

Report No.	21-58
Decision Required	

MĀORI REPRESENTATION

1. PURPOSE

- 1.1. This report provides elected members with an overview of the engagement process undertaken to inform their decision on whether to establish Māori representation for the 2022 and 2025 local elections. A summary of the results of the engagement will be circulated as a supplementary Annex prior to the 19 May Regional Council meeting.

2. RECOMMENDATION

It is recommended that Council:

- a. receives the information contained in Report No. 21-58 and Annexes.
- b. determines that this is a significant decision in terms of Council's Significance and Engagement Policy; and **EITHER**
- c. resolves to:
 - i. establish a Māori constituency or constituencies for the 2022 and 2025 local elections, and
 - ii. directs the Chief Executive to initiate a full representation review; and
 - iii. approves an overspend of \$40,000 for community engagement in 2020/21 financial year and \$60,000 to conduct the representation review process in 2021/22 financial year; **OR**
- d. resolves to:
 - i. defer consideration of whether to establish a Māori constituency or constituencies for the 2025 local election pending further engagement; and
 - ii. directs the Chief Executive to continue to engage with the region's iwi and hapū, stakeholders and communities, to inform Council's consideration of this matter by no later than 21 November 2023.

3. FINANCIAL IMPACT

- 3.1. There is no funding in the budgets for 2020/21 or 2021/22 allocated to engagement or processes associated with Māori representation or representation reviews. To date (30 April 2021), approximately \$39,400 (excluding GST) and over 130 hours of staff time has been diverted, primarily to develop and conduct the survey, and advise Council.
- 3.2. Should Council resolve to establish Māori representation for the 2022 local election, the **Local Electoral Act 2002 (LEA)** requires that a formal representation review process be completed this year. The estimated cost would be in the order of \$60,000, not including staff time. This would effectively bring forward the representation review scheduled between 2022/23 – 2024/25, for which approximately \$87,000 is budgeted.
- 3.3. Changes to representation arrangements (in particular the total number of elected members) could alter Councillors' remuneration levels – an increase in the number of Councillors would decrease the remuneration each receives. This is because the

governance remuneration pool is linked to the size of Council's governance role rather than the number of elected members.

4. COMMUNITY ENGAGEMENT

- 4.1. A letter, accompanied by a short survey and background information in the form of 'frequently asked questions' was mailed to the approximately 18,500 voters registered on the Māori electoral roll in the region, as this was identified as the group that would be most affected by a decision to establish Māori representation. Surveys were sent from Friday 9 April 2021; we asked that responses be mailed by 30 April. A copy of this material is appended as **ANNEX A**.
- 4.2. The same survey, along with the supporting information, has been available for the public to complete online by 8am on 10 May on Horizons' website.
- 4.3. A letter was also emailed to chairs of iwi and hapū in the region on 9 April, informing them that Council had resolved to consider whether to establish Māori representation and inviting them to provide any view they wished to share at this time. Copies of the material posted to voters on the Māori roll were attached.
- 4.4. The results of the survey, other written feedback received, and a summary of communications undertaken to encourage and inform engagement will be included in the supplementary Annex that will be circulated prior to the Regional Council meeting.

5. SIGNIFICANT BUSINESS RISK IMPACT

- 5.1. There is a potential risk that the period available to carry out engagement, and consequential focus of available resources on voters enrolled on the Māori roll as the most affected by the decision, may be perceived by some parties as insufficient.

6. CLIMATE IMPACT STATEMENT

- 6.1. Including a Māori constituency or constituencies in the region's electoral arrangements would facilitate inclusion of Māori world views and mātauranga Māori in decisions relating to climate change mitigation and adaptation.

7. BACKGROUND

- 7.1. Following an amendment to the LEA in February, there has been a limited period during which local authorities could consider whether to establish Māori constituencies (regional councils) or wards (territorial authorities) for the 2022 local elections. This decision must be made by 21 May 2021. The amendment also removed all requirements or ability to hold binding polls on this question, removing a significant impediment to the establishment of Māori representation.
- 7.2. A report was presented to the Strategy and Policy Committee on 9 March 2021 (Report No. 21-15), which provides considerable detail on the changes, the reasons for them, and their implications for Horizons. This report does not duplicate that detailed information; the following points, however, are of note:
 - i. A decision made before 21 May 2021 to establish a Māori constituency or constituencies would apply for the following two elections (i.e., 2022 and 2025). If Council decides not to establish Māori representation now, it can reconsider that decision at any time; the deadline for the 2025 election is 23 November 2023.
 - ii. The number of Māori representatives is prescribed by a formula in the LEA. In the Horizons Region, if there are 11-14 elected members in total, 2 would be Māori representatives.

- iii. A decision to establish a Māori constituency or constituencies at any time must be followed by a full representation review, including the names, numbers and boundaries of general and Māori constituencies, and the total number of elected members and number in each constituency. This is to ensure that the arrangements will continue to provide fair and effective representation for the region's communities of interest.

8. THE SURVEY

- 8.1. A short survey has been conducted from 9 April to 10 May. The main question the survey asked was "Kei te tautoko koe i te whakarite wāhanga Māori mō te rohe o Manawatū-Whanganui? (ka pōtīhia e ngā kaipōti o te rārangi ingoa Māori) – Do you support the establishment of Māori constituencies in the Manawatū-Whanganui Region? (To be elected by voters on the Māori roll); respondents could answer either 'yes' or 'no'. The survey included screening questions about which electoral roll, if any, the respondent is enrolled on and whether they are a ratepayer or resident in the region.
- 8.2. The opportunity arising from this targeted engagement was also used to ask two further questions about the potential arrangement of a Māori constituency or constituencies. The intent of these questions was to see whether there would be a distinct preference amongst respondents for one or two constituencies, and to explore options for creating a boundary between two constituencies.
- 8.3. Respondents could only choose from available options to answer all but two questions. However, many respondents used the text box for those questions to comment on other aspects of Māori representation. All comments will be provided verbatim as an appendix to the supplementary summary of results that will be circulated prior to the Regional Council meeting.

9. COMMENT

- 9.1. The decision Council is considering at present is limited to whether or not to establish Māori representation in the region for the 2022 and 2025 local elections. If Council makes a resolution in favour, considering whether to have one or two Māori constituencies and the most appropriate boundaries for all constituencies would be addressed through the subsequent, separate representation review. The scope and process, including public consultation requirements, for the representation review are prescribed by the LEA.
- 9.2. Māori constituencies are established to represent Māori and ensure that a Māori perspective is brought to council decision-making. As such they are one of a range of mechanisms available to assist Council in progressing its duties in relation to providing opportunities for Māori to contribute to its decision-making (section 81 of the **Local Government Act 2002 (LGA)**). They are not generally considered to be a mechanism to ensure iwi and hapū representation. Establishing Māori constituencies would complement other measures to fulfil the broad and ongoing obligations Council has to build strong, effective and respectful relationships with mana whenua in the region.

10. CONSULTATION

- 10.1. There is no prescribed process for consultation about a decision to establish Māori representation, and the timeframe available to gather the views of those affected by the decision has been limited to the period between 23 March and 10 May 2021. Mailing a short, targeted survey with supporting information directly to voters enrolled on the Māori electoral roll was seen as the most practicable mechanism available to provide a means for the most affected group to indicate whether or not they support the establishment of Māori representation. The same survey and information was available on Horizons' website publicised through media reports and social media.

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- 10.2. The LGA (section 82) sets out the principles which must be adhered to when a local authority undertakes consultation (attached as **ANNEX B**). In general, these principles have been adhered to.
- 10.3. One principle is that those who wish to have their views on the decision considered should be provided with a reasonable opportunity to present those views to the local authority “in a manner and format that is appropriate to the preferences and needs of those persons”. It should be noted that opportunity to present feedback has been, primarily, the ability to respond to survey questions in either hard copy (with a freepost return envelope provided) or online. It is also noteworthy that the survey included two text boxes which have been used by respondents to make short statements on aspects of the topic other than the question asked. All text responses will be included in the supplementary Annex that will be circulated prior to this meeting.

11. TIMELINE / NEXT STEPS

- 11.1. If Council resolves to establish a Māori constituency or constituencies for the 2022 local election, a full representation review will need to be carried out and proposed arrangements adopted for public consultation no later than 31 August 2021. A timeline showing the key steps in this process is attached as **ANNEX C**.
- 11.2. If Council resolves to defer consideration, the deadline to decide whether to establish Māori representation for the 2025 and 2028 elections is 23 November 2023.

12. SIGNIFICANCE

- 12.1. This is considered to be a significant decision according to the Council’s Policy on Significance and Engagement, based on the following criteria in particular:
- It does not require the use of a special consultative procedure or a community engagement process specified in an act other than the LGA;
 - It directly affects a significant number of people (predominantly voters on the Māori electoral roll);
 - It has the potential to alter the representation arrangements for that group of people;
 - It is likely to generate considerable public interest;
 - A decision to establish a Māori constituency or constituencies for the 2022 and 2025 local elections cannot be reversed; and
 - The decision is of high interest to Māori.

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SENIOR POLICY ANALYST

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GOVERNANCE COORDINATOR

ANNEXES

- A Community Engagement
- B LGA Principles of Consultation
- C Representation Review Timeline
- D Supplementary (to be distributed separately)