



Ngāti Hāua Iwi Trust

**SUBMISSIONS OF THE NGĀTI HĀUA IWI TRUST
IN RELATION TO THE LOCAL GOVERNMENT (ELECTORAL
LEGISLATION AND MĀORI WARDS AND MĀORI
CONSTITUENCIES) AMENDMENT BILL**

29 May 2024

Executive Summary

1.1 The Ngāti Hāua Iwi Trust (**Trust**) make these submissions in relation to Local Government (Electoral Legislation and Māori Wards and Māori Constituencies) Amendment Bill (**Bill**). We oppose this Bill in its entirety, as it reflects the worst of New Zealand and represents an executive overreach by:

- (a) Breaching Māori participation rights affirmed by Te Tiriti o Waitangi, raising constitutional issues, and the principles of partnership.
- (b) Breaching the Bill of Rights in respect of racial discrimination arising from racially targeted policy, by establishing a discriminatory framework of local democracy that targets Māori Wards/Constituencies, that do not also apply to general Wards/Constituencies.
- (c) Breaching the principles of local government decision making and Māori participation in the same, particularly where communities have established Māori Wards/Constituencies of their own volition, resulting in a disproportionately worse effect on Māori through the subjection to the views of the majority.
- (d) Is inconsistent with the recent Waitangi Tribunal's *Wai 3365: The Māori Wards and Constituencies Urgent Inquiry Report*.

1.2 We address each of the above issues in these submissions and request to be heard ā-tinana/in-person to present to the select committee.

Ko Wai Mātou

1.3 Ngā hapū o Ngāti Hāua all share common whakapapa descent from Ngā Tūpuna – Paerangi and Ruatupua. Ngāti Hāua have the following 26 affiliated hapū within our area of interest:¹

Ngāti Hāua	Ngāti Whati	Ngāti Tama-o-Ngāti Hāua	Ngai Turi
Ngāti Hauaroa	Ngāti Onga	Ngāti Ruru	Ngāti Hinetakua
Ngāti Reremai	Ngāti Te Awhitu	Ngāti Hira	Ngāti Pareuira*
Ngāti Tū	Ngāti Wera	Ngāti Rangitauwhata	Ngāti Pīkikotuku
Ngāti Hekeāwai	Ngāti Hinewai*	Ngāti Te Huaki	Ngāti Tamakaitoa*
Ngāti Keu*	Ngāti Poutama*	Ngāti Whakairi	Ngāti Pareteho*
Ngāti Kura*	Ngāti Rangitengaue		

¹ We acknowledge hapū that have shared interests with other iwi as marked with an asterisk.

- 1.4 The Trust was established in 2001, to advance and advocate for the interests of Ngāti Hāua iwi, hapū and whānau within our customary rohe. In 2016, the Trust received a formal mandate to negotiate and settle our treaty claims/grievances with the Crown, with an agreement in principle signed in October 2022. In line with our Pou Tikanga, we raise our detest with the reckless and discriminatory process being proposed by the Bill and the impact it will have on our people.

Concerns of Local Government Leadership

- 1.5 By way of opening statement, we draw the Select Committee's attention to the concerns and objections raised by local government leadership from across the country who have spoken out (both formally through this process and in other forums) against the Bill and the directions contained within it. As the local government representatives that have access to local context, views and needs, it is alarming that central government would act in a way contrary to those views particularly where they are democratic and principle-based views that represent those communities. They are democratically elected individuals that are mandated by their respective communities. To quote the letter dated 22 May 2024 from 52 Mayors and Chairs and the co-chairs of Te Maruata:

Local Government New Zealand and the Mayors and Chairs that have signed this letter are **opposed to the changes the Coalition Government is proposing to Māori ward and constituency poll provisions.**

The Government's decision to remove decision-making from councils by mandating that polls be run on Māori wards and constituencies is an overreach on local decision-making when current legislation already requires councils to seek community views. We are disappointed this is in contrast with the commitments the Government made during the election campaign to empower local government to make decisions about its own communities.

Our position – a position that has been held by Local Government New Zealand since 2018 – is that **Māori wards and constituencies should be treated like all other wards and that decisions should be made at the council level. Polls aren't required on any other wards or constituencies, and requiring them will add increased costs to councils.**

We are concerned that the Government's decision is a distraction from the hard work that councils are doing to deliver infrastructure and keep costs down for their communities. **It also undermines the important contributions that Māori are making to local government.**

We urge the Government to reconsider its position and leave it to local councils to make decisions about appropriate representation arrangements in partnership with iwi and their communities.

[Emphasis added]

- 1.6 Importantly, this letter was signed by both our district council Mayor and regional council Chair. That goes a long way in terms of understanding these submissions and the importance of these issues for our local communities, but most importantly, our people.

Submissions in Opposition

- 1.7 Te Tiriti o Waitangi established exclusive participatory rights for Māori in local and central government decision making while also providing explicit limits of the powers and authority of the Crown over matters related to Māori. History shows that those commitments and arrangements have not been adhered to at the expense and significant detriment to Māori.

- 1.8 This included the establishment of local government and the historic administration of local government decision making that had extensive impacts on Māori, as reported by the Waitangi Tribunal in the relative reports *Wai 903 He Whiritaunoka: The Whanganui Land Report*, *Wai 898 Te Mana Whatu Ahuru: Report on Te Rohe Pōtae* and *Wai 1200 He Maunga Rongo: The Report on Central North Island Claims*.
- 1.9 The Bill proposes a reversal to the previous legislative framework but proposes additional binding provisions on local government that require polls taken with respect of Māori Wards and Constituencies to be full and final and must be given effect to. That not only represents an overreach of the Government but clearly displays a targeted and race-based policy direction against Māori.
- 1.10 As outlined by the Waitangi Tribunal in its recent *Wai 3365: The Māori Wards and Constituencies Urgent Inquiry Report*, a clear picture has emerged of a flawed Crown policy process proceeding at speed towards what appears to be a pre-determined legislative outcome. Officials have provided only limited advice and analysis concerning the Crown's Treaty obligations in this context and there has been no consultation with Māori in any way. There appears to be no other reason for the speed of reform other than the Crown's wish to tick off another of its coalition policy agreements. This is in circumstances where the proposed legislative amendments will have prejudicial effects on the representation and participation of Māori in local government, will likely expose Māori communities to the divisive effects and racist rhetoric that has accompanied local referendums in the past and will cause lasting damage to the Māori–Crown relationship, including the relationships between Māori and local government.
- 1.11 The Tribunal also raised concerns with the number of Treaty Principle inconsistencies, and referred the Government to specific and current local government electoral review provisions that could apply to all representative seats and not just those held by Māori Wards and Constituencies. We support the Tribunal's comments and recommendations but note that their analysis of these issues was time constrained given the speed of this whole process. Further work is required but will be ignored if this Bill passes.
- 1.12 We also refer to the domestic and international human rights issues that arise from the Bill and urge the Government to give proper effect to these obligations not only in this context but across the Government's wider policy agenda.

2.0 Conclusion

- 2.1 We strongly oppose this bill and reiterate the wider contextual issues that all highlight the breaches of Te Tiriti o Waitangi and the racial targeting of Māori within their own country. We also reiterate that Māori are a Tiriti partner and have an exclusive relationship with the Crown and by connection local government. Any detriment to that reality is cause for a constitutional crisis and may give rise to irreversible national consequences.