



RĀRANGI TAKE

AGENDA

Extraordinary 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, 6 August 2024

Te Wā | Time: 12.00 pm

**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 6 August 2024, 12.00 pm.

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

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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 *As we deliberate on the issues before us,*

E pono ana mātou ka kaha tonu ki te whakapau mahara huapai mō ngā hapori e mahi nei mātou. *We trust that we will reflect positively on the communities we serve.*

Me kaha hoki mātou katoa kia whaihua, kia tōtika tā mātou mahi, *Let us all seek to be effective and just,*

Ā, mā te māia, te tiro whakamua me te hihiri *So that with courage, vision and energy,*

Ka taea te arahi i roto i te kotahitanga me te aroha. *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 TO AFFIRM OR RESCIND DECISION TO ESTABLISH MĀORI WARD

Kaituhi | Author: **Steffi Haefeli, Manager Governance**

Kaiwhakamana | Authoriser: **Mark de Haast, Group Manager Corporate Services**

TE PŪTAKE | PURPOSE

- 1 This report asks the Council to consider its options to either affirm or rescind its decision to establish a Māori ward which it resolved on 14 November 2023.
- 2 As a result of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill (the 'Bill') receiving royal assent on 30 July 2024, councils that have decided to establish Māori ward(s) or constituencies without a referendum ('poll') are now required to conduct a poll at the next local body elections in 2025. In addition, these councils are now also required to formally affirm or rescind their decision to establish a Māori ward.

HE WHAKARĀPOPOTO | EXECUTIVE SUMMARY

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

TE TUKU HAEPAPA | DELEGATION

- 4 The Council has the authority to resolve to affirm or rescind its decision to establish a Māori ward under the amended Local Electoral Act 2001, the provisions of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act (attached in Appendix 1) and section A.2 of the Council's Governance Structures and Delegation 2022 – 2025 document.

TAUNAKITANGA | RECOMMENDATIONS

- A. That the Council resolves to **affirm** its decision from 14 November 2023 to establish a Māori ward for electoral purposes under the Local Electoral Act 2001 ahead of the 2025 local body elections and therefore decides to continue with the current representation review process underway. As a result of this decision, the Council will be required to hold a poll at the 2025 local body elections to determine whether the Māori ward will remain in place or be disestablished ahead of the 2028 local body elections.

OR

- B. That the Council resolves to **rescind**, under clause 29 of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act, its decision from 14 November 2023 to establish a Māori ward for electoral purposes under the Local Electoral Act 2001 ahead of the 2025 local body elections and therefore decides to cease the current representation review underway,

AND

- B.1 That the Council resolves, under clause 33 (4) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act, to continue to use the **existing representation arrangements** set by the Local Government Commission determination in April 2022 (attached in Appendix 2) for electoral purposes. This decision will be publicly notified in accordance with clause 27 of the same Bill.

OR

- B.2 That the Council resolves, under clause 33 (2) and (3) of the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act, to complete a **shortened representation review process** in accordance with the requirements of clauses 22 to 28 to determine the representation arrangements for the 2025 local body elections without the establishment of a Māori ward.

TŪĀPAPA | BACKGROUND

Why is the Council conducting a representation review?

- 5 The Local Electoral Act 2001 ('LEA') requires all local authorities to review their representation arrangements at least once every six years to ensure the arrangements continue to provide fair and effective representation of their district's communities of interest. The process and timeframes to carry out a representation review is mandated through the LEA (primarily section 19).
- 6 The Council carried out its last representation review in 2021 ahead of the 2022 local body elections. Under the standard 6-yearly cycle of representation reviews, another review was next required in 2027 ahead of the 2028 local body elections.
- 7 However, the LEA sets out circumstances where a review may be required earlier, including where a territorial authority resolves to establish Māori ward(s) under section 19Z of the LEA. On 14 November 2023, Council resolved to establish a Māori ward which triggered a representation review. This is to determine how Māori ward(s) fit within a district's wider representation arrangements.

Initial Proposal Decision by the Council

- 8 The Council undertook preliminary community engagement for the representation review in March 2024. The key finding of the preliminary community engagement was that the majority of respondents support the status quo and would prefer minimal adjustments for the inclusion of the Māori ward.
- 9 On 30 July 2024, the Council resolved its [initial proposal](#) (please refer to the report for more information) as follows:
- 9.1 The Kāpiti Coast District Council will comprise of the Mayor elected at large and ten councillors, two elected at large, seven elected by ward and one Māori ward councillor elected by the district's Māori electoral roll voters.
- 9.2 The Kāpiti Coast District will be divided into five wards:
- 9.2.1 Kāpiti Coast Māori Ward represented by one Māori ward councillor with the ward boundaries aligning with the district's boundaries.
- 9.2.2 Ōtaki General Ward represented by one general ward councillor.
- 9.2.3 Waikanae General Ward represented by two general ward councillors.
- 9.2.4 Paraparaumu General Ward represented by three general ward councillors.
- 9.2.5 Paekākāriki-Raumati General Ward represented by one general ward councillor.
- 9.2.6 In addition, all electors of the Kāpiti Coast District (both general electoral and Māori electoral voters) will elect two councillors at large.
- 9.3 The Kāpiti Coast District will be divided into five community board areas and the community board membership will comprise four members elected from their relevant areas and a specified number of ward councillors as follows:
- 9.3.1 The Ōtaki Community Board will comprise four members elected from the Ōtaki Community Board area, and one appointed member of the Council from either the Ōtaki General Ward or Kāpiti Coast Māori Ward.

- 9.3.2 The Waikanae Community Board will comprise four members elected from the Waikanae Community Board constituency, and one appointed member of the Council from either the Waikanae General Ward or Kāpiti Coast Māori Ward.
- 9.3.3 The Paraparaumu Community Board will comprise four members elected from the Paraparaumu Community Board constituency, and two appointed members of the Council from either the Paraparaumu General Ward or Kāpiti Coast Māori Ward.
- 9.3.4 The Raumati Community Board will comprise four members elected from the Raumati Community Board constituency, and one appointed member of the Council from either the Paekākāriki-Raumati General Ward or Kāpiti Coast Māori Ward.
- 9.3.5 The Paekākāriki Community Board will comprise four members elected from the Paekākāriki Community Board constituency, and one appointed member of the Council from either the Paekākāriki-Raumati General Ward or Kāpiti Coast Māori Ward.
- 10 The initial proposal by the Council will need to be publicly notified by 8 August 2024, in accordance the provisions of the LEA, which commences the formal consultation period inviting community submissions from 8 August to 12 September 2024.
- 11 If the Council decides to rescind its decision to establish a Māori ward as a result of this report, all requirements to meet legislative timeframes for the representation review process underway cease.

The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act

- 12 On 4 April 2024, the Minister for Local Government, Simeon Brown, announced the upcoming introduction of a Bill to honour the Coalition Agreements between the New Zealand National Party, ACT and New Zealand First committing to “*restore the right to local referendum on the establishment or ongoing use of Māori wards, including requiring a referendum on any wards established without referendum at the next local body elections*”.
- 13 The Bill was introduced into the House on 20 May 2024 and proposed the following amendments to the LEA:
- 13.1 Re-introducing the requirement for polls for councils wishing to establish Māori ward(s) and requiring all councils that have established Māori ward(s) without a poll to hold one at the next local body elections in 2025.
- 13.2 Allowing councils that have made a decision to establish Māori ward(s) without a poll to rescind their decision (or disestablish their Māori ward(s)) and:
- 13.2.1 Discontinue the representation review process currently underway and possibly revert to existing representation arrangements, OR
- 13.2.2 Decide to conduct a shortened representation review process instead.
- 14 During the Bill’s second reading, an amendment was recommended which requires councils, once the Bill is enacted, to make an active decision to affirm or rescind its decision to establish a Māori ward. The Bill provides that councils must make this decision before 6 September 2024. The Bill received royal assent on 30 July 2024 which means the amended provisions in the LEA have now taken effect.

HE KŌRERORERO | DISCUSSION

He take | Issues

- 15 The Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act (the ‘Act’) now requires Council to decide on the following options:

- 15.1 to affirm the decision to establish a Māori ward for electoral purposes as planned and hold a poll on the future of the Māori ward at the next local body elections in 2025. The representation review timeframes would remain the same as previously communicated to the Council.
- 15.2 to rescind the decision to establish a Māori ward for electoral purposes and either:
 - 15.2.1 cease the representation review process and revert to the existing representation arrangements, or
 - 15.2.2 conduct a shortened representation review.
- 16 The shortened review process, as prescribed by clauses 22 to 28 of Part 3 of the Act, requires the Council to:
 - 16.1 resolve its initial proposal (without the inclusion of a Māori ward) by 13 September 2024
 - 16.2 publicly notify the initial proposal by 20 September 2024
 - 16.3 provide an opportunity for community submissions on the proposal for a minimum of three weeks in September/October (by 11 October 2024)
 - 16.4 within six weeks of the closing of submissions to resolve its final representation proposal
 - 16.5 provide an opportunity for community appeals/objections for a minimum of three weeks (latest date for appeal/objection period to close is 13 December 2024)
 - 16.6 forward any objections/appeals to the Local Government Commission by 23 December 2024.
- 17 Under clause 29 Part 3 of the Act, Council’s decision to affirm or rescind the decision to establish a Māori ward must be done by 6 September 2024.

Ngā kōwhiringa | Options

18 The following table presents the three options for Council to consider:

Option	Description	Impact
1	Affirm the decision to establish a Māori ward for the 2025 local body elections	<ul style="list-style-type: none"> • The current representation review process would continue as planned. • The newly established Māori ward would be in place for the 2025 local body elections and a councillor would be elected into the vacancy at the next elections. • A poll is required to be held at the same time as the next elections in 2025 to determine whether the Māori ward would still be in place at the 2028 local body elections. • If the outcome of the poll was to disestablish the Māori ward, it would not be in place for the 2028 local body elections and a further representation review would be required in 2027. • If the outcome of the poll was to retain the Māori ward, it would be in place for

Option	Description	Impact
		the 2028 local body elections and a further review is not required until 2030.
2	Rescind the decision to establish a Māori ward and revert back to the existing representation arrangements	<ul style="list-style-type: none"> The Māori ward would no longer be established for the 2025 local body elections and the current representation review process would cease. The representation arrangements that are currently in place would be used for the 2025 local body elections. A poll would not be required at the 2025 local body elections. A Māori ward councillor would not be elected at the 2025 local body elections. Council would conduct a representation review again in 2027 as part of the six yearly cycle.
3	Rescind the decision to establish a Māori ward and conduct a shortened representation review	<ul style="list-style-type: none"> The Māori ward would no longer be established for the 2025 local body elections and the current representation review process would cease. A poll would not be required at the 2025 local body elections. A Māori ward councillor would not be elected at the 2025 local body elections. Council completes a shortened representation review in 2024. The next representation review would be required in 2030. The initial proposal for the shortened representation review must be completed by 13 September. A new preliminary community engagement phase is not feasible; however, insights from the engagement conducted in March 2024 could be considered by Councillors.

Mana whenua

- 19 Mana whenua partners affirmed their strong support for Council to not rescind their decision to establish a Māori ward and continue with our initial proposal.

Panonitanga Āhuarangi me te Taiao | Climate change and Environment

- 20 There are no climate change and/or environment considerations relevant to this report.

Ahumoni me ngā rawa | Financial and resourcing

- 21 The total cost for the representation review is estimated at \$240,000.00 which includes the preliminary community engagement costs and formal consultation.
- 22 The cost of the formal consultation is estimated at approximately \$15,000 which includes the design of a survey questionnaire, radio and newspaper advertising as well as printing and distribution of the collateral.
- 23 This overall budget also covers costs incurred for technical advice being sought from our electoral officer (Election Services) as well as administration costs to cover printing, advertising, venue hire and catering for community engagement session during the preliminary community engagement phase.
- 24 If the Council decides to continue with the current representation review and the establishment of the Māori ward, the resourcing and budget requirements remain unchanged.
- 25 If the Council decides to rescind its decision to establish a Māori ward and revert to existing representation arrangements, the current representation review process would cease. No further budgetary or resourcing requirements are anticipated.
- 26 If the Council decides to rescind its decision to establish a Māori ward and conduct a shortened representation review process, the current representation review process will cease. The shortened representation review process comprises the same steps as the standard representation review process and therefore the same resourcing and budget requirements would be required.

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

- 27 There are no further legal considerations in addition to those already outlined in this report.

Ngā pānga ki ngā kaupapa here | Policy impact

- 28 This decision does not have a direct impact on any existing or planned policies.

TE WHAKAWHITI KŌRERO ME TE TŪHONO | COMMUNICATIONS & ENGAGEMENT**Te mahere tūhono | Engagement planning**

- 29 The Act confirms that the special consultative procedures under section 83 of the Local Government Act 2002 are not triggered and there is no requirement for Council to consult with the community on this decision.

Whakatairanga | Publicity

- 30 If the Council decides to rescind its decision to establish a Māori ward ahead of the 2025 local body election and revert to the existing representation arrangements for electoral purposes, this decision must be publicly notified in line with clause 37 of Part 3 of the Act.
- 31 In addition, Council's will be made public through the Council's website and will be communicated to the media.

NGĀ ĀPITI HANGA | ATTACHMENTS

1. Appendix 1 - Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024 [↓](#)
2. Appendix 2 - Local Government Commission Determination 2022 for Kapiti Coast District Council [↓](#)



Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024

Public Act 2024 No 28
Date of assent 30 July 2024
Commencement see section 2

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2024 No 28

Local Government (Electoral Legislation and Māori
Wards and Māori Constituencies) Amendment Act 2024

Part 1 s 6

The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Act 2024.

2 Commencement

- (1) Sections 4, 8, 9, 10 to 15, and 30 to 35 come into force on 1 April 2025.
- (2) Sections 5 to 7 and 16 come into force on 12 October 2025.
- (3) Sections 17 and 19 to 28 come into force on the day after Royal assent.

Part 1**Amendments to Local Electoral Act 2001****3 Principal Act**

Sections 4 to 17 amend the Local Electoral Act 2001.

4 Section 5 amended (Interpretation)

- (1) In section 5(1), definition of **nomination day**, replace “57th day” with “71st day”.
- (2) In section 5(1), definition of **voting period**, paragraph (b), replace “22 and a half days” with “32 and a half days”.

5 Section 9 amended (Holding of referendum)

Replace section 9(7) with:

- (7) The result of any referendum conducted as a consequence of a direction under this section is not binding on the local authority unless it resolves otherwise or any enactment provides otherwise.

6 Section 19Z amended (Territorial authority or regional council may resolve to establish Māori wards or Māori constituencies)

- (1) After section 19Z(2), insert:
 - (2A) The powers in subsections (1) and (2) to resolve to establish Māori wards and Māori constituencies for electoral purposes include the powers to disestablish them.
 - (2B) The requirements that apply in relation to establishing Māori wards and Māori constituencies for electoral purposes also apply, with all necessary modifications, to their disestablishment.
- (2) In section 19Z(3)(a), replace “23 November” with “12 September”.
- (3) Replace section 19Z(3)(c) with:

3

- (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—
- (i) a further resolution under this section takes effect; or
 - (ii) a poll of electors of the territorial authority or regional council held under section 19ZF takes effect.

- (4) Replace section 19Z(4) with:
- (4) This section is subject to section 19ZE and to clauses 2(5) and 4(4) of Schedule 1A.
- (5) In section 19Z(5), after “In this section”, insert “and in sections 19ZB to 19ZG”.

7 New sections 19ZA to 19ZG inserted

After section 19Z, insert:

19ZA Public notice of right to demand poll

- (1) A territorial authority or regional council that passes a resolution under section 19Z must give public notice, not later than the required date, of the right to demand, under section 19ZB, a poll on the question whether,—
- (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or
 - (b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.
- (2) The public notice under subsection (1) must include—
- (a) notice of the resolution under section 19Z; and
 - (b) a statement that a poll is required to countermand that resolution.
- (3) In subsection (1), **required date** means,—
- (a) in the case of a resolution under section 19Z that is made after a triennial general election but not later than 12 September of the year that is 2 years before the next triennial general election, 19 September in that year;
 - (b) in the case of a resolution under section 19Z that is made at some other time, the date that is 7 days after the date of the resolution.
- (4) This section is subject to section 19ZE.

19ZB Electors may demand poll

- (1) A specified number of electors of a territorial authority or regional council may, at any time, demand that a poll be held on the question whether,—
- (a) in the case of a territorial authority, the district should be divided into 1 or more Māori wards; or

(b) in the case of a regional council, the region should be divided into 1 or more Māori constituencies.

(2) This section is subject to section 19ZE.

(3) In this section and section 19ZC,—

demand means a demand referred to in subsection (1)

specified number of electors, in relation to a territorial authority or regional council, means a number of electors equal to or greater than 5% of the number of electors enrolled as eligible to vote at the previous triennial general election of the territorial authority or regional council.

19ZC Requirements for valid demand

(1) A demand must be made by notice in writing—

(a) signed by a specified number of electors; and

(b) delivered to the principal office of the territorial authority or regional council.

(2) An elector may sign a demand and be treated as one of the specified number of electors only if,—

(a) in the case of a territorial authority, the name of the elector appears on the electoral roll of the territorial authority; or

(b) in the case of a regional council, the name of the elector appears on the electoral roll of a territorial authority and the elector's address as shown on that roll is within the region; or

(c) in a case where the name of an elector does not appear on a roll in accordance with paragraph (a) or (b),—

(i) the name of the elector is included on the most recently published electoral roll for any electoral district under the Electoral Act 1993 or is currently the subject of a direction by the Electoral Commission under section 115 of that Act (which relates to unpublished names); and

(ii) the address for which the elector is registered as a parliamentary elector is within the local government area of the territorial authority or regional council; or

(d) the address given by the elector who signed the demand is confirmed by the Electoral Commission as the address at which the elector is registered as a parliamentary elector and the address—

(i) is, if the demand was given to a territorial authority, within the district of the territorial authority; or

(ii) is, if the demand was delivered to a regional council, within the region of the regional council; or

8 KARAKIA WHAKAMUTUNGA | CLOSING KARAKIA

Kia tau ngā manaakitanga ki runga i a tātou katoa,	<i>May blessings be upon us all,</i>
Kia hua ai te mākihikihi, e kī ana	<i>And our business be successful.</i>
Kia toi te kupu	<i>So that our words endure,</i>
Kia toi te reo	<i>And our language endures,</i>
Kia toi te wairua	<i>May the spirit be strong,</i>
Kia tau te mauri	<i>May mauri be settled and in balance,</i>
Ki roto i a mātou mahi katoa i tēnei rā	<i>Among the activities we will do today</i>
Haumi e! Hui e! Taiki e!	<i>Join, gather, and unite! Forward together!</i>