellbeing outcomes.

31. **Maaori representation arrangements**

32. There are a range of arrangements Councils may choose to use in supporting Maaori representation and participation in Council decision making. This section provides a brief overview of these and how Maaori wards differ in purpose and function.
33. Many Councils follow a similar model to that of Hamilton City's Maangai Maaori system with appointed representatives on some of all committees (these may be with or without voting rights), or they may have separate Maaori standing committees, joint working parties, and Iwi/Council forum.
34. Usually, these arrangements involve Maaori representatives nominated by local Iwi, or Maataawaka organisations who may or may not have voting rights on committees. None of them involve voting rights at the Council decision-making level with the exception of those Council that have Maaori wards.
35. Maaori wards differ in that they allow representatives elected by Maaori to vote on the final decisions of Council. Elected Maaori representatives may act independently of the interests of Council's Maaori partner and stakeholder groups. They also carry the obligation to represent the interests of all Hamiltonians, not only Maaori.
36. Maaori wards and alternative representation models can operate together – they are not mutually exclusive.
37. **Updated information on other Council approaches**
38. Nine Councils resolved to establish Maaori wards at the end of 2020 for the 2022 elections as part of their scheduled representation review processes. These Councils are:
- Northland Regional Council
  - Whangarei District Council
  - Kaipara District Council
  - Gisborne District Council
  - Tauranga City Council
  - Taupo District Council (*noting Taupo undertook further public engagement post the 2021 legislation change and re-affirmed its previous 2020 decision to establish Maaori wards in April 2021*)
  - Ruapehu District Council
  - New Plymouth District Council
  - South Taranaki District Council
39. Since the February amendment to the LEA, many other Councils have been going through similar processes to Hamilton City in reconsidering the establishment of Maaori wards.

40. Staff have previously provided Council with information on the approaches being taken by other Councils as part of reporting to the 1 April 2021 meeting (in **Attachment 3**) and in an update to Elected Members for the 15 April 2021 meeting.
41. Where updated information is available on what other Councils have decided regarding Maaori wards this is included in **Attachment 2**.
42. Key points to note from that update include:
  - Christchurch and Dunedin City Councils are maintaining their existing representation arrangements which do not include Maaori wards.
  - Results from consultation carried out by Wellington City Council are overwhelmingly in favour of establishing Maaori wards with 94 % of submissions in support. A formal decision will be made on 19 May 2021.
  - Far North District Council has now resolved to establish Maaori wards. It too had a strong public response in favour of Maaori wards (408 out of 499 responses)
  - Waipaa has recently undertaken public engagement with a decision on Maaori wards to be made on 19 May 2021.
  - Matamata-Piako, Otorohanga District Councils and Palmerston North City Council have now resolved to establish Maaori wards.
43. **Engagement results**
44. Council's Significance and Engagement Policy allocated the establishment of Maaori wards a medium level of significance - meaning wider community engagement was discretionary.
45. The community engagement campaign carried out on Maaori wards was more limited than would usually have been recommended due to legislative timeframes and process requirements. Despite this, a high level of engagement was received.
46. The engagement period ran from 16 April 2021 to 10 May 2021. The Have Your Say platform was used to ask respondents for their views on Maaori wards and representation along with requesting standard statistical information. A link to view the submissions can be found [here](#).
47. The engagement asked respondents to "Please give us your views on Maaori wards and other means of achieving Maaori representation" and 994 responses were received.
48. As the engagement did not ask a simple 'Yes/No' question on support for Maaori wards, Council received a range of views (in narrative form) on Maaori wards and other aspects of Maaori representation. Elected Members have been provided access to all the responses to understand the full nature of those responses.
49. To support a decision on Maaori wards specifically (the scope of this report), staff have analysed the comments received from the engagement to identify support or otherwise for establishing Maaori wards. Based on that analysis, 804 responses (81%) have been identified as favourable towards the establishment of Maaori wards, noting that this was not a quantitative engagement exercise, so numbers are indicative.
50. Key themes from comments identified as favourable towards Maaori wards indicated benefits were:
  - direct input into decision making by Maaori and voting rights on the Council.
  - addressing obligations under Te Tiriti o Waitangi.
  - greater Maaori representation from the community.
51. The submissions of the 161 respondents (or 16%) identified as not favouring Maaori wards reflected a belief in the following key themes:

- Maaori wards would go against unifying people.
  - Maaori can currently stand for elections in existing wards.
  - Maaori currently have an equal opportunity to have their say.
52. Some respondents (3%) did not provide an indication clearly favouring or opposing to the establishment of Maaori wards.
53. There was high representation (compared to population demographics) from the 30-54 age groups and those identifying with Maaori ethnic groups. A more detailed breakdown of results is included in **attachment 1**.
54. Of those respondents who identified as Maaori, 95% of responses have been identified as favourable towards the establishment of Maaori wards.
55. Of those respondents who identified as ethnicities other than Maaori, 69% of responses have been identified as favourable towards the establishment of Maaori wards.
56. Throughout the process of considering the establishment of Maaori wards, Iwi, Mana Whenua and Maataawaka organisations have expressed a clear preference in support of establishing Maaori wards and retaining Maangai Maaori as part of future Maaori representation arrangements.
57. **Wider representation review**
58. The establishment of Maaori wards is a change to the overall representation arrangements of a Council. As such, a resolution in favour of Maaori wards would trigger a wider representation review, which would need to take place this year in line with legislative requirements.
59. A wider representation review provides the opportunity for the Council to assess its current representation arrangements to ensure they are fair and effective to meet our communities' needs and expectations.
60. Part 1A of the LEA sets out the requirements for a representation review. There are three key factors for the Council to consider:
- a. identifying the city's communities of interest and define their geographical boundaries;
  - b. ensuring effective representation of these communities of interest. This requires consideration of factors such as:
    - the number of wards (if any), and their boundaries and names;
    - how councillors are elected; i.e. from wards, 'at large' (i.e. by the whole of the city) or a mix of both;
    - the number of councillors;
    - whether to establish community boards, and, if so, the arrangements for those boards.
  - c. providing fair representation to electors, by ensuring that each councillor represents about the same number of people. The LEA sets out a formula (known as the '+/- 10% rule') that applies to wards to achieve population equity. This principle does not apply if councillors are elected 'at large'.
61. Establishing Maaori wards does not impact on the electoral system adopted (STV).
62. More detail on possible variations to the wider representation system that could eventuate with the establishment of Maaori wards is included in the report in **Attachment 3**.
63. The process and timeframes that would apply should Council choose to establish Maaori wards and carry out a wider representation review this triennium are outlined below:

**Table 1: Wider Representation Review Timeframes**

<b>By 19 May 2021</b>	<b>Council Meeting - resolution on establishment of Maaori wards.</b>
<b>Early June</b>	Council Briefing – overview of wider representation review process and expectations.
<b>Late June</b>	Council Briefing – wider representation review scenarios.
<b>12 August</b>	<b>Council Meeting – resolution on initial proposal.</b>
<b>25 August 2021</b>	Councils must give public notice of a resolution of its initial proposal.
<b>25 August 2021 – 6 October 2021</b>	<b>Engagement and submission period.</b>
<b>Mid October 2021</b>	Hearings.
<b>Late October 2021</b>	Council Briefing – final proposal deliberations.
<b>11 November 2021</b>	<b>Council Meeting – resolution on final proposal.</b>
<b>By 17 November 2021</b>	Council must give public notice of its final proposal resolution.
<b>17 November 2021 - 17 December 2021</b>	<b>Appeal/objection period.</b>
<b>By 14 January 2022</b>	Councils must forward all representation arrangements review material to Local Government Commission if appeal or objection received.

64. Should Council resolve to establish Maaori wards for the 2022 election, legally they must stay in effect for a minimum of two triennium (2022-2025 and 2025-2028) before the matter may be considered again.

### Options

65. Council has previously been informed on a range of options in relation to Maaori representation arrangements and resolved to establish Maaori wards in principle pending wider public engagement.
66. Council is now asked to consider the results of that engagement and decide whether it wishes to progress the establishment of Maaori wards or take no further action. These two options are described below and summarised in Table 2.
67. **Option 1 – Status quo / no further action**
68. Option 1 requires no further action. It maintains the status quo for the next triennium with two wards, general electorate seats and Maaori representation in Council decision-making supported by the existing Maangai Maaori system.
69. Staff believe that a resolution to maintain the status quo would not reflect the majority of feedback from the public engagement that indicated favourability towards establishing Maaori wards.
70. Option 1 also does not reflect the preferences that have been clearly expressed by Council's key Maaori partners and stakeholders. As a result, this option carries a high possibility of

reputational risk and potential to impact the relationships and partnerships built to date between Council, Iwi, Maatawaka and Mana Whenua.

71. This option does not require a wider representation review to be carried out this year. Instead, this would occur as currently planned and budgeted for in the 2022-2025 triennium. Council may choose to reconsider the establishment of Maaori wards as part of that review process.
72. There are no significant legal, financial or implementation implications identified for this option.
73. **Option 2 - Maaori wards are established for the 2022 election**
74. Option 2 involves the establishment of Maaori wards for these to be in effect for the 2022 election. This will trigger a wider representation review to occur earlier than scheduled.
75. Staff believe that this option aligns most closely to the majority of feedback from the public engagement that indicated favourability towards establishing Maaori wards and reflects the preference of Council's key Maaori partners and stakeholders.
76. Option 2 represents the greatest level of commitment to increasing the representation and participation of Maaori in Council decision-making processes. This strongly aligns to Council's commitment to the principles of Te Tiriti o Waitangi as well as the strategic intent and outcomes of He Pou Manawa Ora.
77. Under this option a wider representation review will need to be carried out earlier than planned which will require additional resourcing to be brought in this year. Bringing the process forward does not ultimately impact the budget as the cost of a review has already been signalled in the 2022-25 Long Term Plan.
78. There are no significant risks or legal, financial or implementation implications identified for this option.

**Table 2: Options summary**

Considerations	Option 1 – Status quo.	Option 2 - Maaori wards established for 2022 election.
Responds to preferences of key Maaori partners and stakeholders?	No.	Yes.
Aligned to majority feedback from community engagement?	No.	Yes.
Significant cost implications?	No.	No.
Significant implementation issues?	No.	No.
Significant risks?	Likelihood of reputational and relational risk with key Maaori partners.	No.
Aligns to Council strategic intent?	Yes.	Yes.
Aligns to legal obligations?	Yes.	Yes.

79. This decision directly affects the Council's decision-making roles and responsibilities at a governance level; therefore, it is not appropriate for staff to recommend a specific option for Council to approve.

#### **Financial Considerations - *Whaiwhakaaro Puutea***

80. Should Council wish to establish Maaori wards this triennium or to maintain the status quo and defer the matter for consideration in the 2022-2025 triennium, the cost of the decision will be similar to the cost of a wider representation review for both options.
81. The last representation review process undertaken by Council cost \$150,000. However, it should be noted that extra work was done as part of the review to explore alternative Maaori representation arrangements which led to the development of the Maangai Maaori model.
82. The 2021-2031 Long Term Plan signals \$100,000, budgeted in the year 2023/24, to fund a Maaori representation / wider representation review.
83. Should Maaori wards be established, additional costs may be associated with any changes required to the Chamber or support services. This would be if a review resulted in an increase to the overall number of Elected Members.

#### **Legal and Policy Considerations - *Whaiwhakaaro-aa-ture***

84. The Council has statutory obligations to provide opportunities to Maaori to contribute to local government decision-making processes. This is embedded in key legislation such as the LGA and RMA and reflected in the principles of Te Tiriti o Waitangi. Both options in this report meet these requirements.
85. The LEA sets out specific requirements and timeframes in terms the establishment of Maaori wards and their operation, although the decision to establish Maaori wards is discretionary.
86. Some key points from the LEA worth noting in relation to Maaori wards include:
- Electors on the Maaori electoral roll would be able to vote for representatives of a Maaori ward. They would not be able to vote for any other ward position, though would also be able to vote for a mayoral candidate.
  - The next opportunity for Maaori to register on the Maaori electoral roll will be 2024 - following the Census.
  - The timetable for establishing Maaori wards normally requires a resolution to be made by 23 November two years prior to the next triennial election. However, with changes to the legislation this deadline has been extended (under transitional arrangements) until 21 May 2021.
  - The formula for determining the number of Maaori Councillors is based on Maaori and general electoral populations and a formula set out in schedule 1 of LEA. This number would be determined as part of the wider representation review should the establishment of Maaori wards, in principle, be approved.
  - A resolution to establish Maaori wards would apply for the next two triennial elections.
  - A member elected by a Maaori ward is under the same obligations as all elected members of Council to act in the best interests of the city.
87. Staff confirm that the options considered in this report comply with the Council's legal and policy requirements.

## Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga*

88. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
89. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
90. The recommendations set out in this report are consistent with that purpose.

### Social

91. Hamilton City Council is obliged under section 18 of the LGA to provide fair and effective representation for the individuals and communities of Hamilton.
92. Maaori represent a significant community of interest in Hamilton, with the Maaori population projected to increase to around 30% of the city's population by 2038. Thus, ensuring Maaori are fairly represented in the decision-making processes of Council is an important social wellbeing consideration.

### Economic

93. The matter considered in this report has no significant impact on economic wellbeing.
94. Iwi and Maataawaka do have a significant economic presence in Hamilton which may be better supported by improved Maaori representation arrangements.

### Environmental

95. Maaori partners and stakeholders have confirmed the strong obligation to protecting natural resources. A key message from our Maaori partners and stakeholders is that Maaori representation within the Council's decision-making processes will enhance the sustainability and protection of local natural resources and support the Council's Sustainability Principles.

### Cultural

96. The matters in this report have important cultural considerations.
97. Under the Principles and Articles of the Treaty, the Crown has an obligation to act as a partner to tangata whenua; reflected in the requirement for each partner to "act with utmost good faith".
98. The LGA imposes obligations on the Council to recognise and respect these Treaty obligations. In upholding these obligations, local government acknowledges the unique perspective of Maaori on decisions that relate to people, land, assets and resources.
99. Ensuring appropriate and effective representation of Maaori in Council supports the capability and capacity of Maaori communities to ensure their unique heritage and culture is expressed and reflected in Council decision-making.

### Risks - *Tuuraru*

100. Maaori partners and stakeholders have made it clear to Council that their strong preference is to add Maaori ward seats alongside existing Maangai Maaori representation arrangements and to do so for the 2022 election.
101. Resolving not to establish Maaori wards therefore carries a risk of being detrimental to existing relationships with these partners.

## **Significance & Engagement Policy - *Kaupapa here whakahira/anganui***

### **Significance**

102. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a medium level of significance.

### **Engagement**

103. Engagement with the wider public on Maaori wards and representation through the Have Your Say platform ran from 16 April 2021 to 10 May 2021.
104. Prior to wider public engagement, Maaori partner and stakeholder views were sought through various engagement with the following organisations:
- Waikato-Tainui (Iwi)
  - Te Runanga o Kirikiriroa (Maataawaka)
  - THAWK (Mana Whenua)
105. Maaori partner and stakeholder groups have shared their views directly with Elected Members, during public forum at Council meetings and have also been public in the media on their thoughts on legislative changes relating to the establishment of Maaori wards.
106. Maangai Maaori have been active in representing the views of Iwi and Maataawaka throughout the process of considering Maaori wards and representation arrangements.
107. The Council's Electoral Officer and Amorangi Maaori have also provided valuable input during engagement and on the process for establishing Maaori wards at various discussions and Council meetings.

## **Attachments - *Ngaa taapirihanga***

Attachment 1 - Maaori Wards Submission Analysis and Insights

Attachment 2 - Updated summary of other Council's approaches to Maaori wards

Attachment 3 - Report to Council - 1 April 2021 - Consideration of Maaori Representation Arrangements

# Maaori ward submissions analysis and insights

## Summary

There were 994 submissions through Have your say. Of these, 822 (83%) were through the online form, 34 (3%) were through emails and 138 (14%) were hard copy submissions.

## Insights

We have analysed themes from people's comments to understand their support for Maaori wards and their reasons. These are mentioned below:

- a) 804 (81%) people's comments indicate they support Maaori wards.

Looking at what they said further, the top three themes that came through were:

- a. 340 people's comments reflected that it would allow for direct input into decision making or ensure Maaori have voting rights on the Council.
- b. 311 people's comments reflected that it would address obligations under Te Tiriti o Waitangi.
- c. 243 people's comments reflected that it would mean that there is Maaori representation from the community.

- b) 161 (16%) people's comments indicate they do not support Maaori wards.

Looking at what they said further, the top three themes that came through were:

- a. 105 people's comments reflected that it would go against unifying people.
- b. 86 people's comments reflected that Maaori can stand for elections in existing wards.
- c. 34 people's comments reflected that Maaori currently have an equal opportunity to have their say.

- c) 29 (3%) people's comments did not provide an indication related to support / no support of Maaori wards.

499 respondents identified as Maaori. Of those respondents:

- a. 473 (95%) people's comments indicate they support Maaori wards
- b. 10 (2%) people's comments indicate they do not support Maaori wards
- c. 16 (3%) people's comments did not provide an indication related to support / no support of Maaori wards.

417 respondents identified as an ethnicity other than Maaori. Of these respondents:

- 288 (69%) people's comments indicate they support Maaori wards
- 121 (29%) people's comments indicate they do not support Maaori wards
- 8 (2%) people's comments did not provide an indication related to support / no support of Maaori wards.

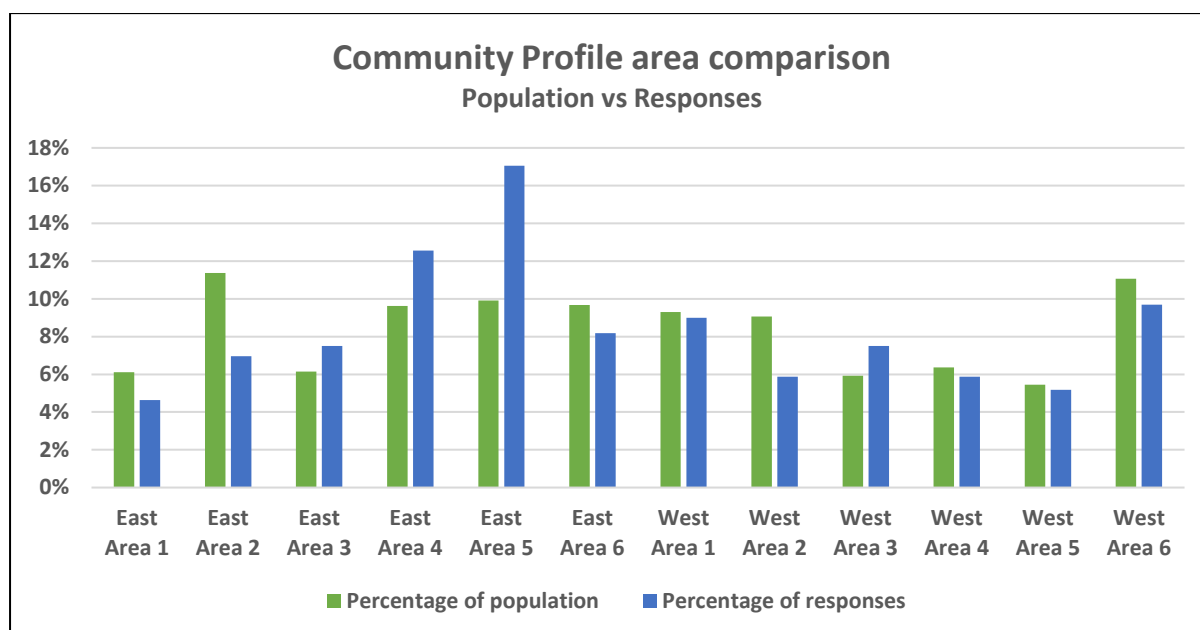
78 respondents did not indicate their ethnicity. Of those respondents:

- 43 (55%) people's comments indicate they support Maaori wards
- 30 (39%) people's comments indicate they do not support Maaori wards
- 5 (6%) people's comments did not provide an indication related to support / no support of Maaori wards.

## Demographics

### RESPONDENTS VS HAMILTON CITY PROFILE\*- LOCATION

We had a high representation from East areas 3, 4, and 5 and West Area 3. Comparing the population of Maaori from East and West areas of Hamilton, we had a higher proportion of Maaori respondents from the East compared to their population proportion. See table below for a list of suburbs in these community profile areas.



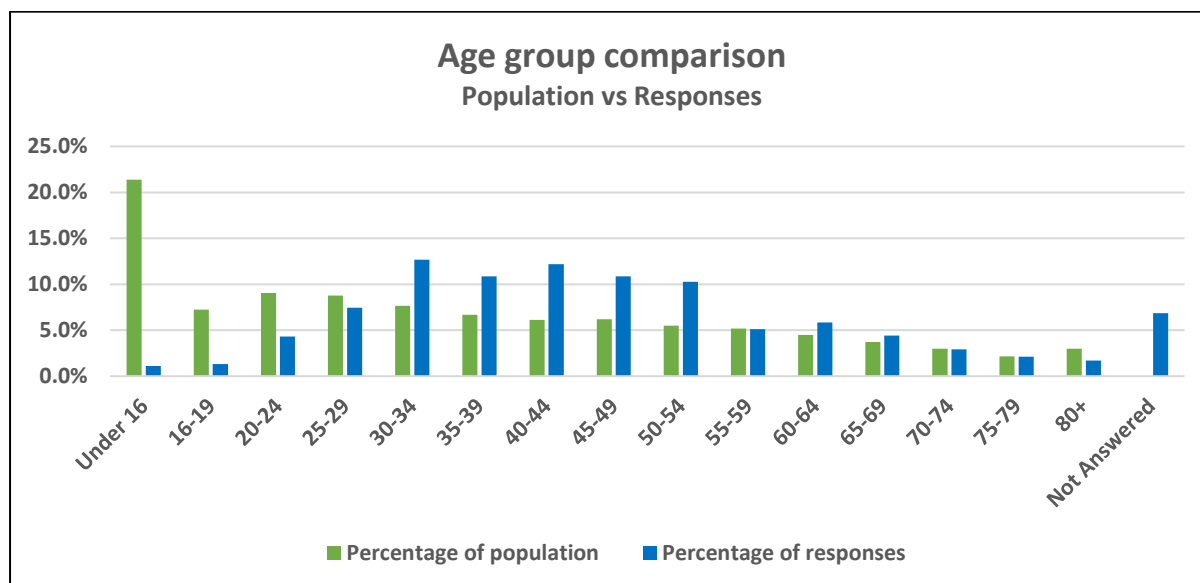
\*Hamilton city profile statistics are from the 2018 Census published by Stats NZ.

Community Profile Area	List of suburbs
East Area 1	Flagstaff
East Area 2	Callum Brae, Huntington, Rototuna, Rototuna North
East Area 3	Chartwell, Chedworth, Harrowfield, Queenwood
East Area 4	Enderley, Fairfield, Fairview Downs
East Area 5	Claudlands, Hamilton East, Peachgrove
East Area 6	Hillcrest, Ruakura, Riverlea, Silverdale
West Area 1	Avalon, Beerescourt, Forest Lake, Northgate, Pukete, St Andrews,

	Te Rapa
West Area 2	Crawshaw, Grandview Heights, Nawton, Rotokauri, Western Heights
West Area 3	Aberdeen, Dinsdale, Temple View
West Area 4	Frankton, Maeroa, Swarbrick
West Area 5	Hamilton Central, Hamilton Lake, Hospital, Whitiara
West Area 6	Bader, Deanwell, Fitzroy, Glenview, Melville, Peacocke

### RESPONDENTS VS HAMILTON CITY PROFILE\*- AGE GROUP

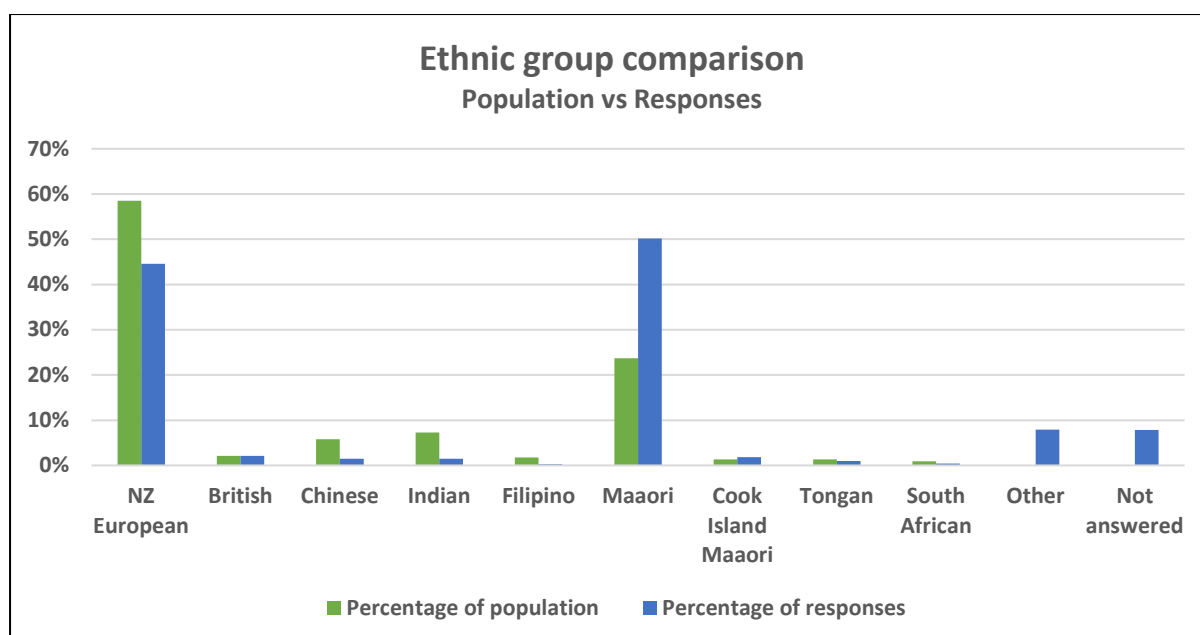
We had a high representation from 30-54- year old people.



\*Hamilton city profile statistics are from the 2018 Census published by Stats NZ.

### RESPONDENTS VS HAMILTON CITY PROFILE\*- ETHNIC GROUP

We had a high representation from Maaori and Cook Island Maaori ethnic groups.



\*Hamilton city profile statistics are from the 2018 Census published by Stats NZ.

**Attachment 1**

**Item 5**

## ATTACHMENT 2: SUMMARY OF OTHER COUNCIL APPROACHES TO CONSIDERING MAAORI WARDS.

This is an update to the summary within Attachment 1 to the Council Report of 1 April 2021.

Updates to original attachment are in red.

### Councils already in the process of establishing Maaori wards

The following Councils had already resolved to establish Maaori Wards in 2020 and are maintaining that resolution:

- Northland Regional Council
- Whangarei District Council
- Kaipara District Council
- Gisborne District Council
- Tauranga City Council
- Taupo District Council (*noting Taupo undertook further public engagement post the 2021 legislation change and re-affirmed its previous 2020 decision to establish Maaori wards in April 2021*)
- Ruapehu District Council
- New Plymouth District Council
- South Taranaki District Council

The tables below provide a brief update on what approaches other comparative or proximal Councils are taking to the consideration of Maaori wards.

**Table 1: Metropolitan Councils – Existing arrangements and approach to Maaori wards.**

Council	Existing Maaori representation arrangements	Approach to considering the establishment of Maaori wards
Auckland	The Independent Maaori Statutory Board (established under a separate Act) can appoint two members to any council committee that deals with the management and stewardship of natural and physical resources.	Auckland Council supports a Maaori ward in principle but will not implement it until it can increase the number of councillors (currently set by law at 20). <b>No change.</b>
Wellington	In October last year, Council voted to investigate giving mana whenua voting rights and remuneration on council committees.	Has agreed in principle to a notice of motion to establish Maaori and is currently consulting with Maaori stakeholders. No wider public consultation has been signalled. Three hui to be held throughout the month of April to understand the views of Māori and mana whenua, alongside engagement for the Long-Term Plan and online engagement.

		<p>Results from consultation show 189 responses with 94% in favour of Maaori wards. This follows a resolution on 29 April 2021 to include iwi voting rights on all but one committee. <a href="https://www.stuff.co.nz/national/125078953/overwhelming-support-for-mori-ward-in-wellington">https://www.stuff.co.nz/national/125078953/overwhelming-support-for-mori-ward-in-wellington</a></p> <p>Results will be reported to 12 May Committee meeting for final Council decision 19 May. <b>No resolution to report yet.</b></p>
Christchurch	<p>Te Hononga – This is a dedicated committee for maaori contribution with a mix of Elected Members and Runanga representatives: Focus areas are water, tribal economies, housing and land use on Maaori reserves.</p> <p>This Committee can make recommendations to the Council but does not have delegated authority to make formal decisions on behalf of the Council. Operational and functional relationships exist with Mataawaka.</p>	No plans to establish Maaori wards for the next triennium. <b>No change.</b>
Dunedin	Maaori Participation Working Party – focus is on communication and consultation and advice into council but no formal representation arrangements.	No plans to establish Maaori wards for the next triennium. <b>No change.</b>

**Table 2: Other Council approaches to reconsidering Maaori wards and Maaori representation.**

Council	Approach to considering Maaori wards
Waikato Regional Council	Already have Maaori wards (three elected Maaori seats) so no action taken. <b>No change.</b>
Waipa District Council	<p>Are considering establishing Maaori wards and are undertaking a wider consultation process with the community. Currently out for informed community feedback until 19 April 2021.</p> <p>Consultation approach is here: <a href="https://www.waipadcc.govt.nz/should-waipā-introduce-a-māori-ward/">Should Waipā Introduce a Māori Ward? - Waipa District Council (waipadc.govt.nz)</a></p> <p>This Council has an existing Iwi consultative committee - Ngā Iwi</p>

	<p>Tōpū O Waipā (NITOW) is a group that represents all hapū in the Waipā District. Iwi representatives are appointed to all four Council committees.</p> <p>Hearings were held 4 May with a formal decision to be made on 19 May 2021</p>
Waikato District Council	<p>Determined as part of a wider representation review to put the decision on establishing maaori wards for 2025 out as a poll during the 2022 elections. No indication has been made this will change.</p> <p>Currently have Maangai Maaori with voting and speaking rights on three committees.</p> <p>It is understood that the Council is meeting with iwi partners to discuss but no indication has yet been given to staff to act to support deliberation on the matter of Maaori wards.</p> <p>No change.</p>
South Waikato District Council	<p>South Waikato elected not to introduce Māori wards and received submissions on that decision in February 2021. No plans to establish Maaori wards (statement 15 March 2021). No change.</p>
Matamata-Piako District Council	<p>Are currently considering Maaori wards following recommendation in support from Maaori partners - Te Manawhenua Forum.</p> <p>Te Manawhenua Forum mo Matamata-Piako is a standing committee of Council with appointed Maaori representation. Its purpose is to “facilitate tangata whenua contribution to Council’s decision making.”</p> <p>MPDC resolved to establish Maaori wards on 28 April 2021.</p>
Ōtorohanga District Council	<p>Has engaged with Nehenehenui Regional Management Committee and iwi leaders. A pre-consultation report will be presented to Council on 13th April and considered on 18th May.</p> <p>ODC resolved on 20 April to establish Maaori wards without the need for further consultation.</p>
Waitomo District Council	<p>Not considering Maaori wards. No change.</p>
Tauranga City Council	<p>Tauranga is currently operating under the guidance of commissioners and are undertaking a wider representation review. This has the potential to create major system changes (e.g. removing the mixed system, increasing the number of councillors, and possibly establishing community boards.</p>

	<p>As a result, the Council is currently revisiting its earlier decision to establish Maaori wards. A report is going to its Tangata Whenua Committee on 29 March 2021 with a recommendation for council/commissioners to consider at its meeting on 12 April.</p> <p>On 12 April Tauranga City Council Commissioners voted to retain the original decision to establish Maaori wards in the face of 5000 signature and presentations against this. <a href="#">Tauranga council commissioners vote to establish Māori ward - NZ Herald</a>  <b>No change.</b></p>
Rotorua Lakes Council	<p>Resolved not to establish Maaori wards in 2020 but are now reconsidering this decision in light of recent changes.</p> <p>They have been running a series of workshops through March with elected members and Iwi partner organisation - Te Tatau o Te Arawa (TToTA).</p> <p>A workshop is planned for early May to report back on TToTA's views on Maaori wards. TToTA currently running hui and undertaking consultation with Maaori community to inform their feedback and recommendations to be considered by Council on 20 May 2021.</p> <p>Whether Maaori wards would replace TToTA or run alongside it is still to be determined. Appointed Iwi representatives also sit with voting rights on two committees. <b>No further update found.</b></p>
Hauraki District Council	<p>Not reconsidering 2020 decision to not establishing Maaori wards.  <b>No change.</b></p>
Thames-Coromandel District Council	<p>Not reconsidering 2020 decision to not establishing Maaori wards.  <b>No change.</b></p>
Far North District Council	<p>Resolved not to establish Maaori wards in 2020 but are consulting with the community during March on Maaori wards as part of their wider representation review roadshow.</p> <p>Results of consultation reported 8 April were:</p> <ul style="list-style-type: none"> <li>• Total of 499 responses received.</li> <li>• 408 were in support of establishing Māori wards</li> <li>• 91 were not in support of establishing Māori wards</li> </ul> <p>This information will be incorporated into their normal wider representation review process which is currently underway.</p> <p><b>On 5 May 2021 FNDC voted 7:3 in favour of Maaori wards following a notice of motion being put forward.</b></p> <p><b>In addition, they have committed to deciding to look at all current council committee structure, membership and delegations to</b></p>

	"ensure iwi/hapū membership to council committees, delegations and board committees".
Whangarei District Council	<p>Resolved to establish Maaori wards in 2020, but some councillors are placing a notice of motion this week to rescind this and have a non-binding poll with the 2022 elections.</p> <p>The earlier Council decision to establish Maaori wards was upheld 8:5 on 25 March 2021. An 'informal survey' on the matter of Maaori wards is being run with the community (April 7- May 7 2021) to inform the formal wider representation consultation that will be carried out in June 2021. No further update at this stage.</p> <p><a href="#">Whangārei District Council representation review under way after Māori wards decision - NZ Herald</a></p>
Palmerston North City Council	Resolved on 8 April 2021 to establish Maaori wards.

Item 5

Attachment 2



**Notice of Meeting:**

I hereby give notice that an ordinary Meeting of the Council will be held on:

**Date:** Thursday 1 April 2021  
**Time:** 9.30am  
**Meeting Room:** Council Chamber and Audio Visual Link  
**Venue:** Municipal Building, Garden Place, Hamilton

Richard Briggs  
Chief Executive

**Extraordinary Council  
Kaunihera  
OPEN AGENDA**

**Consideration of Maaori Wards and Maaori Representation**

<b>Membership</b>		
<b>Chairperson</b> <i>Heamana</i>	Mayor P Southgate	
<b>Deputy Chairperson</b> <i>Heamana Tuarua</i>	Deputy Mayor G Taylor	
<b>Members</b>	Cr M Bunting Cr M Forsyth Cr M Gallagher Cr R Hamilton Cr D Macpherson Cr K Naidoo-Rauf	Cr A O’Leary Cr R Pascoe Cr S Thomson Cr M van Oosten Cr E Wilson
<b>Quorum:</b>	<b>A majority of members (including vacancies)</b>	
<b>Meeting Frequency:</b>	<b>Monthly – or as required</b>	

Becca Brooke  
Governance Manager  
*Menetia Mana Whakahaere*

**26 March 2021**

Telephone: 07 838 6727  
Becca.Brooke@hcc.govt.nz  
www.hamilton.govt.nz

### Purpose

The Council is responsible for:

1. Providing leadership to, and advocacy on behalf of, the people of Hamilton.
2. Ensuring that all functions and powers required of a local authority under legislation, and all decisions required by legislation to be made by local authority resolution, are carried out effectively and efficiently, either by the Council or through delegation.

### Terms of Reference

1. To exercise those powers and responsibilities which cannot legally be delegated by Council:
  - 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 or 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 Council's governance statement, including the 30-Year Infrastructure Strategy.
  - g) The power to adopt a remuneration and employment policy.
  - h) The power to approve or change the District Plan, or any part of that Plan, in accordance with the Resource Management Act 1991.
  - i) The power to approve or amend the Council's Standing Orders.
  - j) The power to approve or amend the Code of Conduct for Elected Members.
  - k) The power to appoint and discharge members of committees.
  - l) The power to establish a joint committee with another local authority or other public body.
  - m) The power to make the final decision on a recommendation from the Parliamentary Ombudsman, where it is proposed that Council not accept the recommendation.
  - n) The power to amend or replace the delegations in Council's *Delegations to Positions Policy*.
2. To exercise the following powers and responsibilities of Council, which the Council chooses to retain:
  - a) Resolutions required to be made by a local authority under the Local Electoral Act 2001, including the appointment of an electoral officer and reviewing representation arrangements.
  - b) Approval of any changes to Council's vision, and oversight of that vision by providing direction on strategic priorities and receiving regular reports on its overall achievement.
  - c) Approval of any changes to city boundaries under the Resource Management Act.
  - d) Adoption of governance level strategies plans and policies which advance Council's vision and strategic goals.
  - e) Approval of the Triennial Agreement.

- f) Approval of the local governance statement required under the Local Government Act 2002.
- g) Approval of a proposal to the Remuneration Authority for the remuneration of Elected Members.
- h) Approval of any changes to the nature and delegations of the Committees.
- i) Approval of all Council and Committee Advisory Groups and their terms of reference.
- j) Appointments to, and removals from, CCO CCTO and CO boards;
- k) Approval of proposed major transactions or constitutional adjustments of CCOs, CCTOs and COs.
- l) Approval or otherwise of any proposal to establish, wind-up or dispose of any holding in, a CCO, CCTO or CO.
- m) Approval of city boundary changes, including in respect of Strategic Boundary Land Use Agreements.
- n) Approval Activity Management Plans.

**Oversight of Policies and Bylaws:**

- *Corporate Hospitality and Entertainment Policy*
- *Delegations to Positions Policy*
- *Elected Members Support Policy*
- *Significance and Engagement Policy*

ITEM	TABLE OF CONTENTS	PAGE
1	Apologies – <i>Tono aroha</i>	5
2	Confirmation of Agenda – <i>Whakatau raarangi take</i>	5
3	Declarations of Interest – <i>Tauaakii whaipanga</i>	5
4	Public Forum – <i>Aatea koorero</i>	5
5	Consideration of Maaori Wards and Maaori Representation	6

**Item 5**

**Attachment 3**

- 1     **Apologies – *Tono aroha***
  
- 2     **Confirmation of Agenda – *Whakatau raarangi take***  
The Council to confirm the agenda.
  
- 3     **Declaration of Interest – *Tauaakii whaipanga***  
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 representative and any private or other external interest they might have.
  
- 4     **Public Forum – *Aatea koorero***  
As per Hamilton City Council's Standing Orders, a period of up to 30 minutes has been set aside for a public forum. Each speaker during the public forum section of this meeting may speak for five minutes or longer at the discretion of the Mayor.  
  
Please note that the public forum is to be confined to those items falling within the terms of the reference of this meeting.  
  
Speakers will be put on a Public Forum speaking list on a first come first served basis in the Council Chamber prior to the start of the Meeting. A member of the Governance Team will be available to co-ordinate this. As many speakers as possible will be heard within the allocated time.  
  
If you have any questions regarding Public Forum please contact Governance by telephoning 07 838 6727.

# Council Report

**Committee:** Council **Date:** 01 April 2021  
**Author:** Becca Brooke **Authoriser:** Sean Hickey  
**Position:** Governance Manager **Position:** General Manager Strategy and Communications  
**Report Name:** Consideration of Maaori Wards and Maaori Representation

Report Status	Open
---------------	------

## Purpose - Take

1. To inform the Council on the options for considering the establishment of Maaori wards following recent changes to the Local Electoral Act 2001 (LEA).
2. To seek the Council's decision on options in relation to considering the establishment of Maaori wards and Maaori representation.

## Staff Recommendation - *Tuutohu-aa-kaimahi*

3. That the Council:
  - a) approves **Option 1** – Status quo representation arrangements.  
OR
  - b) approves **Option 2** – A commitment to review Maaori representation arrangements (including consideration of Maaori wards) following the adoption of the He Pou Manawa Ora Strategy.  
OR
  - c) approves (in principle) **Option 3** – Establish Maaori wards for the 2022-25 triennium with/without consultation with the wider community and recommend the incoming Council **retain** the existing Maangai Maaori system upon the introduction of Maaori wards as part of determining the new governance structure for the 2022-2025 triennium.  
OR
  - d) approves (in principle) **Option 4** – Establish Maaori wards for the 2022-25 triennium with/without consultation with the wider community, and recommend the incoming Council **dis-establish** the existing Maangai Maaori system upon the introduction of Maaori wards as part of determining the new governance structure for the 2022-2025 triennium.

### Executive Summary - *Whakaraapopototanga matua*

4. Council is required to provide opportunities for Maaori to contribute to its decision-making processes. This is set out in key legislation, such as the Local Government Act 2002 (LGA) and the Resource Management Act 1991 (RMA).
5. On 24 February 2021, the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill passed its third reading and will become law. This bill removes a significant barrier to Councils wanting to establish Maaori wards.
6. Legislative deadlines for notifying an intent to establish Maaori wards have been extended to allow Councils to progress these for the coming 2022-2025 triennium should they wish.
7. As a result, many Councils (within and outside their normal representation review cycles) are taking the opportunity to reconsider the establishment of Maaori wards.
8. This report is seeking a decision from Council on its preferred option in relation to considering the establishment of Maaori wards, and which level of community engagement to undertake.
9. If the Council wishes to establish Maaori wards for the 2022 triennial elections, a final resolution to this effect must be made by 21 May 2021 (as provided for in the amendment bill).
10. This report presents options for considering the establishment of Maaori wards for the Council to contemplate as part of its decision on Maaori representation. It includes option variations for different preferences on consultation as well as considering alternative approaches to the role of Maangai Maaori and Council's current Maaori representation arrangements.
11. Maaori wards and alternative representation models such as Maangai Maaori can operate together – they are not mutually exclusive.
12. Engagement with key Maaori stakeholders to ascertain their views on Maaori wards and Maaori representation overall has been undertaken as an initial step to help inform and develop options for Council's consideration.
13. Council's key Maaori stakeholders - Waikato-Tainui, Te Runanga o Kirikiriroa and Te Haa o te Whenua o Kirikiriroa – have clearly stated through consultation hui their view that:
  - The Council should establish Maaori wards;
  - Maaori wards should be in place for the next triennium (2022-2025); and
  - Their preference is to retain the Maangai Maaori system alongside Maaori wards.
14. Any establishment of Maaori wards would represent a change to Council's overall representation system. Accordingly, any resolution to establish Maaori wards would trigger a wider representation review to be carried out prior to the next triennium.
15. Staff consider this matter to have medium significance and that the recommendations comply with the Council's legal requirements.

### Background - *Koorero whaimaarama*

16. As part of considering the appropriate representation arrangements that local authorities should have in place for their populations, Councils are obliged to take into account whether these support effective and appropriate representation for Maaori.
17. Section 81 of the Local Government Act 2002 requires local authorities to:
  - *establish and maintain processes to provide opportunities for Maaori to contribute to the decision-making processes of the local authority; and*

## Item 5

- *consider ways in which it may foster the development of Maaori capacity to contribute to the decision-making processes of the local authority.*
18. As part of the wider representation review process, Councils may choose to establish Maaori ward seats alongside general seats and/or a range of other types of Maaori representation.
  19. Until recently however, a legal mechanism existed within the Local Electoral Act 2001 (LEA) that has served as a disincentive to many Councils considering establishing Maaori wards – a clause that triggered a binding poll if 5 per cent of a Councils' population challenged a decision to establish Maaori wards.
  20. Except for one instance, all such polls have rejected Maaori wards. This poll mechanism has been described by the Minister of Local Government Hon Nanaia Mahuta as *"an almost insurmountable barrier to Councils trying to improve the democratic representation of Maaori interests"*.
  21. Hamilton City Council's last full representation review (in the 2016-2019 triennium) considered a range of options in terms of appropriate Maaori representation, including Maaori wards. This review resulted in the establishment of the Maangai Maaori representation system.
  22. At the time, Council reports identified representation on Council through Maaori wards as the ultimate objective for Council's key Maaori stakeholders who made their views clear that:
    - Maaori interests are intricately intertwined with all significant social, economic, environmental and cultural issues that the Council is required to consider;
    - Effective Maaori representation in governance decision-making is beneficial to Maaori, the wider community and outcomes for Hamilton; and
    - Council should support Maaori representation through meaningful, decision-making roles within the Council's governance structure.
  23. However, it was acknowledged at the time that, in the current climate, a public poll challenging the creation of Maaori wards would probably be successful. Maaori stakeholders expressed their belief that a poll would be a divisive issue for the community, and as such would be unwelcome and counter-productive at that stage.
  24. On 24 February 2021, the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill to remove the binding poll mechanism passed its third reading and will become law. This amends the Local Electoral Act 2001 to:
    - *align the treatment of Māori wards and Māori constituencies with the treatment of general wards and general constituencies as much as possible; and*
    - *remove all mechanisms for binding polls to be held on whether Māori wards or Māori constituencies will be established; and*
    - *provide local authorities with an opportunity to make decisions on Māori wards and Māori constituencies, in light of these changes, in time for the 2022 local elections.*
  25. As a result of this change, Elected Members, Maangai Maaori and Maaori stakeholder groups have had some initial discussions concerning the reconsideration of Maaori wards.

### Discussion - Matapaki

26. This report asks the Council to consider whether to establish Maaori wards, and/or consider alternative approaches to enhancing Maaori representation and how to proceed in terms of engagement on any action resolved.
27. It presents a range of options for Council to contemplate in determining the most effective and appropriate Maaori representation arrangements for Hamilton Maaori.

28. Options in this report include variations for different preferences on consultation, as well as considering alternative approaches to Maaori representation arrangements more broadly.
29. **Legal obligations**
30. The Council is required to provide opportunities for Maaori to contribute to local government decision-making processes. This is set out in key legislation, such as the Local Government Act 2002 (LGA) and the Resource Management Act 1991 (RMA).
31. Maaori representation is also reflected in the LEA, which enables the Council to establish Maaori wards for the purpose of electing members.
32. These legislative requirements are derived from the principles of Te Tiriti o Waitangi ('the Treaty'). The Treaty recognises Maaori as a partner to the Crown, and as such, a significant community of interest in New Zealand. Local authorities are required to take account of the Treaty's principles when making decisions.
33. **Maaori representation arrangements across New Zealand.**
34. Hamilton City Council currently has the following arrangements to support Maaori representation and participation in decision-making:
  - Iwi partnership Waikato-Tainui/Hamilton City Council Co Governance Forum.
  - Te Haa o te whenua o Kirikiriroa (THaWK).
  - Te Runanga o Kirikiriroa (TeROK).
  - Maangai Maaori.
  - Te Ngaawhaa Whakatupu Ake Hui – Group of Iwi, THaWK and TeROK members.
35. Councils across New Zealand employ a variety of different arrangements to improve representation for Maaori. Attachment One summarises some of existing arrangements in place at other Councils and the approaches they are taking to considering the establishment of Maaori wards.
36. Some examples of the range of Maaori representation arrangements Council have include those similar to Maangai Maaori with appointed representatives on some of all committees (these may be with or without voting rights), separate Maori standing committees, joint working parties and Iwi/Council forum.
37. Usually, these arrangements involve Maaori representatives nominated by local Iwi, Runanga or Maataawaka groups who may or may not have voting rights on committees. None of them involve voting rights at the Council decision-making level with the exception of those Council that have Maaori wards.
38. Maaori wards differ in that they allow representatives elected by Maaori to vote on Council decisions independent from Council's Maaori partner and stakeholder groups. They also carry the obligation to represent the interests of all Hamiltonians, not only Maaori. Only three Councils in New Zealand currently have Maaori wards as part of their representation system.
39. Maaori wards and alternative representation models can operate together – they are not mutually exclusive. This is reflected in the options analysis and recommendations in the report.
40. **What are other Councils doing?**
41. Nine Councils resolved last year to establish Maaori wards (however Tauranga is currently reconsidering this decision as part of a substantial wider representation review). All nine engaged with their key Maaori partners and stakeholders on that decision.
42. Of the nine Councils that have already resolved in November to establish Maaori wards only Gisborne undertook wider consultation in addition to engaging its key Maaori stakeholders. It

## Item 5

received 275 written response to a survey of which, 68.4% saw value in establishing Māori wards in Tairāwhiti, with 67.6% confirming they would like to see Māori wards established.

43. A number of Councils are in the same position as Hamilton City Council in terms of considering this matter outside of their normal representation review processes. Some have declined to revisit decisions already made recently in 2020 not to have Māori wards. Others (like Wellington City Council) have voted in principle to establish these for the next triennium pending further engagement with Māori.
44. A number are still working through the matter and seeking further input from Māori and the wider community. Waipa for example are carrying out a simplified engagement process with their wider community, asking the community for a yes/no response to Māori wards rather than seeking feedback on the broader Māori representation (Waipa District Council also has Maungai Māori representation).
45. **Recent work programmes related to Māori representation.**
46. Since the establishment of Hamilton City Council's Maungai Māori representation, the system has continued to evolve and improve. Council undertook a review of the Maungai Māori system in 2020, which identified a number of areas for improvement and maximising the contribution of these positions to decision-making.
47. Many of the enhancements identified as part of that review have been implemented. For example, access for Maungai to Council reports, an increase of representation on committees and visibility of briefing topics relating to respective Committees.
48. He Pou Manawa Ora – Pillars of Wellbeing is a strategy document that outlines Hamilton City Council's vision and outcomes for Māori including representation in decision-making. This document has been out for public consultation with submissions currently being analysed.
49. Increasing the presence of Māori in Council decision-making processes aligns to the intent of He Pou Manawa Ora.
50. **Engagement on reconsidering the establishment of Māori wards.**
51. Key Māori stakeholders (Waikato-Tainui, TROK and THaWK) were invited to express their view at an initial hui on 10 March 2021. Maungai Māori have also put forward their views at the 18 March 2021 workshop. Council's Amorangi Māori continues to liaise with all key stakeholder groups as part of this process.
52. To date, Iwi, Maataawaka and Runanga have expressed strong support for the following:
  - The establishment of Māori wards;
  - That these be in place in time for the next triennium; and
  - Retaining the role of Maungai Māori alongside Māori wards should these be established.
53. If the Council wish to establish Māori wards, and for these to be in place for the 2022 triennial elections, a resolution to this effect must be made by 21 May 2021. This is to allow for a wider representation review to be carried out to assess other any changes required to the system.
54. **Wider Representation Review**
55. A wider representation review provides the opportunity for the Council to assess its current representation arrangements to ensure they are fair and effective to meet our communities' needs and expectations.
56. A wider representation review was last conducted in Hamilton in 2018 following the decision not to establish Māori Wards in 2017. The review resulted in a decision to remain with the status quo representation arrangements.

57. Council is scheduled to undertake its next wider representation review next triennium and is not legislatively required to undertake another prior to that.
58. However, Council may choose to conduct a wider representation review this triennium if elected members feel the needs of the community in terms of fair and effective representation have changed in the time since the last review was conducted (and/or if a decision is made to establish Maaori wards)
59. The establishment of Maaori wards is a change to the overall representation arrangements of a Council. If Council resolved to establish Maaori wards, this would then trigger the need for a wider representation review which would need to take place this year in line with legislative requirements.
60. Part 1A of the LEA sets out the requirements for a representation review. There are three key factors for the Council to consider:
  - a) identifying the city's communities of interest and define their geographical boundaries;
  - b) ensuring effective representation of these communities of interest. This requires consideration of factors such as:
    - the number of wards (if any), and their boundaries and names;
    - how councillors are elected; i.e. from wards, 'at large' (i.e. by the whole of the city) or a mix of both;
    - the number of councillors;
    - whether to establish community boards, and, if so, the arrangements for those boards.
  - c) providing fair representation to electors, by ensuring that each councillor represents about the same number of people. The LEA sets out a formula (known as the '+/- 10% rule') that applies to wards to achieve population equity. This principle does not apply if councillors are elected 'at large'.
61. **Potential impact of establishing Maaori wards for wider representation system.**
62. The latest available population estimates (30 June 2020) are Maaori Electoral Population (MEP) 26,700 and General Electoral Population (GEP) 149,800. This is a total electoral population of 176,500
63. The formula to determine the number of Maaori and general Councillors in Schedule 1A of the LEA is  $MEP/MEP + GEP \times \text{total number of Councillors}$
64. If a total of 12 Councillors remain, the number of Maaori Councillors would be 1.82, rounded to 2, and the number of general Councillors would be 10
65. If Council wanted to increase the number of Councillors to 14, then the number of Maaori Councillors would still be 2 (2.11) and the number of general Councillors would be 12
66. If Council reduced the total number of Councillors to 9, the number of Maaori Councillors would be 1 and the number of general Councillors 8
67. If Council increased the number of Councillors to 17, there be 3 Maaori Councillors (and 14 general Councillors)
68. The impact of the number of Maaori Councillors on the number of general Councillors is as above. Staff would have to do some modelling to then refine how the Maaori Councillors and general Councillors would be elected either by wards, city-wide or a mix
69. Establishing Maaori wards does not impact on the electoral system adopted (STV).

70. The process and timeframes that would apply should Council choose to establish Maaori wards and carry out a wider representation review this triennium are as follows:

71. **Table 1: Wider Representation Review Timeframes**

<b>By 21 May 2021</b>	Last date for Council resolution to establish Maaori wards.
<b>By 31 August 2021</b>	Period concludes for consultation/resolution of initial proposal for representation arrangements review.
<b>By 8 September 2021</b>	Councils must give public notice of a resolution of its initial proposal.
<b>By 8 October 2021</b>	Submission period closes.
<b>By 19 November 2021</b>	Submissions heard by local authority and resolution of final proposal made by the Council (Council must give further public notice of its resolution of final proposal by this date).
<b>By 20 December 2021</b>	Appeal/objection period closes.
<b>By 15 January 2021</b>	Councils must forward all representation arrangements review material to Local Government Commission if appeal or objection received.

**Options**

72. Staff have assessed the reasonable and viable options for the Council to consider, within the scope of this report.
73. This assessment reflects the level of significance, initial feedback from Members and the views of Maaori stakeholders. The options are summarised in Table 2 and explored in more detail in Attachment Two.
74. The following areas have important implications that Council should understand as part of considering the options in this report:
- The timing implications of any decision to establish Maaori wards this triennium.
  - Wider public consultation on any decision regarding Maaori wards.
  - Possibilities for alternative Maaori representation arrangements other than or alongside Maaori wards.
75. **Timing**
76. The normal process for establishing Maaori wards requires Councils to resolve to establish Maaori wards by 23 November two years before the next triennial election (ie 23 November 2020). One of the reasons for this deadline is to allow Councils sufficient time to undertake the necessary wider representation review.
77. However, to allow for any Councils who, as part of their normal review cycle, may not have resolved to establish Maaori wards last November primarily out of concern for the potential of a poll challenge, the Local Electoral (Māori Wards and Māori Constituencies) Amendment Bill has extended the deadline to 21 May 2021.
78. This allows Councils the option to establish Maaori wards for the next triennium, albeit with a shorter timeframe for undertaking a wider representation review.

79. Should Hamilton City Council resolve to establish Maaori wards in time for the next triennium, staff will have to carry out a wider representation review earlier than planned. This will require additional resourcing to be brought in this year and may have implications for the level of public engagement possible.
80. Bringing the resourcing and engagement process forward does not ultimately impact the budget as the cost of these has been signalled in the 2022-25 Long Term Plan.
81. **Engagement**
82. The short timeframes to enact any decision to establish Maaori wards for the next election has implications for the type of engagement Council would be able to implement.
83. If Council wanted to seek views of the wider community prior to make a final decision by 21 May 2021, the engagement campaign would be basis and only run for 2-3 weeks.
84. Council's Significance and Engagement Policy allocates this matter a medium level of significance. This means that any engagement on a Council decision regarding the establishment of Maaori wards is discretionary.
85. For all options, Council has the choice to engage widely with the public, solely with key stakeholders or not at all.
86. It should be noted that while wider public engagement is possible with all options the depth of engagement is limited for those options that look to establish Maaori wards this triennium.
87. If Council resolved to establish Maaori wards but not to carry out specific engagement with the wider community on this decision, full engagement with the community would still occur as part of the wider representation review.
88. However, any decision to establish Maaori wards would not be able to be reversed as a result of any submissions received on Maaori wards through the wider representation review engagement process.
89. **Fair and effective Maaori representation**
90. Establishing the best representation system for Maaori, requires considering the functions and roles of existing arrangements and what 'package' of representation best serves to support participation of Maaori in decision-making – as informed by the views and preferences of Maaori.
91. In considering the options presented in this report, the Maangai Maaori representation system (like the level of engagement) is one that may be adjusted within options according to Council preferences. The following paragraphs provide a few key points to consider when deliberating on the options presented.
92. Maaori wards and alternative representation models such as Maangai Maaori can operate together – they are not mutually exclusive.
93. The role and relationships that Maangai Maaori have with Council is different to that which would be carried by any independent publicly elected Maaori ward Councillor. It is important to note these differences.
94. A Member elected via a Maaori ward:
  - May act independently (ie. are not necessarily affiliated with Council's existing key Maaori stakeholder groups);
  - Represents the popular vote of Maaori registered on the electoral role; and

## Item 5

- Like all Elected Members, is obligated to represent the interests of all Hamiltonians, not only Maaori Hamiltonians.
95. It is widely agreed by the current Council that Maangai Maaori provide a valuable role in representing the 'voice' of local Maaori as nominated and supported by Councils' formal Iwi and Maatawaka partners. This system provides a direct link on Council committees to the views of Council's key Maaori partners and stakeholders.
  96. However, while Maangai Maaori provide a voice for Maaori in Council decision-making they do not provide Maaori with representation that allows them a direct vote on Council decisions.
  97. As noted earlier, the role of Maangai Maaori has continued to evolve and improve since the system was established.
  98. In considering the options presented, Council may wish to direct staff as part of any option to undertake further work on developing the current Maaori representation arrangements. Any such work would take into account the results of recent consultation on Te Pou Manawa Ora – Pillars of wellbeing strategy.
  99. Following the completion of the consultation process He Pou Manawa Ora is due to be presented to Council in June 2021 for adoption.
  100. Following its adoption, a work programme will be developed to give effect to the strategy. This will include opportunities to further consider improvements to Maaori representation arrangements. Any identified improvements would then be implemented or used to inform the next Maaori representation and wider representation reviews.
  101. In considering this report, Council may wish to direct staff to assess alternative options for increasing Maaori representation and participation in Council decision-making. For example, this work could involve:
    - Building on results of the 2020 review of the Maangai Maaori system;
    - Using feedback on He Pou Manawa Ora to inform new arrangement options prior to a formal representation review;
    - Considering a range of representation arrangements that further strengthen the participation of Maaori in Council decision-making (eg. A dedicated Maaori cultural advisor position or Maaori standing committee).
  102. The options and associated considerations for each of these are summarised in the table below. More detail is in Attachment Two to this report.

## Options

103. **Table 2: Options Summary and considerations: Establishment of Maaori wards.**

104. <b>Establishment of Maaori wards: Options summary and key considerations</b>
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105. <b>Option 1 – Status quo representation arrangements.</b>
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106. <b>Description and key considerations:</b>
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107. Retains existing representation arrangements with general seats and Maangai Maaori representation.
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108. <u>Alignment to Maaori stakeholders' expectations:</u>
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Does not address Maaori stakeholder preference for establishment of Maaori wards.
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109. <u>Ease of implementation:</u>
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	No change.
110.	<u>Engagement:</u> None required.
111.	<u>Cost:</u> None.
112.	<u>Risks:</u> Potential for reputational and relationship risk with Maaori partner and stakeholder organisations.
113.	<b>Option 2 – A commitment to review Maaori representation arrangements (including consideration of Maaori wards) following the adoption of the He Pou Manawa Ora Strategy.</b>
114.	<b>Description and key considerations:</b>
115.	Retains existing representation arrangements with general seats and Maangai Maaori representation.
116.	Commits to exploring and making improvements to the current Maaori representation arrangements consistent with He Pou Manawa Ora strategy and ongoing engagement with key Maaori stakeholders.
117.	<u>Alignment to Maaori stakeholders' expectations:</u> Does not address Maaori stakeholder preference for establishment of Maaori wards. Maintains existing kawenata commitments for Maaori representation on Committees. Provides alternative avenue for improved Maaori representation in Council.
118.	<u>Ease of implementation:</u> Minimal change.  Enhanced Maaori representation arrangements can be explored in line with He Pou Manawa Ora strategy and the results of consultation and ongoing engagement with Maaori stakeholders. These may then feed into the wider representation review scheduled for 2023/24.  Additional work to assess alternative representation arrangements may require additional resource if it cannot be absorbed into existing work programmes and available resource.
119.	<u>Engagement:</u> None required (uses He Pou Manawa Ora consultation to inform changes).
120.	<u>Cost:</u> No additional cost.
121.	<u>Risks:</u> Some potential for reputational and relationship risk with Maaori partner and stakeholder organisations.

122. **Option 3 – Establish Maaori wards for the 2022-25 triennium with/without consultation with the wider community and recommend the incoming Council retain the existing Maangai Maaori system upon the introduction of Maaori wards as part of determining the new governance structure for the 2022-2025 triennium.**

123. **Description and key considerations:**

124. Establishes Maaori wards alongside general wards and Maangai Maaori representation.

125. This option requires a full representation review to be carried out in the 2021/22 year.

126. May have greater engagement requirements depending on Council preferences.

127. Provides greatest opportunities for Maaori representation.

128. **Alignment to Maaori stakeholders' expectations:**

Fully meets expectations of Maaori stakeholders in terms of both increased representation and timing.

Maintains existing kawenata commitments for Maaori representation on Committees.

129. **Ease of implementation:**

Requires work programme and associated resource of a wider representation review to be implemented earlier and in a shorter timeframe than planned.

130. **Engagement:**

None required.

In accordance with the Significance and Engagement Policy, engagement on this matter is discretionary.

However, Council may choose to undertake further engagement with Maaori stakeholders and/or the wider public.

Under this option staff would recommend public consultation be carried out.

Due to timeframe restrictions, any consultation process would be of a basic level.

131. **Cost:**

\$100k to carry out a full representation review.

This has been budgeted for in the 2022-25 Long Term Plan.

132. **Risks:**

133. Potential for reputational risk from public not feeling sufficiently consulted on the matter.

134. **Option 4 – Establish Maaori wards (in principle) for the 2022-25 triennium with/without consultation with the wider community and recommend the incoming Council dis-establish the existing Maangai Maaori system upon the introduction of Maaori wards as part of determining the new governance structure for the 2022-2025 triennium.**

135. **Description and summary considerations:**

136. Establishes Maaori wards alongside general wards and recommends dis-establishment of current Maangai Maaori system.

137. This option requires a full representation review to be carried out in the 2021/22 year.

138. May have greater engagement requirements depending on Council preferences.

139. Alignment to Maaori stakeholders' expectations:

Partially meets expectations of Maaori stakeholders in terms of Maaori ward representation and timing.

Potentially does not meet their preference to retain Maangai Maaori system alongside any Maaori ward seats, should the recommendation be adopted by a future Council.

Recommends dis-establishment of Iwi and Maataawaka representation on Committees in the future.

140. Ease of implementation:

Requires work programme and associated resource of a wider representation review to be implemented earlier and in a shorter timeframe than planned.

There are no contractual implications should the Maangai Maaori positions be dis-established.

141. Engagement:

None required.

In accordance with the Significance and Engagement Policy, engagement on this matter is discretionary.

However, Council may choose to undertake further engagement with Maaori stakeholders and/or the wider public.

Under this option staff would recommend public consultation be carried out.

Due to timeframe restrictions, any consultation process would be of a basic level.

142. Cost:

\$100k to carry out a full representation review.

This has been budgeted for in the 2022-25 Long Term Plan.

143. Risks:

144. Potential for reputational risk from public not feeling sufficiently consulted on the matter and from Maaori stakeholders for potential loss of Maangai Maaori representation.

145. This decision directly affects the Council's decision-making roles and responsibilities at a governance level; therefore, it is not appropriate for staff to recommend a specific option for the Council to approve.

#### **Financial Considerations - *Whaiwhakaaro Puutea***

146. An additional external resource has been engaged to assist staff with carrying out the initial unplanned work brought about by the legislation change and subsequent information required by the Council in considering this matter.

147. It is anticipated that the costs for undertaking a Maaori representation review and wider representation review either this triennium or next would be similar. The last representation review process cost \$150,000, noting extra work was undertaken as part of the review to explore alternative Maaori representation arrangements which led to the development of the Maangai Maaori model.

148. Should Council wish to establish Maaori wards this triennium or defer the matter for consideration in the 2022-2025 triennium, the cost of the decision will be similar to the cost of a wider representation review. The last representation review process cost \$150,000.
149. The draft 2021-2031 Long Term Plan includes \$100,000, budgeted in the year 2023/24, to fund a Maaori representation / wider representation review.
150. Should Maaori wards be established, additional costs may be associated with any changes required to the Chamber or support services. This would be if a review resulted in an increase to the overall number of Elected Members.

#### **Legal and Policy Considerations - *Whaiwhakaaro-aa-ture***

151. The Council has statutory obligations to provide opportunities to Maaori to contribute to local government decision-making processes. This is embedded in key legislation such as the LGA and RMA and reflected in the principles of Te Tiriti o Waitangi.
152. Options 1, 2 and 3 maintain the existing Co-Governance Forum with Waikato-Tainui, and forum with Runanga and Maataawaka. They also retain the Maangai Maaori representation system which gives local Maaori stakeholder groups a voice on Council Committees. These arrangements are all consistent with Council's legal obligations.
153. Where options consider enhancing existing Maaori representation models this is not subject to specific statutory processes or timeframes.
154. There are no significant legal implications for Options 1-2.
155. Options 3 and 4 provide for Maaori representation by way of separate Maaori wards. The LEA sets out specific requirements and timeframes in this regard, though the decision whether to establish Maaori wards is discretionary.
156. Key points from the LEA:
  - i. Electors on the Hauraki-Waikato Maaori electoral roll would be able to vote for representatives of a Maaori ward. They would not be able to vote for any other ward position, though would also be able to vote for a mayoral candidate.
  - ii. The next opportunity for Maaori to register on the Maaori electoral roll will be 2024 following the Census.
  - iii. The timetable for establishing Maaori wards normally requires a resolution to be made by 23 November two years prior to the next triennial election. However, with changes to the legislation this deadline has been extended (under transitional arrangements) until 21 May 2021.
  - iv. The formula for determining the number of Maaori wards is based on Maaori and general electoral populations. This number would be determined as part of the wider representation review should the establishment of Maaori wards, in principle, be approved.
  - v. A resolution to establish Maaori wards would apply for the next two triennial elections.
  - vi. A member elected by a Maaori ward is under the same obligations as all elected members of Council to act in the best interests of the city.
157. In addition, Option 4 recommends dis-establishing the Maangai Maaori roles provided for by the kawenata between Council, Iwi and Maataawaka as part of forming the Governance Structure next triennium. There are no significant legal or contractual implications for this. Any party may terminate their participation in the kawenata by giving not less than one month notice in writing to the other party.
158. There are no legal restrictions on the Council establishing both Maaori wards and alternative representation models; this is a decision for Council to determine.

159. Staff confirm that the options considered in this report comply with the Council's legal and policy requirements.

### **Wellbeing Considerations - *Whaiwhakaaro-aa-oranga tonutanga***

160. The purpose of Local Government changed on the 14 May 2019 to include promotion of the social, economic, environmental and cultural wellbeing of communities in the present and for the future ('the 4 wellbeings').
161. The subject matter of this report has been evaluated in terms of the 4 wellbeings during the process of developing this report as outlined below.
162. The recommendations set out in this report are consistent with that purpose.

#### **Social**

163. Hamilton City Council is obliged under section 18 of the LGA to provide fair and effective representation for the individuals and communities of Hamilton.
164. Maaori represent a significant community of interest in Hamilton, with the Maaori population projected to increase to around 30% of the city's population by 2038. Thus ensuring Maaori are fairly represented in the decision-making processes of Council is an important social wellbeing consideration.

#### **Economic**

165. The matter considered in this report has no significant impact on economic wellbeing.
166. Iwi and Maataawaka do have a significant economic presence in Hamilton which may be better supported improved Maaori representation arrangements.

#### **Environmental**

167. Maaori stakeholders have confirmed the strong obligation within Maaoridom to protecting natural resources. A key message from these stakeholders is that Maaori representation within the Council's decision-making processes will enhance the sustainability and protection of local natural resources and support the Council's Sustainability Principles.
168. Providing for future generations is fundamental for Maaori. Increased Maaori representation and participation in local government decision-making is likely to strengthen the Council's purpose to meet both the current and future needs of Hamilton's communities.

#### **Cultural**

169. The matters in this report have important cultural considerations.
170. Under the Principles and Articles of the Treaty, the Crown has an obligation to act as a partner to tangata whenua; reflected in the requirement for each partner to "act with utmost good faith".
171. In delegating some of its powers to local government, the Crown is sharing its obligations to actively protect Maaori interests, to consult with Maaori, to protect Maaori's relationship to their culture, taonga and traditions, to ensure that Maaori are given appropriate control of resources and decisions within their communities and ensure that Maaori are effectively represented in local government.
172. The LGA imposes obligations on the Council to recognise and respect these Treaty obligations, as noted in this report. In upholding these obligations, local government acknowledges the unique perspective of Maaori on decisions that relate to people, land, assets and resources.

173. Ensuring appropriate and effective representation of Maaori in Council supports the capability and capacity of Maaori communities to ensure their unique heritage and culture is expressed and reflected in Council decision-making.

#### Risks - *Tuuraru*

174. In addition to the considerations in the Options table under paragraph 89 above, risks for consideration in choosing an option are assessed below.
175. **Existing relationships with key Maaori stakeholders (Option 1-2)** - Maaori stakeholders have made it clear that they support adding Maaori ward seats alongside existing Maangai Maaori representation arrangements and doing so this triennium.
176. Choosing not to establish Maaori wards now that the opportunity exists to do so without the potential for a poll, does not reflect the expresses wishes of key Maaori stakeholders. Therefore, these options carry a risk of being detrimental to existing relationships with them.
177. However, Council could mitigate discontent with a decision not to establish Maaori wards by committing to alternative ways of increasing the strength of Maaori representation on Council (some examples of alternatives are outlined in paragraph 101).
178. **Wider public opinion and consultation**  
Any resolution that gives Maaori greater representation on Council without consulting the wider public thoroughly risks an adverse public reaction. This could be mitigated to some extent through public education campaigns.
179. Conversely, proponents for removing the binding poll mechanism on establishing Maaori wards would argue that undertaking consultation with the wider public on this matter will have the same end result as carrying out a poll.
180. Due to tight timeframes, should Council resolve to carry out wider public consultation, the consultation process would be of a basic level. This means the length of time available to widely and thoroughly canvass the matter with the public and for them to provide feedback would be at the minimum acceptable level. This approach carries a potential risk for public criticism.

#### Significance & Engagement Policy - *Kaupapa here whakahira/anganui*

##### Significance

181. Staff have considered the key considerations under the Significance and Engagement Policy and have assessed that the matter(s) in this report has/have a medium level of significance.

##### Engagement

182. Maaori stakeholder views and preferences are already known to the Council through various levels of engagement with the following organisations:
- Waikato-Tainui (iwi)
  - Te Runanga o Kirikiriroa (maataawaka)
  - THAWK (mana *whenua*)
183. Maangai Maaori have been representing the views of Iwi and Maataawaka during Elected Member discussions. Maaori stakeholder groups have shared their views directly to Elected Members in some cases and have also been public in their responses to the legislative changes relating to the establishment of Maaori wards.
184. The Council's Electoral Officer and Amorangi Maaori have provided input during engagement and on the process for establishing Maaori wards at various discussions.
185. Given the medium level of significance proposed, any engagement on a Council decision regarding the establishment of Maaori wards is discretionary.

186. For a matter of this nature and level of public interest, staff advise best practice would be a thorough community education and engagement campaign if options 3 or 4 are chosen.
187. However, it is also advised that a thorough campaign would not be possible within the legislative timeframes that apply and only a truncated, basic engagement process is viable.
188. For all options, Council has the choice to engage widely with the public, solely with key stakeholders or not at all.
189. If Council resolved to establish Maaori wards but not to carry out specific engagement with the wider community on this decision, full engagement with the community would still occur as part of the wider representation review.
190. However, any decision on Maaori wards would not be able to be reversed as a result of any submissions received on Maaori wards through the wider representation review engagement process.

**Attachments - *Ngaa taapirihanga***

Attachment 1 - Establishment of Maaori Wards - Council Comparison Summary

Attachment 2 - Establishment of Maaori Wards - Options Analysis

## Attachment One: Summary Comparison of Council approaches regarding establishment of Maaori wards and existing Maaori representation arrangements.

In November, nine Councils resolved to establish Maaori wards. This served as a catalyst for recent legislative changes to enable Councils to establish Maaori wards without the possibility of facing a binding referendum on their decision (these have almost always overturned Council resolutions to do so to date).

The following is a high-level summary of how other Councils in New Zealand are progressing or considering the establishment of Maaori wards. Where information is available on other Maaori representation arrangements this too has been included.

Table 1 shows the nine Councils that are in the process of establishing Maaori wards along with the approach they took to consultation on their decision.

What other Maaori representation arrangements these Councils already have in place and if they intend to retain them alongside Maaori wards is noted in Table 2.

Table 3 indicates the existing Maaori representation arrangements in the larger metropolitan councils and whether they intend to reconsider Maaori wards at this stage.

Finally, Table 4 summarises what we can ascertain about Councils that are comparative or proximal to Hamilton City Council and their approach to reconsidering Maaori in response to the recent changes.

**Table 1: Councils that had already resolved to establish Maaori Wards – Consultation approach**

Council	Iwi / Hapu Consultation	Wider Community Consultation	How was engagement carried out?
Northland Regional Council	✓	✗	Te Tai Tokerau Maaori and Council Working Party
Whangarei District Council	✓	✗	Te Kārearea – Council strategic partnership forum with Maaori.
Kaipara District Council	✓	✗	Through iwi partners Te Roroa and Te Uri o Hau.
Gisborne District Council	✓	✓	Comprehensively consulted with wider community and iwi/ hapu from 30 August 2020. Received 293 responses to a questionnaire.
Tauranga City Council	✓	✗	Through Council's Tangata Whenua Committee.
Taupo District Council	✓	✗	Directly with Iwi and Hapu.
Ruapehu District Council	✓	✗	Ruapehu District Maori Council – an advisory board to Council.
New Plymouth District Council	✓	✗	Te Huinga Taumatua Committee comprising iwi reps and councillors.
South Taranaki District Council	✓	✗	With Iwi/hapu groups while reviewing their Building Maaori Capacity Policy as part of the Long Term Plan process.

**Table 2: Councils that had already resolved to establish Maaori Wards – Existing Maaori representation arrangements.**

Councils	Existing Maaori representation and participation arrangements	Likely to retain existing system?
Northland Regional Council	Te Tai Tokerau Maaori and Council (TTMAC) Working Party is the key avenue for Maaori representation.	✓
Whangarei District Council	Te Kārearea, is Whangarei Council's strategic partnership forum with Maaori.	✓
Kaipara District Council	Currently no formal Maaori partnership group but consults with iwi partners Te Roroa and Te Uri o Hau	✓
Gisborne District Council	Currently there is one council committee with iwi representation and one committee with a cultural advisor.  With Maaori wards, 5 new Maaori councillors would sit on 3 main committees plus iwi representatives likely to continue on the remaining two committees.	✓
Tauranga City Council	Has a Maaori Standing Committee called the Tangata Whenua/TCC committee.	✓
Taupo District Council	No information found.	?
Ruapehu District Council	Ruapehu District Maaori Council is an advisory board to Council.	?
New Plymouth District Council	Currently has Te Huinga Taumatua Committee comprising iwi representation and councillors. The future of this committee depends on future Mayor/Council.	?
South Taranaki District Council	Has an Iwi Liaison Committee consisting of two iwi representatives, mayor and two councillors.  Iwi representation is appointed to each committee.	✓

Item 5

Attachment 1

Table 3: Metropolitan Councils – Existing arrangements and approach to Maaori wards.

Council	Existing Maaori representation arrangements	Approach to considering the establishment of Maaori wards
Auckland	The Independent Maaori Statutory Board (established under a separate Act) can appoint two members to any council committee that deals with the management and stewardship of natural and physical resources.	Auckland Council supports a Maaori ward in principle but will not implement it until it can increase the number of councillors (currently set by law at 20).
Wellington	In October last year, Council voted to investigate giving mana whenua voting rights and remuneration on council committees.	Has agreed in principle to a notice of motion to establish Maaori and is currently consulting with Maaori stakeholders. No wider public consultation has been signalled.
Christchurch	<p>Te Hononga – This is a dedicated committee for maaori contribution with a mix of Elected Members and Runanga representatives: Focus areas are water, tribal economies, housing and land use on Maaori reserves.</p> <p>This Committee can make recommendations to the Council but does not have delegated authority to make formal decisions on behalf of the Council. Operational and functional relationships exist with Mataawaka.</p>	No plans to establish Maaori wards for the next triennium.
Dunedin	Maaori Participation Working Party – focus is on communication and consultation and advice into council but no formal representation arrangements.	No plans to establish Maaori wards for the next triennium.

Table 4: Other Council approaches to reconsidering Maaori wards and Maaori representation.

Council	Approach to considering Maaori wards
Waikato Regional Council	Already have Maaori wards (three elected Maaori seats) so no action taken.
Waipa District Council	<p>Are considering establishing Maaori wards and are undertaking a wider consultation process with the community.</p> <p>Have an existing lwi consultative committee - Ngā lwi Tōpū O Waipā (NITOW) is a group that represents all hapū in the Waipā District.</p> <p>lwi representatives are appointed to all four Council committees.</p>
Waikato District Council	<p>Determined as part of a wider representation review to put the decision on establishing maaori wards for 2025 out as a poll during the 2022 elections. No indication has been made this will change.</p> <p>Currently have Maangai Maaori with voting and speaking rights on three committees.</p>
Matamata-Piako District Council	<p>Are currently considering Maaori wards following indication of support for this from Maaori partners.</p> <p>Te Manawhenua Forum mo Matamata-Piako is a standing committee of Council with appointed Maaori representation. Its purpose is to “facilitate tangata whenua contribution to Council’s decision making.”</p>
Tauranga City Council	<p>Tauranga is currently operating under the guidance of commissioners and are undertaking a wider representation review. This has the potential to create major system changes (e.g. removing the mixed system, increasing the number of councillors, and possibly establishing community boards.</p> <p>As a result, the Council is currently revisiting its earlier decision to establish Maaori wards. A report is going to its Tangata Whenua Committee on 29 March 2021 with a recommendation for council/commissioners to consider at its meeting on 12 April.</p>
Rotorua Lakes Council	<p>Resolved not to establish Maaori wards in 2020 but are now reconsidering this decision in light of recent changes.</p> <p>They have been running a series of workshops through March with elected members and lwi partner organisation - Te Tatau o Te Arawa (TToTA).</p> <p>A workshop is planned for early May to report back on TToTA’s views on Maaori wards.</p> <p>Whether Maaori wards would replace TToTA or run alongside it is still to be determined. Appointed lwi representatives also sit with</p>

	voting rights on two committees.
Hauraki District Council	Not reconsidering 2020 decision to not establishing Maaori wards.
Thames-Coromandel District Council	Not reconsidering 2020 decision to not establishing Maaori wards.
Far North District Council	Resolved not to establish Maaori wards in 2020 but are consulting with the community during March on Maaori wards as part of their wider representation review roadshow.
Whangarei District Council	Resolved to establish Maaori wards in 2020, but some councillors are placing a notice of motion this week to rescind this and have a non-binding poll with the 2022 elections.

## ATTACHMENT TWO: OPTIONS ANALYSIS FOR CONSIDERING THE ESTABLISHMENT OF MAAORI WARDS

### Option 1: Status quo representation arrangements.

#### What is the purpose of this options?

To maintain the existing structures and mechanisms for Maaori participation in the Council decision-making processes.

#### What does this approach look like?

Retains the current Maaori participation arrangements in the Council's governance processes through the following structures.

- **Council-Waikato Tainui Co-Governance Forum:** The Forum was first established in October 2014 and meets obligations under the Joint Management Agreement (JMA) between HCC and the Waikato Raupatu River Trust (since February 2012).
- **Maangai Maaori:** Appointed to eight committees with full voting rights at committee level, these roles allow for Iwi and Maatawaka to input directly to the decision-making process.
- **Other partnership arrangements:** Council receives support and advice from the urban Maaori organisation Te Runanga o Kirikiriroa (for strategic policy advice) and Te Haa o te Whenua o Kirikiriroa Trust (THaWK), who represent the five hapuu for the greater Hamilton City area on issues relating to the management of Hamilton's natural and physical resources.

#### Who has used a similar approach?

- Waikato District Council (JMA with Waikato Tainui and Maangai Maaori representatives on committees).
- South Taranaki (nominate Iwi representatives appointed to two committees).
- Waipa District Council (Iwi representatives are appointed to all four Council committees).

#### What are the implications of this approach?

Partnership arrangements and forum with Iwi and Maataawaka will continue to enable discussions, debate and solutions on issues that impact Hamilton and Waikato-Tainui, while also providing an avenue for consulting with Tainui on strategic issues.

Maangai Maaori will continue to represent the views of Iwi and Maataawaka on all Council committees and to support Council decision-making in this way.

As there is no change, there are no additional cost considerations or requirements to engage the community.

#### Considerations

This option does not reflect the stated views and preferences of Council's key Maaori stakeholder groups. As such, there is a potential risk to existing relationships with these groups should this option be chosen.

**Option 2: A commitment to review Maaori representation arrangements (including consideration of Maaori wards) following the adoption of the He Pou Manawa Ora Strategy.**

**What is the purpose of this options?**

To maintain and explore with a view to enhancing the existing structures and mechanisms for Maaori participation in Council decision-making processes.

To signal a stronger commitment to involving Maaori in the decision-making processes of Council and to Council's obligations to ensure opportunity for Maaori participation under the Local Government Act 2002 and Te Tiriti o Waitangi.

**What does this approach look like?**

Retains the current Maaori participation arrangements in the Council's governance processes (noted in full in Option 1).

Commits to a programme of work to assess improvements to existing arrangements in line with consultation results on the He Pou Manawa Ora strategy. This option also provides an opportunity to explore other alternative options for increasing Maaori representation in Council decision-making (for example, Iwi appointed representation on Council).

**Who has used a similar approach?**

- A range of alternative representation structures such as standing committees, joint working party, partnership forum and advisory boards implemented by other Councils.

**What are the implications of this approach?**

Partnership arrangements and forum with Iwi and Maataawaka will continue to enable discussions, debate and solutions on issues that impact Hamilton and Waikato-Tainui, while also providing an avenue for consulting with Tainui on strategic issues.

Maangai Maaori will continue to represent the views of Iwi and Maataawaka on Council committees and to support Council decision-making in this way.

Potential for enhancement or addition to existing arrangements as a result of review and assessment in collaboration with key Maaori stakeholders.

Additional work to assess alternative representation arrangements may require additional resource if it cannot be absorbed into existing work programmes and available resource.

**Considerations**

This option does not reflect the stated views and preferences of Council's key Maaori stakeholder groups. As such, there is a potential risk to existing relationships with these groups should this option be chosen.

This risk is likely lower than that of Option 1 as the improving opportunities for Maaori representation and working with key Maaori stakeholders on how this may be done remains the intent of this option.

**Option 3: Establish Maaori wards for the 2022-25 triennium with/without consultation with the wider community and recommend the incoming Council retain the existing Maangai Maaori system upon the introduction of Maaori wards as part of determining the new governance structure for the 2022-2025 triennium.**

**What is the purpose of this options?**

To increase systems for Maaori participation in Council decision-making processes.

To commit to Maaori having a voice at the highest level of Council decision-making processes and to Council's obligations to ensure opportunity for Maaori participation under the Local Government Act 2002 and Te Tiriti o Waitangi.

To reflect the views and preferences of Council's key Maaori partners and stakeholders.

**What does this approach look like?**

Retains the current Maaori participation arrangements in the Council's governance processes (noted in full in Option 1).

Provides for the establishment of Maaori wards to be in place for the next 2022-25 triennium and Elected Maaori representation with full voting rights on Council.

The ultimate composition of the Council, committees and governance structures will need to be determined through a wider representation review.

**Who has used a similar approach?**

- Waikato Regional Council (Maaori wards alongside other Maaori representation systems)

**What are the implications of this approach?**

Elected Maaori representation with full voting rights on Council.

Requires a wider representation review and consultation process to be carried out to determine final representation arrangements for Council which may generate significant changes (e.g. how many elected seats in total, boundaries of wards).

Partnership arrangements and forum with Iwi and Maataawaka will continue to enable discussions, debate and solutions, while providing an avenue for consulting with Tainui on strategic issues.

Maangai Maaori will continue to represent the views of Iwi and Maataawaka on Council committees and to support Council decision-making in this way.

The work required to undertake a wider representation review and implement any changes required as a result prior to the next triennium has not be included in staff work programmes or budgets for this year. While to implement this option will require additional resource, this has been signalled in the 2022-25 Long Term Plan.

It is anticipated that any unbudgeted costs of carrying out a wider representation review process this year will be offset by savings in 2023/24.

Should wider public consultation be selected as part of this option, legal restrictions on process would limit this to a basic level with an actual public engagement period of 3-4 weeks.

**Considerations**

This option fully meets the expectations of key Maaori partners and stakeholder groups.

Depending on the level of engagement carried out there is potential for the wider community to feel they are not consulted appropriately on this decision.

**Option 4: Establish Maaori wards for the 2022-25 triennium with/without consultation the wider community and recommend the incoming Council dis-establish the existing Maangai Maaori system upon the introduction of Maaori wards as part of determining the new governance structure for the 2022-2025 triennium.**

#### **What is the purpose of this options?**

To increase the existing structures and mechanisms for Maaori involvement in Council decision-making processes.

To commit to Maaori having a voice at the highest level of Council decision-making processes and to Council's obligations to ensure opportunity for Maaori participation under the Local Government Act 2002 and Te Tiriti o Waitangi.

To reflect the preference of Council's Maaori partners and stakeholders to establish Maaori wards.

#### **What does this approach look like?**

Replaces the current Maangai Maaori system with Maaori wards.

Retains all other existing Maaori representation arrangements in the Council's governance processes (noted in full in Option 1).

Provides for the establishment of Maaori wards to be in place for the next 2022-25 triennium and Elected Maaori representation with full voting rights on Council.

Dis-establishes the position of Maangai Maaori prior to the next triennium (at a time to be determined by Council but at least one month in advance as required by the kawenata between Council, Iwi and Maataawaaka).

Council recommends that the Maangai Maaori system is not reinstated in the new triennium.

The ultimate composition of the Council, committees and governance structures will need to be determined through a wider representation review.

#### **Who has used a similar approach?**

- Bay of Plenty has Maaori wards and a Komiti Māori (Maaori committee) to provide direction and guidance on Council's obligations to Maaori.
- Wairoa District Councils has Maaori wards and a Maaori standing committee dedicated to considering issues of significant interest and impact to Maaori.

#### **What are the implications of this approach?**

Elected Maaori representation with full voting rights on Council.

Requires a wider representation review and consultation process to be carried out to determine final representation arrangements for Council which may generate significant changes (e.g. how many elected seats in total, boundaries of wards).

Partnership arrangements and forum with Iwi and Maataawaka will continue to enable discussions, debate and solutions on issues that impact Hamilton and Waikato-Tainui, while also providing an avenue for consulting with Tainui on strategic issues.

Maangai Maaori will no longer represent the views of Iwi and Maataawaka on Council committees.

The work required to undertake a wider representation review and implement any changes required as a result prior to the next triennium has not be included in staff work programmes or budgets for this year. While to implement this option will require additional resource, this has been signalled in the 2022-25 Long Term Plan.

It is anticipated that any unbudgeted costs of carrying out a wider representation review process this year will be offset by savings in 2023/24.

Should wider public consultation be selected as part of this option, legal restrictions on process would limit this to a basic level with an actual public engagement period of 3-4 weeks.

#### **Considerations**

This option does not fully meet the expectations of key Maaori partners and stakeholder groups in that it removes existing Iwi and Maataawaka representation on Council committees. As such, there is a potential risk to existing relationships with these groups should this option be chosen.

This risk is likely lower than that of Option 1 as establishing Maaori wards is an important step for Maaori stakeholders in achieving strong representation in local government decision-making and other existing avenues for partnership and participation for Iwi and Maataawaka remain.

Depending on the level of engagement carried out there is potential for the wider community to feel they are not consulted appropriately on this decision.