# **Report on iwi participation in alternative local government organisation in the Greater Wellington Region**

**Implications of boundary arrangements for iwi participation in a reformed Local Government in the Greater Wellington Region.**

3 December 2014



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# Executive Summary

The brief for this report was to examine the local government reform options in the Wellington Region that may best enable Maori participation in local government decision making. What is clear that with a few exceptions Maori participation in decision making has not been a priority for many of the proposals from Councils. Many of the proposals simply describe the status quo with few of those bringing in a higher level of involvement in decision making for iwi Maori[[1]](#footnote-1). Most proposals fail to recognise that in the change from a District Council to a Unitary Authority there needs to be a requisite change in the participation and decision making of iwi Maori within the structures of any new Unitary Authority. The status quo in many options will result in a decrease in involvement for iwi Maori as a result of the removal of Greater Wellington Regional Council.

The single proposal that would not decrease iwi Maori involvement in decision making is that from Greater Wellington Regional Council (GWRC) and others. That proposal would continue the model already established by GWRC which includes the Ara Tahi as a Standing Committee of Council and Te Upoko Taiao, the joint environmental planning committee. The only other Council with this desired level of joint decision making appears to be Porirua City which is a part of the Greater Wellington proposal. Other current arrangement include various memoranda of understanding between the Council and largely iwi authorities or other memoranda of partnership.

In some Councils there are iwi appointees on Council standing committees’ in some cases with voting rights and in some cases without voting rights. Some Councils do have dedicated staff members both to advise Council and to liaise with iwi and Maori.

It is noted that the model of Maori Wards is not widely supported and from the iwi Maori perspective is probably not effective in achieving the objective of iwi Maori involvement in local authority decision-making.

The involvement of iwi Maori in decision making for the various Councils in the region has varied widely from almost no involvement to the model established in Greater Wellington where there is a high degree of joint decision making. That variation is reflected in the proposals coming forward for the reform of local government, with most just accepting that status quo is sufficient despite proposals for major changes to the operations of proposed unitary authorities and with matters such as Treaty of Waitangi settlements. The proposal from Wellington City Council for instance fails to provide clear recognition of an effective level of involvement of iwi Maori in any degree of decision making role. One thing lacking from most proposals was what could be possible in terms of decision-making roles and structures for iwi Maori, despite making considerable structural changes, that would accompany the move from a district council to a unitary council and the consequent changes to the roles and function of the proposed unitary councils.

Most of proposals to the Local Government Commission in Greater Wellington fail to recognise the significance of Treaty of Waitangi settlements and that mandated iwi with settlements have instruments such as statutory acknowledgements and significant lands returned in fee simple including lakes, islands and various reserves. These all drive a much stronger need for effective partnership arrangements not only with Central Government, but more at the operative level with local government. The Treaty of Waitangi partnerships will in part operate through the Treaty settlement mechanisms, however there are a raft of other matters that come into play between iwi Maori and Unitary Councils.

The model of region specific legislation for iwi Maori representation, although out of the scope of this report nonetheless should remain an option for consideration if the right model cannot be found under existing legal arrangements.

The involvement and representation of marae groups as part of the manawhenua iwi is a matter for the mandated iwi organisation to determine internally how iwi want to represent themselves in council committees and the like. There can however be a local level representation at community board level to deal with most marae-based issues.

The impact of iwi takiwa or boundaries on the selection of a particular scheme is quite limited. There are overlapping interests in many places such as for Te Atiawa/Taranaki whanui and Ngati Toarangatira in the Hutt Valley.

Challenges

An enduring partnership approach between Māori and local government should be preserved through any reorganisation process. Kaumatua of the region believe that the existing partnership relationships between councils and mana whenua iwi in the region must be the starting point for any future arrangements.

The Commission has been told that it should continue to engage with Māori communities as it formulates any draft reorganisation proposal for the region.

Iwi have an expectation that any future Wellington council would have a formal relationship with mana whenua and taura here at both the regional and local level. Co-management arrangements established through Treaty settlements would continue to any new organisation. Others may need to be established and protected as a consequence of the particular detail in later Treaty settlements.

In general terms, Treaty of Waitangi settlements have mandated iwi to have a stronger say as part of local government decision-making. This has occurred by means of statutory acknowledgements and the return of significant lands in fee simple to iwi including lakes, islands and various reserves. These settlements drive a much stronger need for effective partnership arrangements to be established, not only with Central Government, but also at the operative level with local authorities.

The provisions of the Local Government Act provide little guidance on who the relationships between Māori and local government should be with. The Commission notes that references tend to be to mana whenua rather than the more general term Māori. With respect to resource management matters it is clear that local government need to deal with those having mana whenua in the area.

The scope that the Commission has to specifically provide for mechanisms to enhance Māori participation in decision-making is limited. The Commission is unable to provide for Māori wards and constituencies through a local government reorganisation unless they are already provided for in the district or region concerned. Nor does the Commission have the authority to establish the equivalent of the Auckland Independent Māori Statutory Board.

The Commission could imbed within the committee structure of a new council a way of ensuring Māori participation in decision-making, however, such an approach could be undone by simple resolution of the subsequent council to change its committee structure.

Iwi Māori have long put forward the proposition that relationships should be on a rangatira to rangatira basis where the leaders of the respective iwi organisation meet with Council leaders.

As well as regular council to iwi council meetings, they have stated there is a clear need for a joint committee of council and iwi representatives with delegated decision making powers on matters such as environmental and resource management issues, regional planning, and Treaty settlement matters, with regular meetings.

Consideration also needs to be given to establishing meaningful relationships with taura here groups and individuals, who make up a significant proportion of the regional Māori population, particularly in urban centres.

For those Māori who might be described as mataa waka or taura here and / or urban Māori organisations there are no clear Treaty based responsibilities on matters such as environmental, resource management or planning. That said, these are matters which the manawhenua iwi organisations may not be directly involved in including social housing, education, social welfare, non-tangata whenua marae and similar, where communities of Māori may wish to engage with Council. Kaumatua are of the view these issues can be addressed with on a case by case basis in the usual run of council business. It was also suggested the non-mana whenua Māori community could also seek the support of the mana whenua groups on issues they may wish to raise at council. They propose that, at least twice a year, council should meet with mataa waka groups with meetings with agenda matters raised by both Māori and Council.

The involvement and manner of representation of marae groups, as part of the manawhenua iwi, is viewed as a matter for each mandated iwi organisation to determine. Iwi have noted that the option of representation as part of the second tier level of local governance is one means of ensuring that most marae-based issues are addressed.

It is noted that mana whenua Iwi leaders have stated that they do not have a clear consensus about what form of representation or influence might be preferred.

The Commission has been informed by iwi leaders that while some amongst them are of the view that Māori seats may be an appropriate mechanism to address Māori representation, others are of the view that the establishment of such seats reduces their influence as a local government partner in this relationship.

The impact of iwi takiwa or boundaries on the selection of a particular local government reorganisation option poses a challenge for most iwi. Iwi have overlapping interests in many places. This is particularly the case for Te Atiawa/Taranaki whanui and Ngati Toa rangatira in the Hutt Valley.

In general it appears the smaller the local authority area is, the more authorities each iwi will have to deal with. Taranaki whanui and Ngati Toa have noted they will be stretched to find the resources to participate with the three unitary authorities proposed as one of the options across their rohe. By contrast, the option of a single unitary authority in the Wairarapa is viewed as being convenient for the Wairarapa iwi.

The option of a single unitary authority for the whole region points to the existing model of Māori representation currently used by the Greater Wellington Regional Council. This has two co-management committees, one being a formal standing committee of Council and the other a joint committee. Both committees have decision-making power delegated by Council. In the view of key kaumatua, this is viewed as being a successful model of representation for Māori at the regional level.

With two tiers of representation, a different model may be appropriate for each tier with a region-wide joint committee dealing with environment and resource management region wide. At the second tier more local level committees could be established to deal with local level matters including matters of importance to Marae such as local planning.

For the model with a single tier of representation for the Wellington Metropolitan councils as a unitary authority kaumatua have expressed no clear preference on how the matter of iwi Māori inclusion in decision-making would be achieved. The possibility of Māori wards was largely dismissed as impractical and likely to erode the influence of the partnership relationship.

Kaitiakitanga

The exercise of guardianship over natural resources has been a significant part of the operations of manawhenua iwi particularly after the RMA of 1991. This can apply for example to particular natural resources such as rivers lakes and streams where there is a particular iwi interest in the stream such as those where to old pa tuna or eel weirs were located some of which are still used today. Places where old rites took place from baptism to the washing of the dead. Kaitiakitanga is about the physical and cultural health of a resource such as a stream. Kaitiakitanga can also be enhanced through Treaty settlement mechanisms. Kaitiakitanga can be exercised over resources where the land ownership could be with someone else.

Councils need to be aware of the exercise of kaitiakitanga both in terms of planning, for consents and over particular stocks including for example taonga raranga or weaving materials and rongoa or medicinal plants which are gathered for use.

Summary and conclusion – Māori participation

The involvement of iwi Māori in decision-making with local authorities is essential and exists clearly with the Regional Council. The advent of Treaty settlements in the region has provided for a degree of co-management over specific resources. Statutory acknowledgements over rivers and lakes along with the transfer of fee simple title to islands and various reserves. Any future arrangement for local government reform needs to improve participation of the manawhenua iwi in particular at all levels. Unitary Councils need to reflect the level of participation of the current Greater Wellington Regional Council.

Manawhenua iwi involvement through co-management committees and standing committees would be the challenge for any new arrangement. Manawhenua iwi have a high degree of involvement in resource management matters from the formulation of regional policies and plans and with district plans along with major resource consents and notices of requirement (designation) with Councils. The cultural arrangement with Councils are also the preserve of the manawhenua iwi. General Maori involvement with Councils may involve matters of social welfare, some housing matters, health and other matters of Council. These can largely be dealt with in arranged meetings with Council rather than with greater institutional arrangements.

Morris Te Whiti Love

Raukura Consultants

## Background and Extracts from proposals and comments on each.

The iwi of the region are largely those whose representative organisations have been established and recognised through some process such as legislated mandate, long standing representation or being clearly recognised through an authoritative process such as a Waitangi Tribunal inquiry report. One source of information on representative organisations for iwi throughout Aotearoa is available for Councils in the region is Te Kahui Mangai. Te Kahui Mangai is an authoritative database established by Te Puni Kokiri.[[2]](#footnote-2) Councils themselves will have lists of iwi and Maori representative organisations they deal with and consult.

The following Iwi and Hapu were found in Te Upoko o Te Ika:

### Ngāti Kahungunu -Ngāti Kahungunu Iwi Inc;

### Ngāti Kahungunu ki Wairarapa - Tāmaki Nui ā Rua - Ngāti Kahungunu ki Wairarapa - Tāmaki Nui ā Rua Trust

### Ngāti Raukawa ki te Tonga - Te Runanga o Raukawa Incorporated; Ngāti Raukawa ki te Tonga Trust (fisheries only)

### Ngāti Toa Rangatira - Te Runanga o Toa Rangatira Inc - Ngati Toa Rangatira Claims Settlement Act 2014

### Rangitāne (North Island) - Rangitāne Settlement Negotiations Trust - Mandate recognised by the Crown for Treaty of Waitangi settlement negotiations [Agreement in Principle signed with the Crown on 28 March 2014]

* [Taranaki Whānui ki te Upoko o te Ika](http://www.tkm.govt.nz/iwi/taranaki-whanui-ki-whanganui-a-tara/) - [ Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 ] along with the Wellington Tenths Trust (Te Atiawa/Taranaki Whanui.

### [Te Atiawa (Wellington)](http://www.tkm.govt.nz/iwi/te-atiawa-wellington/) **-** Te Atiawa ki te Upoko o te Ika a Māui Pōtiki Trust (fisheries)

### [Te Atiawa ki Whakarongotai](http://www.tkm.govt.nz/iwi/te-atiawa-ki-whakarongotai/) - Ati Awa ki Whakarongotai Charitable Trust

At a later section other groups who are seeking to become mandated will be mentioned along with other representative iwi organisations. In a later section the report will also look at taura here or mataa waka organisations and any urban Maori organisations.

The main focus is on those iwi authorities involved in resource management activities indicating a Treaty of Waitangi connection as iwi manawhenua of the region.

### Treaty of Waitangi Settlements

Treaty of Waitangi settlements in the not too distant future will cover the whole region and in many instances iwi Maori have overlapping interests. Deeds of Settlement and settlement legislation set out relationships with Central Government through whole of Government relationship along with specific protocols with particular Government agencies. The settlement deeds set out in detail cultural redress mechanisms such as the statutory acknowledgements which will be appended to the relevant District Plans and require consideration by local government. Statutory recognition is often over rivers, lakes, mountains and other sites of significance. Settlements also include significant cultural sites which are often reserves managed by DOC which are owned in fee simple by the iwi authority.

## Local Government Act 2002

The key provision that related to Maori is section 4 of the Local Government Act 2002.

“In order to recognise and respect the Crown’s responsibility to take appropriate account of the principles of the Treaty of Waitangi, and to maintain and improve opportunities for Maori to contribute to the local government decision-making processes, Parts 2 [purpose of local government, and role and powers of local authorities ] and 6[planning, decision-making and accountability] provide principles and requirements for local authorities that are intended to facilitate participation by Maori in local decision-making processes.”

“a local authority should provide opportunities for Maori to contribute to its decision-making processes:” - section 14(1)(d)

“(1) a local authority must –

1. Establish and maintain processes to provide opportunities for Maori to contribute to the decision-making processes of the local authority; and
2. Consider ways in which it may foster the development of Maori capacity to contribute to the decision-making processes of the local authority; and
3. Provide relevant information to Maori for the purposes of paragraphs (a) and (b).’
4. A local authority in exercising its responsibility to make judgements about the manner in which subsection (1) is to be complied with, must have regard to-
   1. The role of the local authority, as set out in section 11; and
   2. Such other matters as the local authority considers on reasonable grounds to be relevant to those judgements” – section 81

“a local authority must ensure that it has in place processes for consulting with Maori in accordance with subsection (1)” [principles of consultation] –section 82(2)

### Comment

These provisions envisage that Maori will participate in local government decision making but fail to provide clear guidelines on how that is to be achieved. There is an acknowledgement that the Crown have a direct Treaty of Waitangi responsibility and that responsibility should transfer in part to local authorities. Treaty of Waitangi settlement provide further guidance with respect to very specific resources such as the beds of rivers and lakes or over particular pieces of culturally significant land. In some case District and Regional Plans provide further guidance with respect to waahi tapu and other sites of significance to Maori (in that context Maori means the mana whenua iwi of the area).

The provisions on LGA 2002 provide little guidance on who the relationships should be with although there are specific references to mana whenua rather than the more general term Maori.

### Resource Management Act

The Resource Management Act gives definitions for **mana whenua**: *means customary authority exercised by an iwi or hapu in an identified area;* and

**tangata whenua,** *in relation to a particular area, means the iwi, or hapu, that holds mana whenua over that area.*

A more useful definition of mana whenua are: *Maori with ancestral rights to resources in their takiwa or traditional area and having responsibilities as kaitiaki over their ancestral lands, waters and other taonga***.**

## Comment

With respect to resource management matters it is clear that local government need to deal with those having mana whenua in the area. This involves are large range of activities such as consultation over natural and physical resource matters including the formulation of RMA policies and plans. Resource consent and notice of requirement (designation) matters involve manawhenua iwi where these involve sites of significance to Maori, kaitiakitanga and other Treaty of Waitangi issues.

## Options for Maori Representation in Local government

1. The *Local Government (Auckland Council) Act 2009* is a model of a specific purpose mechanism which created the Māori Statutory Board which is independent of the Auckland Council. It aims to ensure that the council takes the views of Māori into account when making decisions. The purpose of the board is to assist the Auckland Council to make decisions, perform its functions and exercise its powers. To do this, the board:
   1. Puts forward the cultural, economic, environmental, and social issues that are significant for mana whenua groups and Mātāwaka in Tāmaki Makaurau, and
   2. Makes sure that the council complies with statutory provisions that refer to the Treaty of Waitangi.
   3. To help the board achieve its purpose, it must develop a list of up-to-date and prioritised issues that are significant to Māori in Auckland. This list of issues will guide the board in developing its work programme.
   4. The Board will also:
   5. Give advice to the Auckland Council about issues that affect Māori in Auckland, and
   6. Work with the council to create suitable documents and processes to help the council meet its statutory obligations to Māori in Auckland.
2. The board and the council will also meet at least four times each year to discuss the council’s performance of its duties.
3. This option is not available to the Local Government Commission without a legislative change however, it does provide a model of what is possible.

### Maori Ward Constituencies

The option for the creation Maori wards is available under the Local Electoral Act 2001. Under the Act a standard procedure is set out. The representation is proportionate to the numbers of the Maori electoral population versus those of the general electoral population. In the Wellington Region this is a hurdle that would almost surely mean it would not be able to operate. The percentage of Maori in the population in most parts of the region is relatively low and those on the Maori electoral role would likely halve those percentages.

### Maori Representatives on Standing Committees or Joint committees of council

A formal standing committee of council or a joint committee which is a decision making body area able to be set up by council and are bound by legislation such as the *Local Government Official Information and Meetings Act 1987.* These committees can be delegated decision making powers by a council. *Ara Tahi* in the GWRC is an advisory board. *Te Upoko Taiao* in GWRC however is a full committee of council and resource management and environmental planning matters. These bodies are able to be decision makers along with councillors. The Treaty Partnership Group in Porirua City is also a grouping with equal members for iwi and council in a true partnership arrangement.

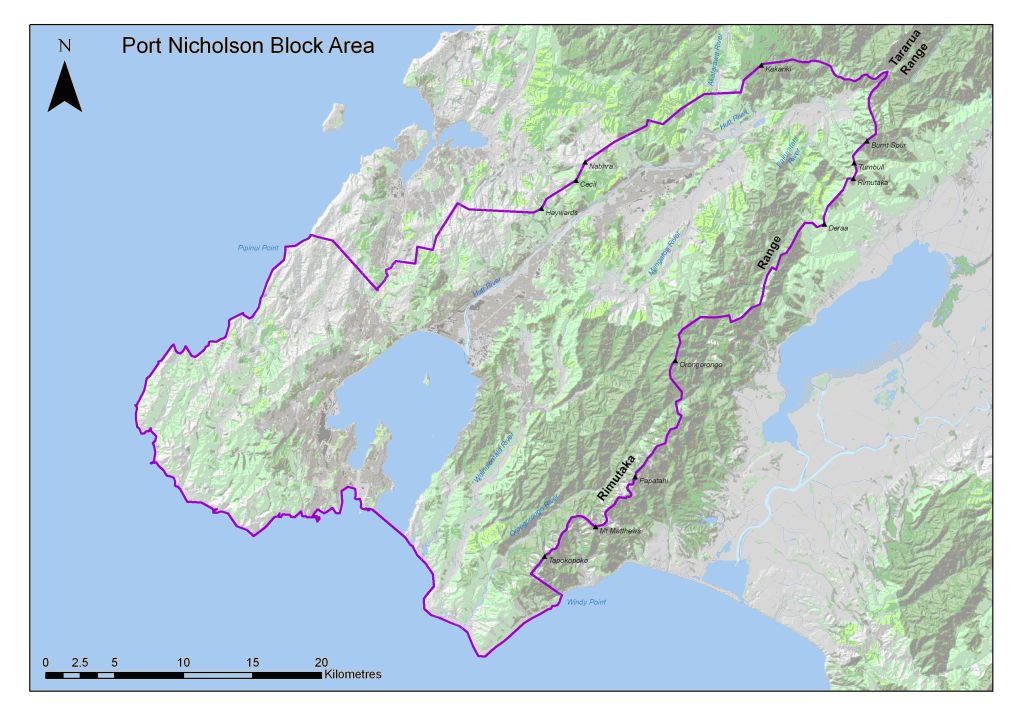
### Other arrangements which assist Maori involvement with Council

There are various arrangements that either already exist with some councils and many of these can and should remain if they already exist or be created where they are not currently in place.

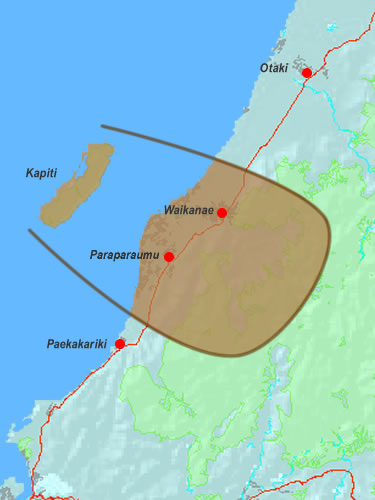
### Maori Liaison Staff

These are members of staff that assist both iwi and council on matters around the Treaty of Waitangi, matters of tikanga and the involvement of Council with Maori throughout the community.

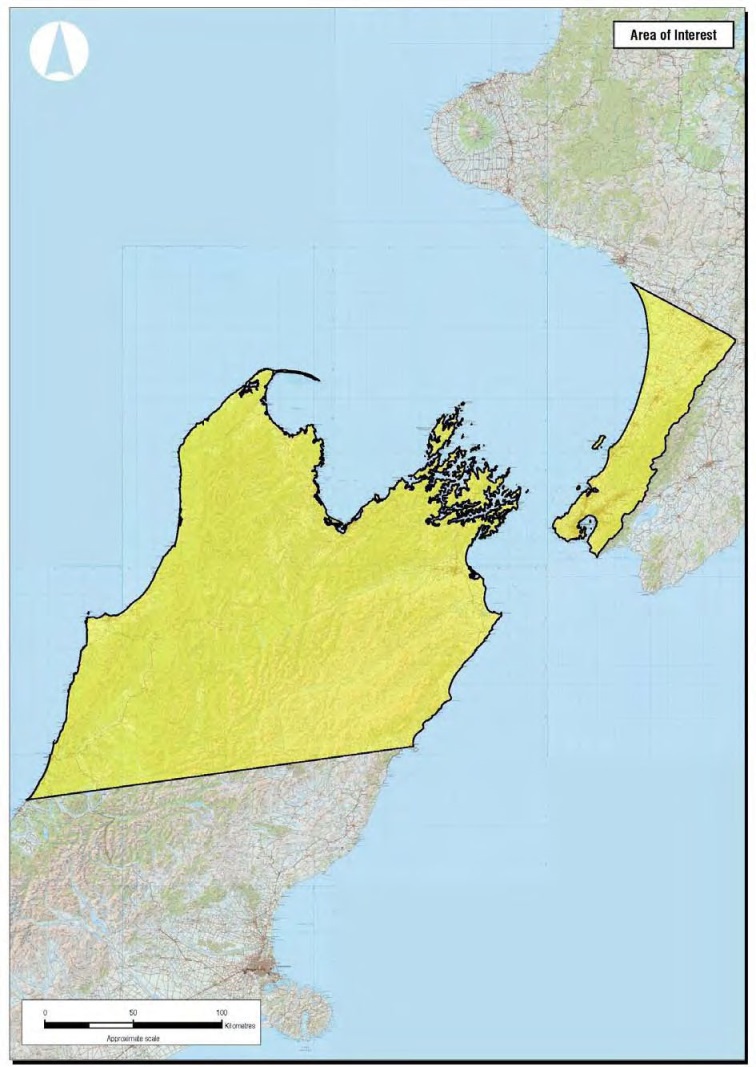
It is important for these staff to be an interface between iwi and the council but they should not be seen as a substitute for direct rangatira to rangatira involvement at the governance level.



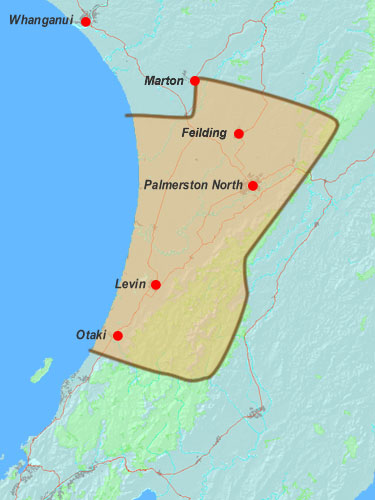
Taranaki Whânui ki Te Upoko o Te Ika area of Interest



Te Atiawa ki Whakarongotai



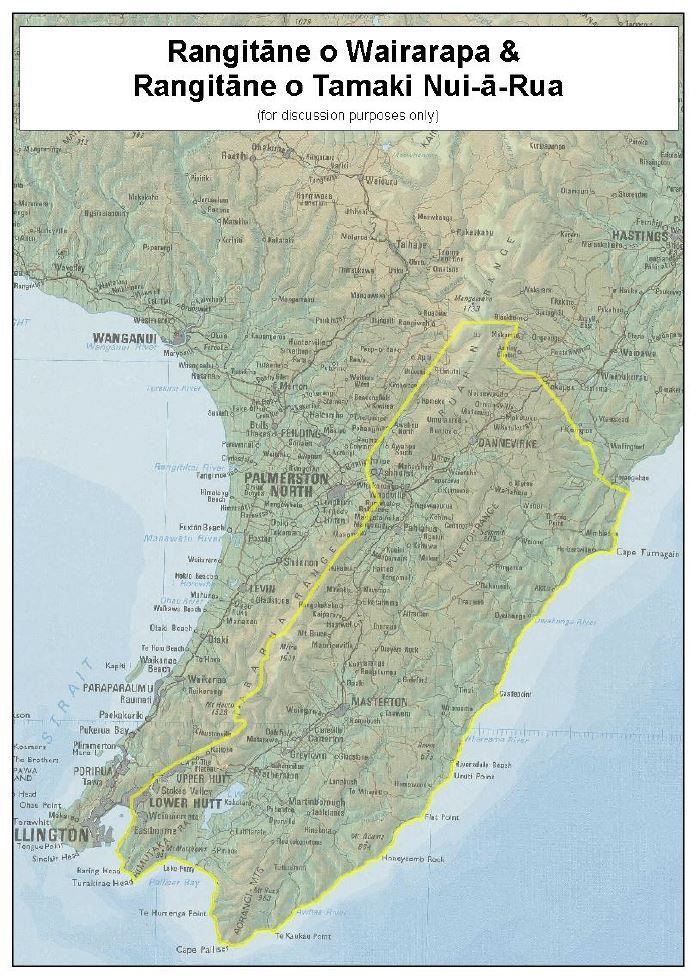
Ngāti Toa Rangatira Area of Interest from the Deed of Settlement



Ngāti Raukawa ki te Tonga



Ngāti Kahungunu ki Wairarapa - Tāmaki Nui ā Rua



Rangitāne o Wairarapa

# Appendix I Optional Arrangements – the Proposals

## Wellington Regional Government

This proposal is for a whole Wellington Region with a second ‘Board’. It would in effect do the following:

* The abolition of the Carterton District, Kapiti Coast District, Masterton District, South Wairarapa District, Lower Hutt City, Porirua City, Upper Hutt City and Wellington City and the dissolution of the local authority for each of those districts and cities
* The abolition of the current Wellington region and the dissolution of the Wellington Regional Council
* The constitution of the Wellington region and Wellington territorial authority district, encompassing the area of the abolished Carterton District, Kapiti Coast District, Masterton District, South Wairarapa District, Lower Hutt City, Porirua City, Upper Hutt City and Wellington City and the adjacent area of the territorial sea
* The local authority for the Wellington region and the Wellington territorial authority district to be a unitary authority with local boards known as the "Wellington Council"
* The alteration of the boundaries of the Manawatu-Wanganui region to include that part of the Tararua District that falls within the boundaries of the abolished Wellington region within the boundaries of the Manawatu-Wanganui region.

The proposed structure has two complementary and shared decision-making parts:

The governing body - consisting of a Mayor elected at large and councillors elected on a ward basis. The governing body would focus on region-wide strategic decisions, regional scale infrastructure and region-wide services. It would also provide regional leadership and representation.

Eight local boards - each with up to nine locally elected members, with the chairperson elected by the members of each board. Each local board would represent its local community and make decisions on local issues and activities. Local boards would provide important local input into region-wide policies and would be funded through the annual planning process in accordance with their functions, duties and powers under the Local Government Act 2002.

## Māori Representation

We note that the Local Government Commission is unable to provide for Māori wards and constituencies unless they are already provided for in the district or region concerned.

The information below is included to inform the Commission of the importance we place on having robust arrangements that empower Māori participation in local government decision-making processes.

An enduring partnership approach between Māori and local government should be preserved through any reorganisation process. The existing partnership relationships between councils and mana whenua iwi in the region must be the starting point for any future arrangements, which also need to include meaningful relationships with taura here groups and individuals, who make up a significant proportion of the regional Maori population.

**Building on existing partnerships**

The current partnership arrangements in the Wellington region – primarily focussed on mana whenua iwi - would provide the foundations on which to build for both mana whenua and taura here groups.

The current arrangements include:

Charters of understanding and memoranda of partnership

The regional Ara Tahi leadership forum comprising mana whenua iwi leaders and Wellington Regional Council leaders

Maori standing committees comprising mana whenua iwi representatives and council representatives

Te Upoko Taiao – a regional council standing committee responsible for natural resource regulation, comprising seven councillors and seven non-councillors nominated by mana whenua iwi, all with equal voting rights. Te Upoko Taiao is an example of best practice for joint decision-making on environmental policy in New Zealand.

Iwi appointees on council standing committees, in some cases with voting rights and in some cases without voting rights.

Other less formal partnership mechanisms between local councils and mana whenua iwi.

Formal joint governance arrangements for parks and land areas that have been returned to mana whenua iwi under Treaty of Waitangi settlement agreements.

We would expect the proposed Wellington Council to have to have formal relationships with mana whenua and taura here at both the governing body and local board level. Co-management arrangements would continue, with others likely to be established and protected through Treaty settlements.

## Wellington Region (less Wairarapa) Unitary Council and Wairarapa Unitary Council

## Proposal summary

This proposal is for a single council for the whole Wellington metropolitan area, with strengthened relationships between councillors and local areas, enhanced checks and balances to strengthen transparency and accountability, and more flexible and effective approaches to representation of local interests.

Specifically, the proposal includes:

• Replacement of the five existing Wellington metropolitan councils and the Wellington Regional Council with a single unitary Council made up of a Mayor and 29 councillors elected from small local single member wards.

• Establishment of semi-autonomous commissioners to provide independent oversight of Council activities (including administrative matters and management of the environment).

• Strengthened support for councillors so they can more effectively represent their local communities.

• Flexible and effective approaches to local representation, which may include community boards and other mechanisms depending on community preferences.

This option proposes changes to decision making structures; it will enable improvements to the services that are delivered; the ways in which residents engage with their council based on what they need and where they need it.

## Māori representation

We understand that the Commission is unable to provide for Māori representation in any reorganisation scheme. Nonetheless, we wish to record the importance we place on the partnership between mana whenua Māori and local government, and our wish that arrangements that protect and enhance this relationship are appropriately reflected in any new structure.

The representation arrangements discussed when outlining the small local ward based approach for the election of 29 councillors does not specifically provide for Māori representation on the council. We have met with mana whenua Iwi leaders regarding the proposal to establish a unitary authority in Wellington. Currently, there is no clear consensus within Māori communities as to what form of representation or influence might be preferred.

While some are of the view that Māori seats may be an appropriate mechanism to address Māori representation, others are of the view that the establishment of such seats reduces the influence of local government’s partner in this relationship. While a variety of options have been broadly canvassed, there is agreement that there should be no erosion of the special partnership relationship.

As this application is filed, WCC engagement with Māori leaders and Māori communities on the question of governance structures for the Wellington is continuing. We support the Commission engaging with Māori communities as it formulates any draft reorganisation proposal for the region.

If a new Wellington Council were to resolve that Māori should be represented through Māori seats, based on the current population there would be an entitlement for two Māori seats.

## Comment on these two Proposals

The proposal for a single unitary authority for the whole region points to the existing model of Maori representation used by the Greater Wellington Regional Council. That is with the two co-management committees, one being a formal standing committee of Council and the other a joint committee. Both committees have decision-making power delegated by Council. This has been a successful model of representation for Maori at the regional level. With two tiers of representation a different model may be appropriate for each tier with a region-wide joint committee dealing with environment and resource management region wide. At the second tier more local level committees to deal with local level matters including local planning and the like.

For the model with a single tier of representation for the Wellington Metropolitan councils as a unitary authority there is no clear proposal on how the matter of iwi Maori inclusion in decision making would be achieved. Suggestion of Maori wards was largely dismissed as impractical and likely to erode the influence of the partnership relationship.

Iwi Maori not only from the Wellington Region have long put forward the proposition that relationships should be on a rangatira to rangatira basis where the leaders of the respective iwi organisations meet with Council leaders. As well as regular council to iwi council meetings, there is a clear need for a joint committee of council and iwi representatives with delegated decision making powers on matters such as environmental and resource management issues, regional planning, and Treaty settlement matters with regular meetings. The unitary authorities have the potential for making these committees more effective and more efficient for delivering the partnership with iwi Maori.

For those Maori which might be described as mataa waka or taura here or even urban Maori organisations there is not a clear responsibility from Council on matters such as environmental, resource management or planning, however there are matters which the manawhenua iwi organisations may not be directly involved in including social housing, education, social welfare, non-tangata whenua marae and the like where communities of Maori may wish to engage with Council. This can be dealt with on a case by case basis in the usual run of council business. The non mana whenua Maori community can also seek support of the mana whenua groups for support on issues they may wish to raise at council. At least twice a year council should meet with mataa waka groups with meetings with agenda matters raised by both Maori and Council.

## Proposal from the Hutt Councils - THE FOUR UNITARY AUTHORITIES

We propose that the Wellington and Wairarapa regions be governed by four new unitary authorities. This would require the disestablishment of nine councils being: GWRC, WCC, PCC, KCDC, HCC, UHCC, SWDC, CDC and MDC. Four new unitary authorities, as described below, would be formed.

The Act provides for unitary authorities to be described as “(*name of city or district)* Council”. Given this, the four unitary authorities are referred to here as Wellington Council, Kapiti Coast Council, Hutt Valley Council, and Wairarapa Council.

The boundaries of the unitary authorities would be based on the boundaries of the existing territorial authorities that form the respective unitary authorities.14 With State Highway 1 moving to Transmission Gully, one potential change at an appropriate date in the future would be to align the borders of the Hutt and the Wellington/Kapiti unitary authorities with the new State Highway 1.

The key proposed governance elements of each council are set out below. These proposals are recommendations only. The governance arrangements for the four councils should be finalised following a representation review in consultation with the communities within each new territorial area. The proposal retains many elements of the status quo on the basis that these representation arrangements have been supported by the respective communities to date.

For the same reason, all existing community boards are shown as retained. This should be tested by community consultation to determine whether the boards continue and whether any new community boards are established. In every instance, we recommend the full funding for each board be obtained by a targeted rate on the area represented and that this cost be explained to communities during consultation.

### The Authorities

***Wellington Council***

The Wellington Council would be formed by amalgamating WCC and PCC. As a unitary council, the Wellington Council would undertake the functions of both a regional and a local council under the Act.

***Kapiti Coast Council***

The Kapiti Coast Council would be formed from the current territorial area of KCDC. As a unitary council, the Kapiti Coast Council would undertake the functions of both a regional and local council under the Act.

***Hutt Valley Council***

The Hutt Valley Council would be formed by an amalgamation of Upper Hutt City Council and Hutt City Council. The Hutt Valley Council would have the functions of both a regional and local council under the Act.

***Wairarapa Council***

The Wairarapa Council would be formed by an amalgamation of SWDC, CDC and MDC. The key governance elements set out in the table below are the same as those proposed by the three Wairarapa district councils as their preferred option for governance across their areas. The Wairarapa Council would have the functions of both a regional and local council under the Act.

**GREATER WELLINGTON REGIONAL COMMITTEE**

There are at least four important regional forums operating at present, with varying degrees of effectiveness and efficiency. This proposal recommends important changes to the structure of these regional forums.

The Wellington Regional Mayoral Forum, Wellington Regional Strategy Committee and the Wellington Regional Land Transport Committee would all be replaced by a new committee called the Greater Wellington Regional Committee.

A key component of this proposal is the empowerment of the Greater Wellington Regional Committee. The current regional committees are inefficient because they lack decision-making power. Typically recommendations are referred back to individual councils for final say.

We propose that the Greater Wellington Regional Committee be established with binding decision-making power in its areas of responsibility, which would cover:

 Greater Wellington Regional Strategy;

 Greater Wellington Spatial Plan;

 Greater Wellington Regional Transport Strategy and Programme (including public transport); and

 regional amenity funding decisions.

## Comment

This proposal describes the Hutt City Council relationship with various iwi mana whenua groups and local marae, but it does not propose and wider or more comprehensive engagement process for Maori. It gives acknowledgement of the status quo without any analysis of its effectiveness.

## Wairarapa Councils proposal

The three Wairarapa district councils (South Wairarapa, Carterton and Masterton) have

collectively agreed to apply to the Local Government Commission for reorganisation of their

respective councils, and the regional council functions over the corresponding area, into a single unitary authority for the Wairarapa region.

The proposed governance structure for Wairarapa represents a “best fit” with the shared

vision, objectives and strategic positioning developed between the three Wairarapa councils

in consultation with local iwi and community interest groups in early 2012 (refer to

Paragraph 171). It is consistent with the strong community support for the preferred future

governance of Wairarapa region (refer to Section 5. Community support for application)

across the affected area. A governance structure strongly mandated by community support

is more likely to enable successful decision making and implementation on behalf of

Wairarapa’s regional community.

The western boundary of a single Wairarapa council would more closely align local

government and iwi boundaries, reinforcing definition of Wairarapa’s separate community

of interest. Consultation with iwi and hapu (Ngāti Kahungunu ki Wairarapa Tamaki Nui a Rua

Tribunal Settlement Trust, Hurunui o Rangi, Rangitāne o Wairarapa and Rangitāne

Settlement Negotiations Trust, and Ngāti Kahungunu ki Wairarapa) has reinforced mutual

support for closer engagement between the proposed council and iwi/hapu.

## Comment

This proposal does not provide for clear and explicit mechanisms for engagement with iwi Maori and certainly not a structure that provides for some decision-making role for iwi Maori.

# Appendix II

## Regional Council and Iwi

The Greater Wellington Regional Council has a close involvement with the five manawhenua iwi from the region through Ara Tahi. This serves as a place to share common issues and work out how the different iwi groups deal with similar matters or issues and to be all provided with the same information and the policy approaches taken by Council such as with the management of natural resources like natural water but also with issues such as the rating of Maori land, regional transport and employment issues.

Te Upoko Taiao is a model that is well worth exploring in the resource management regulation where the committee follows a true partnership model with equal representation from the iwi and councillors (rangatira to rangatira).

## Wellington City Council

Wellington City currently does not have any Maori/iwi committees although in the past they have had such committees. There is a cultural advisor on staff, however this is not a substitute for standing committees or other representative structures.

## Hutt City Council

There is no specific Maori/iwi committee of council

## Porirua City Council

To strengthen the current relationship, the Council and Ngati Toa have recently established a Treaty Partnership Group of equal membership with elected Councillors identified by Council, and members identified by Te Runanga. The objectives of the group include:

* Developing a mutually beneficial relationship between Council and Ngati Toa based on the partnership principle embodied in the Treaty of Waitangi.
* Improving the internal capacity of Council to fulfil its obligations under the Treaty.
* Ensuring Maori participation in Council decision-making processes.
* Supporting the working relationship between Council officers and Runanga management.

Explicit consideration will be given to a range of matters including the enhancement of Ngati Toa participation in Council's service delivery, policy formulation and decision making processes and the establishment of a Charter of Understanding to promote the mutual benefit between the Council and Ngati Toa.

In addition to its relationship with Ngati Toa, the Council is very conscious of the large number of Maori residing in Porirua who are not tangata whenua. Council will work with groups, such as Maraeroa Marae, to establish relationships which ensure Maori have appropriate opportunities and capacity to contribute to, and be involved in, affairs of the City.

The agreed principles that guide the Council and tangata whenua are set out in full in the Council’s District Plan. In summary they are:

* **The Principle of Mutually Beneficial Relationship** - Both parties must act reasonably and in good faith, and interact with reason and respect.
* **Active Protection** - To the fullest extent practicable there must be active protection of Maori resources and other guaranteed taonga.
* **Tribal Self Regulation** - Maori can retain responsibility and control of the management and allocation of resources they wish to retain control of. This involves the right to develop these resources to meet iwi social and economic needs.
* **Shared Decision Making** - Council is to allow the tangata whenua to participate in the decision-making process.
* **Iwi/Hapu Resource Development** – The Treaty guaranteed to Maori retention of their property rights and the choice of developing those rights. In pursuing development Maori have the right to pursue non-traditional uses of their resources and to take advantage of new technology.
* **Consultation** - Characteristics of good consultation will include the provision of sufficient information to allow tangata whenua to make informed assessments of proposals; a willingness to change plans or proposals; and sufficient time for tangata whenua to absorb material and to respond.

## Kapiti Coast District Council

## Te Whakaminenga o Kāpiti Meetings

Te Whakaminenga o Kāpiti Is one of the longest lasting partnerships between tāngata whenua and Local Government in New Zealand.

**Membership 2013-2016**

**Chair:**Rupene Waaka - Ngā Hapū o Ōtaki

**Members:**

* Mayor Ross Church
* Councillor Janet Holborow
* Cherie Seamark - Te Āti Awa ki Whakarongotai
* Ann-Maree Bukholt - Te Āti Awa ki Whakarongotai
* Mahinarangi Hakaraia - Ngā Hapū o Ōtaki
* Carol Reihana - Ngāti Toa Rangatira
* Jennie Smeaton - Ngāti Toa Rangatira

Masterton City Council

|  |  |
| --- | --- |
| Maori Liaison Task Group | |
| Members – all Councillors Jonathan Hooker (Chair) Gary Caffell Pip Hannon Chris Peterson Mark Harris |  |

#### POLICIES FOR LIAISING WITH MAORI

Masterton District Council is committed to developing and maintaining positive working

relationships with local tangata whenua and taura here. These relationships will

recognise the spirit of the Treaty of Waitangi and the values of signatory parties.

Masterton District Council has memorandums of partnership with the two tangata

whenua of the Masterton district. Copies are separately available.

#### REVIEW OF REPRESENTATION ARRANGEMENTS

The Council is required to review its representation arrangements at least once every

six years. This review must include the following:

* The number of elected members (within the legal requirement to have a minimum of six and a maximum of 30 members, including the Mayor)
* Whether the elected members (other than the Mayor) shall be elected by the entire

district, or whether the district will be divided into wards for electoral purposes, or

whether there will be a mix of 'at large' and 'ward' representation

* If election by wards is preferred, then the boundaries and names of those wards

and the number of members that will represent each ward

* Whether or not to have separate wards for electors on the Maori roll
* Whether to have community boards and if so how many, their boundaries and

membership and whether to subdivide a community for electoral purposes

The Council must follow the procedure set out in the Local Electoral Act 2001 when

conducting this review, and should also follow guidelines published by the Local

Government Commission. The Act gives electors the right to make a written

submission to the Council, and the right to be heard if you wish. Electors also have the

right to appeal any decisions on the above to the Local Government Commission which

will make a binding decision on the appeal.

Further details on the matters that the Council must consider in reviewing its

membership and basis of election can be found in the Local Electoral Act 2001. The

Council last conducted a review in 2012.

It is not legally required to review representation again until 2018.

## Appendix III Independent Māori Statutory Board – Auckland Council

The Māori Statutory Board is independent of the Auckland Council. It aims to ensure that the council takes the views of Māori into account when making decisions.

### What is the board’s purpose?

The purpose of the board is to assist the Auckland Council to make decisions, perform its functions and exercise its powers. To do this, the board:

* Puts forward the cultural, economic, environmental, and social issues that are significant for mana whenua groups and Mātāwaka in Tāmaki Makaurau, and
* Makes sure that the council complies with statutory provisions that refer to the Treaty of Waitangi.

### What does the board do?

To help the board achieve its purpose, it must develop a list of up-to-date and prioritised issues that are significant to Māori in Auckland. This list of issues will guide the board in developing its work programme.

The Board will also:

* Give advice to the Auckland Council about issues that affect Māori in Auckland, and
* Work with the council to create suitable documents and processes to help the council meet its statutory obligations to Māori in Auckland.

The board and the council will also meet at least four times each year to discuss the council’s performance of its duties.

### Background

During the 2009 ‘super city’ governance reforms of Auckland the government considered options for Māori representation.  A board to promote important issues of Māori in Auckland with the newly formed Auckland Council was approved.   
  
The Local Government (Auckland Council) Act 2009 established the Independent Māori Statutory Board.  
  
The board has nine (9) members and is an independent body corporate with specific responsibilities and powers.

### What we do

We act to ensure Auckland Council takes the view of Māori in Tāmaki Makaurau (the Auckland region) into account when making decisions.  The board works to improve Māori wellbeing and development for the benefit of all New Zealanders, particularly everyone who lives in, or visits Tāmaki Makaurau.

### Mission and purpose

Under the legislation our function is to help council make decisions, perform functions and exercise power.   
  
We achieve this by:

* promoting economic, environmental, cultural and social issues of significance to Māori in Tāmaki Makaurau
* ensuring council complies with statutory provisions referring to the Treaty of Waitangi

1. This report will use the term *iwi Maori* to denote representative organisations for iwi manawhenua of the particular region, unitary region or district [↑](#footnote-ref-1)
2. http://www.tkm.govt.nz/ [↑](#footnote-ref-2)