

ORDINARY MEETING OF COUNCIL

Open Minutes – Māori Wards Hearing

Meeting Date: Monday 18 October 2021
Tuesday 19 October 2021
Wednesday 20 October 2021

Time: Monday 3.00pm - 7.25pm
Tuesday 9.00am – 2.52pm
Wednesday 9.00am – 11.12am

Venue Ballroom
Napier War Memorial Centre
48 Marine Parade
Napier

Livestreamed via Council's Facebook page

Present Mayor Wise (In the Chair), Deputy Mayor Brosnan, Councillors Boag, Chrystal, Crown, Mawson [Apology: Tuesday 19 October; Attendance via Zoom Wednesday 20 October], McGrath, Price, Simpson, Tapine, Taylor and Wright

In Attendance Council Kaumatua (Piri Prentice)
Chief Executive (Steph Rotarangi)
Pou Whakarae (Mōrehu Te Tomo)
Director Corporate Services (Adele Henderson)
Director Community Services (Antoinette Campbell)
Acting Manager Communications and Marketing (Julia Atkinson)
Team Leader Governance (Helen Barbier)
Manager Community Strategies (Natasha Mackie)
Te Kaiwhakahaere Hononga Māori (Māori Partnership Manager) (Beverley Kemp-Harmer)
Te Kaiwhakahaere Hononga Māori (Māori Partnership Manager) (Hilary Prentice)
Community Advisor Cadet (Caleb Fatialofa)
Council Special Counsel (Jonathan Salter, Simpson Grierson)
[from 9.00am, Wednesday 20 October via Zoom]

Administration Governance Advisors (Anna Eady and Carolyn Hunt)

Interpreters Sign Language: Sarah Billing and Rosita Rapihana
 Te Reo: Te Ama-Rere Tai Rangihuna

Karakia

Kaumatua Piri Prentice opened the hui with a karakia.

Apologies

**Council
resolution**

Councillors Boag / Chrystal

That an apology from Councillor Browne be accepted.

Carried

Conflicts of interest

Councillor Mawson noted his partner and father submitted during the Māori Wards consultation period, but he comes to the Hearings with an open mind.

Councillor Tapine noted he would maintain an open mind despite his son giving a verbal submission.

Public forum

Nil

Announcements by the Mayor

The Mayor acknowledged the success of the Super Saturday Covid-19 vaccination drive. She noted Hawke's Bay had the highest number of vaccinations administered in the country on the day, and 86% of Ahuriri have now had their first vaccine.

Announcements by the management

Nil

AGENDA ITEMS

1. CONSIDERATION OF THE ESTABLISHMENT OF MĀORI WARDS FOR THE 2025 LOCAL AUTHORITY ELECTION IN NAPIER

<i>Type of Report:</i>	Legal and Operational
<i>Legal Reference:</i>	Local Government Act 2002 and Local Electoral Act 2001
<i>Document ID:</i>	1387230
<i>Reporting Officer/s & Unit:</i>	Mōrehu Te Tomo, Pou Whakarae Adele Henderson, Director Corporate Services

1.1. Purpose of Report

This report:

- provides an overview of the Māori wards mechanism as provided by the Local Electoral Act 2001,
- gives a high-level background to the kōrero around Māori ward(s) for Napier City Council (NCC), and
- summarises the consultation activities in August and September 2021 and views expressed by the community about the establishment of Māori ward(s).

HEARING

Monday 18 October 2021

Chad Tareha - Ngāti Pārau Hapū Trust / Ngā Mānukanuka o te Iwi Committee (Submission 1233/1283) spoke to his submission stating that:

- The Ngāti Pārau Hapū Trust and mana whenua representatives of Council's Ngā Mānukanuka o te Iwi Committee (Māori Committee) support the urgent establishment of Māori Wards.
- Establishing Māori wards will lead to better Council outcomes, help compensate for past injustices to Māori, and give Māori a voice at the decision table.
- Establishing Māori wards will encourage Māori participation in Local Government elections and engagement in Council business.
- Not establishing Māori wards will mean NCC will struggle to move forward with its plans for the city.
- Māori ward Councillors will have a mandate to act on behalf of Māori. General ward Councillors, even those identifying as Māori, do not have that mandate.
- The Ngā Mānukanuka o te Iwi Committee members can give recommendations on Council decisions, but they do not have a vote in the final decision.

Mark Cleary (Submission 451) spoke to his submission stating that:

- He supports the establishment of Māori wards for the 2025 local government elections.
- Establishing Māori wards is in keeping with the intent and principles of Te Tiriti o Waitangi, The Treaty of Waitangi.
- Mana whenua have suffered many injustices throughout history. These would not have occurred if Māori had been allowed to retain their rightful place at the governance table.
- Establishing Māori wards will not remedy the failures of the last 181 years, but to not establish them will further disenfranchise mana whenua.
- He describes himself as Tangata Tiriti; his ancestors came here as a result of the signing of Te Tiriti, as such he feels he has an obligation to uphold its principles.
- The comments that 'we are all one people' came to prominence in Aotearoa New Zealand once Māori were in the minority. In the House of Lords in Britain special groups of people have special representation, that should happen here.

Jeremy Dunningham (Submission 724) spoke to his submission stating that:

- He supports the establishment of Māori wards. Māori will bring a richer and wider context to Council decision making.
- Through education he became aware of institutional bias and the effects of colonisation on Māori. Tangata whenua were denied a fair go in their own country.
- Some non-Māori feel it is patronising to establish Māori wards, that mana whenua and tangata whenua should be able to stand on their own merits to be elected to Council in a general ward, however this is not for non-Māori to decide.

John Wise (Submission 794) spoke to his submission, and displayed a PowerPoint presentation (1397211), stating that:

- He supports the establishment of Māori wards for the 2025 local government elections.
- It will create a new dynamic at the decision table bringing together Te Ao Pākehā and Te Ao Māori, accepting it could be a little tense at times.
- Māori wards will create equity for Māori.

Robert (Pat) Magil (Submission 837) spoke to his submission (1394022) stating that:

- He supports the establishment of Māori wards, although feels Māori wards are an insult to Māori when what should be happening is that Te Tiriti o Waitangi should be being honoured.
- He questions what response the Elected Members will have now they know of the hurt, and loss of land and mana of Māori.

Charlie Mudgway (Submission 917) spoke to his submission, with support from Kees Tapine, Kate Skidmore, and Jack Evans, stating that:

- They support the establishment of Māori wards for the 2025 local government elections.
- They believe Māori wards will help ensure greater Māori representation in Local Government, and that Māori will have Elected Members specifically advocating for them and able to speak with a Māori voice to Māori issues.
- Establishing Māori wards will place mana whenua and tangata whenua in a proactive position.

- If it were a no vote to Māori wards, this Council would be passing the issue on to future generations to rectify.
- Although as an Elected Member you take an oath to represent your ward and the wider community in your decisions, someone voted to a Māori ward seat would be applying a Māori lens to all their decisions.
- Equity for Māori is not about redistributing power to give one group an unfair power advantage, it is about fairness.
- Increasing diversity in Elected Member representation will strengthen Council's relationship with Napier residents.

Maria Roberts – Hawke's Bay branch of the Green Party of Aotearoa New Zealand (Submission 1125) tabled the United Nations Declaration on the Rights of Indigenous Peoples (1394021) and spoke to her submission stating that:

- She supports the establishment of Māori wards.
- The Green Party of Aotearoa New Zealand supports the guaranteed participation of Tangata whenua in local government.
- The wairua of Māori could be damaged if the Council does not vote in favour of this.
- The Human Rights Commission views Te Tiriti o Waitangi in tandem with the United Nations Declaration on the Rights of Indigenous Peoples, which has self-determination and participation as core principles.
- It is future generations who are watching and learning, and they are the ones who will have to pick up the pieces of a poor decision.

The meeting adjourned 4.32pm and reconvened at 6.15pm

Yvonne Broughton (Submission 25) spoke to her submission stating that:

- She supports the establishment of Māori wards.
- Napier is her tūrangawaewae.
- Fair representation for Māori should have happened long ago, it gives them a voice.
- Te Tiriti o Waitangi was signed with partnership, participation and protection in mind.
- The Māori of Ahuriri have spoken and said this is what they want.

Harry Samuel Broughton (Submission 399) Yvonne Broughton spoke on his behalf stating that:

- He supports the establishment of Māori wards.
- Non-Māori processes do not work for Māori.

Shayne Walker (Submission 1247) spoke to his submission stating that:

- He supports the establishment of Māori wards, saying that Napier City Council is an outlier by not implementing them as soon as central government made it possible.
- The cost of not implementing Māori wards for the next election in 2022 is irreversible for mana whenua and for Council. The costs will get worse if the Council's decision is not to establish them for the 2025 election. If it is a yes vote the restoration process can begin.

- Submissions that have been made to Council about this matter from outside the rohe should not have an impact on the decision.
- Māori wards guarantee Māori a place at the decision table and they honour Te Tiriti o Waitangi.
- Mana whenua and tangata whenua will have high expectations of the people elected to a Māori ward seat.
- There are other ways to build good relationships between Māori and Council, but representation at the decision table is important.

Paul Bailey (Submission 516) spoke to his submission stating that:

- He supports the establishment of Māori wards, although would have liked them established for the 2022 election.
- Council's consultation has been robust.
- The Council report is thorough, focuses on the content of submissions rather than the numbers for and against.
- A key benefit of Māori ward Councillors is having a Māori world view applied to decisions, and someone elected specifically to represent Māori residents, rather than a geographical area.

Selwyn Hawthorne (Submission 1363) spoke to his submission stating that:

- He supports the establishment of Māori wards, and supports Mark Cleary's submission from earlier in the meeting.
- Māori need to be at the top table.

Christine Harrision (Submission 1311) spoke to her submission stating that:

- She supports the establishment of Māori wards.
- She speaks on behalf of her whānau, her community, and her people.
- We must all acknowledge Te Tiriti o Waitangi and let go of the mamae (hurt).
- If Māori are part of the Council they can guide other Elected Members on all things Māori.

The meeting adjourned 7.25pm.

Tuesday 19 October 2021

The meeting reconvened 9.00am, Tuesday 19 October 2021.

Apologies

Council resolution Councillors Taylor / Crown

That the apology from Councillor Mawson be accepted.

Carried

Mat Mullany (Submission 1287) spoke to his submission stating that:

- He supports the establishment of Māori wards and gave a timeline of events which have led up to this point in time. Notably in May 2021 when mana whenua mobilised to send the Council a clear message, that they wanted equity.
- Napier City Council has an obligation to address the concerns of mana whenua and in doing so honour Te Tiriti o Waitangi. The application of Te Tiriti principles, partnership, participation and protection, are the responsibility of all to uphold.
- The Māori Committee, Ngā Mānukanuka o te Iwi, only has an advisory role. Council is where the power lies.
- A claim has been made to The Waitangi Tribunal, with urgency requested. He is hopeful better relationships and understanding will come out of this claim.
- Council and Iwi should be natural partners. Māori should be part of Council decisions from the beginning, then they can take joint ownership in what is being produced.
- A no vote will be a deterrent to Māori getting involved in Council business going forward and will mean Napier will be made an example of, for the wrong reasons.
- A yes vote will mean the two parties can begin to reconcile and look at ways to restore the relationship.
- When Council supports and encourages Māori aspirations the whole community wins.

Ruth Smithies (Submission 171) spoke to her submission stating that:

- She supports the establishment of Māori wards for three main reasons – it ensures Māori participation in decision making, it shows Council recognises the relevance of Te Tiriti o Waitangi, and it matters to her personally.
- The Local Government Act 2002 requires Council to facilitate Māori participation in Council decisions. Māori wards will ensure this always happens.
- We are one nation, but not one people. We should celebrate our differences and work together for the greater good.
- Things are improving for Māori over time, but we can do better and in doing so enrich our community.

Jacqueline Hurst (Submission 1199) spoke to her submission stating that:

- She supports the establishment of Māori wards.

The meeting adjourned 9.50am and reconvened at 10.31am.

Romyn Johnson-Petuha (Submission 1002) spoke to his submission stating that:

- He supports the establishment of Māori wards.
- Māori have a lot to offer society, and Māori wards will strengthen Māori identity.

Maureen Mua (Submission 1262) spoke to her submission stating that:

- She supports the establishment of Māori wards.
- There is a lot of hurt because of Council's decision not to establish Māori wards for the 2022 election.

Mere Clark - Pukemokimoki Marae (Submission 1262) spoke to her submission, with the support of Maureen Mua, stating that:

- Pukemokimoki Marae supports the establishment of Māori wards.
- One of their trustees wanted to have the word racist removed from their submission and lack of understanding or knowledge put in instead. It was too late to make that change.
- They are hopeful whoever runs for Council in a Māori ward seat will fully commit to the role.
- Throughout history Māori have looked after their hapū and their people successfully, this will not change.
- The two Māori on Council currently have got their seats as they have a high proportion of Māori in the wards they serve.
- They are unsure of the role of Council's Māori Committee, Ngā Mānukanuka o te Iwi, going forward and this may need to be reviewed. Currently the Trust chooses not to participate.

Dayna Peterson – Te Whānau o te Whare Maraenui (Submission 1270) spoke to her submission stating that:

- They support the establishment of Māori wards. To not establish them is essentially silencing the Māori people. They could not be partners with a Council which excludes them.
- Council must recognise the Māori people. Establishing Māori wards will build trust.
- So much has been achieved recently when Māori and Council work together.

Alayna Hokianga (Submission 456) spoke to her submission stating that:

- She supports the establishment of Māori wards, it is not an option, it is a must. It is time to honour Te Tiriti o Waitangi.
- In April Napier City Council did not listen to the voice of the Māori people. Māori should have been at the decision table for the last 180 years. Feelings of exclusion have created frustration and anger.
- There is nothing for the Napier community to be afraid of, Māori have never taken more than their fair share.

Jacob Scott - Mauvan Scott Architects Ltd (Submission 739) spoke to his submission, and showed a video presentation (1394337), stating that:

- He supports the establishment of Māori wards.
- Rangatahi Māori are ready to step up into leadership positions.
- Central government do not have the reach to work in partnership with mana whenua, local government can. This partnership will help address climate change and the extinction of native species, amongst other issues. Māori have the experience to draw on for these issues.
- There is conflict between iwi, but they can have robust conversations between them about tikanga to solve the big issues.
- Governance is a tough space to be in, but it is an important space where decisions are made.

Andrew Judd (Submission 1224) spoke to his submission stating that:

- He supports the establishment of Māori wards.
- He spent nine years in local government and three years of that was as Mayor. A big challenge in his time was Māori representation and Māori wards.
- Once Māori wards were established in the four Councils of Taranaki the pain and angst went away.
- Māori wards may not be the best option for Māori representation, but they are a beginning.
- Only Māori can have the mandate to speak on behalf of Māori.

Taiatini Lepaio (Submission 1317) spoke to her submission, and showed a YouTube clip <https://youtu.be/fRltoiENRIE> of her verbal submission which stated that:

- She supports the establishment of Māori wards.

The meeting adjourned 12.02pm and reconvened at 1.00pm

Hori Reti – Te Taiwhenua o Te Whanganui a Orotu (Submission 1242) spoke to the submission stating that:

- Te Taiwhenua o Te Whanganui a Orotu, the mandated iwi authority for Napier representing eight marae and 16 hapū, supports the establishment of Māori wards.
- They were not consulted by the Council on the Māori wards decision earlier in the year. They wanted them implemented for the 2022 elections and believed there was enough time for that to happen.

- They wish for Māori to choose their own representatives through a democratic process.
- The time has come for Māori to be recognised as the true partner, and for Council to work with Māori for the betterment of the whole community.
- Having a Māori voice at the decision table will support this city moving forward. The benefits of Māori wards overrule the risks.

Tania Eden (Submission 1184) spoke to her submission stating that:

- She supports the establishment of Māori wards and was disappointed when the decision was made not to establish them for 2022.
- Māori wards are important to start building a partnership between mana whenua and the other residents of Napier.
- Mana whenua hold a long term approach towards growing and supporting the Napier community, this should be understood by the Council, and the partnership shouldn't just be acknowledged in times of crisis.
- As central government move forward with their reforms it is important that mana whenua are at the decision making table.

Mana Ahuriri Trust (Submission 1282) Tania Eden and trustees spoke to the submission stating that:

- The Trust supports establishing Māori wards in Napier.
- Strong governance with an integrated Māori voice is vital for supporting the future generations.
- The Napier community have nothing to fear, we all want what is best for the community.
- Māori wards provide an opportunity for a Māori voice at the decision making table. They are positive and future focused.
- Napier City Council has a chance to be a true example of what a Treaty partnership can achieve.

Evenlyn Ratima (Submission 884) spoke to her submission stating that:

- She supports the establishment of Māori wards.
- Māori voices are valuable and she wants them to be heard.
- Ahuriri needs unity.
- Only Māori know what Māori people want, and others do not have the authority to speak on their behalf.

Heather Te Au-Skipworth (Submission 1255) spoke to her submission stating that:

- She supports the establishment of Māori wards.
- She is disappointed Māori wards will not be established for the 2022 election, and believed there was enough time to have the conversation with the community prior to 21 May 2021 when the decision needed to be made.
- Māori are concerned about climate change. Māori treasure people over profit.
- Te Tiriti o Waitangi was created to enhance the relationship between tangata whenua and the Crown. Non-Māori have the privileges Te Tiriti promised, Māori do not. We should work together.

Jess Mio (Submission 821) spoke to her submission stating that:

- She supports the establishment of Māori wards.
- She acknowledges there are good people working within Napier City Council, which she regards as a toxic institution. Establishing Māori wards will make the institution a bit less toxic and encourage forward movement towards a thriving future.

Jenny Nelson-Smith (Submission 1314) spoke to her submission, displaying a PowerPoint (1397210), stating that:

- She supports the establishment of Māori wards.
- Māori representation is an evolving discussion and local government should follow the lead of central government in creating Māori wards.

Te Kaha Hawaikirangi - Waiohiki Marae (Submission 584 / 1285) spoke to the submissions stating that:

- He, and the whānau of Waiohiki Marae, support the establishment of Māori wards.
- Napier City Council have a chance to help heal the relationship with mana whenua.
- The people who have come to this meeting to speak are all in support of establishing Māori wards, and the majority of the residents in support are the ones most affected by the decision.
- A Māori voice on Council under the current system is not guaranteed. Māori wards are about fairness, equity, and recognising Te Tiriti o Waitangi.
- Neighbouring Councils have realised Māori wards are important.
- Those who wish to stand for a Māori ward will still have to go through the same democratic process to be elected, but will bring a Māori voice to the table.
- Support for Māori wards has been growing across time.
- Māori wards may increase the amount of Māori engaging in local elections and Council business, as to implement them will give a feeling of being valued.
- A no vote may damage the relationship with Māori and it will impact on the functions of Council.

The meeting adjourned at 2.52pm.

Wednesday 20 October 2021

The meeting reconvened 9.00am, Wednesday 20 October 2021.

DELIBERATIONS

At the Meeting:

It was noted that although Councillor Mawson was not present at the Hearings on Tuesday, he had watched the Facebook live-feed, and had read all written submissions.

The reporting Officer took the report as read, acknowledging this was the largest number of submissions Council has received on a consultation, at over 1300.

The legal matters associated with the decision being made were reiterated, and in response to questions from Elected Members it was clarified:

- The fundamental purpose of the Local Government Act 2002 (LGA) is to enable good local governance decision making on behalf of communities, and by communities. This upholds the principles of Te Tiriti o Waitangi.
 - Te Tiriti o Waitangi is a constitutional document, it is recognised in legislation in various ways. In the LGA it is recognised by asking Councils to encourage Māori participation in its business.
 - The volume of submissions show the community have been encouraged to participate in the consultation. The results are relatively even, however the volume should not be the determining factor in the decision, it should be the content which influences the Elected Members' decision.
 - The ability to hold a referendum on this matter was removed from the Local Electoral Act 2001 (LEA).
 - All submissions must be considered, how oral submissions are weighted is an individual's choice, however submitters speaking to their submission at this meeting shows strong feelings about the issue in question.
 - A judicial review could be initiated by the decision, however the robust consultation process, the amount of submissions, and the opportunity for submitters to present in person suggests a judicial review challenging a yes vote would be unlikely to succeed.
 - If Māori wards are established this will put the Council's position in relation to the Waitangi Tribunal claim in a positive light.
 - People on the Māori Electoral Roll will not have an extra vote if Māori wards are established. Under the current structure they would be able to vote for their ward representative (in this case a Māori ward) and the Mayor, the same as those not on the Māori Roll.
 - Māori ward Councillor salaries would be paid from the same pool of money as other Elected Members. This pool is set and provided by the Remuneration Authority, not Council.
 - If Māori wards are established the number of Elected Members Napier will have, and the ward structure, will be defined as a result of a Representation Review. The next one is scheduled in 2024. If central government push the local elections out by a year due to complications from Covid-19, the representation review would occur in 2025.
 - The Governance structure of Council, including the Ngā Mānukanuka o te Iwi Committee (Māori Committee), is put in place at the start of a triennium by the Mayor. If Māori wards
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are established a discussion would be had with the Council at that time about the role of a Māori Committee.

- Establishing Māori wards cannot be described as racist, legislation provides for it and encourages it.
- Under the LEA the decision about establishing Māori wards has to be made two years prior to an election, and the Representation Review has to be carried out a year prior to an election. That is why there is not enough time now to establish the wards for 2022.

Council resolution

Mayor Wise / Dep. Mayor Brosnan

That Council:

- a) Resolve to establish Māori ward(s) for the 2025 triennial election, noting that a representation review would then determine the total number of elected members, ward boundaries, and election structure.
- b) Note that, irrespective of the decision about Māori ward(s), Napier City Council is legally required to conduct a representation review, and settle on a final outcome regarding representation arrangements for 2025 (eg number of elected members, number of wards, ward boundaries) by 20 November 2024. Recommendations about these arrangements will come back to Council.
- c) Note central government's changes to the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021 to facilitate Māori participation in Council decision making.
- d) Note the public feedback collected through Napier City Council's Māori ward(s) consultation process, which took place between April and September 2021.
- e) Note the feedback on Māori ward(s) does not constitute a binding poll as per the Local Electoral (Māori Wards and Māori Constituencies) Amendment Act 2021.

Carried

Councillor Wright abstained from voting

Reasons to support the Decision

- It guarantees Māori participation in decision-making.
 - It helps enable a stronger bi-cultural perspective for Council planning and decision-making and create a balance of Te Ao Māori and tau iwi.
 - It provides Māori with a voting voice at the table and ensures engagement on local issues.
 - It creates a platform for Māori to grow and to have the confidence to put themselves forward as leaders.
 - It will build Māori capacity in the leadership of our city and thus accelerate and broaden the socio-economic capacity.
 - It is inclusive and provides fairness and equity for Māori at the Council table.
 - To honour our obligations under the Local Government Act 2002 to enable pathways for Māori contribution to decision making.
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- To recognise the principles of Te Tiriti o Waitangi, The Treaty of Waitangi, as our founding document.
 - It contributes to the wellbeings of the whole community.
 - It responds to the overwhelming support of those submissions by those on the Māori Electoral Roll.

Attachments

- 1 J Wise Submission
 - 2 P Magill Submission
 - 3 United Nations Declaration on the Rights of Indigenous Peoples
 - 4 J Nelson-Smith Presentation
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The meeting closed with a karakia at 11.12am

Approved and adopted as a true and accurate record of the meeting.

Chairperson

Date of approval