



RĀRANGI TAKE AGENDA

Additional Hui Kaunihera | Council Meeting

**I hereby give notice that a Meeting of the Kāpiti Coast District Council
will be held on:**

Te Rā | Date: Tuesday, 14 November 2023

Te Wā | Time: 9.30am

**Te Wāhi | Location: Council Chamber
Ground Floor, 175 Rimu Road
Paraparaumu**

**Darren Edwards
Chief Executive**

Kāpiti Coast District Council

Notice is hereby given that a meeting of the Kāpiti Coast District Council will be held in the Council Chamber, Ground Floor, 175 Rimu Road, Paraparaumu, on Tuesday 14 November 2023, 9.30am.

Kaunihera | Council Members

| | |
|-----------------------------|--------|
| Mayor Janet Holborow | Chair |
| Deputy Mayor Lawrence Kirby | Deputy |
| Cr Glen Cooper | Member |
| Cr Martin Halliday | Member |
| Cr Sophie Handford | Member |
| Cr Rob Kofoed | Member |
| Cr Liz Koh | Member |
| Cr Jocelyn Prvanov | Member |
| Cr Kathy Spiers | Member |
| Cr Shelly Warwick | Member |
| Cr Nigel Wilson | Member |

Te Raupapa Take | Order Of Business

| | | |
|-----|--|----|
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| 2 | Karakia a te Kaunihera Council Blessing..... | 5 |
| 3 | Whakapāha Apologies..... | 5 |
| 4 | Te Tauākī o Te Whaitake ki ngā Mea o te Rārangi Take Declarations of Interest Relating to Items on the Agenda | 5 |
| 5 | He Wā Kōrero ki te Marea mō ngā Mea e Hāngai ana ki te Rārangi Take Public Speaking Time for Items Relating to the Agenda | 5 |
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1 NAU MAI | WELCOME

2 KARAKIA A TE KAUNIHERA | COUNCIL BLESSING

I a mātou e whiriwhiri ana i ngā take kei mua i ō mātou aroaro, e pono ana mātou ka kaha tonu ki te whakapau mahara huapai mō ngā hāpori e mahi nei mātou. Me kaha hoki mātou katoa kia whaihua, kia tōtika tā mātou mahi, ā, mā te māia, te tiro whakamua me te hihiri ka taea te arahi i roto i te kotahitanga me te aroha.

“As we deliberate on the issues before us, we trust that we will reflect positively on the communities we serve. Let us all seek to be effective and just, so that with courage, vision and energy, we provide positive leadership in a spirit of harmony and compassion.”

3 WHAKAPĀHA | APOLOGIES

**4 TE TAUĀKĪ O TE WHAITAKE KI NGĀ MEA O TE RĀRANGI TAKE |
DECLARATIONS OF INTEREST RELATING TO ITEMS ON THE AGENDA**

Notification from Elected Members of:

4.1 – any interests that may create a conflict with their role as an elected member relating to the items of business for this meeting, and

4.2 – any interests in items in which they have a direct or indirect pecuniary interest as provided for in the Local Authorities (Members' Interests) Act 1968

**5 HE WĀ KŌRERO KI TE MAREA MŌ NGĀ MEA E HĀNGAI ANA KI TE RĀRANGI
TAKE | PUBLIC SPEAKING TIME FOR ITEMS RELATING TO THE AGENDA**

6 NGĀ TAKE A NGĀ MEMA | MEMBERS' BUSINESS

(a) Leave of Absence

(b) Matters of an Urgent Nature (advice to be provided to the Chair prior to the commencement of the meeting)

7 PŪRONGO | REPORTS

7.1 CONSIDERATION OF ESTABLISHMENT OF A MĀORI WARD

Kaituhi | Author: **Steffi Haefeli, Manager Democracy Services**

Kaiwhakamana | Authoriser: **Hara Adams, Group Manager Iwi Partnerships**

TE PŪTAKE | PURPOSE

- 1 This report asks Council to consider the establishment of a Māori ward for the 2025 local body elections.

HE WHAKARĀPOOTO | EXECUTIVE SUMMARY

- 2 An executive summary is not required for this report.

TE TUKU HAE PAPA | DELEGATION

- 3 Section A.2 of the Governance Structure and Delegations for the 2022-2025 triennium provides Council with authority to consider this matter.
- 4 Section A.1 refers to Council's partnership with mana whenua of the district comprising the iwi and hapu of Ngā Hapū o Ōtaki (Ngāti Raukawa), Ngāti Toa Rangatira and Ātiawa ki Whakarongotai Charitable Trust (together forming the A.R.T. Confederation).

TAUNAKITANGA | RECOMMENDATIONS

- A. That Council either:
 - A.1 Resolve to establish a Māori ward for electoral purposes under section 19Z of the Local Electoral Act 2001 ahead of the 2025 local body elections;
 - or
 - A.2 For Council to resolve not to establish a Māori ward ahead of the 2025 local body elections, noting that Council will be required to consider this next triennium ahead of the 2028 local body election.

TŪĀPAPA | BACKGROUND

- 5 Last triennium, as part of the Representation Review process which has to be carried out every six years, Council considered the establishment of a Māori ward.
- 6 On 6 May 2021, following the recommendation of its three iwi partners, Te Āti Awa ki Whakarongotai Charitable Trust, Ngā Hapū o Ōtaki (Ngāti Raukawa) and Ngāti Toa Rangatira, Council resolved not to establish a Māori ward for electoral purposes under section 19Z of the Local Electoral Act 2001 before the 2022 local body elections. As part of this decision, Council committed to reconsidering the question this triennium.
- 7 Council considered alternative mechanisms of Māori participation and in June 2022, Council passed a resolution that provided for mana whenua representation through Council's Governance Structure.

Current Legislative Context

- 8 On 26 July 2022, the Government announced the introduction of the Local Government Electoral Legislation Bill (the Bill). The Bill has enacted amendments to the Local Electoral Act 2001 making revisions to the process that local authorities are required to follow in deciding their representation arrangements, making the consideration of a Māori ward a mandatory step in the representation review process. However, changes were introduced in

the Select Committee process so that certain provisions in the Bill relating to Māori representation do not come into force until 12 October 2025.

- 9 The Act, as passed, means that local authorities are not required to consider Māori representation as part of their representation review until after the 2025 Local Body Elections. Local authorities still have the ability to optionally consider Māori representation, but it is no longer a legal requirement ahead of the next elections. Council may therefore resolve whether to establish a Māori ward ahead of the elections in 2025.
- 10 Under the provisions that come into force after 12 October 2025, local authorities will be required to consider Māori representation as part of their representation review for the 2028 elections. Local authorities that have not established a Māori ward in the previous triennium, will be required to reconsider whether to create a Māori ward. In addition, they will be required to undertake specific engagement with 'Māori and other communities' and to 'have regard to' this engagement in deciding whether to establish a Māori ward.
- 11 In the last triennium, Council guided by mana whenua resolved not to establish a Māori ward and committed to reconsidering the question this triennium. As such, it is appropriate that Council and mana whenua consider the matter again this triennium.
- 12 Under current provisions of the Local Electoral Act 2001, a resolution to establish a Māori ward must be made by 23 November 2023 to take effect for that next election. If Council does resolve to establish a Māori ward, a representation review will need to take place in 2024 ahead of the 2025 elections.

HE KŌRERORERO | DISCUSSION

He take | Issues

What is a Māori Ward?

- 13 The Local Government Act 2002 requires local authorities to provide for Māori participation in decision-making, but it does not prescribe how this should happen. The establishment of one or more Māori wards is one avenue to be considered under the Local Electoral Act 2001.
- 14 A Māori ward is a distinct form of representation to the appointment of mana whenua representatives to Council's governance structure. Council's current governance structure allows for the appointment of mana whenua representatives to its committees and subcommittees with full voting rights which currently provides a mechanism for all of Council's mana whenua partners to be represented around the Council and committee table. While these forms of representation are distinct, they are not mutually exclusive.
- 15 A Māori ward is a representation structure which would allow Māori electors enrolled on the Māori electoral role to directly elect a Councillor to Council. The person standing for the Māori ward vacancy does not have to identify as mana whenua or tangata whenua to stand; however, only those on the Māori electoral role can nominate that person and vote for the person to be elected.
- 16 The Electoral Act 2001 sets out a formula to determine how many Māori wards may be established which is based on population size of the territorial authority area.
- 17 Previous amendments to the Local Electoral Act 2001 under the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021:
 - 17.1 removed the ability for electors to bring a petition requiring a poll on the introduction of Māori wards (only the Council will be able to undo a decision to establish a Māori ward or constituency);
 - 17.2 removed the ability for local authorities to resolve to hold binding polls on whether to establish Māori wards or constituencies (although non-binding polls may continue to be conducted);

17.3 provided that past polls, or Council resolution to hold binding polls, on whether to establish Māori wards or constituencies cease to have any effect.

Future for Local Government Review

- 18 Current local governance structures and systems were designed many years ago and are now facing considerable pressure. Over the past three years an independent review has been conducted by the Future for Local Government Review panel which in reviewing the sector makes a number of recommendations relating to local governance to create the conditions for communities to prosper and thrive.
- 19 While the recently released final report from the panel conducting the Review into the Future for Local Government recommend that the threshold for Māori wards in legislation be reduced, it also acknowledges that changes to legislative frameworks alone are not sufficient to ensure a Te Tiriti based partnership between local government and Māori.
- 20 The panel recommends councils develop partnership frameworks with hapū/iwi and Māori to give effect to Te Tiriti provisions and enabling Tiriti-based appointments to councils for iwi and hapu who want to participate in the kāwanatanga sphere.

Implications of a Māori ward

- 21 If a Māori ward is established, Māori electors enrolled on the Māori electoral roll will need to vote for Māori ward councillors in the place of general ward councillors. Māori electoral roll electors will still be able to vote for the Mayor, district-wide councillors and community board representatives of the community they reside in. In comparison, general roll electors would be able to vote for the Mayor, three district-wide councillors, community board representatives and up to three ward councillors depending on the ward they are able to vote for. For example, for a Māori elector voting for the Paraparaumu ward electorate, establishing a Māori ward would mean that instead of voting for three ward councillors they might only be able to vote for one Māori ward councillor.
- 22 The exact number of Māori ward councillors would not be known with certainty until a representation review has taken place, however, this is determined by a 'fair representation' ratio in the Local Electoral Act 2001 and based on 2022 population data from Statistics New Zealand it is likely that one Māori ward councillor could be established with the current number of ward councillors.¹ As the legislative ratio is between Māori ward and general ward councillors, a decision to establish a Māori ward has the potential to impact on Council's representation structure, in particular, the number of ward councillors across general wards and boundaries.
- 23 While Māori electors are able to switch between the Māori electoral roll and the general electoral roll easily due to a recent change in electoral legislation, this can still only be done up to three months before the relevant elections. Messaging around these considerations for Māori electors can be incorporated in pre-election communications and engagement to ensure Māori are aware of the impacts of the different rolls.

Community Engagement

- 24 On 10 August 2023 Council resolved to consult with mana whenua and the wider community ahead of making a decision on the establishment of a Māori ward prior to 23 November 2023.
- 25 At the same time Council acknowledged its long-standing partnership (a 29-year MOU) with mana whenua and committed to engaging with mana whenua on this matter, through Te Whakaminenga o Kāpiti and engagement with Council's iwi partners.
- 26 Feedback was sought from mana whenua and the wider Kāpiti Coast community between 12 September and 13 October 2023.

¹ Based on 2022 electorate population data from Statistics New Zealand, a ratio of 6-17 general ward councillors would allow for 1 Māori ward councillor. A ratio of 18 general ward councillors would allow for 2 Māori ward councillors.

- 27 Communications and engagement activities focused on one-way channels to inform the community of the purpose of a Māori ward and upcoming Council decision. The intent was to:
- educate the community on what a Māori Ward would mean, who it would affect and what the impacts would be.
 - engage effectively with those most affected, i.e., mana whenua, people on the Māori electoral roll, and those who may choose to switch rolls before the next local body election.
 - to obtain wider public feedback on whether establishing a Māori Ward will assist Council to achieve outcomes relating to Māori representation in Council decision-making and processes.
- 28 The channels of communication included media releases, a one-page spread in Everything Ōtaki, social media marketing, and Council's Have Your Say platform.
- 29 Feedback was provided via email, the digital Have Your Say survey platform, and paper copies of the surveys with collection boxes being placed in all district libraries/services centres, and in the main reception area of the civic building. All responses received in hard copy or via email were then added into the digital Have Your Say platform.
- 30 Public Voice, a research and engagement consultancy was contracted to provide a summary and analysis of submissions. This report is attached at Attachment 3.
- 31 Overall, Council received 548 submissions – representative of approximately 1.27% of the eligible voting population in the Kāpiti Coast District. Of the respondents, 31% favoured establishing a Māori ward, while 69% were against it.
- 32 In the consultation process, Waikanae was overrepresented by 7%, while Paraparaumu and Ōtaki were underrepresented by 7% compared to the general population.
- 33 Of the respondents who supported the establishment of a Māori ward, the most frequently cited reasons were ensuring Māori representation in local governance and upholding the principles and obligations of Te Tiriti o Waitangi.
- 34 Of the respondents opposed to the establishment of a Māori ward the most frequently cited reasons for this were principles of equality and democracy, opposition to race-based representation, and concerns of racial divisiveness.

Age-based Observations

- 35 The age group 65+ recorded the highest participation, with 57% of the total respondents in this bracket. However, they also registered the highest opposition to the proposal, with 73% responding "No/Kāo".
- 36 The 15-34 age group, while having the lowest overall participation (5% of respondents), demonstrated the most support for the proposal, with 61% saying "Yes/Ae".
- 37 Middle-aged participants, specifically those in the 45-54 age bracket, showed a balanced opinion with 39% in favour ("Yes/Ae") and 61% opposed ("No/Kāo").
- 38 The age groups of 35-44 and 55-64 had similar sentiment distributions, with affirmative responses ranging between 29%-32%.

Whakapapa and Electoral Roll Observations

- 39 67 of submitters (approximately 12%) identified as of Māori descent.
- 40 Respondents on the Māori Electoral Roll are more supportive of establishing a Māori ward, with 56% in favour, compared to 44% opposed.
- 41 Conversely, those not on the Māori Electoral Roll are less supportive, with 67% against and only 33% in favour.

Location-based Observations

- 42 Paekākāriki had the highest percentage of respondents in favour of the proposal, with 87% saying "Yes/Ae".
- 43 Waikanae, and Paraparaumu followed by Raumati had the highest number of respondents against the proposal.
- 44 Locations such as Waikanae, Raumati, and Paraparaumu had similar opposition levels, with approximately 72-73% saying "No/Kāo".
- 45 The location with the smallest number of respondents was Peka Peka.

Ngā kōwhiringa | Options

- 46 In the last triennium, Council guided by mana whenua resolved not to establish a Māori ward and committed to reconsidering the question this triennium.
- 47 The current options are:
 - 47.1 Option A: for Council to resolve to establish a Māori ward for electoral purposes under section 19Z of the Local Electoral Act 2001 ahead of the 2025 local body election.
 - 47.2 Option B: for Council to resolve not to establish a Māori ward;

Table 1: Options - Risks and Benefits

| Kōwhiringa Options | Hua Benefits | Tūraru Risks |
|---------------------------------|---|---|
| Option A – establish Māori ward | <ul style="list-style-type: none"> • Opportunity to increase Māori representation in local government decision-making processes and consistent with Te Tiriti o Waitangi commitments in the LGA. • Māori ward councillor would have a vote at Council meetings. Streamlining the voting of mana whenua at Councils committees ensuring consistency. • Ability to strengthen relationship with our mana whenua partners. • May increase engagement and participation in council decision making by those of Māori descent. • Recognises and enhances the Māori-Crown relationship at a localised level. • Ability for council to ensure that Māori communities are represented on council. • Increases the visibility of Māori issues within the district to be | <ul style="list-style-type: none"> • Elected representative is not required according to legislation to be of/or identify as Māori descent. There is potential for the viewpoint of the Māori Ward councillor to differ from time to time with those of mana whenua and impact on Council decision-making on issues of significance to Council's iwi partners. • Could impede, if not managed appropriately, the strengthening of Council's partnership agreement with mana whenua. • Will trigger a representation review earlier than scheduled with a financial impact. |

| | | |
|--|--|--|
| | <p>discussed and included in council thinking and processes.</p> <ul style="list-style-type: none"> • Positive step in the right direction to improve Māori electoral representation at local government – a Māori voice. • Supports equity of process for Māori and General Wards • Potentially encourage the number of voters of Māori descent on the general role to be change to the Māori roll | |
| Option B – do not establish a Māori ward | <ul style="list-style-type: none"> • This reflects the majority view for those submitted during community engagement (excepting mana whenua) noting that the majority view was more prevalent in those in the older age groups and in certain locations in Kāpiti. • Ability to revisit this decision <i>next</i> triennium as part of the 6-yearly representation review. • Candidates for the Māori ward are not required to be of/or identify as Māori descent. There is potential for the viewpoint of the Māori Ward councillor to differ from time to time with those of mana whenua and impact on Council decision-making on issues of significance to Council's iwi partners. | <ul style="list-style-type: none"> • Loss of opportunity for Council to increase and encourage Māori participation in local government decision-making as required under LGA principles. • May signal an unwillingness to include a Māori voice in Council's decision-making process. • Potential to further decrease engagement and participation by those of Māori descent. • The minority voices of those who submitted during community engagement may feel unheard. • Rangatahi, the future of our district, 15-34 age group of submitters may feel unheard and decrease engagement and participation with Council activities. |

Mana whenua

- 48 At the 20 June 2023 Te Whakaminenga o Kāpiti, the Chair, André Baker, reflected the position of A.R.T Confederation. This position was a preference to embed the new partnership arrangement and relationship with Council's Iwi Partnerships group this triennium and did not consider the establishment of a Māori ward a priority. The Chair indicated that mana whenua would continue to consider this matter throughout the triennium.
- 49 Following Council's resolution in August 2023 to proceed with wider community consultation, we have received statements from Ngāti Toa Rangatira and Ngā Hapū o Ōtaki outlining their position. These letters are attached as Appendix 5 and Appendix 6 respectively.
- 50 Following on from earlier indications, at the public briefing on Thursday 2 November 2023 to discuss the consideration of a Māori ward, mana whenua representatives around the table

from Ngāti Toa Rangatira, Ātiawa ki Whakarongotai, and Ngā Hapū o Ōtaki indicated support for the establishment of a Māori ward and commended Council for considering the matter.

- 51 Mana whenua representatives around the table expressed a view that the establishment of a Māori ward was likely to be beneficial to the broader community with increased Māori representation and would add to the current partnership agreement with mana whenua. The decision to establish a Māori ward does not exclude other governance mechanisms for mana whenua to contribute to decision-making and rather would be enhancing the current partnership arrangement.

Panonitanga āhuarangi | Climate change

- 52 There are no climate change considerations to note in this report.

Ahumoni me ngā rawa | Financial and resourcing

- 53 If a decision is made to establish a Māori ward for the 2025 local body elections, a representation review would need to take place in 2024 with a budget impact. The cost is estimated at between \$250,000-\$300,000, which is factored into planning for the long-term plan.

Tūraru ā-Ture me te Whakahaere | Legal and Organisational Risk

- 54 As Council considered whether to establish a Māori last triennium, under the Local Electoral Act 2001 Council is not required to consider the establishment of a Māori ward until next triennium ahead of the 2028 local body elections. Consideration of this matter this triennium is optional (noting that Council and mana whenua committed to revisiting this matter this triennium when they resolve not to establish a Māori ward last triennium).

Under the Local Electoral Act 2001, if Council wishes to establish a Māori ward ahead of the 2025 elections, it must make a decision by 23 November 2023.

Ngā pānga ki ngā kaupapa here | Policy impact

- 55 There will be no direct impact on any existing or planned policies as a result of this decision.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT

Te mahere tūhono | Engagement planning

- 56 Community engagement is set out earlier in this report.

Whakatairanga | Publicity

- 57 If a decision is made to consider the establishment of a Māori Ward, publicity will be in line with an agreed communications and engagement plan. The decision on whether or not to establish a Māori ward will also be publicly notified.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. 19Z Local Electoral Act 2001 [↓](#)
2. Schedule 1A Local Electoral Act 2001 [↓](#)
3. Summary of submissions report [↓](#)
4. Survey Responses (under separate cover) [⇒](#)
5. Letter from Ngāti Toa Rangatira [↓](#)
6. Letter from Ngā Hapū o Ōtaki [↓](#)

- (b) a copy must be kept at the office of the territorial authority or regional council, and must be available for inspection without fee by any person during normal office hours.

Compare: 1974 No 66 s 101M

Section 19Y: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19Y(1): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Section 19Y(2)(a)(iv): amended, on 29 June 2013, by section 14 of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19Y(3): amended, on 8 August 2014, by section 76 of the Local Government Act 2002 Amendment Act 2014 (2014 No 55).

Māori wards and Māori constituencies

Heading: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19Z Territorial authority or regional council may resolve to establish Māori wards or Māori constituencies

- (1) Any territorial authority may resolve that the district be divided into 1 or more Māori wards for electoral purposes.
- (2) Any regional council may resolve that the region be divided into 1 or more Māori constituencies for electoral purposes.
- (3) A resolution under this section,—
 - (a) if made after a triennial general election but no later than 23 November of the year that is 2 years before the next triennial general election, takes effect, subject to paragraph (c), for the purposes of the next triennial general election of the territorial authority or regional council; and
 - (b) in any other case, takes effect, subject to paragraph (c), for the purposes of the next but one triennial general election; and
 - (c) in either case, takes effect for 2 triennial general elections of the territorial authority or regional council, and for any associated election, and continues in effect after that until a further resolution under this section takes effect.
- (4) This section—
 - (a) is subject to clauses 2(5) and 4(4) of Schedule 1A; and
 - (b) does not apply in relation to a territorial authority or regional council if another enactment requires,—
 - (i) in the case of a territorial authority, that the district be divided into 1 or more Māori wards; or
 - (ii) in the case of a regional council, that the region be divided into 1 or more Māori constituencies.

- (5) In this section, **associated election**, in relation to any 2 successive triennial general elections of a territorial authority or regional council, means—
- (a) any election to fill an extraordinary vacancy in the membership of the body concerned that is held—
 - (i) between those elections; or
 - (ii) after the second of those elections but before the subsequent triennial general election:
 - (b) an election of the members of the body concerned under section 258I or 258M of the Local Government Act 2002 that is held—
 - (i) between those elections; or
 - (ii) after the second of those elections but before the subsequent triennial general election.

Section 19Z: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19Z(3)(c): replaced, on 2 March 2021, by section 6(1) of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

Section 19Z(4): replaced, on 2 March 2021, by section 6(2) of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

Section 19Z(5): amended, on 2 March 2021, by section 6(3) of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

Section 19Z(5)(b): amended, on 5 December 2012, by section 43 of the Local Government Act 2002 Amendment Act 2012 (2012 No 93).

19ZA Public notice of right to demand poll

[Repealed]

Section 19ZA: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

19ZB Electors may demand poll

[Repealed]

Section 19ZB: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

19ZC Requirements for valid demand

[Repealed]

Section 19ZC: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

19ZD Territorial authority or regional council may resolve to hold poll

[Repealed]

Section 19ZD: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

19ZE Limitation on division into Māori wards or Māori constituencies

[Repealed]

Section 19ZE: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

19ZF Poll of electors

[Repealed]

Section 19ZF: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

19ZG Effect of poll

[Repealed]

Section 19ZG: repealed, on 2 March 2021, by section 7 of the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 (2021 No 3).

19ZH Basis of election of territorial authority and regional council

If, for the purpose of a triennial general election,—

- (a) a district of a territorial authority is required to be divided into 1 or more Māori wards; or
- (b) a region of a regional council is required to be divided into 1 or more Māori constituencies,—

the provisions of this Part (other than those of sections 19B, 19G, and 19J, and those of this section) are subject to the provisions of Schedule 1A.

Section 19ZH: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Guidelines

Heading: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

19ZI Guidelines in relation to reviews of representation or minor alterations to boundaries

- (1) The Commission must issue guidelines identifying factors and considerations for territorial authorities or regional councils to take into account in making determinations under any of the provisions of sections 19H to 19JB and Schedule 1A.
- (2) The Commission may, from time to time, amend or revoke any guidelines issued under subsection (1).
- (3) Any guidelines issued under subsection (1) may relate to territorial authorities or regional councils generally or to a specific class of territorial authorities or regional councils.
- (4) The Commission must, as soon as practicable after issuing any guidelines under subsection (1),—

- (a) send a copy of those guidelines to every territorial authority and every regional council; and
 - (b) publish in the *Gazette* a notice—
 - (i) stating that the guidelines have been issued; and
 - (ii) naming the place or places at which copies of the guidelines are available for inspection free of charge or for purchase or both.
- (5) The Commission must ensure that, so long as the guidelines remain in force, copies of the guidelines are available—
 - (a) for inspection by members of the public free of charge; and
 - (b) for supply to members of the public either free of charge or for purchase at a reasonable price.
- (6) The provisions of subsections (4) and (5) apply, with all necessary modifications, in respect of any amendment or revocation of any guidelines issued under subsection (1).

Section 19ZI: inserted, on 25 December 2002, by section 6 of the Local Electoral Amendment Act 2002 (2002 No 85).

Section 19ZI heading: amended, on 29 June 2013, by section 15(1) of the Local Electoral Amendment Act 2013 (2013 No 40).

Section 19ZI(1): amended, on 29 June 2013, by section 15(2) of the Local Electoral Amendment Act 2013 (2013 No 40).

Part 2

Local elections and polls

Electoral rights

20 Right to vote in election or poll

- (1) Every person whose name appears on the electoral roll in force in any district of a territorial authority or in the local government area of any other local authority as a residential elector or a ratepayer elector is, unless the person has ceased to possess a qualification as a residential elector or ratepayer elector, an elector and is entitled to exercise 1 vote—
 - (a) at every election for which that roll indicates the elector is qualified to exercise a vote; and
 - (b) at every poll for which that roll indicates the elector is qualified to exercise a vote.
- (2) Every person who has qualified as a residential elector before the close of voting, and who applied to enrol as an elector not later than the day before the close of voting but whose name does not appear on the electoral roll or whose voting entitlements are incorrectly recorded on that roll, is an elector and is entitled to exercise 1 vote—

Schedule 1A

Provisions relating to Māori wards and Māori constituencies

s 19ZH

Schedule 1A: inserted, on 25 December 2002, by section 49 of the Local Electoral Amendment Act 2002 (2002 No 85).

1 Review of representation arrangements for election of territorial authority

- (1) If, for the purposes of a triennial general election, a district of a territorial authority (being a district that is not already divided into 1 or more Māori wards) is required to be divided into 1 or more Māori wards, the territorial authority must, in the year immediately before the year in which the triennial general election is to be held, but not later than 31 July in the year immediately before the year in which the triennial general election is to be held, make a determination under section 19H.
- (2) That determination must be made as if the territorial authority were required by section 19H to determine by resolution, in accordance with Part 1A,—
 - (a) the proposed number of members of the territorial authority (other than the mayor); and
 - (b) whether—
 - (i) all of the proposed members of the territorial authority (other than the mayor) are to be separately elected by the electors of 1 or more Māori wards and the electors of 1 or more general wards; or
 - (ii) some of the proposed members of the territorial authority (other than the mayor) are to be elected by the electors of the district as a whole and some to be elected separately by the electors of 1 or more Māori wards and 1 or more general wards, and, if so, what number of members are to be elected by electors of the district as a whole, and what number are to be elected separately; and
 - (c) the proposed number of members of the territorial authority to be elected by the electors of 1 or more Māori wards; and
 - (d) the proposed number of members of the territorial authority to be elected by electors of 1 or more general wards; and
 - (e) the proposed name and the proposed boundaries of each ward; and
 - (f) the number of members proposed to be elected by the electors of each Māori ward; and
 - (g) the number of members proposed to be elected by the electors of each general ward.
- (3) This clause does not limit section 19B(1).

Compare: 2001 No 1 (L) s 5

Schedule 1A clause 1(1): amended, on 31 August 2023, by section 37(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 1(2)(b)(ii): amended, on 29 June 2013, by section 42 of the Local Electoral Amendment Act 2013 (2013 No 40).

2 Calculation of number of Māori and general ward members

- (1) The number of members to be elected by the electors of 1 or more Māori wards of the district of a territorial authority (**Māori ward members**) is to be determined in accordance with the following formula:

$$nmm = mepd \div (mepd + gepd) \times nm$$

where—

nmm is the number of Māori ward members

mepd is the Māori electoral population or estimated Māori electoral population of the district

gepd is the general electoral population or estimated general electoral population of the district

nm is the proposed number of members of the territorial authority (other than the mayor).

- (2) If a determination is made under clause 1(2)(b)(ii), the definition of *nm* in the formula must be applied as if for the words “proposed number of members of the territorial authority (other than the mayor)” there were substituted the words “proposed number of members of the territorial authority (other than the mayor and the members to be elected by electors of the district as a whole)”.
- (3) If the number of the Māori ward members (other than the mayor) calculated under subclause (1) includes a fraction, the fraction must be disregarded unless it exceeds a half. If the fraction exceeds a half, the number of Māori ward members must be the next whole number above the number that includes the fraction.
- (4) The number of members to be elected by the electors of 1 or more general wards is to be determined by subtracting from the proposed number of members of the territorial authority (other than the mayor, or, if the case requires, other than the mayor and the members of the territorial authority to be elected by electors of the district as a whole) the number of Māori ward members, as calculated under subclauses (1) and (3).
- (5) Despite Part 1A and the provisions of this schedule, if the number of Māori ward members, as determined in accordance with the method of calculation in this clause, is zero (because the number of Māori ward members as so determined is a fraction of the whole number 1 that does not exceed one half),—
- (a) the district must not be divided into 1 or more Māori wards and 1 or more general wards:

- (b) the provisions of clauses 1, 5, and 6 of this schedule must not be applied for the purposes of any determination under section 19H or section 19R.

Compare: 2001 No 1 (L) s 6

Schedule 1A clause 2(1) formula: amended, on 31 August 2023, by section 37(4)(a) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 2(1) formula: amended, on 31 August 2023, by section 37(4)(b) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 2(5): amended, on 28 June 2006, by section 5(1) of the Local Electoral Amendment Act 2006 (2006 No 25).

3 Review of representation arrangements for election of regional council

- (1) If, for the purposes of a triennial general election, a region of a regional council (being a region that is not already divided into 1 or more Māori constituencies) is required to be divided into 1 or more Māori constituencies, the regional council must, in the year immediately before the year in which the triennial general election is to be held, but not later than 31 July in the year immediately before the year in which the triennial general election is to be held, make a determination under section 19I.
- (2) That determination must be made as if the regional council were required by section 19I to determine by resolution, in accordance with Part 1A,—
- (a) the proposed number of members of the regional council; and
 - (b) the proposed number of members of the regional council to be elected by the electors of 1 or more Māori constituencies; and
 - (c) the proposed number of members of the regional council to be elected by electors of 1 or more general constituencies; and
 - (d) the proposed name and the proposed boundaries of each constituency; and
 - (e) the number of members proposed to be elected by the electors of each Māori constituency; and
 - (f) the number of members proposed to be elected by the electors of each general constituency.

Compare: 2001 No 1 (L) s 5

Schedule 1A clause 3(1): amended, on 31 August 2023, by section 37(2) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

4 Calculation of number of Māori and general constituency members

- (1) The number of members to be elected by the electors of 1 or more Māori constituencies of a regional council (**Māori constituency members**) is to be determined in accordance with the following formula:

$$\text{mmm} = \text{mepr} \div (\text{mepr} + \text{gepr}) \times \text{nm}$$

where—

mmm is the number of Māori constituency members

mepr is the Māori electoral population or estimated Māori electoral population of the region

gepr is the general electoral population or estimated general electoral population of the region

nm is the proposed number of members of the regional council.

- (2) If the number of the Māori constituency members calculated under subclause (1) includes a fraction, the fraction must be disregarded unless it exceeds a half. If the fraction exceeds a half, the number of Māori constituency members must be the next whole number above the number that includes the fraction.
- (3) The number of members to be elected by the electors of 1 or more general constituencies is to be determined by subtracting from the proposed number of members of the regional council the number of Māori constituency members, as calculated under subclauses (1) and (2).
- (4) Despite Part 1A and the provisions of this schedule, if the number of Māori constituency members, as determined in accordance with the method of calculation in this clause, is zero (because the number of Māori constituency members as so determined is a fraction of the whole number 1 that does not exceed one half),—
 - (a) the region must not be divided into 1 or more Māori constituencies and 1 or more general constituencies;
 - (b) the provisions of clauses 3, 5, and 6 of this schedule must not be applied for the purposes of any determination under section 19I or section 19R.

Compare: 2001 No 1 (L) s 6

Schedule 1A clause 4(1) formula: amended, on 31 August 2023, by section 37(4)(a) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 4(1) formula: amended, on 31 August 2023, by section 37(4)(b) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 4(4): amended, on 28 June 2006, by section 5(2) of the Local Electoral Amendment Act 2006 (2006 No 25).

5 Relationship with other provisions

- (1) In exercising its powers and duties under sections 19H to 19U, and sections 19W to 19Y, a territorial authority or regional council or, as the case may require, the Commission must ensure that any proposal, revised proposal, or determination made under any of those sections is,—
 - (a) in the case of a territorial authority, consistent with the calculations required by clause 2; and
 - (b) in the case of a regional council, consistent with the result of the calculations required by clause 4.
- (2) If it is proposed to alter the proposed number of members of a territorial authority or regional council at any time after that number is first determined in accordance with clause 1 or clause 3, the territorial authority or regional council

cil or, as the case may require, the Commission must again make, in accordance with the method of calculation specified in clause 2 or the method of calculation specified in clause 4, as the case may require, the determinations required by clause 1 or clause 3.

- (3) Subclause (2) does not limit subclause (1).

Compare: 2001 No 1 (L) s 7

6 Supplementary provisions regarding wards, constituencies, and boundaries

In determining the number of wards and the boundaries of Māori wards, and the number of constituencies and the boundaries of Māori constituencies, a territorial authority or regional council or, as the case may require, the Commission must, in addition to satisfying the requirements of section 19T or section 19U,—

- (a) ensure, to the extent that is reasonably practicable and is consistent with the requirements of paragraph (b), that—
 - (i) the ratio of members to Māori electoral population or estimated Māori electoral population in each Māori ward produces a variance of no more than plus or minus 10% (if 2 or more Māori wards for the district are proposed); and
 - (ii) the ratio of members to Māori electoral population or estimated Māori electoral population in each Māori constituency produces a variance of no more than plus or minus 10% (if 2 or more Māori constituencies for the region are proposed):
- (b) have regard to—
 - (i) the boundaries of any existing Māori electoral district; and
 - (ii) communities of interest; and
 - (iii) rohe of iwi and hapū.

Schedule 1A clause 6(a)(i): amended, on 31 August 2023, by section 37(7) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 6(a)(ii): amended, on 31 August 2023, by section 37(7) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 6(b)(ii): amended, on 31 August 2023, by section 37(9) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 6(b)(iii): inserted, on 31 August 2023, by section 37(10) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

7 Population figures

- (1) The Government Statistician must, at the request of a territorial authority or regional council or, if appropriate, the Commission, supply the territorial authority or regional council or the Commission with—
 - (a) a certificate specifying—

- (i) the Māori electoral population of the district or region; and
 - (ii) the general electoral population of the district or region; or
- (b) a certificate specifying—
 - (i) the estimated Māori electoral population of the district or region; and
 - (ii) the estimated general electoral population of the district or region.
- (2) The numbers included in the certificate described in subclause (1)(a) must be derived from information contained in—
 - (a) the most recent report of the Government Statistician to the Surveyor-General and the other members of the Representation Commission made under section 35(6) of the Electoral Act 1993; or
 - (b) if subclause (2A) applies, the alternative report referred to in subclause (2A)(b).
- (2A) In a year where a periodic census is held but a report under section 35(6) of the Electoral Act 1993 is not due to be completed (for the purposes of that Act) until after 1 April of the following year (*see* the definition of counting day in section 79(2) of that Act),—
 - (a) the Electoral Commission must, as soon as practicable after census day, supply to the Government Statistician the information listed in section 79(1) of that Act as on census day; and
 - (b) the Government Statistician must prepare an alternative report for the purposes of this Act, with the information referred to in paragraph (a).
- (3) A certificate issued under subclause (1) is conclusive evidence of the information contained in that certificate.

Compare: 2001 No 1 (L) s 9

Schedule 1A clause 7(1): replaced, on 31 August 2023, by section 37(11) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 7(2): replaced, on 31 March 2023, by section 15 of the Electoral (Māori Electoral Option) Legislation Act 2022 (2022 No 62).

Schedule 1A clause 7(2): amended, on 31 August 2023, by section 37(12) of the Local Government Electoral Legislation Act 2023 (2023 No 57).

Schedule 1A clause 7(2A): inserted, on 31 March 2023, by section 15 of the Electoral (Māori Electoral Option) Legislation Act 2022 (2022 No 62).

8 This schedule to be read with Local Government Act 1974 or Local Government Act 2002 and other provisions of this Act

- (1) This schedule is to be read in conjunction with the provisions of the Local Government Act 1974 or the Local Government Act 2002 and the other provisions of this Act, and the provisions of the Local Government Act 1974 or the Local Government Act 2002 and the other provisions of this Act and the provisions of any regulations made under either the Local Government Act 1974 or

the Local Government Act 2002 or this Act apply accordingly and with any necessary modifications.

- (2) However, if there is any inconsistency between the provisions of this schedule and any provisions of the Local Government Act 1974 or the Local Government Act 2002 or of this Act or of any regulations made under the Local Government Act 1974 or the Local Government Act 2002 or this Act, this schedule prevails.

Compare: 2001 No 1 (L) s 4



Kāpiti Coast District Council

Māori ward consultation
Summary of submissions
November, 2023

About PublicVoice

PublicVoice Limited is a leading research and engagement consultancy headquartered in Wellington, New Zealand. We concentrate on public policy research and consultation, providing services to various local and central government agencies throughout New Zealand. To learn more about our work, please visit www.publicvoice.co.nz.

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1 Introduction

This report summarises the submissions received during the consultation process on potentially establishing a Māori ward in Kāpiti. The consultation aimed to offer elected members insights into public sentiment regarding this significant governance change.

The consultation is not binding, nor is it a vote, but served as an avenue for the community to express their views. This feedback will inform the Council's decision on establishing a Māori ward in time for the 2025 local elections. The deadline for this decision is 23 November 2023, and if approved, it will trigger a representation review in 2024.

The report analyses the various channels through which feedback was received, including online submissions and physical forms. It also identifies the key themes that emerged from the consultation.

By synthesising the diverse range of opinions and perspectives gathered, this report aims to facilitate informed decision-making by the Council.

2 Key findings

548 submissions were received. Below are the key findings from the consultation process.

Do you support Council establishing a Māori ward in Kāpiti?/ Kei te tautoko koe i te whakatūnga o tētahi rohenga pōti Māori?



Community members were consulted on whether Kāpiti Coast District Council should retain the status quo or establish a Māori ward. Of the respondents, 31% (n=168) favoured establishing a Māori ward, while 69% (n=379) were against it.

Community feedback - key insights

Age-based Observations:

- The age group 65+ recorded the highest participation, with 57% of the total respondents in this bracket. However, they also registered the highest opposition to the proposal, with 73% responding "No/Kāo".
- The 15-34 age group, while having the lowest overall participation (5% of respondents), demonstrated the most support for the proposal, with 61% saying "Yes/Ae".
- Middle-aged participants, specifically those in the 45-54 age bracket, showed a balanced opinion with 39% in favour ("Yes/Ae") and 61% opposed ("No/Kāo").
- The age groups of 35-44 and 55-64 had similar sentiment distributions, with affirmative responses ranging between 29%-32%.

Electoral Roll Observations:

- Respondents on the Māori Electoral Roll are more supportive of establishing a Māori ward, with 56% in favour, compared to 44% opposed.
- Conversely, those not on the Māori Electoral Roll are less supportive, with 67% against and only 33% in favour.

Location-based Observations:

- Paekākāriki had the highest percentage of respondents in favour of the proposal, with 87% saying "Yes/Ae".
- Locations such as Waikanae, Raumati, and Paraparaumu had similar opposition levels, with approximately 72-73% saying "No/Kāo".
- The location with the smallest number of respondents was Peka Peka, with a total of 5 participants, displaying a 40% "Yes/Ae" and 60% "No/Kāo" split.

Reasons provided for supporting the establishment of a Māori ward



31% (n=168) of respondents supported the establishment of a Māori ward. The most frequently cited reasons for supporting the establishment of a Māori ward were:

- Ensuring Māori representation in local governance (18%, n=96)
- Upholding the principles and obligations of Te Tiriti o Waitangi (7%, n=39)

Reasons provided for opposing the establishment of a Māori ward



69% (n=379) of respondents opposed the establishment of a Māori ward. The most frequently cited reasons for opposing the establishment of a Māori ward were:

- Principles of equality and democracy (41%, n=226)
- Opposition to race-based representation (26%, n=144)
- Concerns of racial divisiveness (23%, n=128)

3 Data analysis methodology

3.1 Thematic analysis

PublicVoice used a step-by-step method called thematic analysis to review open-ended responses. This method follows six main steps:

1. **Understanding the Data:** Analysts read the data multiple times to grasp its content.
2. **Initial Coding:** The data was sorted into labelled segments highlighting key points.
3. **Identifying Themes:** These segments were then grouped into broader themes.
4. **Refining Themes:** Themes were checked for relevance and clarity.
5. **Finalising Themes:** Each theme was carefully defined, possibly with sub-themes.

3.2 Reporting

Tables illustrating the frequency of the key themes have been included to demonstrate the significance of each theme.

4 Who we heard from

548 submissions were received during the consultation process. This section provides an overview of who responded.

4.1 Where do you live?/ E noho ana koe ki whea?

Figure 1 and Table 1 details the location of community members who participated in the consultation process. Note: this question was not mandatory, so the data only reflects those who chose to answer this question.

Key Insights:

- Paekākāriki had the highest percentage of respondents in favour of the proposal, with 87% saying "Yes/Ae".
- Locations such as Waikanae, Raumati, and Paraparaumu had similar opposition levels, with approximately 72-73% saying "No/Kāo".
- The location with the smallest number of respondents was Peka Peka, with a total of 5 participants, displaying a 40% "Yes/Ae" and 60% "No/Kāo" split.

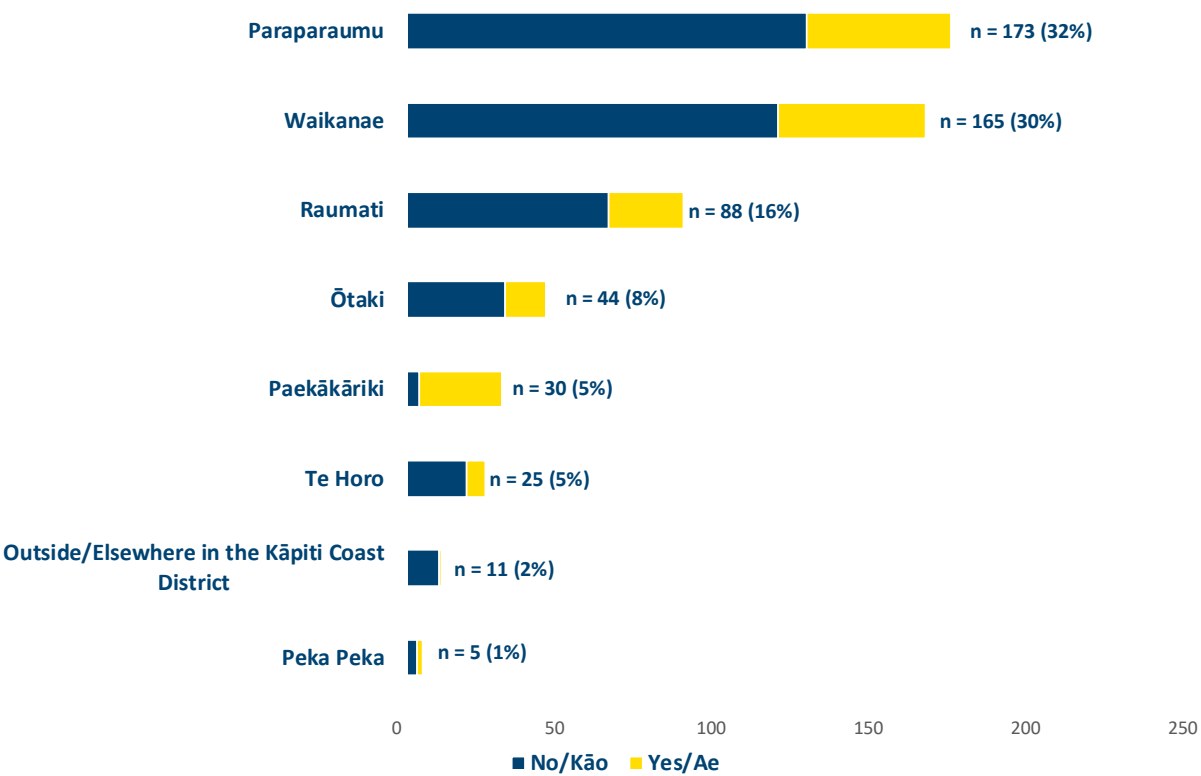


Figure 1: Where do you live?/ E noho ana koe ki whea? By support for the proposal

| | Yes/Ae | No/Kāo | n |
|--|--------|--------|-----|
| Paekākāriki | 87% | 13% | 30 |
| Peka Peka | 40% | 60% | 5 |
| Ōtaki | 30% | 70% | 44 |
| Waikanae | 28% | 72% | 165 |
| Raumati | 27% | 73% | 88 |
| Paraparaumu | 27% | 73% | 173 |
| Te Horo | 24% | 76% | 25 |
| Outside/Elsewhere in the Kāpiti Coast District | 9% | 91% | 11 |

Table 1: Where do you live?/ E noho ana koe ki whea? By support for the proposal

4.1.1 Location of respondents compared to the general population

Figure 2 provides a comparative analysis of the locations of community members who participated in the consultation process against the general population distribution. It's important to note that participation in this question was optional, and as such, the data only includes responses from those who opted to provide their location.

Key Insights:

- **Waikanae:** Overrepresented in the consultation process by 7% compared to the general population.
- **Paraparaumu:** Underrepresented in the consultation process by 7% compared to the general population.
- **Ōtaki:** Underrepresented in the consultation process by 7% compared to the general population.

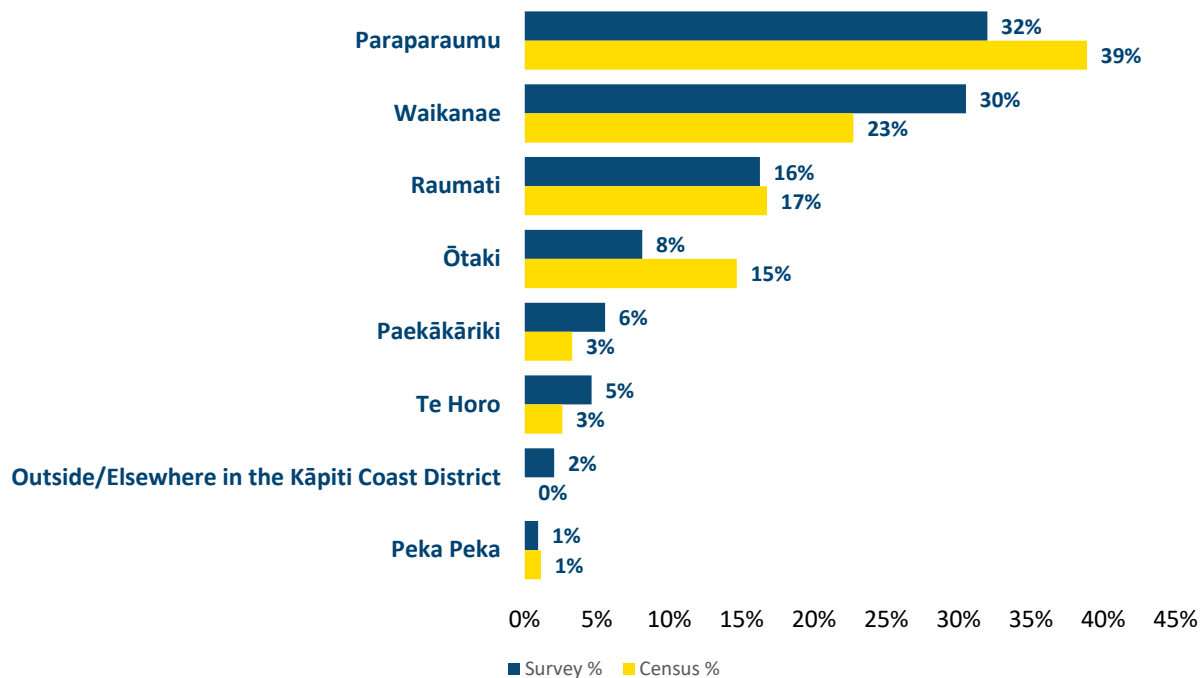


Figure 2: Where do you live?/ E noho ana koe ki whea? vs. population census data

4.2 Are you on the Māori electoral roll?/ Kei te rārangi pōti Māori koe?

Figure 3 details whether the respondent is currently on the Māori electoral roll. Note: this question was not mandatory, so the data only reflects those who chose to answer this question.

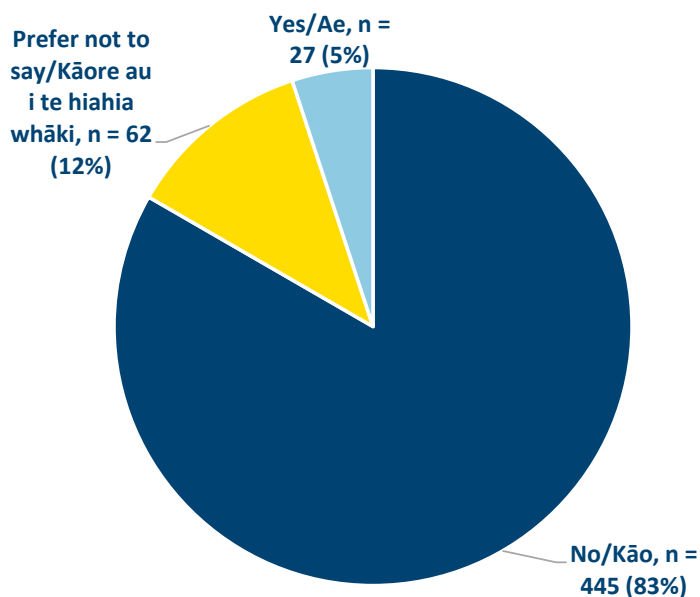


Figure 3: Are you on the Māori electoral roll?/ Kei te rārangi pōti Māori koe?

4.3 Ka whai whakaaro koe ki te uru ki te rārangi pōti Māori ā ngā tau e tū mai nei? / Would you consider enrolling on the Māori electoral roll in the future?

Figure 4 details whether the respondents would consider enrolling on the Māori electoral roll in the future. Note: this question was not mandatory, so the data only reflects those who chose to answer this question.

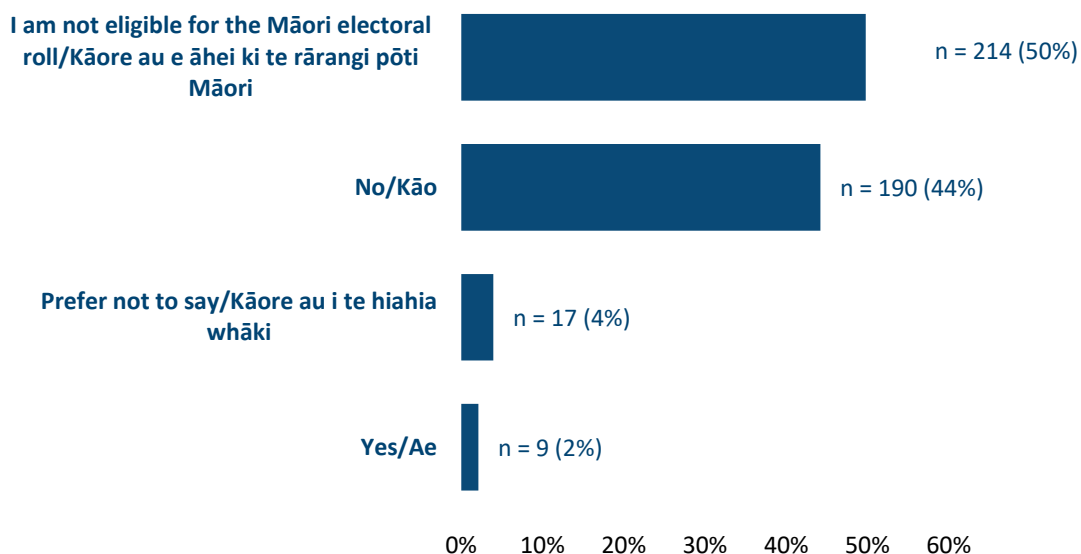


Figure 4: Would you consider enrolling on the Māori electoral roll in the future?/Ka whai whakaaro koe ki te uru ki te rārangi pōti Māori ā ngā tau e tū mai nei?

4.4 If you whakapapa Māori, what are your iwi affiliations?/ Mēnā he whakapapa Māori ōu, ko wai ō iwi?

Table 2 outlines the iwi/hapū affiliation of community members who participated in the consultation process. Respondents had the option to select multiple affiliations from a list and/or write in their own. It's important to note that this question was not mandatory; therefore, the data only reflects those who chose to answer this question.

| Iwi/hapu | n |
|-----------------------------|---|
| Ngāpuhi | 9 |
| Ngāti Toa Rangatira | 9 |
| Ngāi Tahu | 8 |
| Ngā Hapū o Ōtaki | 6 |
| Te Ātiawa ki Whakarongotai | 6 |
| Ngāti Porou | 4 |
| Ngāti Tūwharetoa | 3 |
| Ngāti Maniapoto | 2 |
| Te Atiwa Iwi | 2 |
| Muaūpoko | 1 |
| Ngā Rauru | 1 |
| Ngāti Apa | 1 |
| Ngāti Apakura | 1 |
| Ngāti Awa | 1 |
| Ngāti Haumia ki Paekakariki | 1 |
| Ngāti Kahu ki te Whangaroa | 1 |
| Ngāti Kahungunu | 1 |
| Ngāti Kinohaku | 1 |
| Ngāti Mamoe | 1 |
| Ngāti Whātua Ōrākei | 1 |
| Rongowhakaata | 1 |
| Taranaki Iwi | 1 |
| Te Aitanga a Hauiti | 1 |
| Te Arawa | 1 |
| Te Whānau a Apanui | 1 |
| Te Whānau-a-Kai | 1 |
| Waitaha | 1 |

Table 2: If you whakapapa Māori, what are your iwi affiliations?/ Mēnā he whakapapa Māori ōu, ko wai ō iwi?

4.5 What's your age group?/ E hia tō pakeke?

Figure 5 presents the age distribution of community members who participated in the consultation process. It's worth noting that participation in this question was optional, so the data only represents those who chose to respond.

Key Insights:

- The age group 65+ recorded the highest participation, with 57% of the total respondents in this bracket. However, they also registered the highest opposition to the proposal, with 73% responding "No/Kāo".
- The 15-34 age group, while having the lowest overall participation (5% of respondents), demonstrated the most support for the proposal, with 61% saying "Yes/Ae".
- Middle-aged participants, specifically those in the 45-54 age bracket, showed a balanced opinion with 39% in favour ("Yes/Ae") and 61% opposed ("No/Kāo").
- The age groups of 35-44 and 55-64 had similar sentiment distributions, with affirmative responses ranging between 29%-32%.

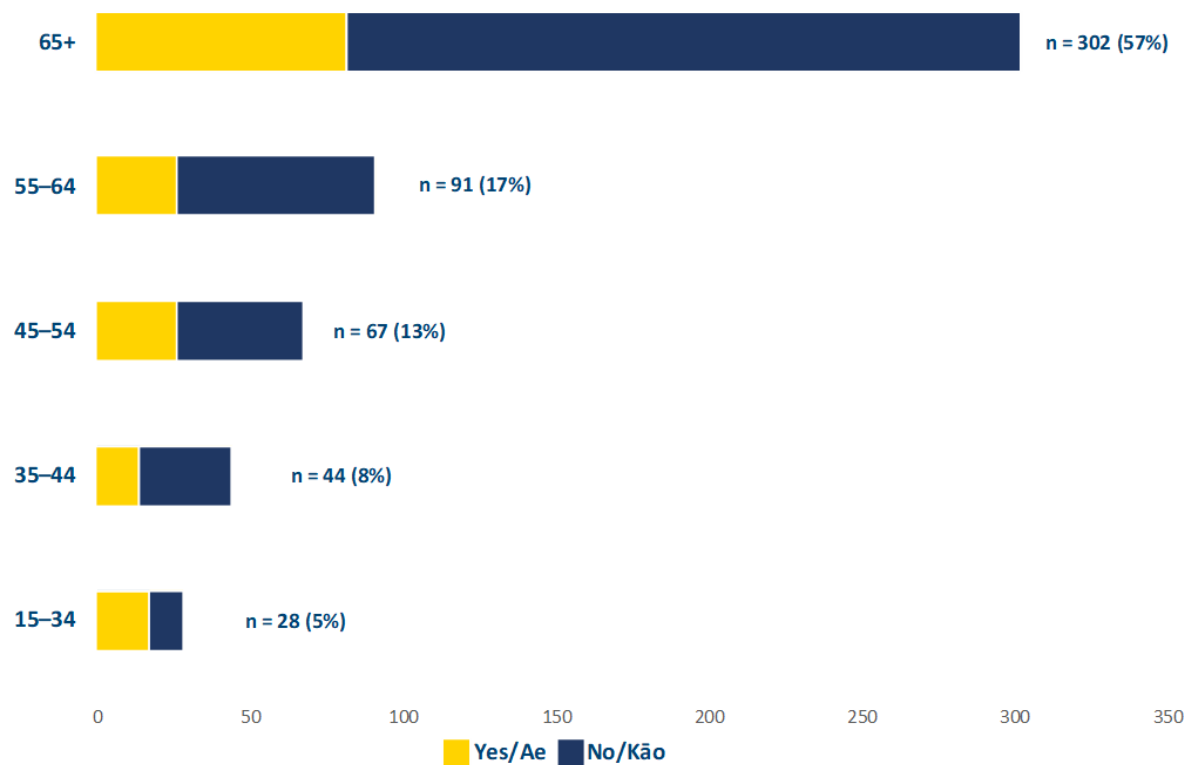


Figure 5: What's your age group?/ E hia tō pakeke? By Do you support Council establishing a Māori ward in Kāpiti?/ Kei te tautoko koe i te whakatūnga o tētahi rohe Māori?

| | Yes/Ae | No/Kāo | Row n |
|-------|--------|--------|-------|
| 15-34 | 61% | 39% | 28 |
| 35-44 | 32% | 68% | 44 |
| 45-54 | 39% | 61% | 67 |
| 55-64 | 29% | 71% | 91 |
| 65+ | 27% | 73% | 302 |

Table 3: What's your age group?/ E hia tō pakeke? By Do you support Council establishing a Māori ward in Kāpiti?/ Kei te tautoko koe i te whakatūnga o tētahi rohe Māori?

Summary of submissions

5 Do you support Council establishing a Māori ward in Kāpiti?/ Kei te tautoko koe i te whakatūnga o tētahi rohenga pōti Māori?

Community members were consulted on whether Kāpiti Coast District Council should retain the status quo or establish a Māori ward. Of the respondents, 31% (n=168) favoured establishing a Māori ward, while 69% (n=379) were against it.

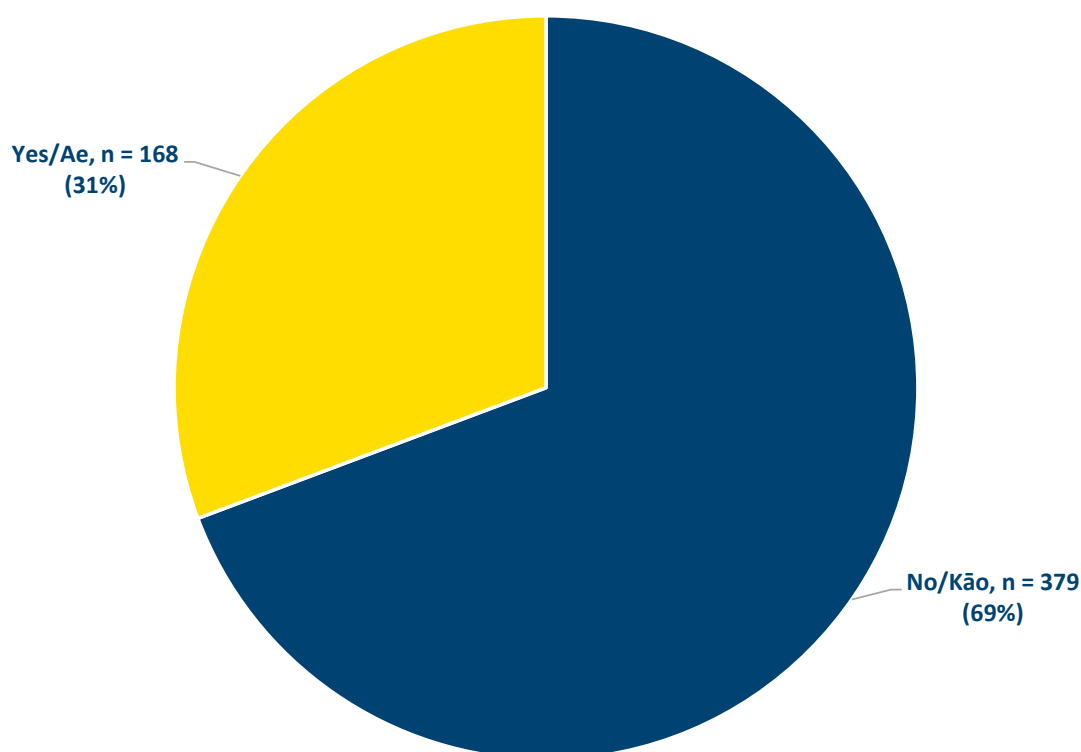


Figure 6: Do you support Council establishing a Māori ward in Kāpiti?/ Kei te tautoko koe i te whakatūnga o tētahi rohenga pōti Māori?

5.1 Support/Opposition for Māori ward by Age/Electoral Roll status

Table 4 presents a breakdown of responses to the proposed Māori ward, categorised by age group and whether the respondent is on the Māori Electoral Roll. It provides the percentage and actual number of responses within each category, offering a comprehensive view of the demographics that supported or opposed the proposal.

Age-based Observations:

- The age group 65+ recorded the highest participation, with 57% of the total respondents in this bracket. However, they also registered the highest opposition to the proposal, with 73% responding "No/Kāo".
- The 15-34 age group, while having the lowest overall participation (5% of respondents), demonstrated the most support for the proposal, with 61% saying "Yes/Ae".
- Middle-aged participants, specifically those in the 45-54 age bracket, showed a balanced opinion with 39% in favour ("Yes/Ae") and 61% opposed ("No/Kāo").
- The age groups of 35-44 and 55-64 had similar sentiment distributions, with affirmative responses ranging between 29%-32%

Electoral Roll Observations:

- Respondents on the Māori Electoral Roll are more supportive of establishing a Māori ward, with 56% in favour, compared to 44% opposed.
- Conversely, those not on the Māori Electoral Roll are less supportive, with 67% against and only 33% in favour.

| | Age/Pakeke | | | | | Māori Electoral Roll/Rārangī Pōti Māori | | Total |
|----------------------------------|------------|-------|-------|-------|-----|---|--------|-------|
| | 15-34 | 35-44 | 45-54 | 55-64 | 65+ | No/Kāo | Yes/Ae | |
| Yes/Ae | 61% | 32% | 39% | 29% | 27% | 33% | 56% | 31% |
| | 17 | 14 | 26 | 26 | 82 | 145 | 15 | 168 |
| No/Kāo | 39% | 68% | 61% | 71% | 73% | 67% | 44% | 69% |
| | 11 | 30 | 41 | 65 | 220 | 300 | 12 | 379 |
| Total number of responses | 28 | 44 | 67 | 91 | 302 | 445 | 27 | 547 |

Table 4: Do you support Council establishing a Māori ward in Kāpiti?/ Kei te tautoko koe i te whakatūnga o tētahi rohe Māori? - by age and electoral status

6 What are your reasons for or against establishing a Māori ward in Kāpiti?/ He aha ō take mō te whakatū, kore whakatū rānei o tētahi rohe Māori i Kāpiti?

Respondents were invited to share their reasons for supporting or opposing the proposed Māori ward. The subsequent analysis categorised these responses into distinct themes detailed in the following sections.

6.1 Reasons for supporting the establishment of Māori wards

31% (n=168) of respondents supported the establishment of a Māori ward. The most frequently cited reasons for supporting the establishment of a Māori ward were:

- Ensuring Māori representation in local governance (18%, n=96)
- Upholding the principles and obligations of Te Tiriti o Waitangi (7%, n=39)

Figure 7 presents the analysis of the reasons for supporting the establishment of a Māori ward.

| Theme | Frequency | % |
|---|-----------|------|
| Ensures Māori representation | 96 | 18% |
| Uphold Te Tiriti o Waitangi principles | 39 | 7% |
| Support if mana whenua support | 16 | 3% |
| Diversity/Inclusion | 13 | 2% |
| Ethical/moral obligation | 5 | 1% |
| Redressing historical wrongs | 4 | 1% |
| Kaitiakitanga and sustainable practices | 3 | 1% |
| Redressing inequities | 3 | 1% |
| Parallels with Māori electorates | 2 | 0.4% |
| Support if current system removed | 1 | 0.2% |

Figure 7: Reasons for supporting the establishment of Māori wards

6.1.1 Reasons for supporting the establishment of Māori wards – theme definitions

This section delves into the primary themes that emerged from the reasons for supporting a Māori ward. Each theme has a definition followed by a representative comment from a participant, offering a direct insight into the sentiment and rationale behind their stance.

Ensures Māori representation: Māori wards provide Māori representation in local governance. They acknowledge the unique perspective of Māori and aim to address their current under-representation while honouring Te Tiriti o Waitangi.

I believe that Māori representation in decision-making in local affairs should be enshrined formally, rather than just hoping that Māori will be elected in 'general' seats, with no guarantee of who will stand and whether an individual 'represents' Māori.

Uphold Te Tiriti o Waitangi principles: Māori wards uphold the principles of Te Tiriti o Waitangi. They recognise the need for structural acknowledgment of Te Tiriti, specific representation for Tangata Whenua, and foster a stronger Māori-local government relationship.

New Zealand's constitutional Rights were established by the Northern Tribes Declaration of Independence for all NZ citizens. Current government without Māori representation as an equal partner based on the Treaty of Waitangi is an illegal regime. Establishment of Māori Wards is the first step in representation for all New Zealanders.

Support if mana whenua support: Backing for Māori Wards is contingent upon endorsement by mana whenua, reflecting the sentiment that tangata whenua should determine the best representation for their interests in line with Te Tiriti obligations. Some non-Māori stakeholders expressed that the choice should rest primarily with Māori, and they support any decision they make.

I support the decision of mana whenua (whether that is yes or no) in determining whether there should be a Māori ward. Mana whenua are in the best position to determine whether they consider a Māori ward more beneficial than the current arrangement & Council's decision should facilitate this.

Diversity/Inclusion: Emphasising concerns over the historical and current under-representation of Māori in governance. Including a Māori perspective benefits all, promoting justice, equity, and reverence for indigenous culture. Establishing a Māori ward is a significant stride towards enabling Māori to have a direct hand in shaping their community.

It is important that Māori are represented and have representation on our council to ensure they are included in decision making. It supports diversity, inclusion and reflects our wider community to have a Māori ward.

Ethical/moral obligation: Endorsing Māori wards is an ethical and moral duty to ensure fairness, justice, and equity for tangata whenua. As the land's indigenous people, Māori should inherently have a continual voice on matters concerning their homeland.

Because it is the morally correct thing to do

Redressing historical wrongs: Support for Māori wards is viewed as a means to amend historical injustices and enhance Māori representation in local governance. There's a significant emphasis on adhering to the principles of Te Tiriti o Waitangi and confronting systemic inequalities that Māori communities have endured.

It is all part of the process of righting past wrongs.

Kaitiakitanga and sustainable practices: Incorporating Te Ao and Tikanga Māori perspectives into governance is essential in offering invaluable insights, particularly concerning environmental care,

conservation decisions, land management, and addressing climate issues. The voices of tangata whenua are deemed crucial in charting a sustainable path for the community. An inclusive approach, enriched by environmental sensibilities, is heralded as pivotal for making informed decisions beneficial for both the region's inhabitants and its land.

Adding an inclusive and environmentally sensitive lens through which to make good decisions for the people and land in this region.

Redressing inequities: Supporting Māori wards is championed as a vital step towards addressing imbalances, especially in ensuring Māori representation, safeguarding voting rights, and tackling the under-representation Māori face in the prevailing system. It's argued that local councils hold significant sway in promoting Māori well-being, and mere reliance on agreements doesn't adequately cater to Māori needs.

I think it is important for Māori to have voting rights at Council meetings and currently, they do not. Ideally, there wouldn't be a need for a separate Māori ward but they have been under-represented, and the 'system' has not been equal.

Parallels with Māori electorates: Support for Māori wards is linked to the existing framework of Māori electorates in Parliament. The significance of representation and active participation in governmental decision-making processes is underscored.

We have Māori wards in Parliament, this is no different.

6.2 Reasons for opposing the establishment of Māori wards

69% (n=379) of respondents opposed the establishment of a Māori ward. The most frequently cited reasons for supporting the establishment of a Māori ward were:

- Principles of equality and democracy (41%, n=226)
- Opposition to race-based representation (26%, n=144)
- Concerns of racial divisiveness (23%, n=128)

Figure 8 presents the analysis of the reasons provided for opposing the establishment of a Māori ward.

| Theme | Frequency | % | |
|--|-----------|------|--|
| Principles of equality and democracy | 226 | 41% | |
| Opposition to race-based representation | 144 | 26% | |
| Concerns of racial divisiveness | 128 | 23% | |
| Current level of Māori representation satisfactory | 59 | 11% | |
| Concern regarding costs | 31 | 6% | |
| Prefer status quo | 26 | 5% | |
| Opposition to increased bureaucracy | 17 | 3% | |
| Contrary to Te Tiriti o Waitangi principles | 12 | 2% | |
| Prefer meritocratic system | 11 | 2.0% | |
| Concern regarding co-governance | 7 | 1.3% | |
| Referendum for Māori wards | 5 | 0.9% | |
| Support for geographically-defined wards | 3 | 0.5% | |
| Consider alternative solution | 1 | 0.2% | |

Figure 8: Reasons for opposing the establishment of Māori wards

6.2.1 Reasons for opposing the establishment of Māori wards – theme definitions

This section delves into the primary themes that emerged from the reasons given in opposition of a Māori ward. Each theme has a definition followed by a representative comment from a participant, offering a direct insight into the sentiment and rationale behind their stance.

Principles of equality and democracy: Māori wards are seen as a challenge to equality and the tenets of democracy. The central argument is that all individuals, irrespective of ethnicity, must be given equal representation and opportunities in council candidacy. The emphasis is on treating all New Zealanders equally without giving perceived preferential or different treatment based on racial heritage.

It is not a democratic process to establish a separate ward just on race. Everyone can stand for council no matter race religion or believes.

Opposition to race-based representation: Establishing a Māori ward is viewed as discriminatory. The belief is that everyone should be treated equally, with representation based on merit instead of race. Individuals should receive equal treatment regardless of racial background in a multicultural society.

I believe there is ample opportunity for anyone to serve on the council, without a race based option.

Concerns of racial divisiveness: Establishing a separate Māori ward is seen as divisive. The stance is that every individual, regardless of racial or ethnic background, should have equivalent chances for council representation. There is a concern that policies like this will contribute to societal division.

I do not believe or subscribe to divisive or separatist politics either in central or local government. We are one people with one voice and vote

Current level of Māori representation is satisfactory: The current level of Māori representation is perceived as sufficient and there is no need for a separate Māori ward. Consultation processes and partnerships with local iwi already exist, and Māori have ample opportunity for representation and participation in council decisions.

Māori don't need extra representation - they already have plenty of representation and are already consulted on every single aspect. We are one people all working together. We are all kiwis. One person, one vote. Stop trying to divide us by race - it is causing harm to New Zealand.

Concern regarding costs: Implementing Māori wards is perceived to bring significant costs in reviews, consultation, wages, administration, and rebranding. The current system is viewed as providing adequate representation for all, making Māori-specific wards seem superfluous.

There is plenty of representation already. More unnecessary expenditure on wages, admin, rebranding, signage etc

Prefer status quo: The existing system of council representation is viewed as effective, negating the need for distinct Māori wards. The perspective is that Māori currently have access to the council and introducing Māori wards could result in unbalanced representation. Some feel that the current partnership with Māori entities is sufficient, and changes might lead to discontent. The prevailing sentiment leans towards preserving the current system.

The current system works and everyone is happy with it. ' If it ain't broken don't try to fix it. '

Opposition to increased bureaucracy: Creating Māori wards is resisted due to apprehensions about increased bureaucracy. Concerns also arise regarding the possibility of tribal politics and the splintering of governance.

It creates a totally unnecessary layer of bureaucracy, as Māori are already represented within the democratic system plus it creates a 2 tier system.

Contrary to Te Tiriti o Waitangi principles: Claims that Māori wards contradict the principles of Te Tiriti o Waitangi and foster division instead of equality. There are assertions that Māori wards are undemocratic and deviate from the Treaty's original intent.

Because it's undemocratic. Co-governance, of which Māori wards are a part, is inherently undemocratic and is a bizarre reinterpretation of The Treaty that the Labour Party had no right (no mandate from the people) to implement

Prefer Meritocratic system: The preference for a meritocratic system where candidates are chosen based on their individual merits rather than ethnicity. All candidates, including Māori, should be elected on their abilities, not their racial background.

I think in a democratic society people should be elected on their merits not race.

Concern regarding co-governance: Co-governance is viewed as undemocratic and inconsistent with equal representation principles, strongly emphasising one vote per individual, irrespective of ethnic background. There's also criticism of the Te Tiriti o Waitangi's reinterpretation and a perceived absence of public endorsement for co-governance implementation.

I strongly object to the establishment of a "Māori Ward" within the Kapiti Coast District Council. The original Treaty of Waitangi made NO provision for "co-governance". Such a concept is based on faulty/misleading interpretations developed, particularly in the late 20th century...

Referendum for Māori wards: The opposition to Māori wards in Kāpiti is based on the belief that it is undemocratic and offers preferential voting based on ethnicity. Concerns are also raised about potential threats to family unity and a deviation from principles of equal rights. A democratic referendum is proposed as the method to decide on such changes.

I am strongly opposed to having a separate Māori ward in Kapiti. There needs to be a referendum of rate payers before anything like this proceeds. All political authority should come by Democratic means. All citizens of Kapiti should have the same rights and duties. Nobody should get an extra say because of who their great grandparents were. Public services should be delivered based on need, not race. New Zealand is a multi ethnic democracy where discrimination asked on ethnicity is illegal.

Support for geographically-defined wards: Wards should focus on geographic regions to cater to specific 'local' needs. The implications of race-based wards on other ethnicities and the adequacy of current consultation processes with Māori were noted.

Wards have been established to represent areas not culture. People of any ethnicity can choose to stand if they wish. The candidates are selected on the attributes and merit determined by the diverse voters. That should be on an equal basis. A Māori ward would elevate Māori culture above other cultures that aren't specifically represented on the same equal basis. Council already consults Iwi so there is already more than adequate representation.

Produced by PublicVoice Limited

Suite 2, 5 Bouverie Street

Petone

Lower Hutt, 5012

Ph: (04) 909 7463

Email: info@publicvoice.co.nz

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Ngāti Toa's position on the establishment of Māori Wards is (a) we support their establishment as consistent with Te Tiriti o Waitangi and a step in the right direction of partnered governance in our land, but (b) are clear that any such Ward does not constitute a Tiriti partnership between Mana Whenua and Kāwanatanga. We therefore encourage KCDC to consider a Māori Ward as proposed, while retaining (and building) its substantive partnership with Ngāti Toa. Our ART confederation whanaunga will no doubt express their views on the matter in due course.

Mauri Ora

Helmut Karewa Modlik

Tumu Whakarae | CEO

 [A Block, Whitireia Polytech, 3 Wi Neera Drive, Porirua](#)

 ngatitoa.iwi.nz



TE AO TŪROA | OHANGA | ORANGA | WHAI MANA | NGĀTI TOA RANGATIRATANGA





P O Box 39
Ōtaki
5512
ngahapuootaki@gmail.com

25 October 2023

KAUPAPA: ESTABLISHMENT OF A MAORI WARD

Tēnā koe

i ngā tini āhuatanga o te wā, me te manako ia kei te haumaruru te noho a te whānau.

As you are aware, in 2020 Council resolved not to establish a Māori Ward as guided by Mana Whenua at the time. Council committed to reconsider this question in this triennium.

Ngā Hapū o Ōtaki wish to submit their written response to be included in the Community Consultation.

Ngā Hapū o Ōtaki recognises that the establishment of a Māori Ward is a first basic step in establishing representation for Maori in the Local Government decision making process however it is not without its limitations:

1. What effect, if any, does a Māori Ward seat have on Mana Whenua Representation? There is a risk for council and its decision-making process should we find that Mana Whenua view conflicts with the view of the Māori Ward Councilor.
2. A Māori Ward has the potential to diminish Mana Whenua and their ability to exercise manaakitanga to Matawaka according to tikanga and kawa.
3. Under the current process there is no guarantee that the Māori Ward will be of Māori descent.

4. Voting is restricted to only those enrolled on the Māori Roll which excludes all Māori listed on the General Roll, living in Kapiti.

In principle we support a process that allows Māori to participate in Local Government decision making, however the establishment of a Māori Ward should not replace, absolve or interfere with Council's obligation to Mana Whenua under Te Tiriti.

Understanding the commitment of the Council to reconsider this question in this triennium, Ngā Hapū o Ōtaki extend our manakitanga to support the Council in seeking community feedback on this kaupapa despite our concerns. We also encourage the Council to investigate other avenues that enable Mana Whenua appointed representatives to participate in the Local Government decision making process as well.

Ngā Hapū is currently investigating other legislative options that would enable Mana Whenua participation in Local Government decision making.

Please forward all responses to office@ngahapuootaki.nz.

Kia rarau ai ngā manaakitanga a te waahi ngaro ki runga i a koe.

Nāku noa, nā



Denise Hapeta
Chairperson NHoŌ

