

File No: 02 02 00
Document No: 29282978



28 May 2024

Secretariat
The Justice Committee
Select Committee Services
Parliament Buildings
Wellington 6160

Private Bag 3038
Waikato Mail Centre
Hamilton 3240
New Zealand

waikatoregion.govt.nz
0800 800 401

Tēnā koutou katoa,

We appreciate the opportunity to submit on the Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill.

Proposal to reinstate poll provisions for Māori wards and constituencies

This first part of our submission outlines our concerns and recommendations regarding the proposed changes, emphasising the importance of equitable and fair representation of Māori in local government.

Māori constituencies at Waikato Regional Council have been in effect for four local government terms. Our Māori councillors significantly contribute to meeting our obligations to Māori and bring a strategic Māori perspective that has driven positive change.

Prior to the 2021 amendments, Waikato Regional, Bay of Plenty Regional, and Wairoa District were the only three councils with Māori wards and constituencies. The 2021 amendments, which removed poll provisions that previously hindered many councils from introducing Māori wards or constituencies, have led to a significant increase in the establishment of wards and constituencies across numerous councils. Enabling greater participation and inclusion of Māori perspectives in council decision-making processes.

Local government exists to provide for the well-being of communities. It is therefore important that Māori are represented.

We highlight the obligations under Te Tiriti o Waitangi to ensure Māori have the right to participate in decisions affecting their lands, waters, and taonga. Articles Two and Three of Te Tiriti guarantee Māori the right to make decisions over their resources and ensure equal rights as citizens.

Restoring poll provisions specifically for Māori wards and constituencies imposes an inequitable higher procedural standard compared to other wards and constituencies. The recent Waitangi Tribunal findings have established that such provisions are inconsistent with Treaty principles and detrimental to Māori representation.

Democratic principles demand that all wards and constituencies be treated equally without discriminatory practices such as mandatory polls for Māori wards and constituencies. Requiring referendums only for Māori wards and constituencies undermines the fundamental fairness of the electoral process.

The lack of proper consultation with Māori in developing this Amendment Bill breaches the Treaty principle of partnership. Genuine consultation must include Māori voices and respect their input in decisions that affect their representation.

He taiao mauriora ▲ **Healthy environment**

He hapori hihiri ▲ **Vibrant communities**

He ōhanga pakari ▲ **Strong economy**

Equitable representation for all communities, including Māori, ensures diverse perspectives and better outcomes for everyone. Māori wards and constituencies rectify historical under-representation and contribute to a more inclusive and effective local government.

Claims that Māori wards and constituencies provide undue advantages are unfounded. Māori representation ensures fair representation proportionate to the Māori population and do not undermine the principle of one person, one vote.

Proposal to extend the electoral timetable and improve the voting process

Turning to the proposal to extend the electoral timetable and improve the voting process, Council supports these initiatives and makes the following additional points.

With declining mail volumes, relying solely on the postal system for elections is becoming increasingly impractical. As postal services continue to decrease it is essential to find alternative voting methods to ensure all eligible voters can participate effectively in local elections.

Council endorses the principle of online voting, contingent upon establishing strong public confidence in the system's security and accuracy. To supplement rather than replace postal voting.

Lastly, several councils across the motu are currently conducting representation reviews, focusing on constituency boundaries, electoral population, and the number of council members per constituency. These reviews aim to ensure fair and effective representation, to ensure that each vote carries roughly the same weight wherever possible.

However, the current reviews rely on data from the 2018 census conducted by Statistics New Zealand. Unfortunately, data from the 2023 census is not yet available to inform these reviews. Council advocates for better alignment between the availability of electoral population data (based on the latest census) and the timing of representation reviews. Ensuring that the most up-to-date information is used will enhance the accuracy and fairness of representation in local government.

Recommendations

1. Do not restore poll provisions for Māori wards and constituencies.
2. Ensure decisions on Māori wards and constituencies are made by local councils in consultation with their communities, especially iwi and hapū.
3. Conduct genuine consultation with Māori on any future changes affecting their representation in local government.
4. Improve election processes to support greater voter participation.
5. Support the implementation of online voting options, ensuring robust security and accuracy measures.
6. Align the availability of the latest census data with the timing of representation reviews to ensure accurate and fair representation in local body elections.

In closing, the one-week timeframe to submit to this Bill emphasises the government's unwillingness to genuinely engage with the public and places unrealistic pressure on local government to respond adequately. Nonetheless, we appreciate the opportunity to provide our input and trust that our concerns, along with those of other councils, local government agencies, and iwi Māori, will be considered with genuine open-mindedness.

Ngā mihi, nā
Pamela Storey
Council Chairperson